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Working Time Act

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and Employment of Finland

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1 Introduction

The Working Time Act applies to both employment and public service employment relationships. Working time regulations are mostly mandatory legislation. This means that any terms in an employment contract which violate the mandatory provisions are null and void. The Act provides for a few derogations, under which terms less favourable for the employee than what is laid down in the Act may be included in an employment contract. The national employer and employee organisations may, however, agree on sector-specific working time arrangements under their collective agreements.

National collective agreements may contain provisions on such matters as

- stand-by
- regular working time arrangements
- maximum accumulation of flexiwork and the length of the reference period
- compensation payable for additional work and overtime
- night work in jobs other than those listed in the Act
- daily breaks
- daily rest periods, but not on compensatory rest periods
- weekly rest periods and derogations from them
- Sunday work and the pay increments payable for it
- a working time adjustment scheme
- work schedules.

Regular working time arrangements may also be included in company-specific collective agreements within the limits laid down in the Working Time Act.

2 Scope of the Act and derogations

The Working Time Act applies to work performed in an employment relationship as referred to in the Employment Contracts Act (55/2001), unless otherwise provided in the Act. Work is performed in an employment relationship when the employee works for the employer under an employment contract, for remuneration, and under the guidance and supervision of the employer.

The Working Time Act also applies to public servants as well as office holders in local government, joint municipal authorities and the Evangelical Lutheran Church of Finland, unless otherwise provided elsewhere.

To work performed by persons under the age of 18, not only the Working Time Act but also the provisions on working hours in the Young Workers' Act are applied.

The Working Time Act does not apply to employees whose working hours are not determined in advance and whose use of working time is not supervised. This includes:

- work which is regarded as management of an undertaking, corporation or foundation or some independent part of these organisations based on the duties it involves and the employee's position, or independent work directly comparable to such managerial work
- employees who perform religious functions in the Evangelical Lutheran Church, Orthodox Church or some other religious community
- work performed by a member of the employer's family
- work which, because of the specific characteristics of the activities related to it, is performed in conditions where supervising the arrangements of the time spent on the work cannot be regarded as the employer's duty
- work performed by a State public servant as a court officer or referendary, junior district judge, trainee district judge, public legal aid attorney, prosecutor, bailiff or writ server, or at a foreign mission
- work performed by a public servant employed by the Bank of Finland and excluded from the scope of this Act by the Bank's Parliamentary Supervisory Council.

In these cases, the employees can decide their working hours themselves (working hours autonomy).

The Working Time Act is also not applied to employees for whom a national collective agreement secures protection which, when assessed as a whole, corresponds to the rest periods and maximum working time laid down in the Act in the case of:

- teaching and research personnel who, because of the nature of their work, have the right to determine a substantial part of their working hours themselves
- forest, forest improvement and timber-floating work or work related to these activities, excluding mechanical forest and forest improvement work and short-distance timber transport
- Border Guard employees or duties referred to in the Pilotage Act.

The Working Time Act does not apply to the work of an employee in a non-profit organisation when he or she takes part in activities relating to events, competitions or camps covered by a national collective agreement that secures for the employee protection equivalent with the rest periods and maximum working time laid down in this Act. Provisions on the working time of public servants in the Defence Forces are laid down in the Act on the Working Time of Public Servants in the Defence Forces.

However, the Working Time Act provision on an employee's possibility of working fewer than the regular working hours in order to retire on partial early old-age pension or partial disability pension apply to the types of work listed above.

3 Time regarded as working time and stand-by

Under the Working Time Act, the time spent working and the time during which the employee is obliged to be at the employer's disposal at the place of work or some other place determined by the employer must be regarded as working time.

Participation in training which the employer requires the employee to complete can be regarded as meeting the obligation to work. This also applies when participation in training is necessary in order for the employee to cope with his or her tasks.

The following are not regarded as working time:

- time spent undergoing medical examinations, unless they are health checks mandatory for the employee
- time spent by personnel representatives (for example, a shop steward, an elected representative or an occupational safety and health delegate) carrying out the duties pertaining to their position of trust which has been designated as 'off- duty' time under the law or a collective agreement
- a daily break if the employee is free to leave the workplace during it
- travel time if travel is not considered a work performance or an essential part of a work performance. For example, working time includes short distances travelled by a fitter or housekeeper when moving from one workplace to another, often several times a day. The employer must ensure that travel outside the working time does not expose the employee to unreasonable levels of stress.

