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Weekly rest of employee

Verified 20 November 2020 - Directorate for Legal and Administrative Information (Prime Minister)

Coronavirus: adaptation of labor law

Ordinance No. 2020-323 of 25 March 2020 on emergency measures relating to paid leave, working hours and rest days (<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041755940>) provides for the possibility of temporarily and exceptionally derogating from the maximum daily and weekly working time.

This derogation may not extend beyond 31 December 2020.

It is prohibited to employ an employee more than 6 days a week. Weekly rest shall be at least 35 consecutive hours. However, derogations may affect employees' right to rest on weekends. Any employee under 18 years of age shall benefit from specific provisions.

General case

All employees must be granted a weekly rest period.

Weekly rest shall be at least 24 consecutive hours, in addition to the daily rest requirement of 11 consecutive hours.

Therefore, the minimum weekly rest period shall be **35 consecutive hours**.

More often than not, the employee has 2 consecutive days of rest.

Example :

Saturday and Sunday or Sunday and Monday.

In the interest of the employee, the rest day is Sunday.

Sunday rest (<https://www.service-public.fr/particuliers/vosdroits/F13887?thelang=en>) is not possible.

Rest may be postponed to a day other than Sunday, reduced or deleted, subject to conditions which vary according to the derogations concerned:

Urgent work

Weekly rest may be waived for staff performing urgent work which is required for the following functions:

Organization of rescue measures

Prevention of imminent accidents

Repair of accidents to the equipment, facilities or buildings of the establishment

This suspension applies to the employee of the undertaking where the urgent work is required and to the employee of another undertaking making the repairs on behalf of the former.

Any employee whose weekly rest period has been abolished shall be granted compensating rest.

The compensatory rest must be of a duration equal to the rest abolished.

Industry dealing with perishable materials (bakeries, pastries, cold cuts, fruit and vegetable canning...)

Weekly rest may be canceled not more than 2 times per month and up to 6 times per year.

Hours worked on the day of weekly rest shall be considered aslang=en)

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Seasonal activities

Weekly rest may be postponed if the employee works in an establishment engaged in any of the following activities:

Conserveries of fruit, vegetables and fish

Hotels, restaurants, caterers and rotisseurs

Bathing establishments in spa or climatic resorts

Deferral is only possible if the establishment only opens in whole or in part during a period of the year.

The employee must have at least 2 days of rest per month and as much as possible on Sunday.

Establishment experiencing an extraordinary amount of work

If the employee works in a company which has to meet at certain times an extraordinary increase in work, the weekly rest period may be abolished.

Weekly rest may be abolished not more than 2 times per month and up to a maximum of 6 suspensions in the year.

Hours worked on the day of weekly rest shall be considered aslang=en)

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Continuous industrial establishment

The weekly rest period of the employee assigned to continuous work may be postponed.

In this case, a period of work must be fixed, during which the employee must be granted a number of consecutive hours of rest at least equal to the number of weeks within that period.

As much as possible, these rest periods are given on Sunday.

Example :

Over a period of 4 weeks, the employee must be granted at least 4 weekly rest periods of 24 consecutive hours.

Work at ports, docks and stations

Employees assigned to loading and unloading at ports, landing stages and stations may be required to work on a weekly rest day.

Cleaning of industrial and maintenance premises

If the establishment grants weekly rest on the same day to all employees, such rest may be reduced to half a day under the following conditions:

The employee is assigned to the work of cleaning industrial premises and maintenance

This work must necessarily be performed on the day of collective rest and is essential to avoid a delay in the normal resumption of work

One compensating rest is allocated for a whole day for 2 half-day discounts.

National defense work

A ministerial decision may temporarily abolish the weekly rest period for an employee working in one of the following establishments:

Establishment of the State

Institution carrying out work on behalf of the State

Institution performing work in the interest of national defense

Guardians and janitors of industrial and commercial establishments

When the caretaker and janitor of an industrial and commercial establishment cannot take his weekly rest, he shall be entitled to compensating rest..

Employee under 18

Employees under 18 years of age are entitled to 2 consecutive days of rest per week.

However, treaty provisions or collective agreements may provide for a derogation only if the employee is at least 16 years of age.

In the event of a derogation, the employee shall be granted a minimum rest period of 36 consecutive hours.

The following situations and activities do not apply to the 2 consecutive days of rest per week:

Work in a seasonal industry
Industries dealing with perishable materials
Industries having to meet an extraordinary increase in work
Continuous industrial establishments
Work at ports, docks and stations
National defense work

Statute and miscellaneous references

- Labor Code: Articles L3132-1 to L3132-3-1 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006189640&cidTexte=LEGITEXT000006072050>)
Duration, day(s) of rest
- Labor Code: Article L3132-4 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006198598&cidTexte=LEGITEXT000006072050>)
Derogation in case of urgent work
- Labor Code: Article L3132-5 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006198599&cidTexte=LEGITEXT000006072050>)
Derogation for industries dealing with perishable materials or having to meet an extraordinary additional workload
- Labor Code: Article L3132-6 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006198600&cidTexte=LEGITEXT000006072050>)
Derogation in the event of work at ports, docks and stations
- Labor Code: Article L3132-7 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006198601&cidTexte=LEGITEXT000006072050>)
Derogation from seasonal activities
- Labor Code: Article L3132-8 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006198602&cidTexte=LEGITEXT000006072050>)
Derogation in case of cleaning of industrial premises and maintenance
- Labor Code: Article L3132-9 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006198603&cidTexte=LEGITEXT000006072050>)
Derogation in the case of work involving national defense
- Labor Code: Article L3132-10 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006198604&cidTexte=LEGITEXT000006072050>)
Derogation for continuous operating industrial establishments
- Labor Code: Article L3132-11 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006198605&cidTexte=LEGITEXT000006072050>)
Derogation concerning guards and janitors of industrial and commercial establishments
- Labor Code: Articles L3164-2 to L3164-5
(<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006189655/>)
Derogation for employees under 18