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**General Labour Law, 2000
EXTRACTS**

[...]

**CHAPTER VI
Length and Organization of Working Time**

**Section I
Normal Working Time**

**ARTICLE 96
(Length of working time)**

1. Except as otherwise provided by law, the normal period of work shall not exceed the following limits:

- (a) 44 hours per week
- (b) 8 hours per day

2. The normal period of work per week may be extended up to 54 hours where the employer adopts shift work patterns or modulated or flexible hours, where a recovery schedule is in effect or where the work is intermittent or simply requires presence.

3. The normal period of daily work may be extended:

- (a) up to 9 hours per day where the work is intermittent or simply requires presence, where the employer concentrates the normal period of weekly work into five consecutive days;
- (b) up to 10 hours per day where the work is intermittent or simply requires presence, where the employer adopts modulated or flexible hours, or a recovery schedule is in effect.

4. The maximum limits on normal daily and weekly working time may be reduced under a collective agreement or by a joint order of the Minister of Labour and the Minister for the activity concerned, in activities where the work is performed in

particularly unpleasant, tiring or dangerous conditions or which entail risks to workers' health.

5. The reduction in the maximum limits of normal working time shall not entail a reduction in wages of the workers or any alteration to the conditions of work to the detriment of the workers.

6. Working time shall be counted from the time when the worker is present at his place of work until the time he leaves it.

ARTICLE 97 (Rest periods)

1. The normal daily working time must be interrupted by a rest and meal break of not less than one hour and not exceeding two hours, such that workers do not work for more than five hours of normal working time consecutively.

2. To the extent possible unless otherwise agreed with the workers' representative organization, the interval shall be one hour if there is a canteen in the workplace which can provide meals to the workers, or otherwise two hours.

3. The Inspectorate General of Labour may authorize a reduction in the rest and meal break to a minimum of 30 minutes when this is in the interests of the workers or is justified by the particular conditions of work in certain activities.

4. The rest and meal break may be cancelled in exceptional situations, whether permanently or temporarily, subject to prior consultation with the workers' representative organization and authorization by the Inspectorate General of Labour.

5. A rest and meal break exceeding two hours, and the frequency and length of other rest breaks, may be established under a collective agreement.

6. Between the end of one period of daily work and the start of work on the following day there shall be a period of rest which shall never be less than 10 hours.

SECTION II (Night work)

ARTICLE 98 (Length)

The normal working time of a night worker shall not exceed eight hours per day.

ARTICLE 99

(Additional remuneration)

1. Night work shall confer the entitlement to additional remuneration equivalent to 25 per cent of the wage due for the same work performed during the day.

2. The additional remuneration provided in the previous paragraph shall not be payable in the case of work performed:

- (a) in activities exercised exclusively or predominantly at night;
- (b) in activities which, by their nature or by law, must necessarily be available to the public during the same period and which shall be defined in a joint decree of the Minister of Labour and the Minister for the activity concerned.

3. The additional remuneration for night work, where it is payable, may, under a collective agreement, be substituted by a corresponding reduction in night working time , provided that such reduction is not detrimental to the activity preformed.

ARTICLE 100 (Medical examinations for night workers)

1. Night workers in industrial activities must, before commencing night work, undergo a medical examination in order to determine their fitness for such work.

2. Medical examinations for night workers shall be repeated annually or whenever so determined by the medical officer for the workplace or by the Inspectorate General of Labour.

3. If as a result of the medical examination it is considered necessary to transfer the worker temporarily or permanently to day work, the provisions of article 95, paragraph 4 shall apply, wherever demonstrably possible.

SECTION III Overtime

ARTICLE 101 (Exceptions)

The following shall not be considered overtime:

- (a) work performed within the normal working day by workers exempt from the working time rules;
- (b) work performed to recover from previous suspensions of activity or other situations contemplated in paragraphs 2 and 3 of article 96, subject to the limits and conditions established in the respective regulations.