> **"Under the Working Time Act, the time spent working and the time during which the employee is obliged to be at the employer's disposal at the place of work or some other place determined by the employer must be regarded as working time.**

Stand-by

The employer and the employee may agree on stand-by. During stand-by, the employee must be available to the employer, enabling the employer to call him or her in to work. Stand-by is not regarded as working time unless the employee is required to remain at the workplace or in its immediate vicinity. Hours of work performed during the stand-by are naturally regarded as working time.

The stand-by is a question which must always be agreed upon between the employer and the employee. Consent to stand-by can be given in the employment contract.

> **"The employee must be remunerated for stand-by, and the restrictions on the employee's use of free time due to stand-by arrangements must be taken into consideration in the amount of the remuneration.**

If stand-by arrangements are necessary due to the nature of the work and for extremely compelling reasons, a public sevant or an office holder cannot refuse to consent to them. Such tasks are found, for example, in social and health care, fire and rescue services or technical works, where the undisturbed supply of services and operations is necessary in order to protect the lives and health of citizens, property, and the environment. In addition, the nature of the tasks must be such that they cannot be postponed without putting lives, health or property at risk.

4 Regular working time

The employee's regular working time can be based on

- provisions of the Working Time Act
- provisions on working time in the collective agreement binding on the employer, or
- the terms of local agreements.

Regular working time should not be confused with the concept of maximum working time, which includes all hours worked, regardless of whether they are additional, overtime or emergency work, or preparation and completion work.

The maximum working time may not average more than 48 hours a week over a four-month adjustment period. Under a national collective agreement, this period may be extended to no more than 12 months.

Provisions on regular working time in the Working Time Act are:

- the provision on general working time (section 5)
- the provision on shift work (section 6)
- the provision on period-based working time (section 7)
- the provision on night work (section 8), and
- the provision on daily working time of motor vehicle drivers (section 9).

Provisions on regular working time based on an agreement are:

- the provision on regular working time based on collective agreement (section 10)
- the provision on regular working time based on agreement between employer and employee (section 11)
- the provision on flexible working hours (section 12)
- the provision on flexiwork (section 13)
- the provision on working time account (section 14), and
- the provision on reduced working time (section 15).

4.1 Working time under the general rule

Under the general rule laid down in the Working Time Act, regular working time may not exceed eight hours a day or 40 hours a week. The weekly working time may be organised to average 40 hours over a period of no more than 52 weeks. This arrangement allows six-day working weeks, and the weekly regular working time can be no more than 48 hours. When an average working time arrangement is used, the adjustment period may be any 52-week period.

In this case, the employer must prepare in advance a working time adjustment scheme covering at least the period over which the weekly regular working time averages the 40 hours laid down in the Act.

4.2 Regular working time based on agreement between employer and employee

The employer and the employee may agree to extend the daily regular working time by at most two hours unless otherwise provided in the collective agreement applied to the work. In this case, the average weekly regular working time may not exceed 40 hours over a reference period of at most four months. The weekly regular working time may not exceed 48 hours.

The agreement may be concluded for a fixed term or indefinite term. An agreement concluded for an indefinite term or for a fixed term of at least two weeks shall be made in writing.

An agreement on regular working time concluded for an indefinite term may be terminated to expire at the end of the adjustment period. A fixed-term agreement for a period of more than one year may be terminated after four months of conclusion in the same manner as an agreement concluded for an indefinite term.

4.3 Shift work

Regular working time may be organised in the form of shift work. In shift work, the shifts change regularly and at intervals agreed upon in advance. Shifts that continue for up to an hour alongside the next shift, or shifts that are no more than an hour apart, are also deemed to be regularly changing shifts. The Regional State Administrative Agency may can grant permission to derogate from these provisions.

4.4 Period-based working time

In period-based work, regular working time may be organised so that it does not exceed 120 hours over a period of three weeks or 80 hours over a period of two weeks. Period-based working time may also be arranged as average working time over two three-week periods or three two-week periods.

Over a six-week period, the regular working time may not exceed 240 hours (88 hours over a two-week period or 128 hours over a three-week period).

Period-based working time may only be used in companies, shops, institutions and jobs listed in the Act. Period-based working time may also be used under a provision in the collective agreement or a derogation granted by the Regional State Administrative Agency.

