

Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Economic Affairs and Employment, Finland

**ACT ON WORKING HOURS ON VESSELS IN DOMESTIC TRAFFIC
(248/1982; amendments up to 1339/2016 included)**

Section 1 (1339/2016)
Scope of application

This Act applies to work performed under the Seafarers' Employment Contracts Act (756/2011) on a Finnish vessel used in domestic traffic or, on the employer's instructions, temporarily elsewhere.

The application of this Act's provisions concerning inland waterway traffic and maritime traffic shall be determined in accordance with which of these waters the employee mainly works in.

This Act does not apply to work which:

- 1) is performed on a fishing vessel at sea; the provisions of sections 11 and 12 concerning minimum rest periods shall nevertheless be complied with;
- 2) is performed by the vessel's master if, besides the master, there are at least four people working on the vessel, one of whom is qualified as a navigating officer; the provisions of sections 10, 12 and 12c shall nevertheless be complied with.

Section 2 (1339/2016)
Definition of domestic traffic

'Domestic traffic' is used to mean traffic within Finland's borders. Traffic to Vyborg via the Saimaa Canal and Russian territorial waters directly connected to it, and traffic between Vichrevoy and Vyborg, is comparable to domestic traffic.

This Act also applies when a vessel is sailing temporarily outside the waters referred to in subsection 1.

Section 3
Repealed (1339/2016)

Section 4
Regular working hours

Regular working hours shall not exceed eight hours a day and 40 hours a week.

'Day' refers to the period from midnight to the following midnight.

'Week' refers to the period from midnight on Sunday to midnight on the following Sunday.

Section 5
Arrangement and scheduling of working hours

If the employees using a vessel also live on it, the work can be arranged in regularly changed daily shifts of at least four and at most six hours at a stretch when this is essential to ensure the continuous safe passage of the vessel. However, work can only be arranged in two regularly changed shifts a day if in addition, because of the vessel's small size, the crew accommodation on the vessel is such as to make the use of more than two shifts impracticable for employees.

If the work is not arranged in shifts and if the vessel is moored at a quay or at a safe anchorage for longer than one day, the regular working hours shall comprise a continuous arrangement, with the exception of the rest periods referred to in section 11, and be scheduled between 7.00 and 17.00. The regular working hours of catering employees can, however, be scheduled between 6.00 and 19.00.

Section 6
Exceptions to the provisions on arrangement and scheduling of working hours

If the employees' work is closely linked with that of other employees at an industrial installation and the employees live at home in their free time, their regular working hours can be scheduled to conform with those of the other employees at the installation, notwithstanding what is provided in section 5, subsection 2.

(2) Repealed (409/1996)

Section 6a (106/2016)
Shortened working hours

If the employee wishes to work for shorter hours than the regular working hours in order to go on partial early old-age pension, the employer shall first arrange the work in such a way as to enable the employee to engage in part-time work. This shortening of working hours shall be implemented as agreed between the employer and the employee, taking in consideration the needs of the employee and the production and services operations of the employer.

Section 7
Standby times and working hours

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

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

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

Section 8 (1013/2015)
Daily overtime

The employee is required to work up to 16 hours of paid overtime per week in addition to the regular daily working hours stipulated in the first subsection of section 4. However, working hours must not exceed 14 hours per day. The Ministry of Economic Affairs and Employment may grant exceptions to these maximums in individual cases after reserving an opportunity for the Advisory Committee for Seamen's Affairs to be heard in the matter. Exceptions may only be granted if the employee in question consents to the overtime and if the vessel in question has in place a rotation system as provided in section 18 or if the employee's total working hours are within the aforementioned maximums when balanced over a three-month period.

When the work is arranged in two shifts, the employee is obliged, contrary to what is provided in subsection 1, to do up to 28 hours of daily overtime a week, plus up to 7 hours a week with his consent, if he is entitled to periods of free time at regular intervals of a maximum of 30 days. Such period of free time shall last at least 7 days, and shall include a complete weekend.

Section 8a (1013/2015)
Appeal against a decision of the Ministry of Economic Affairs and Employment

A claim for a revised decision concerning a decision of the Ministry of Economic Affairs and Employment in a matter referred to in section 8 may be made in the manner laid down in the Administrative Procedure Act (434/2003).

An appeal against the decision on the claim for a revised decision may be made to an administrative court in the manner laid down in the Administrative Judicial Procedure Act (586/1996).

The decision of the administrative court may be appealed against only if the Supreme Administrative Court grants leave to appeal.

Section 9
Weekly overtime

In addition to the daily overtime referred to in section 8, the employee is obliged to do up to 16 hours per two weeks in overtime that exceeds the regular weekly working hours laid down in section 4, subsection 1, but does not exceed the regular daily working hours.

If the shift system referred to in section 8, subsection 2, is observed in determining the employee's working hours and free time, the employee shall nonetheless be obliged to do up to 16 hours a week in weekly overtime.

