

15 LABOUR DECREE HOTELS, RESTAURANTS AND CASINO'S (P.B. 2000 nr. 91)

Introduction

Due to the fact that **hotels, restaurants and casino's** are very sensitive to international competition and very labour-intensive, the government has chosen, in the present circumstances, to establish special rules for these branches.

As of September 23rd 2000 the following rules apply that are different from the Labour Decree 2000:

Duration of labour

- Working hours **per week** will be a maximum of **48 hours**, calculated over a period of four weeks, taking into account that a working day may not be longer than 10 hours.
- Working hours **per week**, including **overtime** can be **55 hours** maximum, calculated over a period of four weeks, taking into account that a working day may not be longer than 11 hours.

In other words: the determination of hours worked will be done over a period of four weeks, as a result hours can be shifted.

- Working hours per **nightshift**, not including breaks, will be a maximum of **8½ hours per day** (nightshift is when the employee works according to his work schedule between midnight and six a.m.)

Hours of rest and breaks

- The **weekly day of rest** of the employee according to his work-schedule (the day of rest has to be a Sunday at least once every 13 weeks).
- On a daily basis, the time before and after his working hours, taking into account that per 24 hours there will be at least 11 uninterrupted hours of rest.
- Holidays

Every day an employee works more than six hours, the working time has to be interrupted by an interval of at least one half hour, unless service does not allow for this.

Overtime

Overtime may result from:

- Working longer hours than the maximum number of working hours allowed per day or per week and entitles to a special rate of **150%**.
- Working on the day of rest of the employee or on a public holiday and entitles to a special rate of **200%**.

Employer and employee can agree in writing amongst themselves that overtime will not be paid in money but in time-back.

If the employer calls on the employee to work on a day he is not supposed to work, then it is to be paid for **at least three hours**.

If overtime takes place and the total duration of work and overtime is at least ten hours, the employer is obliged to provide the employee with a hot meal or sufficient financial compensation to this purpose.

Stand-by duty

This is the period between two consecutive shifts during which the employee is obliged to be **on call**.

While on stand-by duty, payable working time is regarded the time worked as a result of a call to duty. One call or more calls within one ½ hour, are expected to last at least one ½ hour.

Work performed during stand-by has to be paid **as overtime**.

The director is entitled to attach additional conditions to the duration of working hours (including overtime), pause and hours of rest with regard to an employee or a group of employees.

Attention: all other stipulations of the Labour Decree 2000 (P.B. 2000, no. 67) will remain applicable, such as:

- the prohibition of child labour for children under 15;
- the employer decides in principle whether his employees are schedule-workers or not by establishing the work schedule;
- a list of employees needs to be posted in every enterprise;
- list of employees with work schedules for schedule-workers need to be sent to the Labour Affairs Agency for information;
- the employer is obliged to produce a personnel register to the Department upon request;
- the employer is obliged to keep a register of overtime performed within his enterprise and to produce this upon request by the Department;
- a criminal offence is punishable with imprisonment of a maximum of four years and/or a fine of a maximum of Naf. 100.000,-;
- a violation is punishable with imprisonment of a maximum of one year and/or a fine of a maximum of Naf. 25.000,-.