

## **REPORT**

to be made no later than 28 February 2017, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of Finland, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the questionnaire.

### **ARTICLE 19 REPORT FORM CONCERNING WORKING TIME INSTRUMENTS**

**The Hours of Work (Industry) Convention, 1919 (No. 1); the Weekly Rest (Industry) Convention, 1921 (No. 14); the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30); the Forty-Hour Week Convention, 1935 (No. 47); the Reduction of Hours of Work Recommendation, 1962 (No. 116); the Holidays with Pay Recommendation, 1954 (No. 98); the Night Work (Women ) Convention (Revised), 1948 (No. 89); the Protocol of 1990 to the Night Work (Women) Convention (Revised) 1948; the Night Work of Women (Agriculture) Recommendation, 1921 (No. 13); the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106); the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103); the Holidays with Pay Convention (Revised), 1970 (No. 132); the Night Work Convention, 1990 (No. 171); the Night Work Recommendation, 1990 (No. 178); the Part-Time Work Convention, 1994 (No. 175) and the Part-Time Work Recommendation, 1994 (No. 182)**

Finland is reporting with respect only to the Hours of Work (Industry) Convention, 1919 (No. 1); the Reduction of Hours of Work Recommendation, 1962 (No. 116); the Holidays with Pay Recommendation, 1954 (No. 98); the Night Work (Women) Convention (Revised), 1948 (No. 89); the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948; the Night Work of Women (Agriculture) Recommendation, 1921 (No. 13); the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106); the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103); the Night Work Convention, 1990 (No. 171); the Night Work Recommendation, 1990 (No. 178); and the Part-Time Work Recommendation, 1994 (No. 182).

Finland is not reporting with respect Conventions No. 14, 30, 47, 132 and 175 since Finland has ratified these Conventions.

### **Working time legislation in Finland, general observations**

In Finland, legal provisions on working time and annual holidays are contained in the Working Hours Act (605/1996) and the Annual Holidays Act (162/2005). There are separate working time provisions for seafarers and inland waterway transport employees. A tripartite working group appointed by the Ministry of Economic Affairs and Employment is currently reviewing the system of working time provisions and the need to update them in accordance with the requirements of the 2020s. After the working group has completed its task, the ministry intends to start a similar project, in which the Annual Holidays Act will be reviewed.

In addition to legislation, collective agreements are also an important source of provisions in matters concerning working hours and annual holidays. In fact, they are often more detailed and specific than the legislation. In this report, references are made to the provisions contained in the collective agreements for central and local government and the Evangelical Lutheran Church of Finland. The replies concerning these collective agreements were submitted by the Commission for Local Authority Employers (KT), the State Employer's Office (VTML) and the Commission for Church Employers. The statements submitted by the Confederation of Finnish Industries (EK), the Federation of Finnish Enterprises and Finnish trade union confederations can be found at the end of this report.

## **Concepts of hours of work**

- 1. Please provide information on how national laws and regulations define hours of work, rest periods, and stand-by or on-call hours (including to what extent stand-by or on-call hours are counted as hours of work or are to be remunerated). Please specify how many days make up one working week.*

Working Hours Act reads as follows:

### Section 4. Working hours

The time spent on work and the time an employee is required to be present at a place of work at the employer's disposal are considered working hours.

Daily periods of rest as referred to in section 28 or based on agreement are not included in working hours if the employee is free to leave the place of work during these times.

Travel time is not included in working hours if it does not constitute work performance.

### Section 5. Stand-by time

An employer and an employee can agree that the employee is required to remain at home or otherwise available to be called in to work when necessary. Stand-by time is not included in working hours. The length and frequency of stand-by time must not excessively disrupt the employee's free time.

Upon agreeing on stand-by, the employer and employee must also agree on remuneration for it. The restrictions imposed by stand-by on the employee's use of free time must be taken into consideration in the amount of the remuneration. At least half of the time the employee spends on stand-by at home must be remunerated either in pay or by corresponding free time during regular working hours.

If stand-by is necessary due to the nature of the work and for extremely compelling reasons, a civil servant or an officeholder in a public corporation cannot refuse to do it.

According to the Section 40 of the Working Hours Act employer and employee organizations which operate nationwide are, however, entitled to agree otherwise than what is prescribed in section 4 and 5.

The Working Hours Act can be found here: <http://finlex.fi/en/laki/kaannokset/1996/en19960605.pdf>

Act on Working Hours on Vessels in Domestic Traffic (248/1982):

### Section 7. Standby times and working hours

If an employee is required to spend time on board the vessel at certain times outside working hours under the circumstances described in the first subsection of chapter 4, section 6 of the Seafarers' Employment Contracts Act (756/2011) or under similar circumstances or otherwise by contract and expected to be ready to start work immediately if needed, the time spent on standby shall be counted as working hours in its entirety. (1027/2011)

If the employee's standby status on the vessel is less demanding, the time thus spent shall not be counted as working hours. However, for such standby time the employee shall be paid compensation for at least half the hours thus spent, either in cash or in free time.

If the employee is required by contract to remain in his quarters at certain times so that he can be called to work if needed, the time that he has to remain so committed, without actually working shall not be counted as working hours. However, the employee shall be compensated for this time as provided in paragraph 2.

#### Provisions of collective agreements:

There are three different working hour schemes in use in central government (The working hours given below are in accordance with the new agreement, which will enter into force on 1 February 2017):

- Office work: 7 h 21 min. per day and 36 h 45 min. per week
- Weekly work: 6 h 45 min. – 8 h per day and 38 h 45 min. per week
- Period-based work: 116 h 15 min. in three-week periods.

The rest period is one hour but in weekly and period-based work it can be set at 30 minutes. In period-based work, the employees may also be provided with the opportunity to have their meals during working hours.

Normally, the working week is five days. In office and in weekly work, employees working regular hours normally work on weekdays but regular hours may also include weekend work. Period-based work is in three-week periods, which means that it is irrelevant whether the workdays fall on weekdays or weekends.

Stand-by and the compensation paid for it are agreed separately and stand-by time is not included in working hours.

Even though the working hours in the Evangelical Lutheran Church of Finland are based on the Working Hours Act, the collective agreements of the church employees contain a number of exceptions made on the basis of the Act. There are three working hour schemes in use:

- Office work: 7 h 21 min. per day and 36 h 45 min. per week
- General working hours; on average 38 h 45 min. per week in periods of between one and four weeks.
- Spiritual work (in public-service employment relationships) in which there are no regular working hours under the Working Hours Act and the Decree on Working Hours in the Evangelical Lutheran Church of Finland. In order to ensure compliance with occupational safety and health requirements, public servants employed by the church have two full days off each week.

For employees with regular working hours, the daily rest period (“lunch break”) is 30 minutes and it is not included in working hours. The rest period may also be one hour.

All church employees work five days a week. In office work, regular working hours fall on weekdays (from Monday to Friday). In other work, the number of hours worked during weekdays depends on the content of the work. Many of the activities in the parishes take place during weekends, which means that parish employees also work on Saturdays and Sundays.

Stand-by and the compensation paid for it are agreed separately and stand-by time is not included in working hours.

The most common working hour schemes in local government are as follows:

- office work: max. 9 h per day and 36 h 45 min. per week or the same number of hours in periods of 2-6 weeks
- general working hours: max. 9 h per day and 38 h 45 min. per week or the same number of hours in periods of 2-6 weeks
- period-based work: 77 h 30 min. in two-week, 116 h 15 min. in three-week and 155 h in four-week periods

The working week is five days. As a rule, in the general working hours and office work schemes, employees work from Monday to Friday; in period-based work, all days of the week may be workdays.

Stand-by time is not included in working hours. For public servants, the stand-by obligation is based on an agreement or order, and for contractual employees it is based on an agreement.

### **Scope of application**

2. *Please specify the relevant provisions excluding in whole or in part categories of workers, employers and/or sectors, if any, from the application of national laws and regulations regarding working time.*

Working Hours Act applies to all work performed under an employment contract or within a state civil servant's or municipal officeholder's service relationship, unless otherwise provided.

Working Hours Act is not applied:

- to work which must be considered management of an undertaking, corporation or foundation or an independent part thereof, or to independent work directly comparable to such management;
- to employees who perform religious functions;
- to work performed by an employee at home or otherwise in such conditions that it cannot be considered the employer's duty to monitor the time arrangement spent on work;
- to forest, forest improvement and timber-floating work or work related thereto, excluding mechanical forest and forest improvement work and short-distance timber transport performed off-road;
- to work of the employer's family members
- to reindeer husbandry;
- to fishing and processing of the catch immediately connected therewith;
- to work when working time is covered or exempted by another act;
- to work performed by civil servants covered by another act.

Seamen's Working Hours Act (296/1976) is applied to work performed by persons serving on board a Finnish vessel plying in foreign transport, for the said vessel or otherwise on the orders of a superior on board the vessel or elsewhere. The Act is observed even when a vessel plying in foreign transport makes voyages between ports in Finland. Also, the Act applies work performed on board a fishing vessel in traffic in waters outside the scope of application of the Act on Working Hours on Vessels in Domestic Traffic. The Act is also applied to civil servants.

