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For more than 15 years our company has been operating under a 4 x 3 workday, with 3 alternating teams; overtime and night shifts are paid according to the law, and the personnel are always in compliance. Recently we received an audit from abroad, indicating that we are exceeding the quarterly limit of 80 hours of overtime of article 155 of the Labor Code. We have never seen this objection before. What is your opinion on this matter?

That quarterly limit only applies to the ordinary workday of Article 147 of the Labor Code of 8 hours per day and 44 hours per week.

To argue that this limit applies to special workdays provided for in the same Code would lead to an absurdity, and would turn the special workdays of Articles 150, 157, 158, 271, 284 and 285 of the same Code into a “dead letter” and ineffective. And furthermore, it would turn into a “dead letter” and of ineffective application, article 203, which provides for overtime beyond 68 hours per week, provided by the Legislator, precisely because the same Legislator contemplated special workdays that exceed that limit.

There is a “Golden Rule” in the interpretation of statutes, established in 1857, in the United Kingdom (Grey v. Pearson, [1857] 6 H.L.C. 61, 106) and

followed by all jurists in the world: (1) It is presumed that the Legislator does not intend his legislation to have absurd consequences. (2) Absurd consequences are not limited to logical contradictions or internal inconsistencies but include violations of established legal norms; they also include violations of widely accepted standards of fairness and reasonableness. (3) Whenever possible, an interpretation that leads to absurd consequences should be rejected in favor of one that avoids absurdity.

Therefore, it is reasonable and logical that such a quarterly limit be restricted to the regular workday.