

NB: Unofficial translation

Ministry of Labour, Finland

**Act on the Employment of Household Workers (951/1977)
(as amend by several acts, including 73/2001)**

Chapter 1. Scope of the Act

Section 1. *Scope of application*

This Act applies to workers who carry out household work at the employer's home on the basis of an employment contract, with the exceptions specified below.

The provisions of the Employment Contracts Act (55/2001) apply to the employment contract referred to in paragraph 1 unless otherwise provided in this Act. (73/2001)

Section 2. *Exceptions to scope*

This Act does not apply to:

- 1) members of the employer's family who live permanently in the employer's household;
- 2) workers above the age of 18 who have made an employment contract for a period shorter than one month, or who are to work a maximum of one day a week for the same employer under their employment contract, or whose regular hours working for the same employer do not exceed three hours a day;
- 3) household trainees working under the supervision of State authorities;
- 4) children's nurses registered as such in the central register of health-care professionals referred to in the Act on the National Authority for Medicolegal Affairs (1074/1992) if their work solely comprises child care and functions directly related to it; and (562/1994)
- 5) persons who care for the sick.

Section 3. (860/1996) *Opinion of the Labour Council*

The Labour Council issues opinions on the interpretation or application of this Act as provided in the Act on The Labour Council and on Special Permits concerning Occupational Safety and Health (608/1946).

Chapter 2. Working hours

Section 4. *Regular working hours*

Regular working hours shall neither exceed 9 hours a day nor a total of 90 hours over two weeks.

A day is considered to begin at 00.00 and a week at 00.00 on a Sunday.

Section 5. *The effect of collective agreements on regular working hours*

Nationwide employee and employee organizations are entitled to agree by collective agreement on regular working hours which do not comply with the provisions of section 4. Regular working hours cannot exceed 45 hours a week on average, however. The said stipulations of a collective agreement must be observed to the same degree as an employer bound by the agreement is required to comply with the agreement otherwise.

Section 6. *Time included in working hours*

Besides actual time spent at work, working hours include the time spent taking related meals. However, breaks of a minimum of one hour during which the worker is released from his or her duties and allowed to leave the workplace freely are excluded.

In cases where workers are obliged by contract to remain at home in order to be available if they are called to work comprising child minding or care of a sick family member or another member of the household, no less than half such stand-by time shall count as working hours or such stand-by shall be remunerated as provided below.

Section 7. *Overtime*

Workers can, with their consent, be required to work overtime, that is outside regular working hours as referred to in section 4, paragraph 1, for a time not exceeding 6 hours a day, 24 hours in two weeks, and a total of 320 hours a calendar year.

Working hours in excess of 90 hours over a period of two weeks shall be considered overtime, even if the working hours on any one day did not exceed 9 hours.

Section 8. *Emergency work*

When an accident, sudden case of illness or other similar, unforeseeable event in the employer's household, has put or seriously threatens to put life, health or property at risk, workers can be required to carry out emergency work necessary in the circumstances outside the regular working hours referred to in section 4.

On any one occasion, emergency work is allowed during a period not exceeding two weeks and for a time not exceeding 20 hours. Emergency work is not included in overtime as referred to in section 7.

Employers must immediately notify the competent occupational safety and health authority in writing of the extension of working hours concerned and of its cause, scale and probable duration. After investigating the matter, the competent authority can either leave the matter as it stands or take action to limit or discontinue the emergency work.

Section 9. *Work at various times of day*

Employers can require work to be carried out between 6.00 and 23.00. (606/1996)

At other times of day, workers can be required to work only in the following cases:

- 1) to carry out emergency work as referred to in section 8;
- 2) with the worker's consent, in a stand-by function or to carry out related work as referred to in section 6, paragraph 2; or
- 3) with the worker's consent, temporarily if required for a compelling special cause.

Section 10. *Weekly rest period*

Workers must be provided with an uninterrupted rest period of no less than 30 hours on a weekly basis, either on a Sunday or, if this is not possible, on some other day.

The weekly rest period can be shortened temporarily:

- 1) because of emergency work as referred to in section 8;
- 2) with the worker's consent, if required for a compelling special cause.

Workers who have not undertaken to work on a Sunday under the terms and conditions of their employment contract cannot be required to do so without their consent, except in the case referred to in section 8.

Section 11. *Compensation for loss of weekly rest periods*

If a weekly rest period is temporarily shortened with the worker's consent in cases other than emergency work, the time by which the rest period was reduced must be deducted from the worker's regular working hours no later than the next calendar month or, with the worker's consent, remunerated as provided below.

Chapter 3. Workers' wages

Section 12. *Specification of minimum wages and other employment conditions*

Employers shall comply with the provisions of section 17, paragraph 1, of the Employment Contracts Act concerning terms and conditions to be observed in employment contracts and employment relationships.

If no generally binding collective agreement as referred to in chapter 2, section 7, of the Employment Contracts Act applicable to household work is in force, the Government can approve stipulations concerning minimum wages and other terms and conditions of employment it considers necessary in order to ensure an equitable and reasonable subsistence for household workers. (73/2001)

Section 13. *Remuneration payable on overtime and emergency work*

The remuneration payable on overtime and emergency work carried out in addition to the regular daily working hours laid down in section 4 shall be the regular wage plus 50 per cent on the two first hours and the regular wage plus 100 per cent on the

following hours. The remuneration payable on other overtime and emergency work carried out outside regular working hours shall be the regular wage plus 50 per cent.

In cases where exceptions to the provisions of section 4 have been made by collective agreement, the collective agreement concerned must state how the higher wage payable for overtime referred to in paragraph 1 is calculated.

Exceptions can be made to the provisions of this section by the collective agreement between organizations referred to in section 5. Agreements which otherwise reduce the benefits due to workers under this section or include the higher wage referred to above in the basic wage shall be null and void.

