



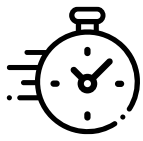
# Maximum Working hours

Update: 26/03/2025

# Preamble

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

## 1. The maximum daily working time



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

This duration is assessed in the context of the calendar day, which begins at 00:00 and ends at 24:00.

**The maximum duration is understood in terms of actual work.**

However, derogations may be provided:

- **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 organisation 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 **overrun in the event of an increase in activity** in certain accepted cases (*for example, by work that must be carried out within a specified period due to its nature*). Beforehand, the employer must obtain the opinion of the CSE.
- **Unilateral derogation by the employer:** in an **emergency** in cases admitted for labour inspection. To do this, the employer must submit a request for regularisation to the labour inspectorate accompanied by the opinion of the CSE.

## 2. The length of the working day

The amplitude of the day corresponds to the period between **the time the employee takes up his or her position** and **the time he or she leaves**. Thus, the employer must respect the scope of work, the non-compliance giving rise to the right to [damages for the employee](#).

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

## 3. The maximum weekly duration



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

- This duration may not exceed **48 hours** in the same week. However, if the labour inspectorate authorises it for 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 **authorised by the DREETS** provided that an average of **46 hours** over 12 weeks is respected. In addition, this limit of **46 hours** may be exceeded **on an exceptional basis** in certain **sectors, regions or companies**.

This maximum duration also applies to employees who hold several jobs.

# 4. The burden of proof of working hours



In principle, in a dispute relating to the existence or number of hours worked, the **burden of proof is shared**.

Thus, **the employer** must provide the judge **with the elements to justify the working hours worked** by the employee and, on the other hand, the **employee** must provide **the elements to support his/her request**. In this sense, according to settled case-law, the proof of hours worked is not specifically incumbent on either party.

**In the case of overtime**, the burden of proof is equally **shared between the employer and the employee**. Thus, case law specifies that the employee cannot simply claim that he or she has worked overtime but must provide proof of what he or she claims **by any means** (time sheets, emails, diary, testimonies,...).

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** that overtime be worked **or that these hours were not essential** to the performance of the tasks assigned.

\*\*\*

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

## Contact

**Claire APPELGHEM**

HR Director/Head of 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