ARTICLE 102
(Permitted use of overtime)

1. Overtime may only be performed when imperative needs of the production or services so require.

2. The following are imperative needs:

- (a) prevention or elimination of the consequences of accidents, natural disasters or other situations of force majeure;
- (b) installation, maintenance or repair of machinery and plant whose inactivity or paralysis would cause serious harm to the firm or serious disruption to the community;
- (c) temporary and unforeseen occurrence of an abnormal volume of work;
- (d) substitution of workers who do not report for work at the beginning of the respective work period, when this coincides with the end of the previous work period;
- (e) movement, transformation or processing of easily perishable products;
- (f) performance of preparatory or complementary work which must necessarily be executed outside the working hours of the workplace;
- (g) extension of work up to 30 minutes after closure, of establishments selling to the public or providing personal or public services, to complete transactions or services in progress, for cleaning, tidying and preparing the establishment for the activity during opening hours.

ARTICLE 103
(Limits)

1. The maximum limits on overtime are:

- (a) 2 hours per normal working day;
- (b) 40 hours per working month;
- (c) 200 hours per year.

2. Overtime performed in the situations referred to in paragraph 2(a) of the previous article shall not be subject to the limits established in the previous paragraph and performed in the situation referred to in subparagraph (d) to the limit established in subparagraph (a) of that paragraph.

3. In the remaining situations envisaged in paragraph 2 of the previous article, the limits fixed in paragraph 1 of this article may only be exceeded subject to prior authorization by the Inspectorate General of Labour at the request of the employer who shall justify the need to exceed them.

4. The maximum limits established in paragraph 1 of this article may be reduced by order of the Minister of Labour, in consultation with the Minister concerned with the

activity and the trade unions and employers' organizations, for particularly hazardous activities or those which present special risks to health.

5. If, when working overtime and in application of the provisions of paragraph 5 of article 97, the worker must start work on the following day later than the normal starting time, he is entitled to his wages for the time not worked.

6. The requirement to which paragraph 3 of this article refers shall be considered approved if within 5 working days from the submission of the request, the employer has not been notified of any decision.

ARTICLE 104 **(Conditions and obligation to work overtime)**

1. The performance of overtime must be previously and expressly decided by the employer, failing which the corresponding payment is not payable.

2. Except in the cases referred to in paragraphs (a), (d) and (g) of paragraph 2 of article 102, the worker must be informed of the need to work overtime as far in advance as possible and never after the start of the period of rest or rest and meal break preceding the start of the overtime.

3. Except as otherwise provided by law or the manifest lack of justification for its requirements, the performance of overtime is compulsory for the worker, subject to compliance with the requirement in the previous paragraph.

4. The worker must be excused when he claims and justifies reasonable grounds which must prevail over the employer's interests, specifically related to educational obligations or state of health.

5. Except in the cases referred to in paragraphs (a) and (d) of paragraph 2 of article 102 or as authorized by the Inspectorate-General of Labour, overtime may not be required of night workers.

ARTICLE 105 **(Remuneration)**

1. Each hour of overtime shall be remunerated with an additional 50 per cent of the value of each hour of normal work up to a limit of 30 hours per month.

2. Overtime in excess of the limit established in the previous paragraph shall be remunerated with an additional 75 per cent.

3. The additional remuneration established in the previous paragraphs shall be supplementary to other additions due to workers, specifically that established in paragraph 1 of article 99.

4. For the purposes of payment of overtime:

- (a) fractions of time of less than 15 minutes shall not be considered;
- (b) fractions of time from 15 to 44 minutes shall be counted as half an hour;
- (c) fractions of time of 45 to 60 minutes shall be considered one hour.

5. For the purposes of remuneration of overtime, the day or half day of additional weekly rest shall be considered normal working time.

ARTICLE 106
(Administrative requirements)

1. The employer shall be required to maintain an overtime register in which, every day, are recorded the start, end and reason for overtime performed by each worker.
2. Total overtime for each worker shall be calculated each week and signed by him.
3. The register may be follow the model approved by order of the Minister of Labour, which may require the inclusion of other elements.
4. The register must be presented to the Inspectorate General of Labour whenever it so requires.