Section 14. *Remuneration payable on Sunday work, on work performed during weekly rest periods and on stand-by*

Wages payable on work carried out on a Sunday or other church holidays, referred to as Sunday work in this Act, shall be twice the regular wage.

If Sunday work comprises overtime or emergency work, an additional remuneration as referred to in section 13 must be paid, calculated on the worker's basic wage.

Unless a reduction to regular working hours is effected as referred to in section 11, a separate remuneration equal to the worker's basic wage shall be paid for work other than emergency work carried out during a weekly rest period, in addition to the basic wage and any remunerations payable on overtime under section 13 and on Sunday work under paragraph 1.

If the time spent on stand-by as referred to in section 6, paragraph 2, does not count for working time, a remuneration equal to at least half the worker's basic wage payable on an equal number of hours shall be paid.

Any agreement that reduces the benefits due to workers under this section or by which wages or remunerations referred to in this section are included in the basic wage shall be null and void.

Section 15. *Calculation of wages and remunerations*

When the increased wage referred to in sections 13 and 14 or remuneration for work where the worker's wages are determined according to a unit longer than an hour is calculated, the basic wage payable per hour is calculated by dividing the agreed wage by the number of regular working hours.

When regular working hours are arranged in accordance with section 4, the basic wage is calculated by dividing the monthly wage by 190. If wages include fringe benefits, these must be taken into account when the higher wage or remuneration is calculated.

Section 16. *Payment of wages and provision of fringe benefits*

Workers' wages shall be paid twice a month, on the fifteenth and last day of the month, unless otherwise agreed.

If the worker is entitled to free meals as a fringe benefit, the benefit shall also be provided during the weekly rest period and days off. In such cases, a remuneration in cash corresponding to the meal benefit on such days can be paid instead, with the worker's consent, no later than the following pay day.

If workers are entitled to their own room as a fringe benefit, the room must be in the worker's private use. Employers, their family members or other members of the employer's household must not use the room for their own purposes.

Section 17. *Time limit concerning claims for remuneration*

The right to the higher wage or remuneration referred to in section 13 and 14 lapses if legal action has not been initiated within a period of two years following the end of the calendar year during which such a right arose.

Chapter 4 repealed by the Young Workers' Act.

Chapter 5. Termination of employment relationships**Section 27.** *Notice*

The period of notice for an employment relationship cannot be agreed to be shorter than 14 days. However, employers must observe a period of notice of at least one month if the worker is ill when notice is given or if housing and meals are included in the worker's wages or if the employment relationship has lasted five years or more.

The provisions of the Employment Contracts Act concerning a trial period do not apply to workers under this Act.

Section 28. *Cancellation of an employment contract*

What is provided in chapter 8, section 1, of the Employment Contracts Act shall apply to the right to cancel an employment contract. (73/2001)

In addition, workers are entitled to cancel the employment contract within one week of the day they discover that the employer and his or her household will move to another locality. If the move is for a temporary absence because of the employer's or family's holiday or for some other similar reason, the right to cancel does not arise, however. The worker must be notified about a move to another locality at the latest two weeks before the move takes place.

Chapter 6. Miscellaneous provisions

Section 29. Occupational safety

The provisions of chapter 2, section 3, and chapter 3, section 2, of the Employment Contracts Act concerning the occupational safety of employees also apply to work referred to in this Act. (73/2001)

Employers must provide workers with personal guidance in the work to ensure that the worker does not incur a risk of accident or of falling ill due to the work.

Employers must not put technical devices or substances at the disposal of the worker which might result in a special danger of accident or illness when used as required for the work.

Section 30. Medical certificate

On request, workers are required to acquire a medical certificate on the state of their health at the employer's expense and to disclose the certificate to the employer.

Section 31. Registers

Employers shall draw up a work schedule indicating the beginning and end of working hours, the break referred to in section 6, paragraph 1, and the weekly rest period.

Employers shall keep a separate register on any emergency work and overtime and the increased wages paid on them. Any Sunday work and the increased wages paid on it, and any work performed during a weekly rest period and the resulting reduction in regular working hours or separate remuneration paid for it must also be recorded in the register.

The work schedule and register referred to in this section must be kept available for inspection by the worker and, on request, made available for inspection by the occupational safety and health authority. Employers must on request provide the worker or his or her representative with a written report on the records concerning the worker in the said register.

Section 32. Display of applicable provisions

Employers must display this Act and the provisions and regulations issued under it in a suitable place for examination by workers.

Section 33 (672/1995). Penal provisions

An employer or an employer's representative who deliberately or through negligence violates the provisions of section 4 or sections 6-11, shall be sentenced to a fine for a *minor household employment offence*. The distribution of liability between the

employer and the employer's representatives is determined according to chapter 47, section 7, of the Penal Code.

The punishment for violation of section 29 is provided in chapter 47, section 1, of the Penal Code.

The punishment for neglect or misuse of the working hours register referred to in section 31, paragraph 2, or a minor offence as referred to in paragraph 1 of this section committed in spite of a reminder, order or injunction issued by an occupational safety and health authority is provided in chapter 47, section 2, of the Penal Code.

Public prosecutors are not entitled to bring charges for a minor offence as referred to in paragraph 1 unless the injured party or occupational safety and health authority reports the offence for prosecution.

Section 34. *Supervision*

Supervision of compliance with this Act is the responsibility of the occupational health and safety authorities.

Section 35. *Right to issue decrees*

Further provisions concerning the implementation and application of this Act will be issued by decree, as necessary.

Section 36. *Entry into force*

This Act enters into force on August 1, 1978. It thereby repeals the Domestic Employees Act of January 1, 1949 (1/1949).