

Working Hours Act (1982:673)

Amendments: up to and including SFS 2013:611

Scope

Section 1 This Act applies to all activities where employees perform work on behalf of an employer, subject to the restrictions specified in Section 2.

Chapter 2, Section 1 of the Work Environment Act (1977:1160) contains general protective provisions of relevance to the organisation of working time. Chapter 5 of that Act contains special provisions concerning working time for minors.

Act (1996:360).

Section 2 The Act does not apply to:

1. work performed under such conditions that supervision of how the work is organised cannot be deemed to be the employer's responsibility;
2. work performed by employees who, considering their duties and employment conditions, hold managerial or comparable positions, or by employees who, considering their duties, are entrusted with organising their own working time;
3. work performed in the employer's household;
4. work on board a ship; or
5. work within the scope of the Working Hours for Certain Road Transport Work Act (2005:395).

The Government, or the authority designated by the Government, may prescribe that this Act shall apply to work on board a ship that is exempted from the provisions concerning resting time contained in the Resting Time for Seamen Act (1998:958).

The provisions contained in Section 10b, Section 13, first paragraph, Section 13a and Section 14, third paragraph, second sentence do not apply when the Working Time, etc. of Mobile Workers in Civil Aviation Act (2005:426) is applicable. Nor do they apply within the activities of public authorities – for example, the Swedish defence, police and civil protection authorities – for work that is specific to such activities and whose nature is such that a conflict cannot be avoided with Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

The Working Hours, etc. of Mobile Workers in Civil Aviation Act contains provisions on annual working time and rest periods at the city of posting for such mobile workers.

The provisions contained in Section 13, first paragraph, Section 14 and Section 15, third paragraph do not apply when the Driving and Rest Periods for International Railway Transport Act (2008:475) is applicable. Act (2011:740).

Section 3 Exemptions from the Act in its entirety, or derogations from Sections 5 and 6, Section 7, second paragraph, Sections 8–10b, Sections 12-14 and Section 15, second and third paragraphs, may be made through collective agreements concluded or approved by a central employee organisation. Furthermore, rest breaks may be exchanged for meal breaks through such collective agreements. However, derogations from Section 10b may not involve a reference period exceeding twelve months.

Derogations from Sections 8 and 8a, Section 9, second paragraph, Sections 10 and 10a and Section 13, second paragraph may also be made through collective agreements concluded by a local employee organisation. However, such derogations are valid for a period of at most one month from the date on which the agreement was entered into.

An employer bound by a collective agreement as referred to in the first or second paragraph may also apply the agreement to employees who are not members of the employee organisation that is party to the agreement if they are engaged in work to which the agreement refers.

Exemptions from the Act in its entirety, and derogations from Section 10b, Section 13, first paragraph, Section 13a, Section 14 and Section 15, second and third paragraphs, and exchanges of rest breaks for meal breaks according to this Section, may only be made if this does not entail that less favourable conditions shall apply for the employees than those prescribed by Directive 2003/88/EC of the European Parliament and of the Council. An agreement is invalid in so far as it entails that less favourable conditions shall apply for the employees than those prescribed by the Directive. Act (2011:740).

Section 4 The Government or the authority designated by the Government may issue special regulations concerning total defence in derogation from this Act.

Regular working time and on-call time

Section 5 Regular working time may not exceed 40 hours per week.

Where necessary with regard to the nature of the work or the working conditions in general, working time may amount to an average of 40 hours per week for a period of at most four weeks.

Monday is considered the first day of the week, unless another arrangement is in place at the workplace.

Section 6 If, due to the nature of the activity, it is necessary that an employee be at the disposal of the employer at the place of work to carry out work activities as needed, on-call time may be claimed up to a maximum of 48 hours per employee over a period of 4 weeks or 50 hours per calendar month. The time during which an employee performs work on behalf of the employer is not considered on-call time.

Overtime

Section 7 The term ‘overtime’ means working time in excess of regular working time as defined in Section 5 and on-call time as defined in Section 6. Where other regular working time or on-call time applies under a collective agreement concluded in the manner stated in Section 3, first paragraph, or following a derogation granted by the Swedish Work Environment Authority under Section 19, point 1, overtime shall instead, in the context of full-time work, mean working time in excess of regular working time and on-call time under the agreement or by consent.