Under the Working Time Act, types of work in which period-based working time may be used include:

- security and guard duties, surveillance and traffic control duties, rescue duties and prison administration
- press services, editorial radio and television work, and comparable generation and transmission of online content, film production and postal services as well as telecommunications services requiring night work
- family day care, other early childhood education and care services requiring night work, and social welfare, health care and veterinary services operating for most of the day
- passenger and freight transportation and the loading and unloading of ships and railway cars
- mechanical forest and forest improvement work and short-distance timber transport, performed off road
- dairy operations
- the hospitality and cultural sectors and camp activities
- support functions essential for keeping the duties and operations listed above going.

4.5 Night work

Work performed between 23:00 and 06:00 is regarded as night work. A night shift is a shift where at least three hours of the working hours fall between 23:00 and 6:00.

> **"Regular night work is only permitted in cases listed in the Working Time Act. Temporary night work, on the other hand, is permitted.**

Nightwork is permitted:

- in fields where the work may be arranged as period-based work, regardless of whether or not such arrangements are actually used
- in shift work, regardless of the number of shifts (for example, two 12-hour shifts)
- in maintenance and repair work that is essential for maintaining the employer's regular operation
- in work that cannot be performed at the same time as work regularly performed at the workplace
- in the maintenance and cleaning of public roads, streets, other transport corridors and airports as well as means of transport
- in pharmacies
- at peat extraction sites during the extraction season, and at sawmill drying houses
- with the employee's consent, at bakeries; however, no consent is required for work performed between 05:00 and 06:00
- with the employee's consent, in urgent sowing and harvesting, in work directly related to parturition or treatment of domestic animals, and in other agricultural work that, owing to its nature, cannot be postponed.

Night work may also be performed in other sectors and tasks if this has been agreed in the collective agreement. With the permission of and under the conditions set by the Regional State Administrative Agency, night work is additionally allowed where this is required by the technical nature of the work or other specific reasons.

In period-based work and continuous shift work, the work schedule may not require an employee to do more than five consecutive night shifts. Following five night shifts, however, an employee may be required to work another two consecutive night shifts if he or she consents separately to both. After this, the employee must be allowed an uninterrupted rest period of no less than 24 hours.

In especially hazardous work or work that is highly stressful either physically or mentally, the working time may not exceed eight hours over a 24-hour period during which the employee performs night work.

4.6 Regular working time based on collective agreement

Under a collective agreement, derogations may be made from the Working Time Act provisions on general working time, shift work, period-based work and drivers of motor vehicles. A collective agreement may be entered into by both an individual employer and an employer organisation with an employee organisation active in the entire country (a national employee organisation).

Under a collective agreement, regular working time arrangements where the regular working time must average 40 hours a week over a 52 week-period are possible. For example, the employees' regular working time may be 12 hours a day, provided that the weekly working time average 40 hours over a predefined adjustment period.

In unionised employment, regular working time arrangements are generally based on a national collective agreement or a local working time agreement made by virtue of a collective agreement.

An employer bound by a collective agreement may also apply its stipulations which differ from the provisions of the Working Time Act to the employment relationships of those employees who are not bound by the collective agreement but to whose employment relationships the employer is, under the Collective Agreement Act, obliged to apply its stipulations.

The employer may also continue to follow these collective agreement stipulations after the end of the collective agreement period, unless the employee or employer organisation that is party to the agreement announces that these stipulations should no longer be complied with. However, the right to make such an announcement only applies six months after the collective agreement has ceased to have effect. In this case, applying the collective agreement stipulations must be stopped within two weeks of the announcement being made, or at the end of the current working time adjustment period.

Local agreement on regular working time based on generally applicable collective agreement

An unorganised employer who is obliged to observe a generally applicable collective agreement is entitled to also observe its stipulations that reduce the employees' statutory benefits. If a generally applicable collective agreement permits local working time agreements, an employer who complies with the collective agreement on the basis of its general applicability may also make a local working time agreement as set out in and within the limits permitted by the collective agreement.

The agreement may be made by the employer and a shop steward referred to in the collective agreement. If no shop steward has been elected, the agreement may be concluded by the elected representative or some other representative authorised by the employees or, when no such person exists, by the employees or a group of employees collectively. The workplace's employees or a group of employees collectively may only conclude a local agreement concerning regular working time by a unanimous decision.

The employees who are covered by an agreement on regular working time made by an employees' representative must be informed of the agreement at the latest one week before it takes

effect. An agreement concluded by an employees' representative is binding on all employees referred to in the agreement whom the shop steward or other personnel representative can be considered to represent. An employee is, however, entitled to follow his or her previous working time regime if the employer is notified of this at the latest two days before the agreement takes effect.

