



Banking and Insurance
Union

FLASH

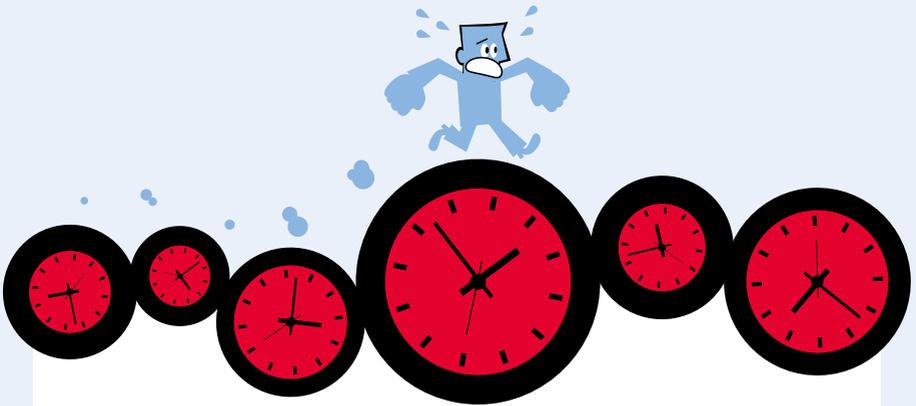


STOP

WORKING TIME ABUSE

NEW LEGISLATION ON WORKING TIME:
What's new?

www.ogbl.lu



Working time is a fundamental element of each employment contract. It is thus one of the main concerns of all employees, as it affects the organization of their private and family life.

However in practice, employees are often required to work more hours than what is legally foreseen in their contract, which leads to exploitation:

- ♦ Working hours are not compensated or paid as they should be.
- ♦ Working hours are often "cancelled" or "lost".

As the internal regulations of the companies very often allow these abuses, employees assume that this is the law, and that the employer is respecting the legislation.

So, how can you distinguish truth from falsehood?

To help you find your way around, the OGBL-SBA has listed the key rules to help you manage your working hours.

Law strictly regulates working time



- The daily working time:

8 hrs/day +2 hrs

8 hrs/day, up to maximum 10 hrs/day, including overtime.

- The weekly working time:

40 hrs/week

+8 hrs

40 hrs/week, up to maximum 48 hrs/week, including overtime.

Overall, you cannot work more than 2 hours of overtime per day and more than 8 hours of overtime per week.

Any violation of this maxima is strictly prohibited by law.

In case of flexible working hours (POT or Horaire mobile), your working time is regulated in the framework of a reference period

- ◆ In the absence of a CLA (Collective labour agreement) or in case the CLA doesn't provide a reference period: the legal reference period can be fixed up to a maximum of 4 months.
- ◆ A CLA or an interprofessional social dialogue agreement can extend or reduce the length of the legal reference period, however without exceeding a maximum of 12 months.

As an employee of the financial sector, your working time can be regulated via different systems:

1. Fixed schedule

In case of a fixed schedule, your working time is precisely defined in your working contract or in the internal regulation of your company.

Any hour which exceeds the daily or weekly threshold has to be considered as overtime work.

2. Flexible schedule

a) Working plan organisation (POT)

In case your company applies a working plan organisation (POT), this plan regulates your working time. It must advise you and your superior on the working time for the whole reference period. You have to be informed about your POT (which includes all the details about your working schedule) at least 5 days ahead of the reference period.

Within the framework of a POT, the legal reference periods which are superior to 1 month and up to 4 months maximum give you the right to an additional vacation day. Starting from certain thresholds related to the length of the reference period, and if a change occurs by the initiative of the employer less than 3 days before the event, the working hours have to be considered as overtime work.

For more details, contact your company's OGBL staff delegate or OGBL/SBA directly.

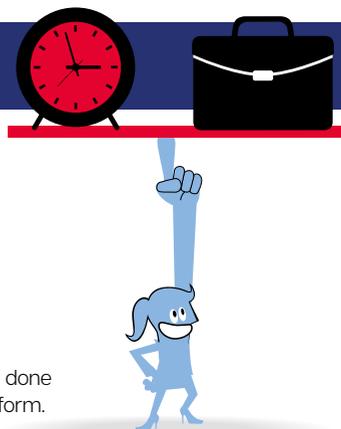
b) Flexible working time (horaire mobile-HM)

In case of flexible working time, you can manage your working time freely. However, you will have to respect the legal limits (maximum 10 hrs a day and 48 hrs a week), service demand and the needs of other employees.

How should you organize your flexible working time (HM) on a daily base?

- ◆ You should organize your working time that at the end of the reference period no surplus hours remain.
- ◆ You have the right to choose the period when you wish to compensate or recover your working hours.
- ◆ Try to compensate your surplus hours on a regularly basis before the end of the reference period.