According to Section 2 of the Seamen's Working Hours Act, the Act does not apply to work performed by:

- the master of a vessel on board which two or more persons are employed in addition to the master;
- the chief engineer or first mate, if their work is not divided into watches;
- the chief officer of a passenger vessel catering department employing at least 15 persons in addition to the said officer;
- a member of the employer's family, in so far as no other persons are also permanently employed on board the vessel;
- a person receiving wages solely in the form of a share in the profits;
- a person working on board the vessel only while it is in port;
- a person doing merely temporary work in the service of the vessel;
- a medical practitioner who is employed solely for the purpose of caring for the sick;
- a person who is employed
  - o on board a State-owned vessel used for defensive or coastguard duties; or
  - o on board a fishing vessel, if the vessel is in fishing grounds; in this case, however, provisions on the minimum period of rest are applied.

Seamen's Working Hours Act can be found here: <http://finlex.fi/en/laki/kaannokset/1976/en19760296.pdf>

Act on Working Hours on Vessels in Domestic Traffic is applied to work performed under the Seafarers' Employment Contracts Act (756/2011) on a Finnish vessel used in domestic traffic or, on the employer's instructions, temporarily elsewhere.

The Act does not apply to work which:

- is performed on a fishing vessel at sea, except for the provisions concerning minimum hours of rest as provided in Sections 11 and 12 of the Act,
- is performed by the master of the vessel if, besides the master, there are at least four people working on the vessel, one of whom is qualified as a navigating officer; the provisions of Sections 10, 12 and 12 c shall nevertheless be complied with.

### **Limits of daily and weekly hours of work**

3. *Please indicate the provisions, if any, which set limits on normal daily and weekly working hours.*

Section 6 of the Working Hours Act states that regular working hours shall not exceed eight hours a day or 40 hours a week. The regular weekly working hours can also be arranged in such a way that the average is 40 hours over a period of no more than 52 weeks.

According to the Section 4 of the Act on Working Hours on Vessels in Domestic Traffic and Section 4 of the Seamen's Working Hours Act, maximum regular working hours are eight hours a day and 40 hours a week.

However, according to Section 4 of the Seamen's Working Hours Act, the regular working hours for the catering staff on a day in port that falls on a holiday or Saturday shall not exceed five hours (1) on board a vessel other than a passenger vessel, and (2) on board a passenger vessel when there are no passengers aboard.

4. Please indicate if a minimum daily rest period is provided in national laws and regulations. If so, indicate the length.

According to the Section 29 of the Working Hours Act employees must be given an uninterrupted rest period of at least 11 hours during the 24 hours following the beginning of a work shift. In period-based work the daily rest period is at least nine hours. If the work so requires, an employer and an employee representative may agree on a temporarily shorter daily rest period with the employee's consent. Daily rest periods can also be shortened when working hours are flexible and employees decide on the time their work begins and ends. The daily rest period must, however, be at least seven hours.

In cases defined in law, temporary derogations can be made from the above provisions on daily rest period. A daily rest period must, however, be at least five hours. Employees must be granted time for rest to compensate for their shorter daily rest periods as soon as possible and within one month at the latest.

Motor vehicle drivers must be given a minimum of 10 hours of interrupted rest within each period of 24 consecutive hours. If a driver's duties so require, the daily rest period can be shortened to a minimum of seven hours twice within seven consecutive 24-hour periods.

Act on Working Hours on Vessels in Domestic Traffic:

Section 12. Daily rest period

An employee shall be allowed a rest period of at least ten hours within each 24 hours (*daily rest period*) and a rest period of at least 77 hours during each period of seven days. In inland waterway traffic, rest time totaling at least 84 hours shall nevertheless be given during each period of seven days.

The daily rest period may be divided into no more than two parts so that one of the parts continues uninterrupted for at least six hours. The interval between two consecutive rest periods must not be longer than 14 hours.

If an employee's rest period is interrupted by calls to work, he shall be provided with sufficient compensating time for rest.

Breaks of less than 30 minutes are not included in rest period referred to in paragraphs 1 and 2.

Seamen's Working Hours Act:

Section 9a. Minimum period of rest.

An employee shall be allowed a rest period of at least ten hours within each 24 hours (*daily rest period*) and a rest period of at least 77 hours during each period of seven days.

The daily rest period may be divided into no more than two parts so that one of the parts continues uninterrupted for at least six hours. The interval between two consecutive rest periods must not be longer than 14 hours.

If an employee's rest period is interrupted by calls to work, he shall be provided with sufficient compensating time for rest.

Breaks of less than 30 minutes are not included in rest period referred to in paragraphs 1–2.

### **Exceptions from the normal hours of work (overtime)**

5. (i) *Please provide information on the relevant provisions, if any, regulating temporary or permanent exceptions from the normal hours of work and the circumstances under which these exceptions are allowed.*

Section 21 of the Working Hours Act allows exceptions, not longer than for two weeks, from regular working hours when an unexpected event interrupts or seriously threatens to interrupt regular operations or to put life, health or property at risk.

Act on Working Hours on Vessels in Domestic Traffic:

Section 10. Exceptions to the overtime restrictions.

The restrictions on daily and weekly overtime and daily rest period shall not apply to work exceeding the regular working hours which:

- 1) is essential in order to prevent impending danger to human life, the vessel or goods;
- 2) is needed in order to provide assistance as laid down in Chapter 6, section 11 of the Maritime Act (674/1994);
- 3) must be done in order to carry out a measure ordered by a port or corresponding authority;
- 4) arises from an unforeseeable decrease in the number of employees, if the crew cannot immediately be brought up to strength by taking reasonable measures; or
- 5) is needed for participation in rescue and fire-fighting drills and drills using other safety equipment which are carried out in accordance with separate provisions.

The drills referred to in paragraph 1, subparagraph 5, shall be conducted in a manner which causes the minimum of disturbance to employees' rest periods and which does not induce fatigue.

Seamen's Working Hours Act:

Section 10. Derogations from the restrictions on the requirement to work overtime and on rest periods.

The restrictions imposed in section 9, subsection 2 (maximum hours of overtime) and section 9a (minimum period of rest) shall not apply to overtime required for:

- 1) the performance of work which is essential on account of impending danger to human life, the vessel or goods;
- 2) the performance of work required to provide assistance as provided in the Maritime Act (674/1994);
- 3) participation in rescue and fire-fighting drills and drills using other safety equipment which are carried out in accordance with separate provisions;
- 4) any necessary watch-keeping duties in port;
- 5) any measures ordered by the port authority;
- 6) the performance of any work made necessary by a reduction in the crew during a voyage;  
or
- 7) the performance of work that allows no delay, which could not be planned for any other time.

The drills referred to in subsection 1, paragraph 3, shall be conducted in a manner which causes the minimum of disturbance to employees' rest periods and which does not induce fatigue.

*(ii) Please indicate the limits to the total number of hours of overtime allowed during a specified period.*

Section 19 of the Working Hours Act sets the maximum amount of overtime during a four-month period at 138 hours. However 250 hours may not be exceeded in a calendar year. An employer and an employee representative or personnel or a group of personnel can agree on additional overtime. The maximum amount of additional overtime in a calendar year is 80 hours. However, the maximum of 138 hours per four months may not be exceeded. Employer and employee organizations operating nationwide can derogate from the four-month time period up to 12 months.

According to Section 8 of the Act on Working Hours on Vessels in Domestic Traffic, the maximum daily overtime is 16 hours per week. However, working hours within one may not exceed 14. In shift work the maximum daily overtime is 28 hours per week and, with an employee's consent, an additional seven hours per week, if the employee is entitled to periods of free time at regular intervals of a maximum of 30 days. Such period of free time shall last at least 7 days and include a complete weekend.

Section 9, paragraph 2 of the Seamen's Working Hours Act states that weekly overtime may not exceed 16 hours per week.

#### Provisions of collective agreements:

In local government, the maximum amount of overtime is based on Section 19 of the Working Hours Act referred to above.

Under the agreement on working hours in central government, overtime is reviewed each calendar year and adjusted within one calendar year. Maximum amount of overtime is in accordance with the provisions of the Working Hours Act (250 hours during the calendar year).

There are no provisions on the amount of overtime in the collective agreements of the Evangelical Lutheran Church of Finland. Maximum overtime is in accordance with the provisions of the Working Hours Act.

6. *Please specify the relevant provisions regulating payment for overtime and describe, in particular, the level of overtime rates and their variations, as well as compensatory rest periods (extra pay per hour, days off in lieu, and any combinations of these two).*

In Section 22 of the Working Hours Act overtime is divided into daily overtime and weekly overtime depending on whether daily or weekly regular working time is exceeded. The first two hours of daily overtime is the regular wage plus 50 per cent and, for additional hours, the regular wage plus 100 per cent. For weekly overtime, the compensation is the regular wage plus 50 per cent.

