

## **Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Economic Affairs and Employment, Finland**

### **Seafarers' Working Hours Act**

(296/1976, amendments up to 945/2024 included)

By decision of Parliament, the following is enacted:

## **Chapter 1**

### **General provisions**

#### **Section 1**

##### **Scope of application**

This Act shall apply, subject to the exceptions specified below, to work performed by persons serving on board a Finnish vessel plying in foreign transport, for the said vessel or otherwise on the orders of a superior on board the vessel or elsewhere.

The provisions of this Act shall be observed even when a vessel plying in foreign transport makes voyages between ports in Finland.

Subsection 3 was repealed by Act 251/2019.

The provisions of this Act concerning employees shall also apply to civil servants. Similarly, the provisions of this Act concerning collective agreements shall also apply to public service collective agreements. (151/2001)

#### **Section 2 (251/2019)**

##### **Derogations from the scope of application**

This Act does not apply to work performed by:

- 1) the master of a vessel on board which two or more persons are employed in addition to the master, with the exception of what is provided in sections 9a, 10, 19a and 20 (436/2020);
- 2) the chief engineer or first mate, if their work is not divided into watches, with the exception of what is provided in sections 9a, 10, 19a and 20; (436/2020)
- 3) the chief officer of a passenger vessel catering department employing at least 15 persons in addition to the said officer, with the exception of what is provided in sections 9a, 10, 19a and 20; (436/2020);
- 4) a member of the employer's family, in so far as no other persons are also permanently employed on board the vessel;
- 5) a person working on board the vessel only while it is in port;
- 6) a person doing merely temporary work in the service of the vessel;
- 7) a medical practitioner who is employed solely for the purpose of caring for the sick; or
- 8) a person who is employed on board a State-owned vessel used for defensive duties or for border control, border security and maritime search and rescue operations.

### **Section 2a (251/2019)**

#### **Application of the Act to work performed on board a marine fishing vessel**

This Act also applies to work performed on a marine fishing vessel operating in waters outside the scope of application of the Act on Working Hours on Vessels in Domestic Traffic (248/1982).

However, the Act does not apply, with the exception of sections 9a–9c and 10, to:

- 1) the work of a person who is paid exclusively through a profit sharing plan;
- 2) work performed while the vessel is in the fishing area.

Sections 9a–9c and 10 of the Act shall also apply to a fisher working on board the vessel in a non-contractual employment relationship if the vessel simultaneously has employees working under an employment contract.

### **Section 3 (151/2001)**

#### **Definitions**

In this Act,

- 1) watch-keeping employee refers to an employee whose work is divided into watches;
- 2) dayman refers to an employee whose work is not divided into watches and who is not a member of the catering staff;
- 3) catering staff refers to employees employed for the purpose of attending to the food or comfort of the crew or passengers, or performing other tasks connected with such work, clerical work or other similar duties that are not performed by the deck, engine-room or radio units;
- 4) passenger vessel refers to a vessel which is required to be inspected as a passenger vessel under current provisions or regulations;
- 5) day refers to the period from midnight to the following midnight;
- 6) day in port refers to a day when the vessel is in port;
- 7) day at sea refers to a day when the vessel is on a voyage;
- 8) day of arrival or departure refers to a day when the vessel enters or leaves a port;
- 9) week refers to the period from midnight on Sunday to midnight on the following Sunday;
- 10) holiday refers to a Sunday or other church festival, Independence Day and May 1;
- 11) foreign transport refers to any voyage between a Finnish and a foreign port, or between one foreign port and another; and
- 12) working hours adjustment scheme refers to an advance arrangement devised for work whereby regular working hours within a set period are adjusted to the statutory average.

## **Chapter 2**

### **Regular working hours and scheduling of working hours**

#### **Section 4**

##### **Regular working hours**

The regular working hours shall not exceed eight hours a day or 40 hours a week.

The regular working hours for catering staff on a day in port that falls on a holiday or Saturday shall not, however, exceed five hours:

- 1) on board a vessel other than a passenger vessel; and
- 2) on board a passenger vessel when there are no passengers aboard.

## **Section 5**

### **Arrangement of working hours**

The regular working hours shall be arranged so that:

- 1) watch-keeping employees need not be at work on a day in port outside the period between 6 a.m. and 6 p.m.;
- 2) daymen do not need to be at work on a day at sea or in port outside the period between 6 a.m. and 6 p.m.;
- 3) catering staff on board a passenger vessel do not need to be at work over a period of more than 14 hours a day;
- 4) catering staff on board a vessel other than a passenger vessel do not need to be at work outside the period between 6 a.m. and 7 p.m. or, on a holiday or on a day in port that falls on a Saturday, outside the period between 6 a.m. and 3 p.m.