> **"For example, the employees' regular working time may be 12 hours a day, provided that the weekly working time average 40 hours over a predefined adjustment period.**

Exceptional regular working time

If the employee's work is only occasionally carried out within the 24-hour period during which the employee must be available for work, the Regional State Administrative Agency may permit a derogation from the general provision on regular working time. National employer and employee organisations are also entitled to agree on regular working time diverging from the general provision.

4.7 Flexiwork

As a derogation from collective agreement stipulations on the length and placement of regular working time, the employer and the employee may agree on flexiwork. The precondition for this is that the employee may independently decide on the placement and place of performance of at least half of the working time.

A written agreement on flexiwork must cover at least the following:

- the days to which the employee allocate the working hours
- the placement of the weekly rest period
- any fixed working hours, however not between 23:00 and 6:00
- working time applied after the agreement on flexiwork expires.

On flexiwork the weekly regular working time may not average more than 40 hours over a four-month adjustment period. The employee may occasionally work longer hours and, correspondingly, take longer periods of leave. The employer may not require the employee to perform regular night work under a flexiwork arrangement.

The employer must monitor the weekly leave taken by the employee based on his or her reports and, if necessary, intervene in the placement of the employee's working hours. As a last resort, the employer may terminate the agreement on flexiwork.

> **"As a derogation from collective agreement stipulations on the length and placement of regular working time, the employer and the employee may agree on flexiwork.**

An agreement on flexiwork must be concluded in writing, and it may simultaneously serve as a work schedule. The clause concerning flexiwork may be terminated by either the employer or the employee to expire at the end of the period following the current adjustment period. No special grounds are required for terminating the agreement.

The use of flexiwork cannot be limited under a collective agreement. As a derogation from the provisions of a collective agreement concerning the length and placement of regular working time, the employer and the employee may agree on flexiwork in work in which the statutory requirements for this are met.

4.8 Flexible working hours

When a flexible working hours arrangement is used, the regular daily working time may be reduced or extended by a flexible period, which may not exceed four hours. The flexible period may take place at the beginning of the working day, immediately after the fixed working hours, or in the evening after the working day has ended.

A flexible working hours arrangement is introduced by agreement between the employer and the employee. The agreement must include at least the following: the period of uninterrupted, fixed working hours; the limits of flexibility within 24 hours; the placement of rest periods; and the maximum accumulation of hours that an employee may have in excess of or in deficit of the regular working time.

In a flexible working hours arrangement, the weekly regular working time may not exceed 40 hours during a four-month reference period. **At the end of the reference period, the accrued excess may not exceed 60 hours, and the deficit may not exceed 20 hours.** The number of accumulated working hours may exceed 60 during the reference period, as long as it decreases to the allowed maximum by the end of the period. To reduce the accumulated excess hours, employees may work shorter days or take entire days off.

Arrangements regarding the four-month reference period and the accumulated excess and deficit hours may be made under a national collective agreement.

4.9 Working time account

A working time account refers to a system for reconciling working time and time off by which working time, earned time off or monetary benefits converted into time off may be saved and combined. An agreement on introducing a working time account may be made at all workplaces, whether or not provisions on it are contained in the collective agreement binding on the employer. Working time account arrangements referred to in the Working Time Act and those based on a collective agreement may not, however, be used simultaneously.

The employer and the shop steward or, if one has not been elected, the elected representative or other employee representative, or the employees or a group of employees collectively, may agree in writing on the introduction of a working time account.

This agreement must contain at least the following:

- the items that may be transferred into the working time account
- the limits for saving into the working time account
- dissolution of the working time account and compensation of the items held in the account at the time of its dissolution
- the principles for taking time off and the procedures by which time saved in the working time account may be taken as time off.

> **"A working time account refers to a system for reconciling working time and time off by which working time, earned time off or monetary benefits converted into time off may be saved and combined.**

With the employee's consent given individually for each occasion or for a short fixed term, the following may be transferred into the working time account:

- hours of additional work and overtime
- accumulated flexible working time (up to a maximum of 60 hours over a four-month reference period)
- monetary benefits based on law or agreement after they have been converted into time-based units.

