

Work

Sundays and public holidays

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Preamble

Is it possible to work on a public holiday or a Sunday? Under what conditions?

1. Work and Public holidays

1.1. Supervision of public holidays

The Labour Code draws up a list of public holidays: 1st of January - Easter Monday – 1st of May – 8th of May Ascension Day - Whit Monday – 14th July – 15th August – 1st November - 11th November – 25th of December

Only May 1st is a compulsory non-working day.

Thus, a company, establishment or branch agreement determines and fixes **the public holidays worked or non-worked**, also called **ordinary public holidays**. Failing this, the employer shall determine this list.

In the absence of a provision, all public holidays are considered non-working holidays.

NB: We remind you that in Alsace-Moselle, there are two additional public holidays on Good Friday and 26th of December; special measures apply for this territory concerning the legislation of public holidays and Sunday rest. The principle is that with some exceptions, all public holidays are non-working days.

1.2. Ordinary public holidays worked

Work on legal days (except in the case of 1st May) does not give entitlement to any wage increase in the absence of a more favourable contractual provision.

1.3. Ordinary public holidays

Unemployment on an ordinary public holiday cannot result in any loss of salary for employees with at least 3 months of seniority.

1.4. The obligation to rest: May 1st

May 1st is a public holiday and a mandatory non-working day.

Unemployment cannot result in any loss of wages.

By way of exception, work on 1st of May is permitted in establishments and services which, because of the nature of their activity, cannot interrupt work.

In this case, employees who work on 1st May receive exceptional remuneration. The employer must pay them, in addition to the salary corresponding to the work performed, an indemnity of an equal amount.

The work of 1st of May is therefore increased by 100%.

NB: May 1st cannot correspond to the day of solidarity.

Applicable sanctions: fine corresponding to 4th class contraventions in case of violations of the rules on compulsory unemployment on the day of May 1st – applicable as many times as there are unduly employed or paid employees.

CUMULATION RULES:

1st of May and Sunday: the increases for work on Sundays fixed by the employment contract, agreement, collective agreement or custom **do not accumulate** with the increased remuneration of the 1st of May provided for by law in application of the non-cumulation of benefits having the same purpose.

1st of May and ordinary public holiday: It is advisable to look at the applicable collective agreements – in the case of holidays corresponding to the legal holidays provided, in addition to the annual leave, the employee benefits from the compensation of the ordinary public holiday and 1st of May.

1.5. Special cases

- **Absence of the employee on a non-working holiday:**

When an ordinary public holiday is not non-working, the employee's refusal to work constitutes an irregular absence that may be sanctioned.

- **Non-recovery of public holidays:**

Employers are prohibited from making up for hours of work lost as a result of unemployment on a public holiday.

- **Day of solidarity:**

When a public holiday is worked because of the solidarity day, the salary is maintained within the limit of 7 hours, or pro rata for part-time work.

2. Work and Sunday

2.1. The principle

Any employee, regardless of the type of employment contract (annual working days or hours package contracts also benefit from it), must have at least one day of rest per calendar week (i.e. 35 consecutive hours of rest) – in principle, the latter is Sunday: we speak of **Sunday rest**.

NB:

- Special provisions concern Alsace and Moselle
- Some beneficiaries are subject to special provisions (farmers, domestic workers, homeworkers, employees of road haulers/goods/persons, etc.).
- Executives are excluded from the regulations on Sunday work.

2.2. Derogations

Employees may, in some cases, work on Sundays, in order to allow continuity in the economic and social life of the country.

- **Permanent derogations, by operation of law**
 - activities requiring Sunday opening (certain industries, tourism and leisure establishments, fairs, exhibitions). For more examples, see Labour Code, art. R. 3132-5.
 - food retail shops but until 1pm.
- **Contractual derogations** (provided for by the collective agreement or a company agreement)
 - continuous work
 - work in auxiliary teams
- **Temporary derogations, permissible authorisations:**
 - geographical basis (tourist areas, commercial areas, shops in stations),
 - Sundays set by the mayor (Sundays worked for certain shops according to a calendar specific to each French city, and according to Sunday dates set by the mayor of the city in question),
 - closure detrimental to the public or the company.

2.3. Rewards

In the event of derogations provided for in a collective agreement, the arrangements relating to compensation for Sunday work shall be laid down in the collective agreement.

In other cases, the compensation will depend on the type of derogation, the activity, the sector concerned and/or the contractual provisions in force.

2.4. Sanctions

In the event of non-compliance with the rules on weekly rest and Sunday rest, the employer is liable to criminal sanctions (fine provided for 5th class contraventions) and to the payment of damages to employees, employees' organizations, trade and employers' unions. An immediate closure of the establishment may also take place in the event of an action for interim measures.

This fact sheet contains summary information. Please contact us for advice tailored to your situation. We cannot be held responsible for misinterpretation.

Contact

Claire APPELGHEM

Head of HR/Employment Law

Claire.appelghem@groupe-aplitec.com

01 40 40 38 38



4-14, rue Ferrus 75014 Paris
contact@groupe-aplitec.com | 01 40 40 38 38
www.groupe-aplitec.com