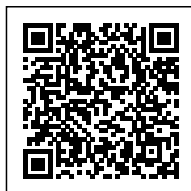


NEW OBLIGATIONS REGISTERING WORKING HOURS

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On March 8, 2019, Royal Decree-Law 8/2019 on urgent measures regarding social protection and against the precariousness of work in the working day (hereinafter "RD"), was published.

Between other matters that this RD regulates we must underline the new obligation imposed to the employers regarding the **control and registration of the working time of the employees**. According to the Government messages, this regulation pretends to avoid hidden and not paid overwork, and try to provide employees with evidences of the real number of hours that they made at work.

This obligation has its origin in a Spanish court case, recently analyzed by Judgement of the EU Court of Justice (Grand Chamber) that concluded: "the introduction of measures to encourage improvements in the safety and health of workers at work, must be interpreted as precluding a law of a Member State that, according to the interpretation given to it in national case-law, does not require employers to set up a system enabling the duration of time worked each day by each worker to be measured."

New regulation impose employers to have a **working time daily record**, registering the specific time when each employee in fact starts and ends it working time. All the time spend between this to registrations is considered as effective working time if there is not a real evidence or justification of the resting time that may take place.

Employers will have to negotiate with their workers representatives the tool that will be used, being sure that the Company cannot manipulate it after having made the registration. They also have to agree what is considered working time, as there are many personal or non-effective hours of work that employees use to dedicate to non-work related matters during its presence at work (coffees, lunch, personal telephone calls, use of internet...).

In our opinion employers must be really sure that the possible tool that they select is the adequate one for its kind of activity and that they elaborate an internal regulation of the working time, that will established the rules that will be applied regarding overwork, irregular distribution of working time, flexibility when starting and finishing the work and any other kind of practices in force in the Company.

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