In period-based work after the two or three week period, the compensation for the first 12 or 18 hours exceeding regular working hours is the regular wage plus 50 per cent. For additional hours the compensation is the regular wage plus 100 per cent.

According to the Section 23 of the Working Hours Act overtime may also be compensated as free time. Free time must be granted within six months after performing the overtime work, unless agreed otherwise. The employer and the employee must seek to agree on when the free time is granted. If an agreement cannot be reached, the employer shall determine the placement, unless the employee demands remuneration in cash. Compensation on overtime may also be added to the accumulated holiday referred to in Section 27 of the Annual Holidays Act (162/2005).

Seamen's Working Hours Act:

#### Section 12. Determining the basis for overtime remuneration

Overtime remuneration proper shall be paid in the manner prescribed in Section 13 for work performed in excess of the regular daily working hours and work which is otherwise performed by way of derogation to the provisions on regular working hours and work performed on holiday and Saturdays.

If the time worked, with the exception of work performed on Sunday, exceeds 40 hours in the course of a week, even if the normal daily working hours have not been exceeded, the employee shall be entitled to the special compensation provided in Section 14 for the period in excess. Compensation shall likewise be granted for work performed on a holiday during regular working hours. For the purpose of calculating the compensation, no account shall be taken of work in respect of which the employee is entitled to overtime remuneration proper.

#### Section 13. Overtime remuneration proper.

Overtime remuneration proper shall be payable in cash or, subject to the employee's consent, granted in the form of free time in a manner provided for in the collective agreement.

The hourly overtime remuneration payable in cash for overtime worked on a weekday shall be at least 1/102 of the employee's monthly monetary pay and for overtime worked on a holiday at least 1/63 of that pay. Monetary pay shall not include meal allowances or any corresponding remuneration.

#### Section 14. Overtime remuneration in the form of compensation.

The compensation referred to above in Section 12, subsection 2 shall be granted:

- 1) in the form of free time on a weekday, in such manner that the employee is given at least one day off for every period of 6,7 hours in respect of which he is entitled to compensation;
- 2) in the form of free time in port in the employee's home country or, subject to agreement to that effect, in a foreign port, for which purpose the free time shall be at least as long as the hours of work entitling the employee to compensation;
- 3) subject to agreement, in the form of cash remuneration calculated in such manner that the employee is paid at least 1/172 of his monthly cash wage as compensation for each hour.

Where free time is granted under subsection 1, paragraph above, into account shall be taken the provisions of the Seamen's Annual Holidays Act (433/1984), as applicable, with regard to the payment of annual holiday pay, the port where the holidays are to be granted and the notice to be given of the holiday dates.

## Act on Working Hours on Vessels in Domestic Traffic:

### Section 13. Compensation for daily overtime.

A supplemented rate shall be paid for work in excess of the regular daily working hours referred to in Section 4, paragraph 1 above, the hourly amount of which shall be at least 1/102 of the employee's monthly pay for overtime on weekdays and at least 1/63 for overtime on Sundays and holidays and for overtime done with the employee's consent as referred to in Section 8, paragraph 2.

The supplemented rate paid for daily overtime can be exchanged for free time granted as laid down in Section 16, if this is essential vis-à-vis the shift system observed on the vessel. On the employee's demand, the supplemented pay shall also in other cases be exchanged for free time granted outside the sailing season.

The amount of free time given shall be 1,7 hours per hour of overtime for overtime done on weekdays and 2,7 hours for overtime done on Sundays and holidays and for overtime done with the employee's consent, as referred to in Section 8, paragraph 2.

### Section 14. Compensation for weekly overtime.

Work done in addition to the regular weekly hours shall be compensated in free time in such way that 1,5 hours of free time are granted per one hour of overtime. If the rotation system observed on the vessel permits, and the employee consents, weekly overtime can also be compensated in supplemented pay at an hourly rate of at least 1/114 of the employee's monthly pay.

### Section 15. Registration of overtime. Calculating supplemented pay.

Overtime shall be registered separately each time it is done, and when overtime compensation is worked out, each partial half hour shall be calculated as a full half hour. When the supplemented rate to be paid for overtime is calculated, a meal allowance or similar consideration shall not be counted as pay.

If the agreement referred to in Section 22, paragraph 2, states that regular working hours can be scheduled outside the times laid down in Sections 5 and 6, the agreement shall also state the principles by which the supplemented rate payable for such work shall be calculated.

### Section 16. Free time given as compensation for overtime.

When the free time referred to in Sections 13 and 14 is given, the applicable provisions of the Seamen's Annual Holidays Act (433/1984) concerning the calculation and payment of holiday pay and notification of holiday dates shall be observed. If, at the employee's request, the free time is exceptionally granted as a short period of up to three days, the dates of the period can be agreed on notwithstanding what is provided above concerning the employer's notification duty.

The free time referred in paragraph 1 above, in Section 13 paragraph 2, and in Section 14 paragraph 1, shall be given on weekdays other than Saturday.

Free time shall be given at the latest before the beginning of the next sailing season after the overtime is done. Without the employee's consent, free time may not be scheduled to overlap

the period of a notice given. When the employer gives notice on an employment contract for reasons not deriving from the employee, in such a way that the notice period partly or completely monetary compensation shall be paid as provided in Section 14 if the employee so requests, to replace the free time partly or completely overlapping with the notice period.

#### Provisions of collective agreements:

Under the local government collective agreements, the employer has the right to decide on the type of overtime compensation (money or time off). For the first two overtime hours of the day, the employee is entitled to hourly pay plus 50 per cent and for any additional hours worked, hourly pay plus 100 per cent. Alternatively, the employee must be provided with time off equalling the overtime pay. For weekly overtime, hourly pay plus 50 per cent are paid for the first five hours, and for any additional weekly and daily overtime, the employee is entitled to hourly pay plus 100 per cent. The time off provided as overtime compensation must be equal to the overtime pay.

In period-based work, the employee is entitled to hourly pay plus 50 per cent for the first 12 overtime hours during a two-week period and for the first 18 overtime hours during a three-week period and to hourly pay plus 100 per cent for any additional overtime hours. Alternatively, the employee must be provided with time off equalling the overtime pay.

Additional work is work performed in excess of regular working hours that is not overtime. In all working hour schemes, the compensation for additional work is hourly pay (without a bonus) for each additional hour worked or equal amount of time off.

Central government employees are entitled to compensation for additional work and overtime as follows:

In office work, additional work amounts to 24 minutes per day or two hours per week. The compensation should be provided as time off equalling the additional or overtime hours worked without a bonus. However, if no time off can be provided, the employee is entitled to hourly pay without a bonus.

In office and weekly work, work exceeding 7 h 45 min. is daily overtime. The employee is entitled to hourly pay plus 50 per cent for the first two hours and hourly pay plus 100 per cent for any additional hours.

In office and weekly work, work exceeding 38 h 45 min. is weekly overtime. For the first 7 h 45 min., the employee is entitled to hourly pay plus 50 per cent and for any additional hours, hourly pay plus 100 per cent.

The employer and the employee may agree that instead of a monetary compensation, an equal amount of time off is provided. In that case, the employee is entitled to the same increases on a calculated basis.

In the Evangelical Lutheran Church of Finland, compensation for additional work and overtime is provided as time off or in money. Under the collective agreements, the compensation should be in money but many employers also provide their employees with time off as compensation for additional hours and overtime.

In office work, all work exceeding regular hours up to the overtime threshold (38 h 45 min. per week) is additional work. The same weekly overtime threshold also applies to general working hours. Thus, the overtime threshold applied to general working hours applies to all employees with regular working hours.

All work exceeding 38 hours 45 minutes during one week (or 77 hours 30 minutes; 116 hours 15 minutes; or 155 hours in periods of 2-4 weeks) is considered overtime. Even though there is no daily overtime threshold, the employee is entitled to a separate compensation for daily working time exceeding nine hours. For the first four hours of the week, the overtime compensation is hourly pay plus 50 per cent and for additional hours, hourly pay plus 100 per cent (in longer periods, the thresholds are 8, 12 and 16 hours).

The employer and the employee may agree that instead of an overtime compensation, an equal amount of time off is provided. In such case, the additional or overtime work and the bonuses described above are provided as time off.

### **Reduction of hours of work**

7. (i) *Please specify the policies implemented and the measures adopted, if any, for the progressive reduction of working hours.*

(ii) *Where applicable, please indicate if the reduction of normal hours of work was applied by stages and, if so, specify which stages were used /spaced over time, progressively encompassing branches or sectors of the economy, a combination of the two, other arrangements).*

Not applicable in Finland.