SECTION IV
Exemption from working time rules

ARTICLE 107
(Functions subject to exemption)

1. Workers who perform administrative or managerial functions shall be exempt from the working time rules, and the daily and weekly limits set out in article 99 shall not apply to them.
2. The following may also be exempt from working time rules, subject to authorization by the Inspectorate General of Labour: workers who perform functions of trust on behalf of the employer or control functions, and workers who regularly work outside the fixed workplace, in varying places, such that their work is not directly supervised or controlled.

ARTICLE 108
(Authorization)

1. Requests for authorization of exemption from the working time rules shall be submitted by the employer to the Inspectorate General of Labour together with the worker's declaration of consent, as well as the necessary supporting documents to justify the functions performed.
2. The authorization of exemption from the working time rules, except where a shorter period is established, shall be valid for one year, and may be renewed by a new request accompanied by the declaration of consent.

ARTICLE 109

(Limits on exemption)

1. Workers exempt from the working time rules shall be entitled to a weekly rest day, holidays and an additional day or half day of rest per week.

2. Workers exempt from the working time rules by authorization of the Inspectorate General of Labour shall not work, on average, more than 10 hours per day and shall be entitled to a rest and meal break of one hour during the daily working time.

ARTICLE 110 (Remuneration of exempt work)

1. Workers exempt from the working time rules by authorization of the Inspectorate General of Labour shall be entitled to a wage supplement to be fixed by collective agreement or, failing that, the amount of one hour of overtime per day.

2. On cessation of the exemption from the working time rules, the wage supplement referred to in the previous paragraph shall cease to be payable.

SECTION V Special working time arrangements

ARTICLE 111 (Special working time arrangements)

Arrangements considered to be special working time arrangements are set out in the following articles of the present law:

- (a) shift work;
- (b) working time to recover from suspension of activity;
- (c) modulated working time;
- (d) flexible working time;
- (e) part-time work
- (f) standby arrangements;
- (g) alternating working time and rest time
- (h) other special working time arrangements established by regulatory decree or collective agreement, which shall always fix the respective arrangements and conditions.

ARTICLE 112 (Shift work)

1. Whenever the period of operation of the enterprise or establishment exceeds the maximum length of daily work permitted under paragraph 3(a) of article 96, different

teams of workers must be organized in staggered or successive shifts to cover the work throughout the operating period.

2. Shifts may be fixed or rotating.

3. Rotating shifts are those where the workers are subject to variations in working time resulting from working on all the planned shifts.

4. When three shifts are organized, they must be rotating, one of them entirely at night, the remaining two during the day.

5. Teams of shift workers shall, as far as possible, be formed in accordance with the interests or preferences expressed by them.

ARTICLE 113 (Length of shift work)

1. The length of working time in each shift may not exceed the maximum limit for the normal working period, which may not exceed 8 hours per day in the case of rotating shifts.

2. In the case of rotating shifts, the rest and meal break shall be 30 minutes, considered as working time where, by the nature of the work, the worker must not leave his workplace.

3. When, by the nature of the activity, it is not possible to comply with the provisions of paragraph 1 of this article, the length of working time may be satisfied on an average basis, by reference to a maximum period of three weeks, provided that the total working time in any one week does not exceed 56 hours.

4. The provisions of paragraph 1 of this article, concerning the maximum length of daily working time in the case of rotating shifts, may be waived in the situations envisaged in article 121, where work is organized in shifts.

ARTICLE 114 (Remuneration)

1. Working in rotating shifts entitles the worker to additional remuneration of 20 per cent of basic wage payable to the worker when subject to such working arrangements.

2. The remuneration established in the previous paragraph includes the supplement for night work and compensates the worker for variations in working time and rest to which he is subject.

3. If the working time is in two shifts, fixed or rotating, or staggered or successive shifts, no additional remuneration is due, except as otherwise provided in a collective agreement.

ARTICLE 115 (Change of shift)

Rotation or change of shift shall only take place following the worker's weekly rest day.

