

NB: Unofficial translation  
© Ministry of Labour, Finland  
October 2005

**ACT ON WORKING HOURS ON VESSELS IN DOMESTIC TRAFFIC  
(248/1982)  
(as amended by several acts, including No. 935/2002)**

Section 1  
*Scope of application*

This Act shall apply, subject to the exceptions specified below, to work performed under contract for an employer by an employee, under the former's direction and supervision, against pay or other consideration on a Finnish vessel used in domestic traffic or, on the employer's instructions, temporarily elsewhere.

This Act also applies to holders of official posts and other positions in State, municipal and other public corporations, unless the provisions of section 3 require otherwise.

Section 2  
*Definition of domestic traffic*

'Domestic traffic' is used to mean traffic within Finland's borders and in the leased Saimaa Canal area and Soviet waters in its immediate proximity.

This Act shall also apply when a vessel is sailing temporarily outside the waters referred to in paragraph 1.

Section 3  
*Exceptions concerning scope of application*

This Act does not apply to work performed:

- 1) by the master of the vessel if at least four other persons, one with mate's qualifications, also work on it, except for what is provided in sections 10, 12, paragraph 3, and 12b (152/2001);
- 2) by a person who is paid solely in the form of a share of the profits;
- 3) by the employer's spouse or children;
- 4) by a medical practitioner employed solely for the purpose of caring for the sick;
- 5) on a fishing vessel, except for what is provided regarding minimum hours of rest in sections 11 and 12;
- 6) using log-floating equipment, though excluding transportation equipment used for floating; or
- 7) on a State vessel used for defensive or frontier guarding purposes. (943/1997)

Similarly, this Act does not apply to work performed only when the vessel is moored at a quay or at a safe anchorage, and without accompanying the vessel, if the said work comes under some other act on working hours or must be considered solely temporary inspection, maintenance, pilotage or other comparable work.

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, paragraph 2.

(2) Repealed (409/1996)

6 a § (935/2002)  
*Shortened working hours*

In case the employee wishes to work for shorter hours than the regular working hours in order to go on a part-time pension, the employer shall attempt to make arrangements enabling 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, in the manner referred to in section 10 of the Seamen's Act (423/1978) or some comparable manner, or otherwise in accordance with a contract, the employee is required at certain times to spend his free time on the vessel to be ready to start work immediately if needed, the time spent on such standby shall be counted as working hours in its entirety.

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

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

Section 8  
*Daily overtime*

The employee is obliged to do overtime against compensation for up to 16 hours a week in addition to the regular working hours per day laid down in section 4, paragraph 1. However, working hours within one day may not exceed 14. In individual cases, the Ministry of Labour may grant exceptions to these maximums after giving the Advisory Board for Maritime Questions an opportunity to express an opinion. The precondition for an exception is that the overtime is done with the employee's consent and it has been agreed that the vessel will follow a shift system as referred to in section 18 below, or that the working hours are balanced out over three months to correspond to the maximums laid down above. (336/1996)

When the work is arranged in two shifts, the employee is obliged, contrary to what is provided in paragraph 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.

(3) Repealed (409/1996)

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, paragraph 1, but does not exceed the regular daily working hours.

If the shift system referred to in section 8, paragraph 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 10 (152/2001)  
*Exceptions to the overtime restrictions*

The restrictions laid down in sections 8 and 9 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 provided in 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 paragraph 1, subparagraph 5, shall be conducted in a manner which causes the minimum of disturbance to employees' rest periods and which does not induce fatigue.

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 it has been agreed in the manner laid down in section 6, paragraph 2, 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.

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 (152/2001)  
*Daily rest period*

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

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 rest period may be shortened to six hours at a time over a maximum of two consecutive 24-hour periods, provided that the employee is given a rest period of at least 77 hours during each period of seven days.

To watch-keeping personnel must be given at least ten hours of rest during each period of 24 hours. The rest period of watch-keeping personnel may be shortened as referred to in paragraph 2, provided that they are given a rest period of at least 70 hours during each period of seven days.

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

Breaks of less than 30 minutes are not included in rest period referred to in paragraphs 1–3.

Section 12a (152/2001)  
*Weekly rest periods*

When a shift system is not observed to determine 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.

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, paragraph 1, subparagraph 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, paragraph 1, above, the hourly amount of which shall be at least 1/102 of the employee's monthly pay for overtime on weekdays and at least

1/63 for overtime on Sundays and holidays and for overtime done with the employee's consent as referred to in section 8, paragraph 2.

The supplemented rate paid for daily overtime can be exchanged for free time granted as laid down in section 16 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, paragraph 2.

#### Section 14

##### *Compensation for weekly overtime*

Work done in addition to the regular weekly hours shall be compensated in free time in such 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, paragraph 2, states that regular working hours can be scheduled outside the times laid down in sections 5 and 6, the agreement shall also state the principles by which the supplemented rate payable for such work shall be calculated. (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 [(353/1975)] concerning the calculation and payment of holiday pay and notification of holiday dates shall be observed. If, at the employee's request, the free time is exceptionally granted as a short period of up to three days, the dates of the period can be agreed on notwithstanding what is provided above concerning the employer's notification duty.

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

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

an employment contract for reasons not deriving from the employee, in such a way that the notice period partly or completely 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 paragraph 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, paragraph 2, the employer and the employees or their representative shall agree on the main features of the rotation system to be observed on the vessel. Also in other cases, an agreement can be reached on the rotation system to be observed on the vessel. The employer shall draw up a detailed rotation system after negotiating with the employees or their 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, paragraph 2.

#### 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, paragraph 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, paragraph 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 paragraph 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.

No agreements on derogations may be made under this section that are in conflict with any international agreement binding on Finland.

Section 23  
Repealed (152/2001)

Section 24  
*Perusal*

The employer shall keep this Act and provisions and regulations issued by virtue of it available for perusal on the vessel or in some other suitable place.

Section 25 (436/1984)  
*Limitation period*

Right to the compensation referred to in section 7, paragraphs 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 paragraph 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.