### **Minimum weekly rest periods**

8. (i) *Please specify the legal requirements on weekly rest days, indicating if these provide for the weekly rest period to be granted simultaneously to all persons concerned in each establishment and if it must coincide with the day of the week established as a day of rest by the traditions or customs of the country or district.*

(ii) *Please indicate if national laws and regulations define weekly rest by reference to a specific day(s) of the week or by a number of consecutive hours.*

(iii) *Please indicate if and how national laws and regulations related to weekly rest take into account traditions and customs of religious minorities.*

According to Section 31 of the Working Hours Act, the weekly rest is at least 35 hours of uninterrupted free time every week, preferably on a Sunday. The weekly free time can also be in average 35 hours within a 14-day period. Weekly free time must, however, be at least 24 hours. In uninterrupted shift work or if the work so requires and with the employee's consent, free time can be in average 35 hours within a maximum of 12 weeks. Weekly free time must be at least 24 hours.

Weekly rest period must not be granted simultaneously to all persons concerned in each establishment.

Section 33 of the Working Hours Act states that on Sunday or on a church holiday employees may be required to work only when the work concerned is regularly carried out on the said days, or when agreed upon in the employment contract, or with an employee's consent.

Provisions of collective agreements:

In the collective agreements for central government employees, weekly rest is defined as uninterrupted time off of at least 35 hours that should include a Sunday and, if this is not possible, it should be at other times of the week. As a rule, the time off should include two consecutive days off and one of them should be a Saturday.

Church employees are entitled to an uninterrupted weekly rest of at least 35 hours, which should include a Sunday. As a rule, the time off should include two consecutive days off and one of them should be a Saturday. There are church employees (such as priests, cantors and vergers) that usually have their weekly rest periods on weekdays as they have to work during the weekend.

In collective agreements for local government employees, weekly time off is provided as uninterrupted time off of at least 35 hours that should include a Sunday. It can total an average of 35 hours during a period of 14 days; however, the time off must be at least 24 hours per week.

9. *(i) Please provide detailed information on possible temporary exemptions, total or partial, from the general rule concerning weekly rest (including the suspension or reduction of the rest period and rotating weekly rest days).*

*(ii) If exemptions are allowed, please indicate if national laws and regulations require that workers be granted compensatory rest.*

*(iii) If exemptions are allowed, please indicate if according to national laws and regulations workers can be compensated with extra pay instead of compensatory rest.*

*(iv) Please specify the special weekly rest schemes, in any, applying to specified categories of persons or types of establishments.*

Section 32 of the Working Hours Act stipulates derogations from weekly free time. Derogations can be made from weekly rest if employees are temporarily required to work during their free time to enable work performed in an undertaking, corporation or foundation to be carried out regularly, or if the technical nature of the work does not allow certain workers to be completely released from their duties.

Unless otherwise agreed, employees must be granted compensatory hours of free time within three months of performing the work in question. Alternatively, with the employee's consent, work can be compensated in cash.

Provisions of collective agreements:

Under the agreement on working hours in central government, an employee that is not granted the weekly time off, is compensated in accordance with Section 32(2) of the Working Hours Act (compensatory hours of free time or remuneration in cash).

An employee that is not granted the weekly rest laid down in the collective agreement for church workers, is entitled to a time off compensation on an hour-for-an hour basis. The compensation may also be paid in money.

In collective agreements for local government employees, if the weekly time off is less than what has been agreed, the working hours of the employees in question are shortened accordingly or, if they agree, they will receive hourly pay (without a bonus) for the time off worked.

10. (i) *Please indicate whether national laws and regulations require rest breaks (e.g. coffee/tea, meal, prayer, etc.) during the workday and under which conditions workers are entitled to them. If so, please indicate the types and the length of rest breaks, and if they are included in the hours of work.*

(ii) *Please indicate the provisions, if any, which allow workers to extra rest breaks between regular hours and starting overtime hours or if rest breaks are required by law during the course of working overtime hours.*

Daily rest breaks are regulated in Section 28 of the Working Hours Act. If daily working hours exceed six and the employee's presence at the work place is not necessary, the employee must be granted a rest break of at least one hour during which the employee is free to leave the work place. The employer and the employee may agree on a shorter rest break, however, no less than half an hour. The rest period cannot be placed immediately at the beginning or the end of a work day. If daily working hours exceed 10, employees are, after eight hours of work, entitled to a rest break of at least half an hour.

If working hours in shift or period-based work exceed six, employees are allowed to a rest break of at least half an hour or an opportunity to dine during work.

Rest breaks are not included in working hours if the employee is free to leave the work place during breaks.

Motor vehicle drivers must be granted a minimum of 30 minutes rest in one or two sequences for each work period of five hours and 30 minutes.

According to Section 11 of the Act on Working Hours on Vessels in Domestic Traffic if work is not organized in shifts and the working time is longer than six hours, the employee must be granted at least one rest break of at least one hour during which the employee is free to leave the work place. If the work is organized in shifts longer than six hours (due to a provision of a collective agreement), the employee must be allowed a rest break of at least 20 minutes every six hours.

Meal breaks of at least half an hour and rest breaks of at least one hour are not included in working hours if the employee is free to leave the work place during breaks.

#### Provisions of collective agreements:

Under the local government collective agreements, if the daily working time is longer than six hours, the employee in question must be provided with a meal break of at least 30 minutes, which is not included in working hours and during which the employee may leave the workplace. At the request of the employee, the meal break may also be provided during shorter work shifts if the working arrangements permit this.

If the daily working time exceeds ten hours, the employee is entitled to a rest period of a maximum of 30 minutes after working for eight hours. The rest period is not included in working hours.

Employees may have a ten-minute coffee break each day, which is included in working hours and during which the employees may not leave the workplace.

Under the agreement on working hours in central government, employees in weekly and period-based work may, immediately after the end of the regular working hours, take a break of 15 minutes and have a meal break at suitable intervals (at least every four hours). Both breaks are included in working hours.

Church employees are, in addition to a daily time off (“lunch break”), also entitled to a coffee break of 15 minutes, which is included in working hours.

### **Paid annual leave**

*11. Please indicate the provisions, if any, requiring a minimum period of service in order to be entitled to paid annual leave.*

Paid annual leave is stipulated in the Annual Holidays Act (162/2005).

According to Chapter 2, Section 5 of the Act an employee is entitled to two and a half weekdays of holiday for each full holiday credit month. The entitlement is two weekdays of holiday for each full holiday credit month if, by the end of the holiday credit year, the duration of the employment relationship has been an uninterrupted period of less than one year.

Please see the Annual Holidays Act here: <http://finlex.fi/en/laki/kaannokset/2005/en20050162.pdf>

### **Provisions of collective agreements:**

Local government employees are entitled to paid annual holiday if they have worked at least 35 hours or 14 days during one calendar month and the employee’s employment relationship has continued for an uninterrupted period of at least 16 calendar days during the month.

Under the collective agreement on annual holidays in central government, the minimum period of service in a public-service employment relationship is at least 18 days or 35 hours per month and in a contractual employment relationship at least 14 days or 35 hours per month.

For church employees, holiday entitlement arises from a calendar month during which the employee in question has worked at least 35 hours or 14 days and the service relationship has existed for at least 16 days or more than half of the calendar month.

*12. (i) Please indicate the provisions, if any, which regulate the length of the paid annual leave period to which workers are entitled, specifying: (a) whether it is counted in days or weeks; (b) on which it is calculated (wage, bonuses); (c) if it increases with length of service or by reason of other factors (e.g. age); and (d) if it differs pursuant to workers’ categories.*

According to Chapter 2, Section 5 of the Act an employee is entitled to two and a half weekdays of holiday for each full holiday credit month. The entitlement is two weekdays of holiday for each full holiday credit month if, by the end of the holiday credit year, the duration of the employment relationship has been an uninterrupted period of less than one year.

Provisions of collective agreements:

Local government:

- a) Workdays included in the annual holiday are considered as days of annual holiday.
- b) Employees receive their monthly pay and a holiday bonus (calculated as a specific percentage of the monthly pay) for the annual holiday. If, under the employment contract, the employee has so few working hours that not all of the calendar months are full holiday credit months, the employee in question is entitled to a percentage-based holiday pay.
- c) The length of the annual holiday (in workdays) and the size of the holiday bonus are based on the length of the employment relationship.
- d) Teachers have their own holiday scheme (calculated annual holiday).

Central government:

- a) Employees accumulate days of annual holiday by working on weekdays.
- b) The pay is determined on the basis of the time when the holiday is taken (normal monthly pay) or it is a specific percentage of the earnings of the holiday credit year (annual holiday bonuses, employees on hourly and contract pay, employees on monthly pay that have changed their working hours, and employees with secondary jobs).
- c) The length of the annual holiday depends on the length of the service.
- d) -

Evangelical Lutheran Church of Finland:

- a) Days of annual holiday are accumulated through days worked (and a holiday week has five days).
- b) As a rule, the annual holiday pay is determined on the basis of the regular pay for the time when the holiday is taken. The holiday pay is increased by the compensations for Sunday, evening and night work paid in money during the holiday entitlement year.
- c) The length of the annual holiday depends on the length of the service.
- d) -

*(ii) Please provide information on any category of workers excluded from the scope of national laws and regulations on paid annual leave and the reasons for such exclusions.*

Annual Holidays Act applies to all work carried out as part of an employment relationship or public-service relationship.

