

## **Translation from Finnish**

### **Legally binding only in Finnish and Swedish**

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

#### **Young Workers' Act**

*(998/1993, amendments up to 1236/2020 included)*

By decision of Parliament, the following is enacted:

#### **Chapter 1 General provisions**

##### **Section 1 Scope of application**

This Act shall apply to work performed by a person under 18 years of age (*young worker*) in an employment relationship or public service employment relationship.

The provisions of chapter 3 of this Act shall also be applied to other work performed by a young worker to which the Occupational Safety and Health Act (738/2002) is applied. (746/2002)

Unless otherwise provided in this Act, the work performed by a young worker shall be subject to the general provisions on such work. However, work at sea shall be subject to the separate provisions thereon.

##### **Section 2 Admitting to work**

A person, who has reached the age of 15 and who has completed basic education syllabus in the manner laid down in section 26, subsection 1 of the Basic Education Act (628/1998), may be admitted to work. (1236/2020)

Furthermore, a person may be admitted to work if the person has reached the age of 14 years or will reach that age in the course of the calendar year and if the work in question consists of light work that is not hazardous to the person's health or development and does not hinder school attendance, as follows:

- 1) for at most half of the school holidays, and
- 2) temporarily during schoolwork or otherwise, for individual work performances of a short duration. (754/1998)

For a special reason, a person younger than laid down in paragraph 2 may be permitted, pursuant to section 15, to work temporarily as a performer or an assistant in artistic and cultural performances and other similar events.

##### **Section 3 Contract of employment**

A person aged 15 or more may, as a worker, make a contract of employment or give notice on it or cancel it. For a person under 15, a guardian can make the contract of employment or, with the consent of the guardian, it can be made by the young person. (57/2001)

The person having care and control of a young worker shall have a right to rescind the worker's contract of employment if this is necessary for the sake of the young worker's education, development or health.

At the request of a young worker or the person having care and control of the young worker, the employer shall supply the young worker with the terms of the contract of employment in writing prior to conclusion of the contract, unless the contract itself is in writing or the work only consists of one day's domestic work at the employer's home.

## **Chapter 2 Working hours**

### **Section 4 Regular working hours**

The regular working hours of a person who has reached the age of 15 years shall not exceed those of workers who have reached the age of 18 years and are engaged in the type of activity in which the young worker is employed. The total length of training time and working hours of an apprentice in apprenticeship training as defined in the Act on Vocational Education and Training (531/2017) shall not exceed eight hours a day or 40 hours a week. (878/2019)

During the school year, the daily working hours of an employee who is required to attend the basic education syllabus as laid down in the Basic Education Act cannot exceed seven hours on days when there is no school and two hours on school days. The total length of the school day and working hours cannot, however, exceed eight hours or the weekly working hours 12 hours. (1236/2020)

The working hours of a person under the age of 15 shall not exceed seven hours a day and 35 hours a week during the school holidays.

### **Section 5 Overtime work and emergency work (878/2019)**

A person who has reached 15 years of age may, with own consent, do overtime work for no more than 80 hours in the course of one calendar year, in addition to regular daily working hours or other regular working hours.

A person under the age of 15 shall not be made to do overtime or emergency work. A person who has reached 15 years of age may be required to do emergency work under the provisions of section 19 of the Working Time Act (872/2019) only if employees over the age of 18 are not available to do the emergency work in question. If the young worker's period of rest as set down in section 8 has been curtailed by the need to do emergency work, the young worker shall be given a compensatory period of rest as soon as possible or within three weeks at the latest.

### **Section 6 Maximum working hours**

A young worker's working hours shall not exceed nine hours a day or 48 hours a week.

### **Section 7 Distribution of working hours**

The working hours of a person who has reached the age of 15 shall fall between 6 a.m. and 10 p.m. (6.00 and 22.00).

Young workers who have reached the age of 15 years and are employed for training purposes in jobs approved and supervised by the public authorities may, however, only be employed in a two-shift system until 12 midnight (24.00). (408/1996)

The working hours of persons under 15 years of age shall fall between 8 a.m. and 8 p.m. (8.00 and 20.00). For impelling reasons related to the organisation of work, persons under

15 years can, however, be employed between 6 a.m. and 8 p.m. (6.00 and 20.00). (408/1996)

However, with the worker's consent, it shall be possible for the working hours of a young worker performing domestic work at the employer's home to last until 11 p.m. (23.00), if it is necessary for a special reason.

The working time of an employee attending post-comprehensive compulsory education as laid down in section 4 of the Act on Compulsory Education (1214/2020) must be arranged in such a way that it does not preclude participation in education in accordance with the curriculum or other education plan. The employee must inform the employer well in advance of any compulsory study attendance required. The employee has the right to refuse a shift that prevents the attendance of instruction. (1236/2020)

### **Section 8 Periods of rest**

A person of 15 years or older shall be granted at least 12 consecutive hours of rest in every 24.

A person under the age of 15 shall be granted at least 14 consecutive hours of rest in every 24.

Where the daily working hours of young workers are in excess of four hours thirty minutes, said employees shall be granted a rest period of at least thirty minutes in the course of their work, during which they shall be free to leave the workplace. If, under the collective agreement observed at the workplace, an exception has been made to the provision on the periods of rest laid down in the Working Time Act, the stipulation concerning periods of rest can also be applied to young workers. (754/1998)

Young workers shall be granted a weekly break of at least 38 consecutive hours. (408/1996)

## **Chapter 3 Occupational safety and health**

### **Section 9 Occupational safety and health**

The employer shall see to it that the work is not hazardous to the physical or mental development of a young worker, and that it does not require more exertion or responsibility than can be considered reasonable with respect to the young worker's age and strength.