When calculating overtime, compensatory rest periods or other rest periods that are scheduled during the employee's regular working time or on-call time shall be treated as regular hours worked or time spent on call. Act (2000:766).

Section 8 When there is a special need to increase the number of hours worked, overtime may be worked up to a maximum of 48 hours per employee over a period of four weeks, or 50 hours over a calendar month, with a maximum of 200 hours over a calendar year (general overtime). Act (2011:740).

Section 8a Overtime in excess of general overtime may be worked up to a maximum of 150 hours per employee over a calendar year if there are special grounds for doing so and no other reasonable solution has been possible (extra overtime).

Together, extra overtime and general overtime may not exceed 48 hours per employee over a period of four weeks, or 50 hours over a calendar month.

Act (2011:740).

Section 9 If a natural disaster or accident, or other similar situation that could not have been foreseen by the employer, has caused an interruption in operations or entailed imminent danger of such

interruption or injury to life, health or property, overtime hours may be worked to the extent that circumstances require (overtime in emergency situations).

If, at the workplace, there is a local employee organisation and the work carried out falls within the scope of its collective agreement, overtime in emergency situations may only be worked provided that the employer promptly notifies the organisation of the overtime work. Act (2011:740).

Additional time as regards part-time employment

Section 10 The term ‘additional time’ means working time that, in the context of part-time employment, exceeds the employee's regular working time and on-call time under the employment contract.

The provisions of Section 7, second paragraph concerning the calculation of overtime shall also apply when calculating additional time.

When there is a special need to increase the number of hours worked, additional time may be worked up to a maximum of 200 hours per employee over a calendar year (general additional time). Additional time may also be worked in accordance with the conditions stated in Section 9 concerning overtime in emergency situations. Act (2011:740).

Section 10a Additional time in excess of general overtime may be worked up to a maximum of 150 hours per employee over a calendar year if there are special grounds for doing so and no other reasonable solution has been possible (extra additional time).

Together, extra additional time and general additional time may not exceed 48 hours per employee over a period of four weeks, or 50 hours over a calendar month. Act (2011:740).

Total working time

Section 10b The total working time per every seven day period may amount to an average of at most 48 hours during a reference period of at most four months. When calculating the total working time, annual leave and sickness absence during times when the employee would otherwise have worked shall be treated as hours worked. Act (2011:740).

Records concerning on-call time, overtime and additional time

Section 11 /Ceases to apply on: 1 July 2014/ Employers shall maintain records concerning on-call time, overtime and additional time. Employees are entitled, personally or through a representative, to inspect such records. The same right applies to trade union organisations representing employees at the workplace.

The Government or, following a Government decision, the Swedish Work Environment Authority, issues regulations concerning the manner in which records referred to in the first paragraph shall be maintained. Act (2000:766).

Section 11 /Enters into force on: 1 July 2014/ Employers shall maintain records concerning on-call time, overtime and additional time. Employees are entitled, personally or through a representative, to inspect such records. Trade union organisations representing employees at the workplace have the same right.

The Government or the authority designated by the Government issues regulations concerning the manner in which such records are to be maintained. Act (2013:611).

Organisation of working time, etc.

Section 12 All employers who engage employees for work other than on a temporary basis shall give the employees no less than two weeks' advance notice of changes concerning the organisation of regular working time and on-call time. However, shorter advance notice may be given if warranted by the nature of the activity or unforeseeable events.

Section 13 All employees are entitled to a minimum rest period of eleven consecutive hours in any twenty-four hour period (daily rest period). Derogations may be made on a temporary basis if this is caused by a special circumstance that the employer could not have foreseen, provided that the employee is given a corresponding compensatory rest period.

The daily rest period that all employees are entitled to shall include the hours between midnight and 05.00. Derogations may be made if the work, in view of its nature, the needs of the general public or other special circumstances, must be carried out between midnight and 05.00. Act (2005:165).

Section 13a Working time for night workers, in any twenty-four hour period, may not exceed an average of eight hours during a reference period of at most four months. When calculating the average, twenty-four hours shall be deducted from the reference period for each seven day period commenced. Annual leave and sickness absence during times when the employee would otherwise have worked shall be treated as hours worked.