The Act is not applied to work that, on account of the nature of the employer's operations, is interrupted each year and in which the employees are, under an agreement referred to in Section 30 of the Act, entitled to paid leave that is at least equivalent to the annual holiday provided for in the Act.

Employees working at home as defined in Section 2(1)(3) of the Working Hours Act are, in lieu of annual holiday and holiday pay, entitled to the leave referred to in Section 8(1) of the Annual Holidays Act and to holiday compensation referred to in Section 16 of the Annual Holidays Act. The same applies to an employer's family members when there are no other employees working for the employer.

*14. Please indicate the provisions, if any, requiring an employed person to receive, upon termination of employment, a holiday with pay proportionate to the length of service for which he/she is has not received such a holiday, or compensation in lieu thereof, or the equivalent holiday credit.*

According to Chapter 4, Section 17 of the Annual Holidays Act, at the end of an employment relationship, the employee is entitled to holiday compensation instead of annual holiday for any holiday entitlement or holiday compensation earned but not yet received. If the employment relationship has lasted at least one year by the time it ends, the employee is entitled to holiday compensation from the start of the current holiday credit year for a period equivalent to the amount of holiday determined in accordance with the first sentence of Section 5.

Provisions of collective agreements:

At the end of their employment relationship, local government employees are entitled to a holiday compensation and holiday bonus for the days of holiday that they have not taken.

Under the collective agreement on annual holidays in central government, public servants and contractual employees are, at the end of their service relationships, entitled to an annual holiday or a holiday compensation for the days for which they have not taken any holiday or received any compensation by the end of their service relationship.

At the end of their service relationship, church employees are also entitled to the annual holiday benefits that they have not received by that date, in money or as holiday compensation.

**Protection of night workers**

*17. Please provide information on the definition of “night” and “night worker” in national laws and regulations.*

Work carried out between 23.00 and 06.00 is considered night work (Section 26 of the Working Hours Act).

Provisions of collective agreements:

In local government, night work is work performed between 22:00 and 07:00.

In central government, only employees doing period-based work are, as a rule, permitted to do night work.

*18. (i) Please specify the maximum length of night work and the limits of night work overtime as determined by national laws and regulations, indicating if these limits are per day or per week.*

Night work is regulated in the Working Hours Act. Section 26 of the Act stipulates that in particularly dangerous or physically or mentally highly stressful work laid down by degree or agreed upon by collective agreement as referred to in Section 40(1), working hours may not exceed eight hours per day if the work is carried out at night.

In period-based work, an employee can be required by the work schedule to work no more than seven consecutive night shifts. Night shift refers to a work shift of which at least three hours take place between 23.00 and 06.00 (Section 27 of the Working Hours Act).

Provisions of collective agreements:

There are no restrictions on night work in the agreement on working hours in central government. In period-based work, the restrictions arise from regular working hours and the fact that public servants/contractual employees must give their consent before they are assigned overtime work. In addition, central government employers also observe Section 27 of the Working Hours Act, under which there may not be more than seven consecutive night shifts. There may also be agency-specific agreements on this matter.

*(ii) Please indicate if national laws and regulations guarantee a minimum period rest for night workers, with particular attention to the situation of women in agricultural undertakings.*

There are no special provisions on working time of women in agricultural undertakings.

*19. Please provide information on measures to assess workers' health, as well as the possibility for the worker to be transferred to day work in case of incapacity to perform night work.*

According to the Section 30 of the Occupational Safety and Health Act (738/2012) an employee performing night work shall, when necessary, be provided with an opportunity to change tasks or move over to day work if this is possible in consideration of the circumstances and if changing tasks is necessary, in view of the employee's personal capacities, in order to eliminate risks arising from the conditions of the workplace or the nature of the work to the employee's health.

Night work may cause special risks of illness. That is why employees working at night must be provided a medical examination before starting to do night work and at regular intervals afterwards as provided in Government Degree on medical examinations in work that presents the special risk of illness (1485/2001). The expenses of the medical examination must be covered by the employer.

The workplace investigation carried out by the occupational health care service provider, as referred to in the Occupational Health Care Act (1383/2003) also includes the examination of the detrimental health effects arising from night work.

The Occupational Safety and Health Act can be found here:

<http://finlex.fi/en/laki/kaannokset/2002/en20020738.pdf>

The Occupational Health Care Act can be found here:

<http://finlex.fi/en/laki/kaannokset/2001/en20011383.pdf>

Government Degree on medical examinations in work that presents the special risk of illness can be found here: <http://www.finlex.fi/en/laki/kaannokset/2001/en20011485.pdf>

*20. Please indicate which sectors or categories of workers, if any, are exempted from the national laws and regulations on night work.*

The Working Hours Act Act applies to all work performed under an employment contract or within a state civil servant's or municipal officeholder's service relationship, unless otherwise provided.

The Working Hours Act is not applied:

- to work which must be considered management of an undertaking, corporation or foundation or an independent part thereof, or to independent work directly comparable to such management;
- to employees who perform religious functions;
- to work performed by an employee at home or otherwise in such conditions that it cannot be considered the employer's duty to monitor the time arrangement spent on work;
- to forest, forest improvement and timber-floating work or work related thereto, excluding mechanical forest and forest improvement work and short-distance timber transport performed off-road;
- to work of the employer's family members
- to reindeer husbandry;
- to fishing and processing of the catch immediately connected therewith;
- to work when working time is covered or exempted by another act; or
- to work performed by civil servants covered by another act.

*21. Please specify the measures taken, if any, to protect women who work at night in relation to maternity (including transfer to day work during certain periods before and after delivery).*

Section 10 of the Occupational Safety and Health Act stipulates that the employer shall, taking the nature of the work and activities into account, systematically and adequately analyze and identify the hazards and risk factors caused by the work, the working premises, other aspects of the working environment and the working conditions and, if the hazards and risk factors cannot be eliminated, assess their consequences to the employees' safety and health. When doing so, the following matters must be taken into account among other things employee's age, gender, occupational skills and other personal capacities and the potential risks to reproductive health.

Section 11, Subsection 2 of the Act states that if work or working conditions may cause a particular risk to a pregnant employee or the unborn child and the hazard cannot be eliminated, the employer shall aim to transfer the employee to suitable work tasks for the time of pregnancy. Women employees working at night must also be provided medical examinations as regulated in Government Degree on medical examinations.

Finland is also bound by Article 8 of the revised European Social Charter under which employed women are entitled to special protection during pregnancy and childbirth.

Under Finnish law, expectant mothers may, as a rule, go on maternity leave between 30 and 50 weekdays before they are due to give birth. In Finland, maternity leave and the period for which maternity allowance is paid is 105 weekdays after which the employee may take parental leave and receive parental allowance for 158 weekdays.

*22. Please indicate the provisions, if any, establishing compensation for night workers (in terms of working time, pay or similar benefits...) to recognize the nature of night work.*

There is no special legislation on compensation for night workers. Pay and other benefits are usually agreed upon in collective agreements.

Provisions of collective agreements:

Under the local government collective agreements, the compensation for night work is hourly pay plus 30 percent or time off of equal value. In period-based work, the compensation is 24 minutes as time off or a monetary compensation of 40 per cent.

Under the agreement on working hours in central government, public servants are entitled to 35 per cent of their hourly pay as compensation for work performed between 21:00 and 06:00.

For church employees, the compensation for night work is 20 minutes for each hour worked (between 23:00 and 07:00) or a monetary compensation of equal value.

*23. Please indicate the provisions, if any, on social services (i.e. in terms of transportation, meals, rest), or facilities (first-aid facilities), to be put in place for night workers.*

According to the Government Decision 869/1996, when there is no reasonable public transportation available and an employee does not have a vehicle, such as a car, the employer must organize transport to and from the work place. The employer may charge the employee a fee for using the transport, however no higher than a fee for public transport.

According to Section 30 of the Occupational Safety and Health Act the employer shall, when necessary, provide the employee performing night work with an opportunity for having meals if the length of the working time requires it and if providing meals is appropriate in view of the circumstances. The employer may charge the employee a reasonable payment for the meal.

The Occupational Safety and Health Act includes also provisions of first aid at the workplace. According to the Section 46 of the Act, the employer shall see to the provision of first aid for the employees and other persons present in the workplace in a manner required by the nature of the work and the working conditions. In accordance with the work and working conditions, the employees shall be provided with instructions on the measures to be taken in order to receive first aid in the case of an accident or illness. Furthermore, taking into consideration the extent and location of the workplace, the number of employees and the nature of the work and the other working conditions, an adequate supply of appropriate first aid equipment shall be available in appropriate and clearly marked places in the workplace or in its immediate vicinity.

*24. Please indicate whether there is a growing or declining trend in night work by sectors of the economy and/or in the number of workers.*

Generally the amount of night workers has not changed over time. Only two percent of employees work regularly at night. (Statistics Finland, page 143 in:

[http://www.stat.fi/tup/julkaisut/tiedostot/julkaisuluettelo/ytmv\\_197713\\_2014\\_12309\\_net.pdf](http://www.stat.fi/tup/julkaisut/tiedostot/julkaisuluettelo/ytmv_197713_2014_12309_net.pdf)

According to the State Employer's Office, the proportion of central government employees doing period-based work is on the increase because security sectors are not contracting.