Section 9a (1339/2016)

Maximum amount of overtime in inland waterway traffic

In inland waterway traffic, the maximum amount of overtime an employee may perform in one year is 384 hours. If an employee is employed in a fixed-term employment relationship that is shorter than one year, the maximum amount of weekly overtime that may be performed is an average of eight hours.

Section 10 (1339/2016)

Exceptions to the overtime restrictions

The restrictions laid down in sections 8, 9 and 9 a above and section 12 below shall not apply to work exceeding the regular working hours which:

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

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

Section 11

Daily rest periods

When working time that has not been divided into shifts is more than six hours long, the employee shall, during that time, be given at least one regular rest period of at least one hour, during which period he may leave the workplace.

If, in a collective agreement or collective agreement for public servants, it has been agreed that the work will be arranged in shifts of longer than six hours, the employee shall be given a rest period of at least 20 minutes at six-hour intervals. (1339/2016)

Working hours shall not be counted as including a meal break of at least half an hour or a rest period of at least one hour if the employee may leave the workplace for that time.

(4) Repealed (409/1996)

Section 12 (141/2012)

Daily rest period

An employee shall be allowed a rest period of at least 10 hours within each 24 hours and a rest period of at least 77 hours during each period of seven days. In inland waterway traffic, rest time totalling at least 84 hours shall nevertheless be given during each period of seven days. (1339/2016)

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

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

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

Section 12a (1339/2016)

Daily rest period

When a shift system is not observed in determining an employee's working hours and free time, the employee shall be given an uninterrupted weekly period of rest of at least 30 hours each week.

In inland waterway traffic, the employee shall be given in connection with the weekly rest period an additional weekly rest period lasting a minimum of 24 hours if the employee has worked at least six days each week for five weeks.

Section 12b (152/2001)

Special provision concerning young employees

Employees under 18 years of age shall be given an uninterrupted daily rest period of at least nine hours. Young employees shall not be made to work between midnight and five o'clock in the morning, except in order to conduct an exercise programme that is part of the young person's training.

Section 12c (152/2001)

Master's free time

When working, the master referred to in section 3, subsection 1, paragraph 1, above shall be entitled to an average of at least nine free days with pay a month. As far as possible, the provisions of section 18 on the shift system shall be observed as applicable when free days are given.

If periods of free time recurring as if under a shift system cannot be arranged, or if the above-mentioned free days are not given otherwise, they shall be given within no more than one month from the end of the sailing season.

Section 13

Compensation for daily overtime

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

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

The amount of free time given shall be 1.7 hours per hour of overtime for overtime done on weekdays and 2.7 hours for overtime done on Sundays and holidays and for overtime done with the employee's consent, as referred to in section 8, subsection 2.

Section 14

Compensation for weekly overtime

Work done in addition to the regular weekly hours shall be compensated in free time in such a way that 1.5 hours of free time are granted per one hour of overtime. If the rotation system observed on the vessel permits, and the employee consents, weekly overtime can also be compensated in supplemented pay at an hourly rate of at least 1/114 of the employee's monthly pay.

Section 15

Registration of overtime. Calculating supplemented pay.

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

If the agreement referred to in section 22, subsection 2, states that regular working hours can be scheduled outside the times laid down in sections 5 and 6, the agreement shall also state the principles by which the supplemented rate payable for such work shall be calculated. (409/1996)

Section 16

Free time given as compensation for overtime

When the free time referred to in sections 13 and 14 is given, the applicable provisions of the Seamen's Annual Holidays Act (433/1984) concerning the calculation and payment of holiday pay and notification of holiday dates shall be observed. If, at the employee's request, the free time is exceptionally granted as a short period of up to three days, the dates of the period can be agreed on notwithstanding what is provided above concerning the employer's notification duty. (1027/2011)

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

Free time shall be given at the latest before the beginning of the next sailing season after the overtime is done. Without the employee's consent, free time may not be scheduled to overlap the period of a notice given. When the employer gives notice on an employment contract for reasons not deriving from the employee, in such a way that the notice period partly or completely overlaps free time scheduled before notice was given, monetary compensation shall be paid as provided in section 14 if the employee so requests, to replace the free time partly or completely overlapping with the notice period.

Section 17

Work on Sundays and holidays

A supplemented rate shall be paid for work done without exceeding regular daily working hours on Sundays, other church holidays, Christmas Eve, Easter Saturday, Midsummer Eve, Independence Day and May 1, the hourly amount of which shall be at least 1/86 of the employee's monthly pay.

If the work referred to in subsection 1 is weekly overtime, additional compensation shall also be paid as provided in section 14. Overtime compensation payable in cash shall be calculated on the employee's unsupplemented pay. Section 13 contains provisions on the compensation for daily overtime on Sundays and holidays.

