

WORKING CIRCULAR 31/05/2017

REGISTRATION OF WORKING SHIFT

Dear Customer,

The Labour Inspectorate has put an end to the uncertainty: there will be no sanctions for companies that do not have a daily record of the working shift of their employees. The agency has disseminated among its employees **Instruction 1/2017, which determines that the lack of this hourly control "is not constitutive of a violation of the social order."**

The document, signed on May 18th, recognizes that after the [Supreme Court overturned the obligation of registration](#) - in a ruling of March 21st; Doctrine confirmed in another of April the 20th - it is necessary to amend the Inspection's criteria regarding the control of working time and overtime -exposed in Instruction 3 / 2016-.

Nonetheless, non-registration does not exempt companies from respecting working time limits, nor does it prevent inspectors from using other means of proof to control compliance. For example, they will be able to talk to the workers or make visits outside the normal working hours to check if there are employees doing overtime.

"The Instruction recalls that in the administrative-sanctioning area also applies circumstantial evidence, which will play against those companies in which, given the finding of more than ordinary days, do not have a detract record".