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WORKING HOURS ACT (605/1996)
(as amended by several acts, including No.164/2005)

Chapter 1. Scope of the act

Section 1. Scope

This Act applies to all work performed under an employment contract as referred to in section 1 (1), of the Employment Contracts Act (55/2001) or within a state civil servant's or municipal officeholder's service relationship, unless otherwise provided. In addition, the Act on Young Employees (998/1993) applies to work performed by persons under the age of 18. (64/2001)

What is prescribed in this Act concerning employees also applies to civil servants and officeholders, unless otherwise provided. Moreover, what this Act prescribes concerning collective agreements also applies to collective agreements for state civil servants and municipal officeholders.

Section 2. Derogations to scope

With the exception of section 15 (3), this Act does not apply: (634/2002)

- 1) to work which must be considered management of an undertaking, corporation or foundation or an independent part thereof by virtue of the relevant duties and of the employee's position otherwise, or independent work directly comparable to such management;
- 2) to employees who perform religious functions in the Evangelical-Lutheran Church, Orthodox Church or some other religious community;
- 3) to work performed by an employee at home or otherwise in conditions where it cannot be considered a duty of the employer to monitor arrangement of the time spent on said work;
- 4) to forest, forest improvement and timber-floating work or to related work, excluding mechanical forest and forest improvement work and short-distance timber transport performed off-road;
- 5) to children's day-care in the home of the employee as referred to in the Children's Day-Care Act (36/1973);
- 6) to work performed by members of the employer's family;
- 7) to reindeer husbandry;
- 8) to fishing and processing of the catch immediately connected therewith;
- 9) to work where the working hours have been separately prescribed or which is covered by another act on working hours, under which it has been exempted from working hour restrictions; or
- 10) to work performed by civil servants that is covered by the Act on the working hours of Defence Force civil servants (218/1970) or by civil servants of the Frontier Guards, unless otherwise prescribed by decree.

The provisions of section 28 (1) (2), and sections 29-32 of this Act do not apply to a motor vehicle driver's work as stipulated in Council Regulation on the harmonization of certain social legislation relating to road transport (EEC) No. 3820/85.

It can be enacted by decree and, with regard to the Bank of Finland, ordered by decision of the Parliamentary Supervisory Board of the Bank of Finland that this Act shall not apply to work performed by a civil servant or an officeholder in which the working hours are not measured or defined in advance due to the special nature of the work or in which the civil servants or officeholders can themselves decide on the number of working hours. (1168/1998)

Section 3. (861/1996) Opinion of the Labour Council

The Labour Council shall issue opinions on the application or interpretation of this Act, as provided in the Act on the Labour Council and on Special Permits concerning Labour Protection (608/1946).

Chapter 2. Definition of working hours

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.

Chapter 3. Regular working hours

Section 6. General provision

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.

Section 7. Working hours in period-based work

By way of derogation from section 6, regular working hours can be arranged so that they do not exceed 120 hours during a three-week period or 80 hours during a two-week period:

- 1) in police, customs, post, telecommunication and radio services, but not in their machine or repair shops or in construction work;
- 2) at hospitals, health centres, 24-hour day-care centres, summer colonies, welfare and other such institutions and in prisons;
- 3) in passenger and goods transport, on canals, swing bridges and ferryboats;
- 4) in loading and unloading work on vessels and railway wagons
- 5) in work carried out during test runs of vessels;
- 6) in mechanical forest and forest improvement work and short-distance transportation of timber carried out off-road;
- 7) in household work;
- 8) in guard work;
- 9) in dairies;
- 10) at accommodation and catering establishments; and
- 11) at cultural and recreational establishments and at film 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 subsection 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.

Section 8. Working hours of motor vehicle drivers

The daily working hours of a motor vehicle driver shall not exceed 11 hours during the 24 hours following a daily rest period.

If the work of a motor vehicle driver cannot be practically organized otherwise, the daily working hours can be increased to a maximum of 13 hours provided that the number of working hours does not exceed 22 within the 48 hours following the daily rest period that follows the increased daily working hours.

Section 9. Regular working hours based on a collective agreement

Employers or nationwide employer organizations can agree by collective agreement with nationwide employee organizations on regular working hours which do not comply with the provisions of sections 6-8. Regular working hours based on a collective agreement shall not exceed an average of 40 hours a week during a maximum of 52 weeks.