However, night workers whose work involves special risks or great physical or mental effort may not work more than eight hours in any twenty-four hour period in which they perform work during the night. Derogations may be made on a temporary basis if this is caused by a special circumstance that the employer could not have foreseen, provided that the employee is given a corresponding compensatory rest period.

The term 'night worker' refers to those who normally perform at least three hours of their working shift during the night or will probably perform at least one third of their annual working time during the night. The term 'night' refers to the period between 22.00 and 06.00.

Act (2005:165).

Section 14 Employees are entitled to a minimum uninterrupted rest period of thirty-six hours per every seven day period (weekly rest). Weekly rest does not include periods spent on stand-by when an employee is permitted to stay away from the workplace but must remain at the employer's disposal in order to carry out work when the need arises.

As far as possible, weekly rest shall be scheduled for weekends.

Derogations from the first paragraph may be made on a temporary basis if this is caused by a special circumstance that the employer could not have foreseen. A derogation of this kind may only be made provided that the employee is given a corresponding compensatory rest period. Act (2005:165).

Section 15 The term 'breaks' means interruptions in the daily working time during which employees are not obliged to remain at the workplace.

The employer shall state the duration and organisation of breaks in advance as precisely as the circumstances allow.

Breaks shall be organised so that employees do not perform work for more than five consecutive hours. The number, duration and organisation of breaks must be satisfactory with regard to the working conditions.

Section 16 Breaks may be substituted by meal breaks at the workplace where necessary in view of the working conditions, or in view of illness or other events that the employer could not have foreseen. Meal breaks of this kind shall be included in the working time.

Section 17 The employer shall organise work so that employees are able to take pauses from work as necessary, in addition to breaks.

If the working conditions so require, special work pauses may instead be scheduled. If so, the employer shall state the duration and organisation of the pauses in advance as precisely as the circumstances allow.

Pauses are included in the working time.

Section 18 Notwithstanding Sections 13-17, the Government or the authority designated by the Government may issue separate regulations concerning the organisation of working time for road transport and aviation.

Exemptions by the Swedish Work Environment Authority

Section 19 If a collective agreement as referred to in Section 3 cannot be concluded, the Swedish Work Environment Authority may grant derogations from Sections 5, 6, 10b and 12–14, and Section 15, second and third paragraphs, if there are special grounds for doing so.

Decisions taken by the Swedish Work Environment Authority in accordance with this Section may not entail that less favourable conditions shall apply for the employees than those prescribed by Directive 2003/88/EC of the European Parliament and of the Council. Act (2011:740).

Requests by safety representatives for measures to be taken

Section 19a If a safety representative considers that measures must be taken to ensure compliance with Sections 8a, 9 and 10a, the safety representative shall contact the employer and request that the measures be taken. If a safety representative so requests, the employer shall immediately provide the safety representative with written confirmation that the request has been received.

The employer shall respond without delay concerning the measure or measures the safety representative has requested. If the employer does not provide such a response or if the employer rejects the safety representative's request, the Swedish Work Environment Authority shall examine whether an order or prohibition under Section 22 is to be issued, should the safety representative so request. Act (2011:740).

Supervision

Section 20 The Swedish Work Environment Authority shall supervise compliance with this Act and regulations issued pursuant to this Act.

Act (2000:766).

Section 21 The Swedish Work Environment Authority has the right to request and obtain the information and documents necessary for the purpose of supervision.

The Swedish Work Environment Authority is entitled to enter workplaces in order to exercise supervision. The Swedish Police shall provide the assistance necessary to this purpose. Act (2000:766).

Section 22 /Ceases to apply on: 1 July 2014/ The Swedish Work Environment Authority may issue any orders or prohibitions necessary to ensure compliance with this Act and the regulations issued pursuant to this Act.

The Swedish Work Environment Authority may include conditional financial penalties in its decisions on orders or prohibitions. Act (2000:766).

Section 22 /Enters into force on: 1 July 2014/ The Swedish Work Environment Authority may issue any orders or prohibitions necessary to ensure compliance with this Act and regulations issued pursuant to this Act.

A decision to issue an order or prohibition may be accompanied by a conditional financial penalty. An order or prohibition of this kind may also be directed against the state as employer. Act (2013:611).

Penal sanctions, etc.

