

Maximum duration of Work

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Preamble

In principle, the legal full-time working time is **35 hours** in France. However, and subject to certain conditions, this period may be exceeded.

1. Maximum daily working time

In principle, the maximum daily working time may not exceed **10 hours**. This duration also applies to trainees.

This duration is appreciated as part of the calendar day, which begins at 00:00 and ends at midnight.

The maximum duration is understood in terms of actual work.

However, derogations may be provided for:

- **Contractual derogations:** by company or establishment agreement or, failing that, a branch agreement, in the event of **increased activity or for reasons related to the organization of the company**. On the other hand, the daily working time must not be increased to **more than 12 hours**.
- **Administrative derogations:** by the labour inspector authorising the **overtime in the event of increased activity** in certain permitted cases (*for example, by work to be carried out within a specified period because of its nature*). Beforehand, the employer must consult the CSE.
- **Unilateral derogation by the employer:** in **an emergency case** in cases accepted for labour inspection. To do this, the employer must submit an application for regularization to the labour inspectorate accompanied by the opinion of the CSE.

2. The amplitude of the working day

The amplitude of the day corresponds to the period between the time the employee takes his position, and the moment he leaves it. Thus, the employer must respect the amplitude of work, non-compliance giving right to damages for the employee.

Its duration is limited by the **daily rest period of 11 hours**. Thus, the daily working time cannot exceed 13 hours (24 hours – 11 hours = 13 hours).

3. Maximum weekly duration

While a duration of more than 35 hours is possible, it remains limited:

- This period may not exceed **48 hours** in the same week. However, if authorized by the labour inspectorate in exceptional circumstances, the duration may be extended to **a maximum of 60 hours**.
- This duration may not exceed **44 hours** (46 hours in the case of a collective agreement) over any period of 12 consecutive weeks. On the other hand, in the absence of a collective agreement, an overrun may be **authorized by the « DREETS » (French labour administration)**, subject to respecting an average of **46 hours** over 12 weeks. In addition, this limit of **46 hours** may be exceeded **exceptionally** in certain **sectors, regions or companies**.

This maximum duration also applies to employees with several jobs.

4. The burden of proof of working hours

In principle, in disputes concerning the existence of, or number of hours worked, the **burden of proof is shared**.

Thus, the employer must provide the judge with the elements likely to justify the working hours carried out by the employee and, on the other hand, the employee must provide the elements likely to support his request. In this way, according to settled case-law, proof of hours of work is not specifically the responsibility of any of the parties.

In terms of overtime, the burden of proof is also shared between the employer and the employee. Thus, case law specifies that the employee cannot simply assert that he has worked overtime, but must provide proof of what he claims by any means (time sheets, emails, agenda, testimonials ,...).

However, a problem arises when these overtime hours are **tacitly accepted** by the employer. Thus, case law recalls that the employer must either prove that he refused the working of overtime or that these hours were not essential to the performance of the tasks entrusted.

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

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