While taking time off, the employee is entitled to the pay he or she would have earned during the period in which the time off is taken. The accumulated working time saved into the working time account may not exceed 180 hours over the calendar year or an amount equivalent to six months' working time in total. The terms applicable to conversion into time off or expiry of items in the working time account contained in the legislation or an agreement are replaced with the terms of the working time account.

The employee is entitled to be given at least two weeks of time off saved into the working time account per calendar year or, if he or she has more than ten weeks of time off saved, at least one fifth of the accumulation in the working time account. At the employee's request, the employer must give the time off within the following six months. If the placement of the time off is determined by the employer, the employee is entitled to convert the time off into monetary compensation.

4.10 Reduced working time based on agreement

When an employee wishes to work fewer hours than the regular working time for social or health reasons, the employer must strive to organise the work so that the employee can work part time. Reduced working time can take the form of shortened regular daily or weekly working time. An agreement is always required for such an arrangement. It may be a fixed-term arrangement for no more than 26 weeks at a time.

Chapter 4 of the Employment Contracts Act also contains a provision on the right of parents with young children to reduce their working hours by taking partial child care leave. Under the legislation in force, a part-time employment contract can additionally always be concluded if the parties are in full agreement about this.

If an employee wishes to work fewer hours than the regular working time in order to retire on partial early old-age pension or partial disability pension, the employer must seek to organise the work so that the employee may work part time. The working time is reduced as agreed by the employer and the employee, taking into consideration the employee's needs and the employer's production and service activities.

If the employer refuses to organise part-time work for the employee, the employer must give its reasons for this.

5 Exceeding regular working time

5.1 Additional work

Additional work is work which is performed at the employer's initiative and with the employee's consent and which exceeds the contractual regular working time but not the statutory regular working time. Such arrangements may be based on either an employment contract or a collective agreement. The remuneration paid to the employee for the additional work must be at least equivalent to the amount paid for his or her regular working time.

The employee's consent is required before additional work can be assigned to him or her. The employee's consent may concern

- being on stand-by subject to agreement
- a blanket consent included in the employment contract, in which case the employee is bound by the consent he or she has given.

For a justifiable personal reason, however, the employee is entitled to refuse additional work on days which are entered as days off in the work schedule. Examples of these reasons are studies, such as preparing for or sitting an examination, arrangements for child care or care of other family members, and health-related reasons.

If the employment contract contains a clause on variable regular working time, consent to additional work may not be included in it. In this case, the employer may only require the employee to perform additional work in addition to the working time entered in the work schedule with the employee's express consent on each occasion.

Consent may also be given for a short period at a time. The employer must ask for the employee's consent before entering hours in excess of the minimum working hours in the work schedule, in which case they comprise regular working time. Any hours offered to the employee once the period covered by the work schedule has started are additional working hours, until the employee starts accumulating overtime.

5.2 Overtime

Overtime is work which is performed at the employer's initiative in addition to the statutory regular working time.

- In an arrangement relying on general working time, daily overtime consists of working hours that exceeds eight hours per day.
- Weekly overtime consists of working hours that exceeds 40 hours per week without being daily overtime. This also applies to flexible working hours. In a flexible working hours arrangement, work performed on the orders of the employer in addition to the fixed working hours, due to which the maximum accumulation is exceeded at the end of the reference period, is regarded as overtime.

When an average regular working time arrangement is used, daily overtime consists of work performed in addition to the regular daily working time entered in the work schedule. In period-based work, overtime is calculated over the reference period.

The employee's consent is always required if the employer asks him or her to work overtime. The employee's consent must be given separately each time before he or she works overtime. A blanket consent may, however, be given for a specific, relatively short period if this is necessary for the arrangement of the work. When giving his or her consent, the employee must be aware of the duration of the period for which the consent is given. Consent to overtime can also be given as the employer and employee agree on stand-by arrangements.

When flexible working hours or flexiwork is in use, additional work and overtime must be expressly agreed upon.

Public servants and office holders may not refuse additional work or overtime if the work is essential in nature and necessary for extremely compelling reasons. In other cases, additional work and overtime will require the consent of the public servant.

As remuneration for daily overtime must be paid

- for the first two hours, regular pay increased by 50%
- for the following hours, regular pay increased by 100%

For weekly overtime, regular pay increased by 50%.

For an employee paid by the hour, the basis for overtime remuneration is his or her hourly wage. If the employee's pay is determined on the basis of a period longer than an hour, the hourly wage is calculated by dividing the contractual pay by the number of regular working hours.