Section 23 An employer who intentionally or negligently fails to comply with an order or prohibition issued against him in accordance with Section 22 may be fined or sentenced to imprisonment for a maximum of one year. However, this does not apply if the order or prohibition is accompanied by a conditional financial penalty.

Section 24 /Ceases to apply on: 1 July 2014/ A fine may be imposed on an employer who intentionally or negligently:

1. has engaged an employee in breach of Section 5, 6, 7, 8, 8a, 9, 10, 10a, 10b, 12, 13, 14, 15 or 16, or has infringed Section 11 or regulations issued pursuant to Section 11, without derogations or exemptions under Section 3 or 19 having been made; or
2. has provided incorrect information concerning important circumstances when the Swedish Work Environment Authority has requested information or documents in accordance with Section 21, first paragraph. Act (2011:740).

Section 24 /Enters into force on: 1 July 2014/ A fine may be imposed on an employer who intentionally or negligently:

1. has engaged an employee in breach of Section 10b, 12, 15 or 16, or has infringed Section 11 or regulations issued pursuant to Section 11, without derogations or exemptions under Section 3 or 19 having been made; or
2. has provided incorrect information concerning important circumstances when the Swedish Work Environment Authority has requested information or documents in accordance with Section 21, first paragraph.

An act that is covered by an order under Section 22 shall not give rise to criminal liability in accordance with the first paragraph.

Act (2013:611).

Section 24a An employer who applies provisions in a collective agreement that contravene Section 3, fourth paragraph, shall pay damages for the loss that arises and for the violation that has occurred.

Damages may be reduced or cancelled if it is reasonable to do so. Act (1996:360).

Section 25 An employer who does not fulfil his or her obligations under a collective agreement as referred to in Section 3 is subject to the provisions on sanctions contained in the agreement or in the Employment (Co-determination in the Workplace) Act (1976:580).

/Heading ceases to apply on: 1 July 2014/

Overtime fees

/Heading enters into force on: 1 July 2014/

Financial penalties

Section 26 /Ceases to apply on: 1 July 2014/ If an employer has infringed the provisions of Section 8, 8a or 9 without the support of a collective agreement in accordance with Section 3, the natural or legal person conducting the activity in which the infringement has occurred shall pay a special fee (overtime fee).

For each hour of unpermitted overtime and for each employee engaged in breach of Section 8, 8a or 9, the overtime fee shall comprise one per cent of the price base amount under Chapter 2, Sections 6 and 7 of the Social Insurance Code that was applicable at the time the infringement occurred.

The fee may be reduced or waived, if there are special grounds for doing so. Act (2011:740).

Section 26 /Enters into force on: 1 July 2014/ If an employer has infringed the provisions of Section 5, 6, 7, 8, 8a, 9, 10, 10 a, 13 or 14 without the support of a collective agreement in accordance with Section 3, a financial penalty shall be imposed. The penalty shall be imposed even if the infringement was not committed intentionally or negligently.

For each hour of unpermitted working time or on-call time, and for each employee engaged in breach of Section 5, 6, 7, 8, 8a, 9, 10, 10a, 13 or 14, the financial penalty shall comprise one per cent of the price base amount under Chapter 2, Sections 6 and 7 of the Social Insurance Code that was applicable at the time the infringement occurred.

The penalty shall accrue to the State. Act (2013:611).

Section 26a /Enters into force on: 1 July 2014/ A financial penalty shall not be imposed for an act covered by an order or prohibition under Section 22.

Act (2013:611).

Section 26b /Enters into force on: 1 July 2014/ The financial penalty shall be imposed on the natural or legal person operating the activity when the infringement occurred.

The penalty may be reduced or waived, in whole or in part, if the infringement is minor or excusable, or if, in view of the circumstances, it would be unreasonable to impose the penalty.

Act (2013:611).

Section 27 /Ceases to apply on: 1 July 2014/ Matters concerning overtime fees are examined by a general court following an application made by a public prosecutor within two years of the time the infringement occurred. Regarding such applications, the applicable provisions are the Swedish Code of Judicial Procedure concerning prosecution for criminal offences for which the most severe penalty prescribed is a fine, and the provisions concerning provisional attachment in criminal cases. Overtime fees may no longer be imposed after five years have elapsed from the time the infringement occurred. Overtime fees shall accrue to the State.