Section 18

Rotation systems

If the work is arranged in shifts as laid down in this Act or it has been agreed that it will be arranged in periods under an agreement referred to in section 22, subsection 2, the employer and the employees or their representative shall agree on the main features of the rotation system to be observed on the vessel. Also in other cases, an agreement can be reached on the rotation system to be observed on the vessel. The employer shall draw up a detailed rotation system after negotiating with the employees or their representatives. (409/1996)

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

In inland waterway traffic, the maximum number of consecutive working days based on the rotation system shall be 31. (1339/2016)

Section 19 (152/2001)

Work and watch schedules

A work schedule must be drawn up for each workplace, indicating the beginning and end of employees' regular working hours and the times of the rest periods referred to

in sections 12, 12a and 12b. The work schedule must be drawn up in the working language of the vessel.

A watch schedule must be drawn up for watch-keeping personnel, indicating the name of each person and their duties on board, and the beginning and ending times of their watch.

The work and watch schedules shall be drawn up for a work period or a period of at least two weeks at a time. Any changes shall be entered without delay. The work and watch schedules must be kept on display in a suitable location.

Section 19a (152/2001)

Working hours register

The employer shall keep a register of hours worked and compensation paid separately for each employee. All hours worked and, separately, hours of overtime, emergency and Sunday work and increments paid on them shall be entered in the register. Each half-hour started shall be considered a full half-hour when calculating overtime compensation. The employer shall keep the working hours register at least up to the end of the period for filing suit prescribed in section 25.

The working hours register shall be shown on demand to a labour protection authority and the employees' shop steward or, if no steward has been elected, the labour protection delegate. An employee and a party so authorized by the employee are entitled to a written report of entries in work and watch schedules and the working hours register that concern the employee.

A labour protection authority must be provided with a copy of the working hours register and the work schedule referred to in section 19 upon request.

Section 20

Changing the rotation system or working schedule. Right of the labour protection authorities to information

Unless there are compelling reasons, the employer may not change a detailed rotation system or working schedule without the employee's consent.

A copy of the main features of the rotation system and of the detailed rotation system referred to in section 18, subsection 1, and of the working schedule referred to in section 19 shall be supplied to the labour protection authority on request.

Section 21

Repealed (152/2001)

Section 22 (152/2001)

Peremptory nature of provisions

A contract which reduces benefits conferred on an employee by this Act shall be null and void.

However, a collective agreement may stipulate differently from what is provided in sections 5 to 7, section 8, subsection 2, and sections 11, 13, 14 and 16 to 19. An employer may also apply such stipulations of a collective agreement to employees or civil servants who are not bound by the agreement but to whose employment or civil service relationship the stipulations of the agreement are otherwise applied.

The stipulations of a collective agreement as referred to in subsection 2 may be observed following termination of the agreement until a new agreement takes effect in those employment and civil service relationships to which the stipulations would be applicable were the collective agreement still in force.

Any provision included in a collective agreement that reduces benefits equivalent to those stipulated in international conventions to which Finland is party or benefits conferred on an employee by European Union regulations shall be null and void. Instead of such a provision, the provisions of the relevant international convention or European Union regulations or, should this not be possible, regulations that implement the provisions of the relevant international convention or European Union regulations shall be observed. (1027/2011)

Section 23
Repealed (152/2001)

Section 24 (1027/2011)
Perusal

The employer shall keep this Act and any decrees issued on the basis of the same freely accessible to employees in the workplace.

Section 25 (436/1984)
Limitation period

Right to the compensation referred to in section 7, subsections 2 and 3, and to the compensation laid down in sections 13 to 17 shall lapse if no suit has been filed within three years of the end of the calendar year during which said right arose.

Section 26
Supervision

Compliance with this Act will be monitored by the labour protection authorities.

Section 27 (152/2001)
Penal provisions

An employer or employer's representative who violates the provisions of sections 4 to 12, 12a, 12b, 18 or 19 deliberately or out of carelessness shall be sentenced to a fine for *violating the stipulations provisions on working hours on vessels in domestic traffic*. The division of liability between employers and their representatives is determined in accordance with the principles laid down in chapter 47, section 7, of the Penal Code (39/1889).

The penalty for neglect or abuse relating to the list of working hours register referred to in section 19a and for an offence as referred to in subsection 1 committed despite regardless of an admonition, order or prohibition from issued by the labour protection authority is laid down in chapter 47, section 2, of the Penal Code.

Section 28
Repealed (682/1995)

Section 29
Authorization to issue a decree

More detailed provisions on the enforcement of this Act will be issued by decree as needed.

Section 30 (336/1996)
Court of law

In cases to be adjudicated under this Act, the court of first instance shall be determined in accordance with chapter 21, sections 1 and 7, of the Maritime Act (674/1994). Otherwise, legal process shall comply with the provisions of the Code of Judicial Procedure.

Section 31
Entry into force

This Act comes into force on May 1, 1982, though in respect of work on ice-breakers it does not take effect until October 1, 1982.

This Act repeals the Act on Working Hours on Vessels in Domestic Traffic of July 14, 1961 (410/1961) and all later amendments to it.