For an employee with a monthly salary, the monthly salary forms the basis of the calculation. In the case of piecework pay, the hourly wage is calculated by dividing the piecework pay by the number of hours used to do the work. The number of hours used as the divisor in this case is the actual number of hours worked, which may consist of regular working time or overtime. When the basic remuneration amount for additional work or overtime is calculated, fringe benefits included in the pay must be taken into account as items which increase the basic amount.

The employer and the employee may also agree that the remuneration for additional work or overtime can be converted in full or in part into an equivalent amount of time off. The duration of time off corresponding to overtime is determined in accordance with the principles of remuneration for overtime. The time off must be granted within six months of the time the additional work or overtime in question was performed, unless otherwise agreed. The employer and the employee may also agree that time off granted as remuneration for additional work or overtime can be added to carried-over holiday.

The Working Time Act also includes provisions on remuneration for overtime in cases where the working time has been organised on an average basis and the employment contract expires in the middle of the adjustment period.

"The employer and the employee may also agree that the remuneration for additional work or overtime can be converted in full or in part into an equivalent amount of time off.

5.3 Preparation and completion work

The employer and the employee may agree that the employee, without giving his or her separate consent, may be required to perform work that is essential in order for other employees in the workplace to work throughout their regular working time, or that in shift work is necessary to exchange information at shift changes (preparation and completion work).

Preparation and completion work may not exceed five hours per week, and these hours are included in the maximum working time.

5.4 Emergency work

Emergency work is work performed outside the regular working time because of unforeseeable reasons in exceptional circumstances. Strict requirements apply to emergency work. The employer may require the employee to perform emergency work when an unforeseeable event interrupts or seriously threatens to interrupt regular operations or to put life, health, property or the environment at risk.

Employees may only be required to perform emergency work in addition to their regular working time to the extent that this is essential and for no longer than two weeks. Emergency work is work that cannot be postponed.

When evaluating whether the criteria for resorting to emergency work are fulfilled, such factors must be considered as the nature of the activity (e.g. energy supply and distribution, major process industry, wholesale trade, agriculture), as well as the extent of the activity, the amount of capital invested in it, and the amount of estimated or actual damage caused by the interruption, or the threat of interruption, of regular operations. It is essential to assess the extent or importance of the interruption or threat of interruption as compared to normal disruptions to regular operation. Events causing damage to the environment must also be taken into account in the assessment.

When the criteria for emergency work are fulfilled, working time may be extended as required for as long as the situation persists, however for no longer than two weeks. Emergency work is included in the maximum working time. While emergency work arrangements are in place, exceptions may also be made to the restrictions on night work, weekly rest period and Sunday work. Additionally, the provisions on daily breaks and daily rest periods do not apply to emergency work.

The employer must without delay notify the occupational safety and health authority in writing of the cause, scale and expected duration of the emergency work.

An employee aged less than 15 years may not be required to work overtime or perform emergency work. A young person aged 15 or over may only be assigned to emergency work if no one aged 18 or over is available to perform the work.

6 Rest periods and Sunday work

6.1 Daily breaks

When the employee's daily consecutive working time exceeds six hours, the employee is entitled to a regular break of at least one hour during his or her shift. During this break, he or she must be free to leave the workplace. In this case, the break is not included in the working time. As an exception to the general provision, in shift work and period-based work the employee must be given a break of at least half an hour or an opportunity to have a meal during working time.

Regardless of the provisions of the collective agreement, the employer and the employee may agree on a break shorter than this. The break may not, however, be shorter than half an hour. The break may not be placed immediately at the beginning or end of a workday.

If the employee so wishes, he or she is additionally entitled to have an extra break if the working time exceeds 10 hours per day. The employee may specify the duration of this break, but it may not exceed half an hour. At the earliest, this break can be taken after working for eight hours.

> **"When the employee's daily working time exceeds six hours, the employee is entitled to a regular break of at least one hour during his or her shift.**

6.2 Daily rest period

Under the general rule, the employee is entitled to an uninterrupted rest period of at least 11 hours within the 24-hour period that follows the start of each work shift. While employees in period-based work are also entitled to an uninterrupted daily rest period of 11 hours, for reasons relating to the organisation of the work, it may be reduced to nine hours. When flexible working hours or flexiwork is used, the daily rest period may be reduced to seven hours at the employee's initiative.