The county administrative board shall be notified immediately of a decision imposing an overtime fee. The fee shall be paid to the county administrative board no later than two months after the decision became final and non-appealable. Information to this effect shall be included in the decision. If the fee is not paid within this period, a late penalty payment may be imposed under the Late Payment Penalties Act (1997:484). The unpaid overtime fee and the penalty payment shall be turned over for collection. The Government may stipulate that collection need not be requested for minor amounts. The Act on the Collection of Debts to the State (1993:891) contains provisions on collection. Collection measures may not be taken after five years have elapsed from the time the decision became final and non-appealable.

Act (1997:527).

Section 27 /Enters into force on: 1 July 2014/ The Swedish Work Environment Authority examines matters pertaining to financial penalties by means of penalty orders.

A penalty order means that the party deemed responsible for an infringement under Section 26b is ordered to accept the penalty immediately or within a certain time.

Once the order has been accepted, it has the force of a final and non-appealable court decision that a penalty shall be imposed. However, acceptance after the time specified in the order has expired is deemed invalid. If the penalty order has not been accepted within the specified time, the Swedish Work Environment Authority may apply to the administrative court within whose jurisdiction the penalty order was issued for a penalty be imposed.

Leave to appeal is required for an appeal to the administrative court of appeal. Act (2013:611).

Section 27a /Enters into force on: 1 July 2014/ A financial penalty may only be imposed if the person subject to the penalty order has been served with the application within five years of the time the infringement occurred.

The county administrative board shall be notified immediately of a decision imposing a penalty. The penalty shall be paid to the county administrative board no later than two months

after the decision became final and non-appealable. Information to this effect shall be included in the decision.

If the penalty is not paid within the time stated in the second paragraph, a late payment penalty shall be imposed under the Late Payment Penalties Act (1997:484). The unpaid penalty and the late payment penalty shall be turned over for collection in accordance with the Act on the Collection of Debts to the State (1993:891).

A penalty that has been imposed is cancelled if enforcement has not been carried out within five years of the date on which the decision became final and non-appealable.

Act (2013:611).

Appeals

Section 28 Repealed by Act (2000:766).

Section 29 Decisions in individual cases taken by the Swedish Work Environment Authority under this Act or under regulations issued pursuant to this Act may be appealed to an administrative court.

Leave to appeal is required for an appeal to the administrative court of appeal.

Act (2008:298).

Section 30 In order to safeguard the interests of employees in a matter under this Act, decisions referred to in Section 28 or 29 may be appealed by a senior safety officer or, in the absence of a senior safety officer, another safety officer. If there is no safety officer, an employee organisation may appeal a decision of this kind in so far as the matter concerns the interests of its members and the organisation has previously expressed its views in the matter.

Chapter 6 of the Work Environment Act contains provisions concerning safety officers

(1977:1160).

Section 31 The Swedish Work Environment Authority may refer particularly important questions concerning regulations to the Government before taking decisions in such matters. Act (2000:766).

Section 32 The Swedish Work Environment Authority may prescribe that its decisions shall have immediate effect. Act (2000:766).

Transitional provisions

1992:637

This Act enters into force on 1 January 1993. However, older regulations shall continue to apply with respect to overtime fees that fell due for payment prior to entry into force.

2005:165

This Act enters into force on 1 July 2005. Except for Section 2, first paragraph, point 5 and the provisions concerning the Working Time, etc. of Mobile Workers in Civil Aviation Act (2005:426), the new provisions shall, however, only apply from 1 January 2007 if the employer, as of 30 June 2005 and thereafter until 31 December 2006, is bound by a collective agreement regulating working time issues. Act (2005:428).

2008:298

1. This Act enters into force on 1 July 2008.
2. Regarding decisions issued by the Swedish Work Environment Authority prior to 1 July 2008, the older wording of Section 29 applies.

2008:476

This Act enters into force on 14 December 2008. Older provisions continue to apply to conditions relating to the period prior to entry into force.

2011:740

1. This Act enters into force on 1 August 2011.
2. Consent given by the Swedish Work Environment Authority in accordance with Section 19 in its older wording continues to apply.

2013:611

1. This Act enters into force on 1 July 2014.
 2. Older regulations continue to apply to infringements that occurred prior to entry into force.
-