## **Part-time work**

25. (i) *Please indicate if and how the national laws and regulations define part-time work (including the level(s) of normal hours of work of full-time workers below which a worker is considered to be a part – time worker).*

Part-time work is not defined in legislation. As a general rule, work that is performed for less than 40 hours a week is part-time work. However, there may be more specific definitions of part-time work in collective agreements.

In central government and in the Evangelical Lutheran Church of Finland, an employee is considered to be working on a part-time basis if their regular working hours under the working hour schemes described above are less than 100 per cent.

26. (ii) *Please indicate the provisions, if any, facilitating voluntary movement from full-time to part-time work and vice versa and indicate the conditions under which these movements are allowed. Please specify the role of employers in facilitating this process.*

The employee's right to partial child-care leave is prescribed in Chapter 4, Section 4 and 5 of the Employment Contracts Act. According to Chapter 3, Section 15 of the Working Hours Act, if an employee wishes, for other social or health reasons, to work less than the regular working hours, the employer must seek to arrange work so that the employee can work part-time.

For the part-time work referred to in Subsection 1, the employer and employee must make a fixed-term contract in force for a maximum of 26 weeks at a time which indicates at least the daily and weekly working hours.

If an employee wishes to work fewer than the regular working hours in order to retire on part-time pension, the employer shall seek to organize the work so that the employee may do part-time work. Working hours shall be reduced in a manner agreed upon by the employer and the employee, taking into consideration the needs of the employee and the production and service activities concerned.

The Employment Contracts Act can be found here: <http://finlex.fi/en/laki/kaannokset/2001/en20010055.pdf>

### **Provisions of collective agreements:**

The entitlement to such benefits as part-time child care leave and partial sick leave is laid out in central government collective agreements.

Public servants/contractual employees have a subjective right to part-time child care leave until the end of the child's second school year.

There are separate provisions on part-time pension. The option of part-time pension will be abolished from the start of 2017 and it will be replaced with partial early old-age pension. However, this does not require the shortening of working hours.

Most of the provisions laid out in the collective agreements for church employees are the same as those observed in central government.

27. (ii) *Please indicate the measures taken, if any, to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of maternity protection, termination of employment, paid annual leave and paid public holidays and sick leave, wages and statutory social security.*

According to Chapter 2, Section 2 of the Employment Contracts Act, without proper and justified reason less favorable employment terms than those applicable to other employment relationships must not be applied to fixed-term and part-time employment relationships merely because of the duration of the employment contract or working hours. The employer must otherwise, too, treat employees equally unless there is an acceptable cause for derogation deriving from the duties and position of the employees.

Finland is also bound by the EU directive on part-time workers under which in respect of employment conditions, part-time workers shall not be treated in a less favourable manner than comparable full-time workers solely because they work part time unless different treatment is justified on objective grounds.

Provisions of collective agreements/statements of employers' organizations:

According to the State Employer's Office, the state does not, as an employer, make any distinction between part-time workers and those working full hours.

This is also practice in the Evangelical Lutheran Church of Finland. It is clear that in some areas, part-time employees are only entitled to a certain proportion of the benefits arising from the service relationship (For example, the maternity leave pay received by part-time employees is equal to their part-time pay).

(iv) *Please provide information on measures to overcome specific constraints on the access of part-time workers to training, career opportunities and occupational mobility.*

Chapter 2, Section 6 of the Employment Contracts Act stipulate that the employer shall provide information on vacancies in accordance with practice generally adopted in the enterprise or at the workplace in order to ensure that part-time and fixed-term employees have the same opportunity of applying for these jobs as permanent or full-time employees. The user enterprise shall also inform its hired workers (temporary agency workers) of vacancies, in compliance with similar practice.

**Trends in working time arrangements**

28. *Please indicate if national laws and regulations require employers to consider employees' requests to change their work schedules for personal reasons (e.g. to address family or personal needs).*

Section 34 of the Working Hours Act stipulates that an adjustment system for the working hours must be drawn up if regular working hours have been arranged on the basis of an average. The system is prepared in advance at least for the period within which regular working hours will adjust to the set average.

When preparing or changing the adjustment system, the employer must give the employee representative or the employees an opportunity to voice their opinion. Employees must be given sufficient time to study the proposal. Employees must be notified in good time of changes to the working hours adjustment system.

According to Section 35 of the Working Hours Act each work place must have a work schedule indicating the beginning and the end of the employees' regular working hours and placement of the rest periods. The work schedule must cover as long a period as possible.

Employees must be provided with a written work schedule at least one week before the start of the period the schedule concerns. Thereafter, the schedule can be altered only with the employee's consent or for some compelling reason related to the arrangement of work.

Provisions of collective agreements (examples):

Section 32 a of the collective agreement for central government employees contains the following provisions on arrangements for situations where an employee must be absent from work in order to take care of family members or other persons close to them:

“If the employee's absence is necessary for taking care of a family member or another person close to the employee, the employer must seek to organise the work in such a manner that the employee is able to take temporary leave from work. The employer and employee must agree on the length of the absence and other arrangements”.

There are different types of flexible working-time arrangements, such as working time banks, compressed work weeks and working hours tailored to the needs of individual employees (Sections 6 a, 7 and 7 a of the agreement on working hours in central government). Flexitime is also widely used in central government.

In the Evangelical Lutheran Church of Finland, employees may, in addition to taking parental leave, also be absent from work if they need to look after family members or other individuals close to them.

All the arrangements are based on the employer's right to issue guidelines and orders concerning working hours. There are different types of flexible working-time arrangements, such as working time banks, compressed work weeks and working hours tailored to the needs of individual employees and these arrangements are also widely used. However, employees do not have a subjective right to them.

*29. Please indicate the national laws and regulations, if any, providing for shift-work arrangements (including variable daily shift lengths) and describe the circumstances in which they are permitted.*

The employer may organize work in shifts. The general provisions of maximum working hours and minimum rest periods are applied also in shift work.

According to Section 27 of the Working Hours Act, in shift work, the shifts must change regularly and at intervals agreed upon in advance. Change of shifts is considered regular when a shift does not coincide for more than an hour with the immediately following shift or the shifts are no more than an hour apart.

Seamen's Working Hours Act:

Section 17. Work organized in two shifts.

Notwithstanding the provisions of this Act, work on board a vessel of less than 500 gross register tons may be organized in two shifts, in which case terms diverging from the provisions of this Act concerning remuneration for any time exceeding the regular eight hours per day may be issued in a collective agreement.

Work aboard vessels of at least 500 gross register tons but less than 1,600 gross register tons may, by collective agreement, be organized in two shifts. In such cases, remuneration for work exceeding the regular eight hours per day shall be specified in the collective agreement.

#### Act on Working Hours on Vessels in Domestic Traffic:

##### Section 18. Rotation systems.

If the work is arranged in shifts as laid down in this Act or it has been agreed that it will be arranged in periods under an agreement referred to in Section 22, paragraph 2, the employer and the employees or their representative shall agree on the main features of the rotation system to be observed on the vessel. Also in other cases, an agreement can be reached on the rotation system to be observed on the vessel. The employer shall draw up a detailed rotation system after negotiating with the employees or their representative.

Negotiations on the main features of the rotation system shall be started in good time before the planned date for putting the system into effect. If no mutual understanding is reached in the negotiations before the said date, the employer may resolve the matter in the cases referred to in Section 8, paragraph 2.

In inland water transport the number of consecutive working days based on rotation system shall be no more than 31 working days.

30. (i) *Please indicate the national laws and regulations, if any, providing for hour-averaging schemes and describe the circumstances in which it is permitted. Where appropriate, indicate the length of the reference period that can be used: weekly; monthly; annually; other.*

*(ii) Please indicate if national laws or regulations forbid the use of averaging hours – or of certain periods for averaging (like annualized working hours) – to calculate working time.*

Section 6 of the Working Hours Act stipulate that regular weekly working hours can be arranged in such way that the average is 40 hours over a period of no more than 52 weeks.

In period-based work regular working hours may not exceed 120 hours during a three-week period or 80 hours during a two-week period. Section 7, paragraph 1 of the Working Hours Act regulates in which sectors or works period-based work can be used. These include:

- 1) police, customs, post, telecommunication and radio services, but not their machine or repair shops or construction work;

- 2) hospitals, health centers, 24-hour day-care centers, summer colonies, welfare and other such institutions and prisons;
- 3) passenger and goods transport, canals, swing bridges and ferries;
- 4) loading and unloading work on vessels and railway wagons;
- 5) work carried out during test runs of vessels;
- 6) mechanical forest and forest improvement work and short-distance transportation of timber carried out off-road;
- 7) household work and children's day-care in the home of the employee as referred to in the Children's Day-Care Act (36/1973);
- 8) guard work;
- 9) dairies;
- 10) accommodation and catering establishments;
- 11) cultural and recreational establishments, films studios and film inspection offices, excluding their workshops.