Employers can also apply the regulations of a collective agreement as referred to in subsection 1 above to employees who are not bound by the collective agreement but in whose employment relationships the provisions of the said agreement are otherwise observed. The aforementioned regulations can be observed following the termination of a collective agreement until a new agreement takes force in employment relationships where the said regulations would be applicable if the collective agreement were still in force. If a new collective agreement is not made within six

months of the termination of the preceding one, both contracting parties shall be entitled to announce that application of the aforementioned regulations of the collective agreement must cease at the end of the current reference period. This announcement must, however, be made no less than two weeks prior to the end of the reference period concerned.

What is prescribed above in this section concerning employers and nationwide employer organizations shall similarly apply to relevant contracting government authorities, local authorities, joint municipal boards, the Commission for Local Authority Employers, the Evangelical-Lutheran Church, the Orthodox Church, parishes, federations of parishes, and other associations of parishes, the Bank of Finland, the Provincial Government of the Province of Åland and the Commission for Local Authority Employers of the Province of Åland. (1168/1998)

Section 10. An agreement on regular working hours based on a universally valid collective agreement (64/2001)

An employer bound by a collective agreement under chapter 2, section 7 of the Employment Contracts Act and a shop steward as referred to in the collective agreement or, if none has been elected, the elected representative referred to in chapter 13, section 3, of the Employment Contracts Act, or some other representative authorized by personnel or, if none has been elected, the personnel or a personnel group together can agree on the arrangement of regular working hours in the way and within the limits prescribed in the said collective agreement. In making the agreement, however, the regulations concerning the approval of local agreements by the parties to the collective agreement need not be observed. (64/2001)

Within the limits set by the agreement referred to above in subsection 1, an employer and an employee can agree on the specific way the said agreement is applied.

If the employees have not elected a shop steward or another representative as referred to in subsection 1, the employer must provide them with an opportunity to elect a representative from among themselves before negotiations commence.

Section 11. Making local agreements

The agreement on regular working hours referred to in section 10 above must be made in writing unless this is considered unnecessary by the contracting parties, or if otherwise provided by collective agreement. If such an agreement remains in force for more than two weeks, however, it must always be made in writing.

Notice can be given on an agreement made indefinitely, to take effect at the end of the working hours' reference period. The period of notice is two weeks unless agreed otherwise. Notice can be given on an agreement made for a fixed period of more than a year as in the case of indefinite agreements, four months following the conclusion of the agreement.

Employees must be notified of an agreement as referred to in section 10 above, made with an employees' representative, no later than one week prior to its taking force. The agreement binds all employees whom the contracting employee representative can be considered to represent. An employee is, however, entitled to observe his earlier

working hours if he notifies the employer of this no later than two days prior to the agreement taking force.

Section 12. Local agreements on regular working hours based on the law

Unless otherwise provided by collective agreement, an employer and an employee can agree to extend regular daily working hours by a maximum of one hour. However, average regular weekly working hours cannot exceed 40 during a period of not more than four weeks. Weekly working hours cannot exceed 45.

In farm work, regular weekly working hours must average out at 40 within a period of no more than three months.

Section 13. Flexible working hours

By way of derogation from section 6 (1), and from the collectively agreed regular working hours and arrangement thereof, 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.

When working hours are flexible, the regular daily working hours shall 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 referred to in subsection 1 above may not exceed 40 hours.

An employer and an employee can agree to reduce hours accumulated in excess of regular working hours by free time granted to the employee.

Section 14. Exceptional regular working hours

In the case of work which is carried out only from time to time within the 24-hour period during which the employee must be available for work, the Office of the Occupational Safety and Health Inspectorates can grant permission for a departure from the provisions of section 6 on conditions set by itself. (404/2004)

In the cases referred to in subsection 1 above, nationwide employer and employee organizations are also entitled to agree on regular working hours diverging from the provisions of section 6 in the manner prescribed in section 40.