The employer and the employees' shop steward or, when one has not been elected, the occupational safety and health representative or elected representative or other employee representative may, on a temporary basis and with the employee's consent, agree on reducing the daily rest period to seven hours.

When the organisation of the work or nature of the operations so requires, the employees' rest period may be reduced to five hours during no more than three consecutive daily rest periods at a time. However, such exceptions may only be made in the specific circumstances listed in the Working Time Act. The right to shorten the daily rest period is also restricted by the provisions relating to the obligation to create a work schedule and the employee's consent required for working overtime and performing additional work.

The daily rest period may be reduced on a temporary basis

- in shift work when the employee is changing shifts
- when the work is performed in several periods over a single day
- if the employee's workplace and residence or his or her other workplace are far apart
- in order to deal with an unforeseeable rush in seasonal work
- in the context of an accident or accident risk
- in security and guard work requiring constant attendance to protect persons or property
- in work that is essential for continuity of operations.

If the daily rest period is shortened temporarily, the employee must nevertheless be given a rest period of at least five hours. Rest periods making up for a reduced daily rest period must be given to the employee in connection with the following daily rest period. If this is not possible for compelling reasons due to the organisation of the work, they must be given to the employee as soon as possible and within 14 days at the latest. The compensatory rest period given to an employee does not reduce his or her regular working time.

6.3 Weekly rest period

Working time must be organised so that the employee can, once in every seven days, have an uninterrupted rest period of at least 35 hours, preferably around a Sunday whenever possible. However, the weekly rest period may be organised to average 35 hours over a period of 14 days. The rest period must consist of at least 24 consecutive hours per each seven-day period.

In continuous shift work, the rest period may be organised to average 35 hours over a period of no more than 12 weeks. However, the employee must have a rest period of at least 24 consec-

utive hours per each seven-day period. When this is required by the organisation of the work, with the employee's consent the rest period may be organised as described above.

If the employee's daily working time does not exceed three hours, he or she may be given a rest period of at least 24 consecutive hours instead of 35 hours once in every seven days.

The provisions on the weekly rest period may be derogated from in certain situations. This is possible if the employer, in order to maintain the continuity of its operations, temporarily requires the employee to work during his or her rest period, or when reasons relating to the technical nature or the organisation of the work do not allow some employees to be fully relieved of work.

The employee must be compensated for the time spent working during the weekly rest period as soon as possible and at the latest within three months of the time this work was performed by reducing the employee's regular working time by an amount of time equivalent to the forfeited rest period. With the employee's consent, such temporary work may also be compensated for by paying him or her a separate monetary increment based on the basic amount of overtime remuneration, in addition to possible remuneration for overtime and Sunday work.

6.4 Sunday work

Employees may only be required to work on Sundays and public holidays (Sunday work) when this has been agreed upon in the employment contract, or with the employee's consent. The employee's consent is not required, however, if the nature of the work is such that it is regularly performed on these days.

Regular pay increased by 100% must be paid for Sunday work. If this work also constitutes overtime, overtime pay calculated based on the regular pay is due for it. Subject to agreement, the increased amount may be converted into time off, moved to the working time account, or be combined with carried-over holiday.

" Employees may only be required to work on Sundays and public holidays (Sunday work) when this has been agreed upon in the employment contract, or with the employee's consent.

7 Working time records

When working time has been organised on the basis of an average and flexible working hours or flexiwork is not in use, the employer must prepare a working time adjustment scheme. The adjustment scheme must cover at least the period during which regular working time is adjusted to the average provided or agreed. At minimum, it must show the regular working time in each week.

The employer must also prepare a work schedule indicating the start and end time of each employee's regular working time and the breaks in greater detail than the working time adjustment scheme. The adjustment scheme and work schedule may be contained in the same document.

The work schedule must usually be prepared for the same time period as the working time adjustment scheme. If this is unduly difficult, for example because of the irregular nature of the work, the work schedule does not need to cover as long a period as the adjustment scheme. Even in this case, however, the work schedule should be prepared for as long a period as possible.

When preparing the working time adjustment scheme, the employer must consult the shop steward or, if one has not been elected, another elected representative of the employees, or the employees collectively. As regards the work schedule, the employer has no automatic obligation to consult the employees' opinions. However, the employer must reserve the employees an opportunity to express their opinions if an employee or employee representative so requests. Employees must be informed in writing of the work schedule well in advance and at the latest one week before the period covered by the schedule starts.

