

Opening of retail stores on Sundays

Law No. 1.471 of 2 July 2019 amending Law No. 822 of 23 June 1967 on weekly rest, as amended, is the result of Draft Law No. 979, passed by the National Council on 24 June 2019.

The scheme aims to make the Principality more attractive and enable interested retail businesses to face regional competition.

The principle remains that of weekly Sunday rest.

The legislator has paid particular attention to respecting the individual freedom of the employer and the employee, protected.

Nine new articles are added to Law No. 822 (Articles 3-1 to 3-9).

The modalities for implementing the derogation will be reviewed after three years of application of the law.

Amendments to Act No. 822 on Weekly Rest:

Article 3-1

- Possibility for retail businesses to derogate from the principle of Sunday rest provided for in Article 1 within the limit of 30 Sundays per year and per employee.
- Allocation of weekly rest on a day other than Sunday to all employees, or by rotation to all or some employees.
- Definition of a retail business.

Article 3-2

- Procedure for implementing the derogation (information to employees, the labour inspector and employee representatives, if the company has any, on the general implementing rules)
- Amendment of the general rules for implementing the derogation.
- Waiver of the derogation.



Article 3-3

- Principle of volunteering.
- Formalization in writing of the agreement and the conditions for the execution of the work pursuant to the derogation.

Article 3-4

- Modification of the conditions for the performance of work performed pursuant to the derogation by mutual agreement between the employer and the employee.

Article 3-5

- Unilateral termination of the agreement at the initiative of the employer or the employee.
- Effective date of termination.

Article 3-6

- Protection of employees who refuse to work on Sundays or stop working on Sundays.
- Hiring protection.
- Invalidity of sanctions or measures intended or having the effect of adversely affecting working conditions or career development.

Article 3-7

- In addition to the weekly rest period: payment for the working day on Sunday of remuneration at least equal to twice the remuneration normally due for an equivalent working time, or compensatory rest period of one day per Sunday worked in the month following the Sunday worked.
- Determination of the terms and conditions for the award of compensation.
- Possibility of taking compensatory rest within 1 year from the Sunday worked.
- Subject to contractual provisions or collective agreements that would provide employees with superior benefits.



Article 3-8

- Inapplicability of Articles 3-1 to 3-7 to the establishments mentioned in Article 3, which benefit automatically from the derogation.

Article 3-9

- Employer with less than 10 employees: conditions for obtaining reimbursement of contributions paid for the employee for Sundays worked, depending on turnover (conditions of application determined by Ministerial Decree)