When necessary, the Office of the Occupational Safety and Health Inspectorates can, on conditions set by itself, grant permission for the arrangement of working hours as prescribed in section 7 even for work to which the said provisions do not refer. (404/2004)

Section 15. Reduced working hours

The employee's right to partial child-care leave is prescribed in chapter 4, sections 4 and 5, of the Employment Contracts 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. (64/2001)

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. (634/2002)

Section 16. Definition of day and week

'Day' and 'week' shall refer to a calendar day and calendar week unless otherwise agreed.

Chapter 4. Exceeding regular working hours

Section 17. Additional work and overtime

Additional work refers to work done on the employer's initiative which does not exceed the regular working hours prescribed in sections 6 or 7, agreed under sections 9, 10 or 12, or referred to in section 14.

Overtime refers to work carried out on the employer's initiative in addition to the regular working hours referred to in subsection 1.

Section 18. Employee's consent

The specific consent of the employee is required each time overtime is required. Employees can, however, give their consent for short set periods if the nature of the work arrangements so requires.

Employees can be required to work additional hours only with their consent unless additional work has been agreed upon in their employment contract. In such cases, however, employees are entitled to refuse additional work on days which are entered as free time on the work shift schedule, provided they have a justifiable personal reason.

Upon agreeing to be on stand-by as referred to in section 5, an employee simultaneously consents to any additional work and overtime required during the stand-by time.

If the nature of the work and particularly compelling reasons necessitate additional work or overtime, civil servants or officeholders in a public corporation cannot refuse to do it.

Section 19. Maximum amounts of overtime

The maximum amount of overtime during a four-month period is 138 hours, though 250 hours must not be exceeded in a calendar year.

An employer can agree on additional overtime with employee representatives or personnel or a personnel group together as referred to in section 10. The maximum

amount of such additional overtime in a calendar year is 80 hours. The maximum amount of 138 hours referred to in subsection 1 above cannot, however, be exceeded.

Employer and employee organizations which operate nationwide can make exceptions to the time period referred to in subsection 1 by collective agreement. Such collective-agreement-based periods cannot, however, exceed 12 months and the maximum amount of annual overtime must comply with the limits laid down in subsections 1 and 2 above.

Section 20. Preparation and completion work

Preparation and completion work' refers to:

- 1) work which is necessary to enable other employees in the same workplace to work throughout their normal working hours;
- 2) work carried out by an employee referred to in section 39 (2), immediately prior to the commencement or after the end of his subordinates' working hours; or
- 3) work which is necessary in shift work to allow information to be exchanged at the change of shifts.

Preparation and completion work can be agreed upon in the employment contract. Employees can be required to do up to five hours of such work per week in addition to the maximum overtime hours prescribed in section 19.

Section 21. Emergency work

When an unexpected event interrupts or seriously threatens to interrupt regular operations or to put life, health or property at risk, the prescribed or agreed regular working hours can be exceeded as required by the said causes, though not longer than two weeks.

Emergency work is not included in the overtime hours referred to in section 19. In emergency work, exceptions can also be made to the provisions of sections 26-31 and section 33 (1).

An employer must immediately report in writing to the labour protection authorities on the cause, scale and probable duration of emergency work. The employer must provide the shop steward or, if none has been elected, the elected representative referred to in chapter 13, section 3, of the Employment Contracts Act, or if none has been elected, the labour protection delegate with an opportunity to attach an opinion to the report. After investigating the matter, the labour protection authority can either leave the matter as it stands or take action to limit or discontinue the emergency work. (64/2001)

Section 22. Remuneration payable on additional work and overtime

The remuneration paid on additional work must be at least as much as the wage paid for the agreed working hours.

When regular working hours are determined on the basis of the provisions of section 6, 9, 10, 12 or 13, the wage payable for the first two hours of overtime above the daily regular working hours shall be the regular wage plus 50 per cent, and for additional

hours the regular wage plus 100 per cent. The regular wage plus 50 per cent is payable on hours exceeding the regular weekly working hours.

In the case of period-based work which has continued an entire two or three week period, the wage payable on the first 12 or 18 hours in excess of regular working hours, including preparation and completion work, shall be the regular wage plus 50 per cent, and that payable on any further hours is the regular wage plus 100 per cent. If the period has been interrupted because the employee's employment relationship has ended or because the employee has been unable to work due to leave, illness or some other valid reason, the average working hours in excess of 8 hours per work day during the interrupted period must be calculated. The wage payable on the first two of these average overtime hours is the regular wage plus 50 per cent and on the following hours, the regular wage plus 100 percent.