Once the employees have been informed, the work schedule may usually only be changed with the employee's consent. However, in order to safeguard the operation of the workplace, the employer may change the work schedule for a compelling reason related to the organisation of the work which they did not know about when preparing the work schedule.

If preparing a work schedule is unduly difficult because of the irregular nature of the work, the Regional State Administrative Agency may grant a partial or complete exemption from this requirement.

The employer also has an obligation to register the hours worked and the remuneration paid for them. When flexiwork is in use, the hours reported by the employee are entered in the register. The employer must keep the working time register and information on the employees' work schedule entries at least until the period for making claims laid down in the Working Time Act lapses.

8 Motor vehicle drivers' working time

The *maximum working time* of a motor vehicle driver may not exceed 11 hours during a consecutive period of 24 hours following a daily rest period. For reasons related to the organisation of the work, however, a driver's daily working time may be extended to at most 13 hours if the working time does not exceed 22 hours over the 48-hour period that comes after the daily rest period following the extended working hours.

The daily driving time of a driver within the scope of the EU Driving Time and Rest Periods Regulation may not exceed nine hours. However, it may be extended to 10 hours twice during a week.

- Motor vehicle drivers must at minimum be given a break of 30 minutes in one or two periods per each work period of five and a half hours.
- After a driving period of four and a half hours, a driver within the scope of the EU Driving Time and Rest Periods Regulation must take a break of at least 45 minutes. This break may also consist of several breaks of at least 15 minutes distributed over this period.

The driver must be given an uninterrupted *rest period* of at least 10 hours per each consecutive 24-hour period. When required by the transport tasks, this rest period may be shortened to at least seven hours twice per seven consecutive 24-hour periods.

A driver within the scope of the EU Driving Time and Rest Periods Regulation must, however, get a minimum *daily rest period* of 11 hours per each 24-hour period. The period of availability, meaning the driving time, other working hours, waiting time and breaks combined, may be no more than 13 hours.

Employers must issue motor vehicle drivers employed by them with personal driver's logs for the purpose of monitoring their daily working hours. In this log, the drivers must record the start and end times of their working hours, the rest periods and the breaks. They must make the entries in the log for each period as soon as it ends and before the next period starts. A tachograph may be used instead of a driver's personal log.

Motor vehicle drivers must make the entries laid down in the law in the personal log and keep the logs for the current week and for the final day of driving of the previous week with them when driving. The employer is required to keep the personal drivers' logs for a period of one year.

> **"In this log, the drivers must record the start and end times of their working hours, the rest periods and the breaks.**

9 Claim period

The right to any remuneration referred to in the Working Time Act will lapse if, in the case of a continuing employment relationship, a claim is not filed within two years of the end of the calendar year in which the right to the remuneration arose.

When it has been agreed that leave given in lieu of monetary compensation will be combined with carried-over holiday, the claim in continued employment must be filed within two years of the end of the calendar year in which the leave should have been given, or otherwise the right to the remuneration shall lapse.

In continued employment, a claim concerning time off saved in a working time account must be filed within two years of the end of the calendar year in which the leave saved in the account should have been given under the law or an agreement. The claim period is determined in accordance with this provision even if the agreement on the working time account does not meet the requirements laid down in section 14 of the Working Time Act.

Once the employment relationship has ended, a claim concerning a receivable must be filed within two years of the end of the employment, otherwise the receivable will lapse.

10 Penal provisions

An employer or an employer's representative who intentionally or through negligence breaches the provisions on maximum working time laid down in section 18, on minimum rest periods laid down in sections 25–27, or on the obligation to prepare a work schedule laid down in section 30 of the Working Time Act shall be sentenced to a fine for working time violation.

A motor vehicle driver who fails to make the required entries in the personal driver's log or to keep the log in the vehicle while driving shall also be sentenced for working time violation.

The allocation of liability between an employer and the employer's representatives is determined under Chapter 47, section 7 of the Criminal Code.

11 Supervision of compliance with the Act

Compliance with the Working Time Act is supervised by the occupational safety and health authorities. They also supervise local agreements on regular working time concluded by virtue of this Act concerning regular working time based on an agreement between the employer and the employee, flexiwork, a working time account and a local agreement on regular working time based on a generally binding collective agreement.

Briefly

The Working Time Act applies to both employment and public service employment relationships. Working time regulations are mostly mandatory legislation. This means that any terms in an employment contract which violate the mandatory provisions are null and void.

Ministry of Economic Affairs
and Employment of Finland