



## **Permitted Maximum Working Time per Day/Week/Year**



## I. What is the maximum working time per day/week/year in your country? Is it legally regulated?

In Spain, the legal working time is set at 40 hours per week on an annual basis. The equivalence of 1,826 hours a year (in any case, the Collective Bargaining Agreement (CBA) can establish less working hours per year). This is regulated by article 34.1 of the Employment Act (E.A.) that reads as follows:

*“Article 34.1.- Working time shall be as agreed in collective bargaining agreements or employment contracts. The maximum duration of the regular working week shall be forty hours of work per week on an annual average.”*

Notwithstanding the above, it is possible to apply an uneven distribution of the working hours throughout the year, either because it is provided in the applicable CBA or, in failure of such provision, by an agreement between the company and the employees' representatives. In the absence of an agreement, the company may distribute unevenly up to ten per cent of the working hours throughout the year.

However, such distribution shall comply with the minimum daily and weekly resting periods provided by law, and the company must give at least five days of prior notice to the employee of the final day and time resulting from such distribution.

And how do companies compensate the differences between the total amount of real working hours and the maximum duration of the regular working hours (the one provided in the CBA or in the EA)?

Based on the provisions of the CBA or, in absence of such provisions, on the provisions included in the agreement reached between the company and the employees' representatives, if any. In the absence of an agreement, these differences must be compensated within twelve months from their occurrence.



## I. What is the maximum working time per day/week/year in your country? Is it legally regulated?

With regard to the daily working hours, they shall not exceed nine hours per day, unless a CBA or, in failure of such provision, an agreement between the company and the employees' representatives establishes a different distribution of the daily working hours. Nonetheless, it is mandatory for the companies to respect in all cases the resting period between working days, that means, twelve hours.

*“Article 34.4- [...] The number of regular hours of effective work may not exceed 9 per day, unless a different distribution of daily working time is established through a collective agreement or, failing that, through an agreement between the company and the employees’ representatives, provided that the rest period between working days is respected in any case.”*

All things considered, some other aspects should be taken into consideration regarding this matter:

- Employees under the age of eighteen cannot work more than eight hours per day, including, where applicable, time spent on training and, if they work for several employers, the hours worked for each of them.
- Night-shift employees cannot work more than an average of eight hours per day over a reference period of fifteen days.



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In Mexico, the working day has a maximum duration. The limit depends on the type of workday, whether it is daytime, mixed or nighttime. In each case, the maximum working hours are 8, 7:30 and 7 hours, respectively.

This is based on the provisions of Article 61 of the Federal Labor Law, which states the following:

*“Article 61.- The maximum duration of the workday shall be: eight hours during the day, seven hours at night and seven and a half hours in mixed work”.*





## II: Is the legal maximum working time extendable? If so, how is overtime compensated?

In Spain, overtime occurs when employees exceed the maximum duration of the regular working hours mentioned above. This means that an employee will be doing overtime when they are working more than the 40 hours a week limit on an annual basis.

Even though overtime is legal in Spain, there is a limitation (80 hours per year).

However, some employees are not legally allowed to work over their regular working hours, such as:

- Those between sixteen and eighteen years old
- Part-time employees (Exception: when it is required to prevent or repair accidents and other extraordinary and urgent damages). However, they can do what it is called horas complementarias/ additional hours (the sum of the regular working hours plus the complementarias/additional hours shall not exceed 40 hours per week or the maximum time provided in the CBA (no more than 40 hours). Furthermore an agreement between the company and the employee is required. In addition, the total amount of horas complementarias/additional hours will start from a minimum of 30% to a maximum of 60% of the regular working hours (CBAs must provide something different).
- IMPORTANT: Additional hours shall be paid as regular hours
- Night-shift employees
- 

The remuneration of overtime is legally regulated by article 35 of E.A. In accordance with it, the way of paying overtime might be established in the CBA or in the absence of it, in the employment contract. In both cases, there must be an election made between paying overtime at a fixed rate ( $\geq$  to the value of a regular hour) or compensating it with the equivalent resting time.