If regular working hours are based on the special permit or a collective agreement referred to in section 14, the permit or agreement must state how the increased wage payable on overtime is calculated.

Section 23. Additional work and overtime compensated as free time

By agreement, wages payable for additional work or overtime can also be partly or completely converted into corresponding free time during regular working hours. The provisions of section 22 shall apply, where appropriate, in calculating the amount of free time corresponding to the overtime work performed.

The free time must be granted within six months of the additional work or overtime in question, unless otherwise agreed. Employers and employees should seek to agree on the placement of the free time. If agreement cannot be reached, the employer shall determine the placement, unless the employee demands remuneration in cash.

An employer and an employee can agree that, contrary to the provisions of subsections 1 and 2, free time granted as remuneration for additional work or overtime shall be added to the accumulated holiday referred to in section 27 of the Annual Holidays Act (162/2005). What is prescribed in the Annual Holidays Act on accumulated holiday will then be applicable, where appropriate, to free time. (164/2005)

Section 24. Terminating an employment contract during an ongoing reference period

If the average number of regular working hours has either been determined or agreed upon under this Act, or flexible working hours have been agreed upon, and the employment relationship ends before the number of working hours averages out at 40 hours per week, the number of average weekly working hours in excess of 40 shall be calculated, and a remuneration corresponding to the wage paid for regular working hours paid on those hours.

Additional work shall also be remunerated as prescribed above in subsection 1.

If the average number of hours worked per week is less than 40 or than a shorter work week based on an agreement, employers are entitled to deduct the corresponding amount from the relevant employee's wages.

Section 25. Calculating the basic amount of remuneration for additional work and overtime

If an employee's wages are determined according to a unit longer than an hour, the wages payable per hour shall be calculated by dividing the agreed wages by the number of regular working hours. In the case of piece-work pay, the hourly wages shall be calculated by dividing the piece-work pay by the hours spent working.

If wages include fringe benefits, they must be taken into account in the calculation of wages referred to in this section. Profit bonuses or corresponding payments, made no more than twice a year and independently of the employee's performance, are not included in income payable on regular working hours.

By way of derogation from the provisions of subsection 1 above, it can be agreed that hourly wages are calculated by dividing the income paid for regular working hours by an average divider derived from annual regular working hours or by some other average divider which corresponds to the principles laid down in subsection 1.

Chapter 5. Night and shift work

Section 26. Night work

Work carried out between 23.00 and 06.00 is considered night work. An employer must notify the labour protection authorities of regular night work, when the said authorities so request.

Night work is allowed:

- 1) in period-based work;
- 2) in work which has been divided into three or more shifts;
- 3) in work which has been divided into two shifts, but only until 01.00;
- 4) in the maintenance and cleaning of public roads, streets and airfields;
- 5) in pharmacies;
- 6) at newspapers and magazines, news and photographic agencies and in other media work, and in the delivery of newspapers;
- 7) in service and repair work which is necessary to allow work to proceed regularly in undertakings, corporations or foundations, or in work which cannot be carried out simultaneously with the regular work of the workplace concerned or which is necessary in order to prevent or confine losses;
- 8) at peat sites during the peat extraction season;
- 9) at sawmill drying houses;
- 10) in heating work at greenhouses and drying plants:
- 11) with the employee's consent, in urgent sowing and harvesting, in work directly related to parturient farm animals or to the treatment of ill farm animals and in other such farm work which cannot be postponed due to its nature;
- 12) with the employee's consent in bakeries; between 05.00 and 06.00 such consent is not, however, required;
- 13) in work which is carried out almost completely at night due to its nature;
- 14) with permission from and under conditions set by the Office of the Occupational Safety and Health Inspectorates, in work where the technical nature or other specific reasons so require. (404/2004)

In particularly dangerous or physically or mentally highly stressful work laid down by decree 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.

Section 27. Shift work and night shifts in period-based work

In shift work, the shifts must change regularly and at intervals agreed upon in advance. Change 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. The Office of the Occupational Safety and Health Inspectorates can grant permission to diverge from the provisions of the first sentence of this paragraph.(404/2004)

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.

