

671

20 February 2024

On Sunday, and at the same time an election day, is it paid double? If the employee is allowed to go to vote in the afternoon and work in the morning, or vice versa, how are the hours worked paid, double, or normal? We are a hotel, and the staff always works on Sundays.

Do not confuse Weekly Rest with Non-Working Day. They are different things.

In the case of hotels and businesses whose personnel do not work on Sundays, but on other days of the week; if such personnel work on Sundays, they do not have to be paid double for Weekly Rest. But they would have to be paid double for the 4 or 5 hours they work on that day of the elections.

Article 229 of Organic Law 20-23 of the Electoral Regime declares the day of the elections as non-working day, but, contrary to the general law of non-working days (which declares non-working days, and obliged to commemorate those days of rest) this Electoral Law is more flexible regarding not working that day of the voting. It states that when, due to the needs of the company, it is necessary to continue working, the employer "shall be obliged to make arrangements when necessary for all employees" to exercise their right to vote.

That means, for example, some of the staff will be allowed to vote in the afternoon and some in the morning. And if they vote in another province, it may be necessary to let them leave the day before.

And, as for the payment of those 4 or 5 hours that they work on election day, they must be paid with the increase provided for in article 205 of the Labor Code.