



Legal News – Monaco

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Draft Law No. 980 on the regulation of night work

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Draft Law No. 980 on the regulation of night work of 2 October 2018 follows the law proposal No. 210 on the regulation of night work of 13 December 2013, adopted by the National Council to the Public Session of 6 June 2017.

Night work concerns about 20% of employees in Monaco (9,000 people).

After analysis of European legislations with disparate solutions (prohibition of night work in Belgium, exceptional character and strict framework in France, no specific authorization in Italy and Luxemburg), the Government retained *"a pragmatic and measured approach in a balanced text meeting the needs, as well as the Monegasque specificities"*.

The Draft Law is *"marked by the freedom and flexibility of activity on the one hand and the preservation of employees' health on the other hand"*, and excludes *"too much administrative rigidity"*.

Contrary to the law proposal No. 910 consisting of 8 articles, and providing for the completion of the Ordinance-law No. 677 on the duration of work of 2 December 1959, amended, the Draft Law No. 980 proposes an autonomous text of 6 chapters and 26 articles and repeals the provisions relating to night work of the said Ordinance-law :

Chapter I - General Provisions

Art. 1 - Limitation of the scope of the law to private employment relations

Art. 2 - Definition of night work

Art. 3 - Definition of the night worker

Art. 4 - Maximum daily working time

Art. 5 - Minimum rest period

Art. 6 - Grounds for recourse to night work

Chapter II - Implementation of night work and monitoring

Art. 7 - Conditions for regular implementation of night work, its extension to new staff categories or modification of an existing organization

Art. 8 - Conditions for punctual use of night work



Chapter III - Protection and accompaniment of the night worker

Art. 9 - Individual monitoring of health under the conditions set by Sovereign Order

Art. 10 - Protection of employees, apprentices or trainees under the age of 18 (reiteration of Article 13 ter of Ordinance-Law No. 677 of 2 December 1959 on the duration of work, amended)

Art. 11 - Specific status for the pregnant woman

Art. 12 - Mobility of the worker to a night or day work

Art. 13 - Reconversion in a day work of the night worker justifying 20 years of night work in Monaco

Chapter IV - Compensation for night work

Art. 14 - Compensation assessed in time

Art. 15 - Forms of compensation

Art. 16 - Compensatory rest period

Art. 17 - Compensation in cash

Art. 18 – Calculation method of the compensation in cash, and special system of social security

Art. 19 - Choice of compensation

Chapter V - Penal sanctions

Art. 20 - Infringements to the provisions of this Law, Sovereign Ordinances and Ministerial Orders issued for its application

Chapter VI - Transitional Provisions

Art. 21 - Entry into force of this Law within one year, from the publication in the *Journal de Monaco*

Art. 22 - No accumulation of the compensation of Art. 14 with prior compensation, subject to conditions

Art. 23 - Exclusion of any reference to the stipulations of the collective agreements of the neighbouring region concerning bonuses and allowances compensating for night work

Art. 24 - Procedures for supporting companies specified by Ministerial Order

Art. 25 - Repeal of the provisions on night work of Ordinance-Law No. 677 of 2 December 1959 on duration of work

Art. 26 - Repeal of any contrary provision