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28 may 2024

- 1. A young woman returned from postpartum leave and requests that the daily breastfeeding time she is entitled to, be combined and given one morning or afternoon a week. Is it customary to do this? Generally, women in our company, when they have this breastfeeding period, leave an hour earlier or arrive an hour later, every day, which is much easier than having to have another person for 4/5 hours in that position, or having it empty.**

What that employee is proposing is not legal, nor is it the practice in the country.

The 20-minute breastfeeding periods provided for in Article 240 of the Labor Code may be replaced by "a daily reduction of working time" (Art. 10, Nos. 1 and 2 of ILO Convention 183). In other words, for one year - which is the time that the right to breastfeeding is extended according to Article 51 of Regulation 258-93, for the application of the Labor Code - the working mother may work one hour less, being paid for this hour.

This is legal. And it is also what everyone does.

- 2. We have employees who resign with notice, and here they are being paid the notice, but not the severance pay. Is this correct?**

No, that is not correct. You are paying double: you are paying the salary during the notice period and in addition the notice indemnity.

The reality is that when an employee resigns, the law indicates that he is the one who must work the notice period. And if he does not wish to do so, then he is obliged to pay a notice indemnity. The same that the company pays when it exercises an *desahucio*.