Notwithstanding the foregoing, where there are no passengers on board a passenger vessel on a day in port, the period referred to in subsection 1, paragraph 3, of this section shall not exceed 12 hours in length and shall end before 7 p.m. on any weekday other than a Saturday and before 3 p.m. on any holiday or Saturday.

Notwithstanding the provisions of this section as to the arrangement of working hours, the regular working hours may, for the purpose of watch-keeping in port, and on any other weekday than Saturday, also be arranged to take place between 6 p.m. and 6 a.m.

## **Section 5a (675/2022)**

### **Reduced working hours**

When an employee, in order to retire on partial early old-age pension, wishes to work fewer hours than the regular working time, the employer shall primarily organise the work so that the employee can work part time. Correspondingly, the employer shall arrange the work in a way that enables part-time work when an employee 55 years of age or over who has been employed by the

employer for at least three years wishes to shorten the regular working hours. The reduction in working time shall be implemented in the manner agreed between employer and employee, taking into account the needs of the employee and the employer's production and service operations.

### **Chapter 3**

#### **Work performed on holidays and Saturdays**

##### **Section 6**

##### **Scope of restrictions on work performed on holidays and Saturdays**

Unless otherwise provided in this Act in connection with overtime, no work may be performed on a holiday or Saturday except in the cases specified in this chapter.

##### **Section 7**

##### **Obligation of watch-keeping employees to work on holidays and Saturday**

Watch-keeping employees may perform work on a holiday or Saturday that is not a day in port.

Such employees may, however, be required to work on a holiday referred to in subsection 1 of this section only in connection with

- 1) work required for the propulsion, manoeuvring or navigation of the vessel and related work which cannot be postponed;
- 2) radio-telegraph and radio-telephone duties;
- 3) necessary light cleaning and deck-washing duties lasting not more than one hour in all;
- 4) work required in connection with catering for the crew;
- 5) work required in connection with the departure or arrival of the vessel, for the purpose of casting off or making fast, weighing or dropping anchor, and raising or lowering gang-planks or rope-ladders, or any similar work which is closely related to the departure or arrival of the vessel and also any work required when the vessel leaves port, in order to make fast lifting gear or close hatches or ports;
- 6) work involved in embarking or disembarking passengers and their effects; and

7) work involved in taking provisions and stores on board.

Watch-keeping employees may not be required to work on a day in port that falls on a holiday or Saturday.

## **Section 8**

### **Duty of catering staff to work on holidays and Saturdays**

Catering staff may perform work on a holiday or Saturday subject to the restrictions of subsection 2 of this section.

On a day in port that falls on a holiday, catering staff serving on board a vessel other than a passenger vessel and when there are no passengers aboard, catering staff serving on board a passenger vessel may be required to perform only work involved in catering for the crew and passengers, any necessary waiting at table and light cleaning work.

## **Chapter 4**

### **Overtime and rest periods (942/1997)**

#### **Section 9**

##### **Requirement to work overtime**

Notwithstanding the foregoing provisions as to regular working hours, the scheduling of working hours and the requirement to work on holidays and Saturdays, an employee may be required to work overtime in return for remuneration.

An employee may be required to work overtime in excess of the regular daily working hours for a maximum of 16 hours a week. (140/2012)

Overtime compensated as referred to in section 12, subsection 2, and section 14 shall not be taken into account for the purpose of calculating the maximum weekly amount of overtime under subsection 2. (942/1997)

## **Section 9a (140/2012)**

### **Minimum period of rest**

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 interval between consecutive rest periods may not be longer than 14 hours.

If calls to work prevent compliance with the employee's minimum rest period referred to in subsection 1, a compensatory rest period shall be arranged. The compensatory rest period shall be arranged as soon as possible. (436/2020)

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

## **Section 9b (151/2001)**

### **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 9c (251/2019)**

### **Maximum working time on a fishing vessel at sea**

The average weekly working time of an employee working on a fishing vessel may not exceed 48 hours during a 12-month period.

## **Section 10 (436/2020)**

### **Exceptions to the restrictions on overtime and rest periods**

The restrictions laid down above in section, 9 subsection 2 and in section 9a, subsections 1 and 2 shall not apply to:

- 1) work necessary to ensure the safety of the vessel, persons on board, or cargo, or to assist other vessels or persons in distress;
- 2) participation in fire, rescue or safety drills, which are carried out as separately provided;
- 3) work resulting from a decrease in the number of crew during the voyage; or
- 4) work that shall be performed without delay and that could not be scheduled to another time.