ARTICLE 116
(Recovery after interruption of work)

1. When a stoppage of the activity with a general interruption of work in the workplace or part thereof occurs for reasons of force majeure which are not the result of a strike or other instances of industrial dispute, or holidays, the lost working hours may be recovered within the following six months subject to the following conditions:

- (a) the recovery shall only be possible if the employer continued to guarantee the workers' wages during the period of the interruption;
- (b) under the recovery arrangements, the weekly and daily length of normal work may not exceed the limits fixed in paragraphs 2 and 3(b) of article 96;
- (c) payment for work performed in the context of recovery arrangements is incorporated in basic wages, and increased by additional remuneration of 50 per cent;
- (d) before the recovery working time begins, the employer shall send to the Inspectorate General of Labour a copy of the communication affixed in the workplace informing the workers of the causes and length of the general interruption of work, and the start, arrangements and length determined for the recovery, and the changes introduced into normal working time during that period.

2. The provisions of the previous paragraph shall apply, without, however, entitlement to the additional remuneration envisaged in subparagraph (c) in cases where, by agreement between the employer and the workers' representative organization, the suspension of activity occurs on a working day between a weekly rest day and a holiday.

ARTICLE 117
(Modulated working time)

1. By collective agreement or agreement between the employer and the workers' representative organization, the working time may be arranged on a modular system, with an unequal distribution of working hours from week to week.

2. The modulated working time system shall be subject to the following rules:

- (a) the normal period of working time may not exceed the maximum limits fixed in paragraphs 2 and 3(b) of article 96, and on average may not exceed the limits defined in paragraph 1 of that article;
- (b) the average length of normal weekly working time shall be calculated by reference to a maximum of six months;
- (c) the excess of working time in relation to the limits defined in paragraph 1 of article 96 shall be offset by a corresponding reduction in working time in other

- weeks within the reference period or by granting the workers paid compensatory rest time;
- (d) wages shall be kept level throughout the entire reference period established in accordance with paragraph 2(b);
 - (e) in the month following the end of the reference period, the time exceeding the average limit of normal working time for the same period shall be paid as overtime;
 - (f) excluded from the provision of the previous subparagraph is working time which each day exceeds 10 hours and in each week 54 hours, which shall be paid as overtime in the month it is performed;
 - (g) where the employment contract ceases or is terminated before the reduction of time or grant of compensatory rest periods referred to in subparagraph (c), the provision of subparagraph (e) of this article shall apply immediately;
 - (h) the Inspectorate General of Labour shall be informed in advance of the characteristics of the modulated working time introduced.

3. The arrangements set out in paragraph 3 of article 30 shall be considered modulated working time.

ARTICLE 118 **(Flexible working time)**

1. In workplaces where the worker's activity is not directly and immediately conditioned by the activity of others, the employer may agree an individual flexible working time arrangement with him.

2. Flexible working time must satisfy the following conditions:

- (a) it must on average comply with the daily limit established in paragraph 3(a) of article 96 and shall be performed within the period of the employment contract;
- (b) it must consist each day of at least two hours in the morning and in the afternoon when the workers must be present in their respective workplaces.
- (c) the remaining working time may be freely performed by the worker before or after the period of compulsory presence according to the worker's wishes, such that at the end of four weeks, the normal working time has been completed.
- (d) where the work is not completed by the end of the reference period established in the previous subparagraph, it shall be considered absence from work and deducted from the wages, and work in excess shall be considered as overtime, subject to the limits established in paragraph 1 (b) and (c) of article 103.

3. The rules for flexible working time must be sent to the Inspectorate General of Labour not less than two weeks before it comes into effect.

ARTICLE 119

(Part-time work)

1. Part-time employment of workers may be compulsory for the employer in the cases expressly laid down by law, specifically concerning workers with family responsibilities, reduced capacity to work and those attending intermediate or higher education establishments.

2. Provided that the activity of the workplace so allows, the employer may allow workers to work part time.

3. The performance of part-time work may occur, specifically, in cases where it is desirable for compelling reasons such as the lack of a canteen, the lack of adequate catering services close to the workplace and the absence, breakdown or remoteness of public transport.

4. In the cases referred to in the previous paragraph, the performance of part-time work shall be subject to the following rules:

- (a) it is decided by the employer after consultation with the workers' representative organization and prior notification to the Inspectorate General of Labour;
- (b) except for compelling technical problems, workers shall be divided into two teams which work mornings and afternoons respectively;
- (c) the length of part-time work may not be less than five hours per day;
- (d) the performance of part-time work shall be understood to be temporary and shall cease as soon as the reasons for it cease to pertain.