In order to organize work in a practicable way or to avoid shifts impractical for employees, regular working hours can, by way of derogation from Section 7 paragraph 1, be arranged so that they do not exceed 240 hours during two consecutive three-week or three consecutive two-week periods. Regular working hours shall not exceed 128 hours during either of the three-week periods or 88 hours during any of the two-week periods.

31. *Please provide information on the national laws and regulations, if any, providing for: (a) compressed workweeks; (b) staggered working hours; (c) flexitime; and (d) time-saving account arrangements (time banking).*

Flexitime is stipulated in Section 13 of the Working Hours Act. An employer and an employee can agree on flexible working hours allowing the employee, within set limits, to determine the beginning and the end of the daily working hours. When agreeing on flexible working hours, agreement must also be made at least on the fixed working hours, the limits of flexibility within 24 hours, the timing of rest periods and the maximum accumulation of hours in excess or falling short of the regular working hours.

In flexitime, the regular working hours can be extended or reduced by a flexible period of no more than three hours. The average weekly working hours may not exceed 40. The maximum accumulation of hours in excess or falling short of the regular working hours may not exceed 40 hours. An employer and an employee can reduce hours accumulated in excess of regular working hours by free time granted by the employee.

#### Information on trends and practice on certain sectors:

Central government:

- a) The employer and the employee may agree on compressed work weeks (=regular weekly working hours are done on a weekly basis or during a longer period so that the employee can have one day off each week).
- b) The employer has the right to decide on issues concerning work shifts.
- c) Flexitime is used.
- d) There are two working time banks used in central government.

Evangelical Lutheran Church of Finland:

- a) The employer and the employee may agree on an arrangement under which the employee works four days a week. In that case the workdays are longer than average.
- b) The employer has the right to issue guidelines and orders concerning work shifts. Many of tasks are of such nature that flexible working hours are the only alternative.
- c) There are guidelines on the use of flexitime.
- d) Collective agreements contain provisions on a working time bank. Employers can decide on the introduction of the scheme at local level but employees cannot be obliged to join it.

32. *Please provide information on the national laws and regulations, if any, providing for on-call work, work on demand, or zero hours contracts. Where appropriate, please indicate if national laws and regulations require employers to provide a minimum number of guaranteed hours as part of the criteria for an employment contract; under which conditions workers have a duty to be available; whether they have the possibility to work for another employer; and whether they are entitled to have advance notice of work schedules.*

There is no minimum number of working hours in the legislation.

Stand-by time is stipulated in Section 5 of the Working Hours Act (see Question number 1 above). There is no legislation on work on demand or zero hours contracts.

According to Section 35 of the Working Hours Act each work place must have a work schedule indicating the beginning and the end of the employees' regular working hours and placement of the rest periods. The work schedule must cover as long a period as possible.

Employees must be provided with a written work schedule at least one week before the start of the period the schedule concerns. Thereafter, the schedule can be altered only with the employee's consent or for some compelling reason related to the arrangement of work.

The employer's duty to offer work for part-time employees is regulated In Chapter 2, Section 5 of the Employment Contracts Act (55/2001). As a general rule, if the employer requires more employees for duties suitable for employees who are already doing part-time work for the employer, the employer shall offer such employment to these part-time employees.

Chapter 3, Section 3 of the Employment Contracts Act contains an employee's duty to refrain from competing activities. In short, employees shall not work for another party or engage in such activity that would, taking into account the nature of the work and the individual employee's position, cause manifest harm to their employer as a competing activity contrary to fair employment practices.

Statements of labour market organizations:

#### **The State Employer's Office (VTML)**

In central government, zero-hours contracts are extremely rare and they are only concluded for weighty reasons. As a rule, they are not an option.

#### **The Commission for Church Employers**

Individuals “available for work as requested” are fairly commonly employed by the Evangelical Lutheran Church of Finland. The amount of work assigned to them is based on the actual requirements, which often vary a great deal. The individuals available for work as requested often work on a fixed-term basis, which means that the employer has a supply of persons that, in principle, are willing to work and with whom contracts are always made on a case-by-case basis. The request issued by the employer is a job offer and does not oblige the individual to accept the work. Occasionally, the employer and the individual available for work as requested conclude an employment contract valid until further notice, which obliges the individual in question to accept the job offer. There are also employment contracts under which the amount of work known to be fixed is agreed on a fixed basis and any work in excess of that is performed as needed. Even though in such situations the employee is, in principle, obliged to accept the work, in practice the amount of additional work is subject to agreement and the job is offered to the individual who is willing to accept it.

**The Central Organization of Finnish Trade Unions (SAK)**

**The Finnish Confederation of Professionals (STTK)**

**The Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA)**

Please see the answer given at the end of this report (‘Statements of respective employer and worker organizations’).

33. *Please indicate the national policies, if any, addressing work-sharing. Please describe any existing schemes, the extent of hours reduction, and the level of compensation by the State for wage reduction by enterprises.*

There is no legislation on work-sharing schemes in Finland.

34. *Please provide information on: (a) the frequency at which the above working-time arrangements are used; (b) the sectors of the economy in which they are more frequent; and (c) the extent to which the current practice is compatible with relevant national laws and regulations.*

Please see Statistics Finland on working time (available only in Finnish):

[http://www.stat.fi/tup/julkaisut/tiedostot/julkaisuluettelo/ytmv\\_197713\\_2014\\_12309\\_net.pdf](http://www.stat.fi/tup/julkaisut/tiedostot/julkaisuluettelo/ytmv_197713_2014_12309_net.pdf)

35. *Please indicate the national policies, laws and regulations, if any, addressing the impact of information and communication technologies on availability and working time beyond regular office hours.*

There is no legislation on this issue. Collective agreements etc. may, however, include provisions of telework and confederations of employers and employees have given a recommendation on telework.

For example, the Ministry of Finance has issued guidelines on telework (10 November 2015). The guidelines are based on the principle that a telework day and a workday based on regular hours should be of equal length.

In 2005, the Evangelical Lutheran Church of Finland also issued its own guidelines on telework, which are based on the recommendation issued by the central organisations at the same time.

### **Social dialogue and collective bargaining on working time**

36. *Please indicate how and to what extent social dialogue is used for the determination of national laws and regulations or other provisions on working time.*

Social partners take part in the legislative process of all labour legislation. Working time legislation is drafted in tripartite working groups. Working time is also regulated to large extent in collective bargaining agreements.

37. *Please provide examples of working-time arrangements addressed through collective bargaining agreements, with emphasis on the primary sectors of your economy.*

The report highlights examples of the contents of collective agreements for central and local government and church employees.

### **Consultations of employers' and workers' organizations as required by Convention**

38. *Please provide information on consultations undertaken, if any, at the national level with the most representative organizations of employers and workers prior to:*

- (a) the making of regulations determining permanent and temporary exceptions to regular working hours*
- (c) the making of any measure relating to the introduction of special schemes implying total or partial exceptions to the normal weekly rest scheme (24 consecutive hours of rest over seven days of work)*
- (d) the determination of a minimum part of annual holidays which cannot be postponed and the time limit up to which the exceeding part of the stated minimum can be postponed*
- (e) the determination of the meaning of the term "night work" and "night workers"*
- (f) the determination of the categories of workers excluded from the night work laws and regulations*
- (g) the determination of the length of the period after childbirth where an alternative to night work should be available to women*
- (h) the making of laws and regulations concerning night work.*

As mentioned above, working time legislation is prepared in tripartite cooperation.

### **Measures of enforcement**

39. *(i) Please specify the relevant provisions requiring employers to: (a) notify, by the posting of notices in conspicuous positions in the establishment or other suitable place, the times at which hours of work begin and end, the rest periods granted and, where work is carried on by shifts, the times at which each shift begins and ends; and (b) keep a record of all additional hours of work and the payments made in respect thereof.*

*(ii) Please specify all measures, such as the posting of notices and the keeping of records, taken to ensure compliance with national laws and regulations concerning weekly rest.*

Chapter 7 of the Working Hours Act contains provisions on documentation of working hours. According to Section 35 of the Act each workplace must have a work schedule indicating the beginning and end of

employee's regular working hours and placement of the rest periods. Employees must be provided with a written schedule in good time, or at least one week before the start of the period the schedule concerns. Thereafter, the schedule can be altered only with the consent of the employee/s concerned or for some compelling reason related to the arrangement of work.

If preparing a work schedule is extremely difficult due to the irregularity of the work concerned, the Regional State Administrative Agency can, according to Section 36, grant partial or complete exemption by a derogation permit. The derogation permit can require that the work schedule indicates weekly free time.

Section 37 regulates the working hours register. Employers must register the hours worked and the relevant remunerations for each employee. The regular, additional, overtime, emergency and Sunday working hours and the relevant remunerations, or all hours worked and overtime, emergency and Sunday hours separately and the increases paid for them must be entered in the register. If an employer and an employee have entered into an agreement on additional, overtime or Sunday pay as a separate monthly remuneration, the employer must enter the estimated number of monthly additional, overtime and Sunday working hours in the register.