The restrictions laid down above in section 9, subsection 2 shall not apply to overtime required:

- 1) to perform necessary watch-keeping duties in port; or
- 2) to perform operations ordered by port authorities.

The drills referred to above under subsection 1, paragraph 2, shall be conducted in a manner which causes the minimum of disturbance to employees' rest periods and which does not induce fatigue.

## **Section 11 (151/2001)**

*Section 11 has been repealed by Act 151/2008 (23/02/2001).*

## **Section 12**

### **Determining the basis for overtime remuneration**

Overtime remuneration proper shall be paid in the manner prescribed in section 13 for work performed in excess of the regular daily working hours and work which is otherwise performed by way of derogation to the provisions of chapters 2 and 3.

If the time worked, with the exception of work performed on Sunday, exceeds 40 hours in the course of a week, even if the normal daily working hours have not been exceeded, the employee

shall be entitled to the special compensation provided in section 14 for the period in excess. Compensation shall likewise be granted for work performed on a holiday during regular working hours. For the purpose of calculating the compensation, no account shall be taken of work in respect of which the employee is entitled to overtime remuneration proper.

## **Section 13**

### **Overtime remuneration proper**

Overtime remuneration proper shall be payable in cash or, subject to the employee's consent, granted in the form of free time in a manner provided for by collective agreement.

The hourly overtime remuneration payable in cash for overtime worked on a weekday shall be at least 1/102 of the employee's monthly monetary pay and for overtime worked on a holiday at least 1/63 of that pay. Monetary pay shall not include meal allowances or any corresponding remuneration.

## **Section 14**

### **Overtime remuneration in the form of compensation**

The compensation referred to above in section 12, subsection 2 shall be granted

- 1) in the form of free time on a weekday, in such a manner that the employee is given at least one day off for every period of 6.7 hours in respect of which he is entitled to compensation;
- 2) in the form of free time in port in the employee's home country or, subject to agreement to that effect, in a foreign port, for which purpose the free time shall be at least as long as the hours of work entitling the employee to compensation;
- 3) subject to agreement, in the form of cash remuneration calculated in such a manner that the employee is paid at least 1/172 of his monthly cash wage as compensation for each hour.

Where free time is granted under subsection 1, paragraph 1, of this section, account shall be taken of the provisions of the Seafarers' Annual Holidays Act (433/1984), as applicable, with regard to the payment of annual holiday pay, the port where the holidays are to be granted and the notice to be given of the holiday dates. (1026/2011)

Subsection 3 was repealed by Act 423/1978.

## **Section 15**

### **Claim period**

An employee's right to overtime remuneration proper or compensation as referred to in this chapter and payable in cash or to be granted in the form of free time shall lapse if court action is not instituted within three years of the end of the calendar year when the right arose. (435/1984)

Subsection 1 of this section shall not apply to claims arising before this Act comes into force.

## **Chapter 5**

### **Supplementary provisions**

#### **Section 16**

*Section 16 has been repealed by Act 1026/2008 (09/09/2011).*

#### **Section 16a**

Section 16a was repealed by Act 1026/2011.

#### **Section 16 b**

Section 16b was repealed by Act 1026/2011.

#### **Section 16c (406/1998)**

Section 16c was repealed by Act 406/1998.

#### **Section 17 (282/1986)**

## **Work organised in two shifts**

Notwithstanding the provisions of this Act, work on board a vessel of less than 500 gross register tons may be organised in two shifts, in which case terms diverging from the provisions of this Act concerning remuneration for any time exceeding the regular eight hours per day may be issued in a collective agreement.

Work aboard vessels of at least 500 gross register tons but less than 1,600 gross register tons may, by collective agreement, be organised in two shifts. In such cases, the remuneration for work exceeding the regular eight hours per day shall also be specified in the collective agreement.

## **Section 18**

### **Breaks in working hours and change of watch**

When the working hours are calculated, no account shall be taken of a break for meals of a minimum of 30 minutes or of any other interruption in ship's duties, if the employee is then entitled to leave his workplace with the authorisation of his superior and the interruption lasts for a minimum of one hour.

Working hours shall likewise not include work, which is necessary to ensure the safe passage of the vessel solely on account of a change of watches.

## **Section 19 (151/2001)**

### **Working hours adjustment system**

If regular working hours have been arranged on the basis of an average as laid down in section 20 b, a working hours adjustment scheme shall be prepared in advance for the work in question at least for the period within which regular working hours will adjust to the statutory average.