Regular hour X €

Extraordinary hour  $\geq$  X €



## II: Is the legal maximum working time extendable? If so, how is overtime compensated?

*“Article 35.1.- Overtime occurs when an employee works in excess of the maximum duration of the regular working day, fixed in accordance with the preceding article.*

By collective bargaining agreement or, in absence of it, by individual contract, a choice shall be made between paying overtime at a fixed rate, which may in no case be less than the value of the regular hour, or compensating the overtime with equivalent paid resting time.

Exceptionally, when the employee has to work in a public bank holiday or during their weekly resting day, due to technical and organizational reasons, it shall be compensated by an additional 75% per hour worked, as a minimum, except when compensatory resting time has been agreed/applied.

Ordinary hour X €

Extraordinary hour X x 1,75 (75%)

- All things considered, the main constraints would be:
- Extraordinary hours (overtime) are voluntary, unless otherwise provided in the CBA or agreed in the employment contract
- 80 hours/year limitation, proportionally reduced for those employees with less working hours per year, (temporary contracts and some specific contracts).
- 12 hours of resting time between a working day and the next one.
- Some points/advantages to be highlighted:
- Overtime compensated by time off within four months will not be taken into consideration for the limit of 80 hours of overtime.
- Any hours worked in excess of the regular working hours in order to prevent or repair accidents and other
- extraordinary and urgent damages shall not be taken into account for the calculation of the maximum number
- of authorized overtime, without prejudice to its compensation as overtime.



## II: Is the legal maximum working time extendable? If so, how is overtime compensated?

In this regard, the Law allows the working day to be extended for any extraordinary circumstance. However, there is a limit for the extension of working hours, so that the extraordinary period worked cannot exceed three hours per day, nor three times in a week.

In other words, if an Employee works overtime in one day, the maximum number of additional hours allowed is three during the workday. In addition, in a week, overtime may not exceed nine hours.

This is in terms of Article 66 of the Law, which is inserted below for clarity:

*“Article 66.- The working day may also be extended for extraordinary circumstances, but never to exceed three hours a day or three times a week”.*

Also, based on the second paragraph of article 67, the overtime hours in reference must be paid at 100% in addition to the salary that the Employee ordinarily receives, as shown below:

*“Artículo 67.- The working hours (...) shall be paid at an amount equal to that corresponding to each of the hours of the working day. The hours of overtime shall be paid at one hundred percent more than the salary corresponding to the hours of the working day.”.*

Having said that, it is clear that, when the overtime hours are paid at 100% in addition to the corresponding salary, the total that the Employee will receive for the overtime hours worked, will be 200%. This is due to the amount implied by the 100% mentioned in the transcribed article, together with 100% of the Employee's regular salary.

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*“Article 68.- Workers are not obligated to render their services for a longer time than that allowed by this chapter.*

*The extension of overtime in excess of nine hours a week, obligates the employer to pay the worker the excess time with two hundred percent more than the salary corresponding to the hours of the workday, without prejudice to the penalties established in this Law.”.*

In this sense, the obligation to pay overtime at an additional 200% of the Employee's salary (i.e., triple), is applicable only in the event that the overtime exceeds nine hours in a week.

For example, in the event that an Employee has worked 12 hours of overtime during a week, such hours must be paid as follows:

Extra Hour	Extra Payment	Total Payment
1 to 9	100%	Double (200%)
10 to 12	200%	Double (200%)





### III. What are the last inputs inserted into the legislative policy regarding working hours in your country? Is there any sanction for the infringement of the applicable regulation by the company?

In Spain, working time is a very protected topic that is fully regulated, on a minimum bases, in the Employment Act. With this intention, the Spanish legislator has limited working hours to 40 hours a week on average annually.

The current regulation of working time in Spain shows a clear trend towards limiting working hours. In this regard, there is currently a draft law under negotiation which would reduce the standard working week to 37.5 hours on an annual basis, without any reduction of the salary. In other words, employees would keep the same current salary for a 40-hour workweek, but the working time would be reduced. This proposal is part of a broader effort to improve work-life balance and productivity, and it is under discussion with trade unions only because employers' association is completely against this measure and has stopped the negotiations with the government.