Chapter 6. Rest periods and Sunday work

Section 28. Daily rest periods

If daily working hours exceed six and an employee's presence at the workplace is not necessitated by work continuity, the employee must be granted a regular rest period of at least one hour within the shift, during which s/he is free to leave the workplace. An employer and an employee can agree on a shorter rest period, but this may not be 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 entitled to a rest period of up to half an hour following eight hours of work.

If working hours in shift or period-based work exceed six, employees must be allowed a rest period of at least half an hour or an opportunity to eat while they are working.

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

Section 29. Daily rest period

During the 24 hours following the beginning of a work shift, employees must be given an uninterrupted rest period of at least 11 hours in the case of work referred to in sections 6, 9, 10, 12, and 13, and at least nine hours in the case of work referred to in section 7, except for work referred to in section 14 or carried out during stand-by, unless otherwise provided below. When the practical organization of work so requires, an employer and an employee representative as referred to in section 10 can agree on a temporarily shorter daily rest period with the relevant 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.

If the organization of work or the nature of operations so require, temporary derogations can be made from the provisions of subsection 1 during no more than three consecutive daily rest periods:

- 1) when an employee's work shift changes as prescribed in section 27 (1);
- 2) if the work concerned is done in several periods within a day;

- 3) if an employee's workplace and residence or other workplace are far apart;
- 4) in order to clear an unexpected rush in seasonal work;
- 5) in connection to an accident or risk thereof;
- 6) in security and guard work requiring continuous presence to protect persons or property;
- 7) in work which is necessary for continuity of operations.

A daily rest period shortened under the provisions of subsection 2 must, nevertheless, 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.

Section 30. The daily rest period of a motor vehicle driver

Motor vehicle drivers must be given a minimum of 10 hours of uninterrupted rest within each period of 24 consecutive hours.

When a driver's duties so require, the daily rest period referred to in subsection 1 can be shortened to a minimum of seven hours twice within seven consecutive 24-hour periods.

Section 31. Weekly free time

Working hours must be organized to allow employees at least 35 hours of uninterrupted free time each week, preferably around a Sunday. The weekly free time can be arranged so that it averages 35 hours within a 14-day period. Weekly free time must, however, be at least 24 hours.

In uninterrupted shift work, free time can be organized to average 35 hours within a maximum of 12 weeks. Weekly free time must, however, be at least 24 hours. With the consent of the employee concerned, this procedure is also applicable when technical conditions or the organization of work so require.

Derogations can be made from the provisions of this section if the regular working hours are less than 3 hours per day, in caring for farm animals and in urgent sowing and harvesting work.

Section 32. Derogations from weekly free time

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 in a regular fashion, or if the technical nature of the work does not allow certain workers to be completely released from their duties, derogations can be made from the provisions of section 31 (1) (2).

Employees must be compensated for the time spent on work as referred to in subsection 1 above through a reduction in their regular working hours comprising the same number of hours of free time as prescribed in section 31 (1) or (2), that they did not receive. The compensation must be granted within three months of performing the work in question, unless otherwise agreed. If the employee consents, however, s/he can also be compensated for such work by a remuneration in cash determined according to the basic part of the overtime compensation referred to in section 25, in addition to the overtime and Sunday work remunerations.

If derogations have been made from the provisions of section 31 (1) or (2), in caring for farm animals or in urgent sowing and harvesting work, the weekly free time not received must be compensated for as prescribed in subsection 2.

Section 33. Sunday work

Employees can be required to work on a Sunday or church holiday only when the work concerned is regularly carried out on the said days due to its nature, or when agreed upon in the employment contract, or with the separate consent of the employees.

The wage payable for Sunday work performed as part of regular working hours is twice the regular wage. If the work concerned is additional work, overtime or emergency work, a remuneration determined as laid down in sections 22 and 23 must also be paid. This remuneration is calculated on the employee's regular hourly wage.

The provisions of section 22 on calculating the increased wages payable for overtime must be observed in calculating the increased wages payable for Sunday work.

Chapter 7. Documentation of working hours

Section 34. Working hours adjustment system

If regular working hours have been arranged on the basis of an average as laid down in section 6 (2), or sections 7, 9, 10 or 12, a working hours adjustment system must be prepared in advance for the work in question at least for the period within which regular working hours will adjust to the set average.