A young worker may only carry out work which does not cause a special accident risk or a health hazard or which is not hazardous to the young worker or others, as referred to in subsection 1. A Government decree may include more detailed provisions on work that is particularly harmful and dangerous to young workers, on the conditions for providing such work in connection with education and otherwise, and on the obligation to notify the occupational safety and health authority and the guardian of the young worker in connection with such work. (1236/2020)

### **Section 10 Training and guidance**

The employer shall ensure that a young worker who does not have the necessary skill or experience for a job is given training and guidance for the purpose, together with such personal instruction as is necessary in view of the working conditions, the worker's age and other factors, so that the worker is not a danger to oneself or other persons.

### **Section 11 Medical examination**

Prior to entering into an employment relationship or within one month thereafter, a young worker shall be given a medical examination at the employer's expense. The examination shall determine the suitability of the young person for the work in question and ensure that the work is not detrimental to the person's health or development.

However, no such examination need be given if:

- 1) the contract is for light shop or office work or other similar light employment,
- 2) the employment relationship is due to last for no more than three months, or
- 3) the worker can produce a medical certificate, obtained within the last 12 months, showing convincingly that the worker is fit for the employment.

In work which might cause a special health hazard, the arrangement of medical examinations shall further be subject to what is provided in or under the Occupational Health Care Act (1383/2001). (878/2019)

## **Chapter 4 Miscellaneous provisions**

### **Section 12 (1236/2020). Account of the age of the person to be employed and the completion of basic education syllabus**

Before a person under 18 years of age is employed, there must be a reliable account of the person's age and whether the person has completed basic education in the manner laid down in section 26, subsection 1 of the Basic Education Act.

### **Section 13 List of young workers**

The employer shall keep a list of all young workers who are recruited until further notice or for at least two months, or who have been in the employer's employ for two months.

The list shall mention:

- 1) the full name and date of birth of the worker,
- 2) the worker's address,
- 3) the name and address of the person having care and control of the worker,
- 4) the date on which the employment relationship begins, and
- 5) a job description.

### **Section 14 (859/1996) Opinion of the Labour Council**

The Labour Council shall issue opinions on the application and interpretation of this Act as provided in the Act on the Labour Council and on exemptions concerning labour protection (608/1946).

### **Section 15 (1517/2009) Special permits**

The Regional State Administrative Agency in question may, on conditions imposed by it, permit:

- 1) for special reasons, persons referred to in section 2, paragraph 3, to work as performers or assistants in artistic or cultural performances and other similar events, when the said performance or event does not endanger the children or cause harm to their health, development or education;
- 2) an exemption to the provisions of section 2, paragraph 2, subparagraph 2, and chapter 2 concerning the employment of young persons of 14 years of age or older, if so required by their professional development or some other important reason.

The Regional State Administrative Agency may not, however, grant permission that will make a young worker do more than 40 hours of overtime in the course of one calendar year in addition to the number of overtime hours permitted under section 5, nor can it permit an exception to the provisions concerning the periods of rest pursuant to section 8, paragraph 1 and 2.

### **Section 16 Keeping on display**

Any employer with one or more young workers in the service shall display this Act and the enforcement provisions and regulations issued on the grounds thereof, as well as any decisions whereby the authorities have permitted exemptions to be made, in a suitable place where the workers can consult them.

The keeping on display provided above in paragraph 1 shall not concern an employer in whose home a young worker only performs domestic work temporarily.

### **Section 17 Supervision**

Compliance with this Act shall be supervised by the labour protection authorities.

### **Section 18 (687/1995) Penal provisions**

The penalty for violating the labour protection provisions, for causing a defect or fault which violates said provisions, and for allowing a state of affairs violating the provisions to continue is prescribed in chapter 47, section 1, of the Penal Code.

The penalty for a violation of the protective provisions on the working hours of young employees, committed notwithstanding an admonition, order or prohibition issued by the labour protection authorities, is prescribed in chapter 47, section 2, of the Penal Code.

Any employer or representative of the employer that deliberately or out of carelessness contravenes the provisions of this Act or of a decree passed by virtue of it in a manner other than stated in paragraphs 1 and 2 shall be sentenced to a fine *for violation of the provisions on the labour protection of young workers*. The distribution of liability between an employer and an employer's representative shall be determined according to chapter 47, section 7, of the Penal Code.

### **Section 19 More detailed provisions and regulations**

More detailed provisions on the implementation of this Act will be laid down by decree.

The ministry in charge of labour protection and the supervision thereof can issue a list of examples of light duties suitable for young workers, as referred to in section 2, paragraph 2, and confirm a list of examples of work that is dangerous for young workers. (16/1997)

The ministry can also issue more detailed instructions regarding medical examinations and their performance. (16/1997)

## **Chapter 5 Implementing and transitional provisions**

### **Section 20 Entry into force**

This Act comes into force on January 1, 1994.

This Act repeals:

1) the Young Workers' Protection Act (669/1967) of December 29, 1967, together with the amendments made therein, and

2) chapter 4 of the Act on Employment of Domestic Workers (951/1977) of December 16, 1977.

**Section 21 Transitional provision**

However, the provisions and regulations passed under the Young Workers' Protection Act shall remain in force until separately repealed.