*(iii) Please provide information on the specific measures implemented by labour inspection to address working-time issues (including overtime, rest periods and leave); the role played by social actors and other institutions concerning compliance and enforcement of working-time national laws and regulations, and provisions of penalties and application thereof.*

Occupational safety and health authorities supervise the compliance with the Working Hours Act and local agreements on regular working hours concluded on the base of the Act.

The supervision carried out by the occupational safety and health authorities is mainly in the form of workplace inspections, while especially in client-initiated matters, the supervision is solely based on the examination of working hour documents and no workplace visits are made. During the last few years, the occupational safety and health authorities have been paying more attention to the supervision of working hours and work-related stress endangering health, on which there are provisions in the Occupational Safety and Health Act. Occupational safety and health authorities also grant exemptions, as laid down in more detail in the Working Hours Act.

Provisions of penalties are included in Section 42 of the Working Hours Act. An employer or an employer's representative who deliberately or out of carelessness violates the Act or rules and regulations issued under it, other than those concerning duty to pay, agreement, the form of a legal act, the working hour register or display, shall be sentenced to a fine for violation of the working hours regulation.

The penalty for the neglect or misuse of the working hours register and for a violation of the working hours regulation which has been committed regardless of an exhortation, order or prohibition issued by work safety authorities is prescribed in the Criminal Code of Finland. According to Chapter 47, Section 2 of the Criminal Code an employer or a representative thereof, who intentionally or through gross negligence, (1) to the detriment of the employee fails to keep working hours or annual leave accounts, keeps them erroneously, alters, conceals or destroys them or renders them impossible to read or (2) proceeds in a manner punishable under the working hours or annual leave legislation despite an exhortation, order or prohibition issued by the work safety authorities, shall be sentenced for a working hours offence to a fine or to imprisonment for at most six months.

The Criminal Code of Finland can be found here: <http://finlex.fi/en/laki/kaannokset/1889/en18890039.pdf>

40. (ii) Please indicate any prospects of ratification and identify any obstacles impending or delaying ratification of Conventions Nos 1, 14, 30, 47, 89, 106, 132, 171, 175 and the Protocol of 1990 to Convention No. 89.

There are no pending ratification processes or preparations for ratification at the moment.

#### **Possible needs for standards-related action and for technical assistance**

43. (i) Please provide your country's views on any existing gaps that would have to be addressed by future standards. What suggestions would your country wish to make concerning possible standards-related action on working time to be taken by the ILO, including the revision of standards and prospects of consolidation?

At the moment, Finland is not suggesting any standards-related action to be taken concerning working time regulation.

(ii) Has your country formulated any request for technical assistance by the ILO to give effect to the instruments in question? If this is the case, what has been the effect of this support? If not, how could the ILO best provide appropriate assistance within its mandate to support country efforts in the area of working time?

Nothing to report.

#### **Statements of representative organizations of employers and workers**

The following representative organizations of employers and workers have been consulted before finalizing the report:

The Confederation of Finnish Industries (EK)  
The Central Organization of Finnish Trade Unions (SAK)  
The Finnish Confederation of Professionals (STTK)  
The Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA)  
The Commission for Local Authority Employers (KT)  
The State Employer's Office (VTML)  
The Federation of Finnish Enterprises  
The Commission for Church Employers

#### **The Confederation of Finnish Industries (EK):**

Even though there are no provisions in the Finnish legislation restricting the right to work on a part-time basis, a number of collective agreements contain provisions restricting part-time employment contracts. In the opinion of the Confederation of Finnish Industries, it is important to remove these restrictions so that part-time job opportunities can be made available to employees in all sectors.

Collective agreements play a major role as instruments regulating working hours in Finland. In the view of the Confederation of Finnish Industries, it is important that social partners can continue to decide on working hours in the manner that best suits the needs of their own sectors. When ILO Conventions and Recommendations are implemented at national level, it should be kept in mind that international obligations

should not become legal obstacles to the continuation of well-established contractual traditions and the introduction of new contractual practices in individual countries.

In the view of the Confederation of Finnish Industries, it should also be considered whether the ILO Conventions and Recommendations are relevant with regard to the Finnish working life. Regulation of working hours and annual holidays plays a central role when it is assessed whether the labour legislation is in accordance with the requirements of today's working life. In the opinion of the Confederation of Finnish Industries, it should be ensured that international obligations or the manner in which they are interpreted are up to date and in accordance with the needs of today's working life. This is particularly important if they only leave little room for national discretion. International obligations may become a problem if they have been prepared for operating environments that are different from what would be justified in individual member countries. In fact, the ILO should be encouraged to abolish instruments that have become unnecessary and this should also be taken into account when the need to ratify new conventions is considered in Finland.

In the view of the Confederation of Finnish Industries, there is no need for new or updated ILO instruments regulating working hours and annual holidays. The Confederation of Finnish Industries is of the opinion that, instead of creating new instruments, the ILO should focus on improving general occupational safety and health standards, especially in the developing countries.

### **The Federation of Finnish Enterprises**

The Federation of Finnish Enterprises is of the view that Finland's working hours and annual holidays legislation and the system of sectoral collective agreements are in accordance with ILO Conventions. ILO Recommendations have also been extensively incorporated in the Finnish legislation.

The Federation of Finnish Enterprises would like to highlight the fact that the general applicability of collective agreements is typical of the Finnish system. A collective agreement that has been declared generally applicable must be observed by all employers that operate in the sector covered by the collective agreement, irrespective of whether they are members of the associations that have joined the agreement. The Federation of Finnish Enterprises is of the opinion that the provisions laid down in the collective agreements cannot be observed in all companies in the same manner. If under a collective agreement, the application of a working hour provision requires a workplace agreement at local level, such provisions are not, as a rule, available to employers outside the employer organisations. The provision under which such employers may not conclude agreements is based on the law. In the view of the Federation of Finnish Enterprises, this puts employers in unequal position, depending on whether they are members of the employer organisations or not.

As a rule, provisions on working hours and annual holidays are prepared on a tripartite basis. The Federation of Finnish Enterprises would like to point out, however, that as a result of the general applicability of collective agreements described above, most of the employers are not represented in the negotiations on collective agreements even though they are obliged to observe them.

In response to the question no. 43 on the reporting form, the Federation of Finnish Enterprises states that there is no need to create new standards on working hours as there are significant differences in the manner in which working hours regulation is structured in different parts of the world.

### **The Central Organization of Finnish Trade Unions (SAK) The Finnish Confederation of Professionals (STTK)**

## **The Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA)**

In their joint statement, the Finnish trade union confederations refer to the fact that there have been substantial changes in working life since the adoption of the Reduction of Hours of Work Recommendation (Recommendation No. 116) in 1962. Industrial manufacturing is no longer the main factor determining working hours. Growth in service work, diversification of working hours, digitalisation, self-employment and global production chains pose challenges to the working hours legislation. The definition of the normal hours of work contained in Paragraph 11 of the Recommendation is no longer adequate.

With regard to night work, the Finnish trade union confederations would like to draw attention to the stress factors arising from night work. The main aim of the regulation concerning night work is to protect the employees. Employers should reduce the negative health effects of night work and the health risks arising from night work must be monitored. In the view of the Finnish trade union confederations, the reform of the Working Hours Act now under way should be carried out so that Finland can ratify the Night Work Convention.

The Finnish trade union confederations draw attention to involuntary part-time work. According to the confederations, there are no signs that involuntary part-time work would be on the decrease. Part-time work is closely connected with other new types of work and for this reason the phenomenon must be continuously monitored. In recent years, there has been much debate in Finland on what are called zero-hours contracts and a citizens' initiative on eliminating them is being discussed in Parliament. Many of the zero-hours contracts are actually part-time employment contracts and thus they are also relevant to the issues concerning part-time employment relationships. In the view of the Finnish trade union confederations, the Part-Time Work Recommendation of the ILO remains relevant when legislative changes impacting the employment relationships and social security of the groups doing different types of work are prepared.

With regard to the Weekly Rest (Commerce and Offices) Convention (No. 106), the confederations draw attention to the fact that shopping hours are no longer regulated in Finland. This means that there is more Sunday work, as well as more evening and night work in shops. According to the confederations, there is reason to believe that the need to supervise working hours of shop workers will increase as a result.

With regard to the Holidays with Pay Recommendation, SAK, STTK and Akava would like to draw attention to the fact that Finnish Parliament has approved the Government proposal on amending the Annual Holidays Act under which days of holiday can no longer be accumulated during family leaves in the same way as before. Under the existing legislation, days of holiday can be accumulated for the whole duration of maternity, paternity and parental leaves, whereas in the future they can only be accumulated for a maximum of six months. By reducing the accumulation of days of holiday, the Finnish Government aims to achieve savings in general government expenditure. The weakening of the holiday benefit will hit families during the early stages of their working careers.