When an employer is preparing or intends to change the working hours adjustment system, it must provide the employee representative referred to in section 21 (3), or, if none has been elected, the employees with an opportunity to voice their opinion. Employees must be given sufficient time to study the proposal. (64/2001)

Employees must be notified in good time of changes to the working hours adjustment system.

Section 35. Work schedule

Each workplace must have a work schedule indicating the beginning and end of employees' regular working hours and placement of the rest periods referred to in section 28. The work schedule and the working hours adjustment system must be drafted to cover the same period, unless this is extremely difficult due to the duration of the reference period or the irregularity of the work concerned. The work schedule must, however, cover as long a period as possible. If an employee or an employee representative as referred to in section 34 (2), so demands, the provisions of the said subsection must be observed in making the said schedule.

Employees must be provided with a written work 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.

Section 36. (404/2004) Derogation permit

If preparing a work schedule is extremely difficult because of the irregularity of the work concerned, the Office of the Occupational Safety and Health Inspectorates can grant partial or complete exemption by a derogation permit. The derogation permit can require that the work schedule indicate weekly free time.

If the Office of the Occupational Safety and Health Inspectorates has granted an employer exemption as referred to in subsection 1, and if the relevant working conditions have not changed materially thereafter, the employer and the employee representative as referred to in section 10 can agree on the extension of the exemption granted by the Office.

Section 37. 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. When an employer has made the agreement with an employee as referred to in section 39 (2) or (3), the estimated number of monthly additional, overtime and Sunday working hours must be entered in the register. Employers must keep the working hours register at least until the end of the period for claims referred to in section 38.

The working hours register and any written agreement made between an employer and an employee representative or an employee under section 10 or section 12 must be presented on demand to a labour protection inspector and to the employee representative referred to in section 21 (3). On request, an employee or a party so authorized by an employee is entitled to a written account of the entries in a work schedule and working hour register concerning the employee in question. (64/2001)

Upon their request, the labour protection authorities must be provided with a copy of the working hours register, any agreement made under sections 10 and 12, the working hour adjustment system referred to in section 34, and the work schedule referred to in section 35.

Section 37a. (963/1998) Motor vehicle drivers' personal driver's logs

Employers shall provide motor vehicle drivers in their employment with personal driver's logs for monitoring their daily working hours. Drivers shall keep driver's logs in such a way that they show the starting and ending times of their daily working hours, rest periods and breaks. The entry for each period shall be made in the driver's log as soon as it ends and before the next period begins. A tachograph may be used instead of a driver's log.

Motor vehicle drivers are required to make the necessary entries in the driver's log and to keep with them when driving their log for the current week and the last driving day of the previous week. (112/2002)

Chapter 8. Miscellaneous provisions

Section 38. Period for claims

While an employment relationship is in force, the entitlement to a remuneration as referred to in this Act shall lapse if it is not claimed within two years of the end of the calendar year in which the entitlement arose.

If it has been agreed that the free time granted in place of a remuneration in cash will be added to accumulated holiday, while the employment relationship is in force the said claim must be filed within two years of the end of the calendar year in which the free time should have been granted, in derogation from subsection 1 but under the threat of consequences referred to therein.

Once an employment relationship ends, the claim concerning a receivable as referred to in subsection 1 must, under threat of the receivable lapsing, be filed no later than two years after the employment contract ends. (64/2001)

Section 39. The peremptory nature of provisions. Derogations by employment contract

Any agreement whereby the benefits accruing to employees under this Act are restricted is void, unless otherwise provided herein.

Managerial employees and employees whose primary duty is to directly supervise or oversee work and who do not participate or participate only temporarily in the work of those whose work they supervise or oversee are, however, entitled to enter into an agreement whereby the remunerations referred to in sections 22 and 33 are paid as a separate monthly remuneration.

An employer and an employee can agree that the remuneration for the preparation and completion work referred to in section 20 (1), paragraphs 1 and 3, will be paid separately per wage-payment period. The said remuneration must correspond in level to the overtime remunerations determined as prescribed in section 22.