Important: the requests for compensation or recovering have to be done in writing! Any refusal by your superior has to be justified in written form.



What will happen in case of a flexible working time system to surplus hours which could not be compensated before the end of the reference period?

> **If the reference period is superior or equal to 1 month:**

- ◆ **If you were not able to bring your surplus hours to "zero" during the reference period;**
- ◆ **If you can prove that these hours were justified due to service demands;**

Then these hours have to be considered and treated as "OVERTIME WORK".

No transfer of surplus hours to the next reference period is allowed according to law. The surplus hours thus have to be compensated as overtime work:

- ◆ either 1.5 hours of time off per hour of overtime worked
- ◆ or added at the same rate (1.5 hrs) onto your time saving account
- ◆ or paid at an increased rate for every hour of overtime worked (of 150% if CBA Banks and Insurances, 140% if no CBA).

Important: in case your employer should contest the accuracy of your hours, you will have to prove that the hours have been done to fulfill service demand.

ADVICE: should you note that you are doing a high number of working hours and that you are not able to respect the legal limit of maximum working time over a certain period, please inform your employer in writing (for example via e-mail). In order to serve as proof, your employer will have to give his written consent to any overtime hours.

> **If the legal reference period is less than 1 month:**

ONLY EXCEPTION: In those companies which apply a legal reference period up to 1 month, it is allowed that a certain numbers of surplus hours (identified hours) can be transferred to the next reference period within the internal flexible working time regulation (HM).

If these identified hours cannot be compensated before the end of the next reference period then they have to be considered as overtime.

Should the surplus hours exceed the maximum the internal regulation allows to be reported to the next reference period, then these hours have to be considered as overtime.

No working hour can be lost!

Essential rule: No working hour which has been executed to comply with service demands can be cancelled, lost or not recognized as overtime work at the end of a reference period. If your internal rules foresee a different regulation, it's not legal.

We are at your disposal for any further questions or concerns you may have regarding the new law on working time. Contact your OGBL company's staff delegate or directly OGBL/SBA directly.



Become an OGBL member!

There are many advantages to becoming a member of the OGBL:

- ◆ To have a reliable and experienced partner who defends your wages, working conditions and your quality of life.
- ◆ To have access to a good legal assistance in the event of a conflict at work.
- ◆ To be part of a strong and supportive community.
- ◆ To become a staff delegate and to benefit from the best support and the best possible training during your mandate.

There might be many different reasons but there is one common denominator:

Becoming a member of the OGBL is an investment in your own future and supports your community. Invest in your future! Join us!

If you wish to join the OGBL, you can download our membership form on our website: www.ogbl.lu/devenez-membre, and return it by mail (sba@ogbl.lu) or by post to: OGBL-SBA BP 2031 L-1020 Luxembourg

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APPLICATION FOR MEMBERSHIP

DIRECT DEBIT MANDATE

By signing this mandate form, I authorize the OGBL to send instructions to my bank to debit my account, and my bank to debit my account in accordance with instructions from the OGBL.

NOTE: You have the right to a refund from your bank under the conditions stated in the agreement that you have signed with it. All refund requests must be made within 8 weeks of the date that your account has been debited.

Reserved for the administration

(PLEASE WRITE CLEARLY WHEN FILLING IN THIS APPLICATION)

Surname

Forename

Date of birth - social security registration number

Nationality

Zip code

Locality

N°

Street

Private e-mail

Private phone no with country prefix

IBAN - Bank account no

Creditor

OGBL · 60, bd J.F. Kennedy · L-4170 Esch/Alzette

Identification Number

LU36 ZZZ0000000008699001005

I authorize the OGBL to adjust the payment in accordance with its statutes or relevant Congress decisions, to register and process my personal information in its electronic data processing.

Date Locality

Signature

Employer

Workplace - Branch

Monthly contribution

- Employee
- Civil servant
- Pensioner
- Indépendant(e)

Except for the conditions identified below, the monthly contribution is 1% of gross income (salary, pension, unemployment benefit, guaranteed minimum wage) without exceeding €19.40 (since 1/2017).

- Income less than €1,940 = according gross income, please indicate

€

Gross

- Apprentice = €3.90 per month
- Student - Pupil = €1.00 per month
- Unemployed worker not receiving benefits = €2.00 per month
- Without employment = €9.70 per month
- Widow(er) of a deceased member = €9.70 per month

OGBL Member no

Previous trade union

Since

Please attach an affiliation certificate hereto.

Recruited by

OGBL Member no mandatory

Please send completed form to

OGBL Member Management

31, avenue Grande-Duchesse Charlotte · L-3441 Dudelange

Tel.: +352 54 05 45 928 · E-mail: affiliation@ogbl.lu