ARTICLE 120 (Standby arrangements)

1. Standby arrangements may only be operated in workplaces which provide permanent services to the public, specifically transport and communications, collection, transport and distribution of water and production, transport and distribution of power and enterprises that operate continuously for essential technical reasons, maintaining the regularity and normality of operation of plant and machinery.

2. Except as specially provided by regulatory decrees of collective agreements, standby arrangements shall be subject to the following rules:

- (a) the worker shall be assigned to a standby scheme on a schedule to be fixed at least two weeks in advance;
- (b) the worker may not be scheduled for standby on consecutive days;
- (c) the standby period may not exceed the normal working day;
- (d) a worker on standby must not remain at the workplace, must keep the employer informed of his location, in order to be called for immediate performance of overtime;
- (e) the worker shall be entitled to additional remuneration of 20 per cent of his basic wage, on days when he is on standby;

- (f) if during the period of standby the worker is required to work, this shall be considered overtime due to force majeure and remunerated as such.

ARTICLE 121
(Alternating working time)

1. By agreement with the workers, employers may adopt a system of alternating working time consisting of a maximum period of four effective working weeks followed by an equal period of rest.

2. The system of work referred to in the previous paragraph shall be subject to the following rules:

- (a) the period of rest shall include time spent travelling to and from the workplace;
- (b) the weekly rest days, additional weekly rest and holidays included in the effective work period shall be normal working days, and the enjoyment thereof transferred to the subsequent period of rest;
- (c) the period of annual holidays shall be imputed to the periods of rest provided that they are not less than 15 consecutive days in length;
- (d) the length of normal working time may be up to 12 hours per day, including two periods of rest of 30 minutes each, considered as working time, provided that the working time is organized in shifts and the condition referred to in the last part of paragraph 2 of article 113 pertains;
- (e) if, as a consequence of this working arrangement, the annual length of work is exceeded, calculated as 44 hours per week and after deducting normal holidays and public holidays, the excess time shall be considered as overtime and remunerated as such.

SECTION VI
Working time

ARTICLE 122
(Definition of working time)

1. Working time means the times of starting and ending of the normal period of daily work, the daily rest and meal breaks and the weekly rest day.

2. Pursuant to article 39, the employer is responsible for establishing working time, in accordance with legal requirements and collective agreements;

3. In establishing the working time, the employer must comply with the legal provisions on the period of operation of enterprises and services, and shall organize it in such a way that the period of operation is entirely covered by the normal working arrangements in accordance with the provisions of that law, adapted for the purpose.

4. The workers' representative organization shall always be consulted prior to the establishment of the working time arrangements and any amendments thereto.

ARTICLE 123
(Working time chart)

1. Working time arrangements shall be set out in a specific chart which in addition to the matters set out in paragraph 1 of the previous article, shall also indicate the start and end of the period of operation of the workplace.

2. A copy of the working time chart shall be affixed in the workplace, in a clearly visible manner accessible to all the workers affected by it, at least 15 days in advance of its entry into effect.

3. Another copy of the chart shall be sent by the employer to the Inspectorate General of Labour.

4. If the working time arrangements involve shifts or teams of workers operating staggered hours, the chart must distinguish the various working times and the employer must maintain an up-to-date register of workers in each shift or team.

ARTICLE 124
(Alterations)

Alterations to working time shall be compulsory for workers concerned, if established in accordance with the provisions of previous articles.

CHAPTER VII
(Suspension of work)

SECTION I
(Closure and weekly rest)

ARTICLE 125
(Weekly closure)

1. Industrial, commercial and service establishments must suspend work or close for one complete day per week, which shall be Sunday, except in the case of continuous processing or where the activities undertaken cannot be suspended on that day, for reasons of public interest or technical reasons.

2. Authorization for continuous processing shall be granted by joint orders of the Minister of Labour and the Minister responsible for the activity, following consultation with the trade unions and employers' associations concerned.