Despite the absence of business representation in the negotiations, the Spanish government intends to bring this draft law before the Congress for its approval in September 2025. If the law is finally passed, it would be progressively implemented starting this year. Furthermore, there are some mechanisms, provided in the Spanish legislation, in order to prevent and protect employees from potential excessive overtime and additional hours:

Each employee shall register their working hours on a daily basis. Afterwards, the corresponding overtime or additional hours (calculated based on the period set for the payment of the remuneration, if this scenario applies) shall be included in a summary in the corresponding payslip which shall be given to the employee. It is important to emphasize the fact that the company shall keep these records for four years and they shall remain available to employees, their legal representatives, and the Labour and Social Security Inspectorate.

For part-time contracts, in the event of failure to comply with the aforementioned registration obligations, the contract shall be presumed to be full-time, unless there is evidence to the contrary, proving the part-time nature of the services.

And last, but not least, it should be noted that in the event of a breach of these regulations, the employer may be punished with a fine ranging from EUR 751 to EUR 7,500.



### **III. What are the last inputs inserted into the legislative policy regarding working hours in your country? Is there any sanction for the infringement of the applicable regulation by the company?**

Finally, it is worth noting that in June 2024, Mexico enacted a significant reform aimed at combating labor exploitation and prohibiting inhumane working hours. Specifically, on June 8, 2024, an amendment to the General Law to Prevent, Punish, and Eradicate Crimes in Connection with Human Trafficking and for the Protection and Assistance to Victims came into effect. This amendment classifies working hours that permanently exceed the limits established in the Federal Labor Law as labor exploitation, subjecting violators to criminal sanctions, including imprisonment and fines.

The reform introduces a new section to Article 21 of the aforementioned law, defining labor exploitation as obtaining an unjustifiable benefit through the work of others by subjecting them to practices that violate their dignity. Such practices include imposing working hours that surpass those stipulated by law. Perpetrators may face imprisonment ranging from 3 to 10 years and fines between 5,000 to 50,000 days' worth of wages.

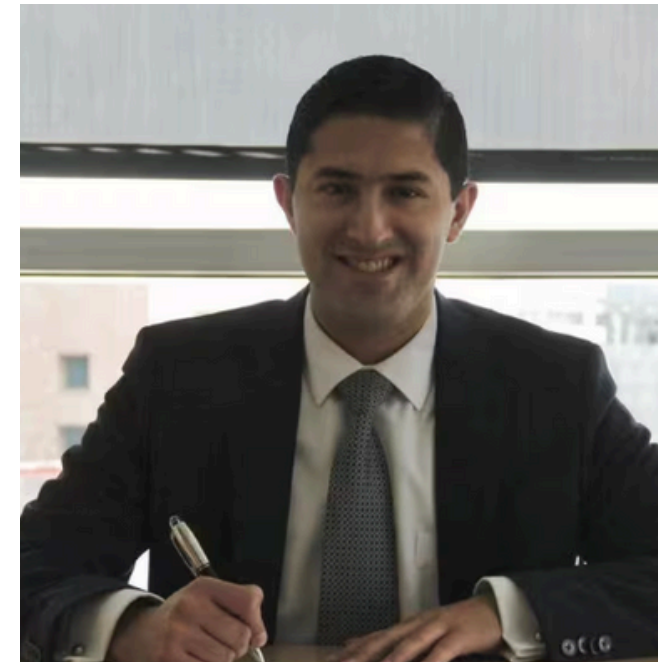
This legislative change emphasizes Mexico's commitment to ensuring humane working conditions and aligns with existing provisions in the Federal Labor Law that set maximum durations for work shifts and regulate overtime. Employers are now held to stricter accountability standards to prevent labor practices that could be deemed exploitative. It is imperative for both employers and employees to familiarize themselves with these regulations to promote compliance and uphold employees' rights.



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Read more [here](#).