When preparing the working hours adjustment scheme or planning to alter it, an employer shall provide its employees' shop steward or, if no shop steward has been chosen, its occupational safety and health delegate or, if no occupational safety and health delegate has been chosen, the

employees with an opportunity to express an opinion. Sufficient time shall be allowed for reviewing the scheme draft.

Employees shall be informed of alterations to the working hours adjustment scheme in good time.

### **Section 19a (151/2001)**

#### **Work and watch schedule**

Each workplace shall have a work schedule indicating the beginning and end of employees' regular working hours and placement of the rest periods referred to in section 9a. The work schedule shall be written in the ship's working language and in English.

A watch schedule shall 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 shall be kept on display in a conspicuous location.

### **Section 19b (1070/2013)**

Section 19b was repealed by Act 1070/2013.

### **Section 20 (151/2001)**

#### **Working time 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 for at least the end of the period for filing suit prescribed in section 15.

The working hours register shall be shown on demand to an occupational safety and health authority, and the employees' shop steward or, if no steward has been elected, the occupational safety and health delegate. An employee and a party so authorised 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.

An occupational safety and health authority shall be provided with a copy of the working hours register, working hours adjustment scheme and the work schedule referred to in section 19a upon request.

#### **Section 20a (151/2001)**

##### **Mandatory nature of provisions and derogation by means of employment contract**

An agreement that reduces the benefits conferred on an employee under this Act shall be null and void, unless otherwise laid down in this Act.

#### **Section 20b (945/2024)**

##### **Mandatory nature of provisions and derogation by means of collective agreement**

An employer or an employers' association and a national employees' association or a member association thereof shall in addition to what has been provided in this Act have the right to agree on derogations from sections 3–9, 12, 14, 19 and 19a. However, regular weekly working hours may not exceed 40 hours on average over a period of no more than 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. Following the termination of a collective agreement, the regulations referred to above may 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 shall 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.

The provisions of this section on the employer and employers' associations apply correspondingly to a Government negotiating authority or other Government contracting authority. By derogation from subsection 1, the agreement referred to in subsection 1 may be concluded by:

1) by Local Government and County Employers KT and a national association of employees in respect of the member entities referred to in the Act on Organising Employer Representation in Municipalities and Wellbeing Services Counties (630/2021);

2) by the Government of Åland and the Commission for Municipal Employers of Åland and a national association of employees in respect of regional and local government in Åland;

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.

## **Section 21** (1026/2011)

### **Availability**

The employer shall make this Act and the provisions issued under it freely available to employees at the place of work.

Documents shall also be available in English.

## **Section 22** (151/2001)

### **Supervision**

Compliance with this Act and agreements on regular working hours made under section 20b shall be supervised by the occupational safety and health authorities.

## **Chapter 6**

### **Penal provisions and right of action**

#### **Section 23** (681/1995)

##### **Violation of seafarers working hours stipulations**

An employer or an employer's representative who deliberately or out of carelessness violates this Act or rules or regulations issued under it, other than those concerning duty to pay and the working hours register or display, shall be sentenced to a fine for violation of the seafarers working hours stipulations.

Liability shall be divided between the employer and the representative according to the provisions of chapter 47, section 7, of the Criminal Code.

#### **Section 24** (151/2001)

##### **Working hours protection offence**

The penalty for a neglect or abuse relating to the working hours register referred to in section 20, subsection 1, and for a violation of the seafarers working hours stipulations which has been committed regardless of an admonition, order or prohibition issued by an occupational safety and health authority, is laid down in chapter 47, section 2, of the Criminal Code (39/1889).

#### **Section 25**

*Section 25 has been repealed by Act 681/2008.*

#### **Section 26**

*Section 26 has been repealed by Act 681/2008.*

## **Section 27**

*Section 27 has been repealed by Act 681/2008.*

## **Chapter 7**

### **Miscellaneous provisions**

#### **Section 28** (335/1996)

##### **Court of law**

The competent court of first instance in cases arising under this Act shall be determined according to chapter 21, sections 1 and 7, of the Maritime Act (674/1994). Otherwise, legal proceedings shall comply with the Code of Judicial Procedure.

#### **Section 29**

##### **Power to issue decrees**

More detailed provisions on the enforcement of this Act shall be issued by decree when necessary.

#### **Section 30**

##### **Entry into force**

This Act enters into force on July 1, 1976. The Seamen's Working Hours Act of July 14, 1961 (409/1961), as subsequently amended, is hereby repealed.