Section 40. (64/2001) The peremptory nature of provisions and derogation under national collective agreement

Employer and employee organizations which operate nationwide are, however, in addition to what is prescribed in this Act, entitled to agree otherwise than what is prescribed in sections 4 and 5, section 13 (2), section 15 (2), sections 22-25, section 26 (1), and sections 27-35. Employers may also apply the regulations of such collective agreements to the employment relationships of employees who are not bound by the said agreements but in whose employment relationships employers must under the Collective Agreements Act (436/1946) observe the regulations of collective agreements. (64/2001)

Following the termination of a collective agreement, the regulations referred to in subsection 1 above can be observed until a new collective agreement comes into force in employment relationships to which the said regulations would be applicable were the said collective agreement still in force. If a new collective agreement is not made within six months of the termination of the preceding agreement, both contracting parties shall be entitled to announce that application of the aforementioned regulations

in the collective agreement must end within two weeks of the announcement or, if necessary for the adjustment of regular working hours, by the end of the reference period current at the time.

What this section prescribes concerning employer organizations which operate nationwide shall apply correspondingly to government negotiating authorities or other government contracting authorities, the Commission for Local Authority Employers, the Evangelical-Lutheran Church, the Orthodox Church, the Bank of Finland, the Provincial Government of the Province of Åland and the Commission for Local Authority Employers of the Province of Åland. (1168/1998)

Section 40a (64/2001). Stipulations in a generally binding collective agreement that derogate from the law

Employers required to observe a universally valid collective agreement as referred to in chapter 2, section 7, of the Employment Contracts Act may also observe the regulations mentioned above in section 40 (1), of the collective agreement within its scope of application unless application of a stipulation presupposes agreement at the local level. In such cases, the provisions of the last sentence of section 40 (2), also apply.

Section 41. Display of the Act

Employers must display this Act, all rules and regulations issued under it and the derogations granted from it, as well as the working hours adjustment system and the work schedule at the workplace for examination by their employees.

Section 42. Penal provisions

An employer or an employer's representative who deliberately or out of carelessness violates this 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 regulations*.

A driver of a motor vehicle who fails to make the required entries in the driver's log or to keep the log in the vehicle while driving shall also be sentenced for violation of the working hours regulations. (112/2002)

The distribution of liability between an employer and the employer's representatives shall be determined under chapter 47, section 7, of the Penal Code.

The penalty for the neglect or misuse of the working hours register referred to in section 37 (1), and for a violation of the working hours regulations which has been committed regardless of an exhortation, order or prohibition issued by labour protection authority is prescribed in chapter 47, section 2, of the Penal Code.

The penalty for violation of the European Council Regulation concerning the harmonization of certain social legislation relating to road transport is prescribed in section 105a of the Road Traffic Act.

Section 43. Supervision

Compliance with this Act, and local agreements on regular working hours made under section 10 and section 12 shall be supervised by the labour protection authorities.

Section 44. More detailed regulations

The Council of State can issue more detailed regulations on the provision of transportation for employees working at night, to be arranged at the beginning and the end of work shifts.

Chapter 9. Implementing and transitional provisions**Section 45. Entry into force**

This Act comes into force on November 23, 1996. However, section 19 of the Act comes into force on January 1, 1997.

Measures needed to enforce this Act can be taken before it comes into effect.

Section 46. Provisions to be repealed

This Act repeals following acts and their amendments:

- 1) the Hours of Work Act (604/1946) of August 2, 1946;
- 2) the Act on Working Hours in Commercial Establishments and Offices (400/1978) of May 26, 1978;
- 3) the Act on Janitors' Working Hours (284/1970) of April 24, 1970;
- 4) the Act on Working Hours in Agriculture (407/1989) of May 12, 1989; and
- 5) the Bakery Employment Act (302/1961) of June 9, 1961, excluding its section 5 as it stands in the Act (916/1993) of November 5, 1993.

If acts repealed in subsection 1 are referred to in some other act or decree, this Act shall be observed in their place.

The provisions referred to in subsection 1 above concerning maximum overtime amounts will, however, remain in force to the end of 1996. (861/1996)

Section 47. Transitional provision

With regard to such work and those sectors where a collective agreement concerning working hours has been made prior to this Act coming into force, or where such an agreement must be observed, this Act will take force at the end of the agreement period, provided that the agreements are not previously amended.