

LABOR NEWS

Summary of the Preliminary Draft of the Law on the Reduction of Working Time

February 2025

On 4th February 2025, the Council of Ministers approved the Preliminary Draft of the Law to reduce the maximum ordinary working hours, regulate the working day register and reinforce the right to digital disconnection.

Once approved as a law, the Ministry of Labour aims that the measures contained therein to be implemented before 31st December 2025.

However, approval is pending by the Congress of Deputies. This approval will require the support of political parties that are not part of the government.

Main points foreseen in the draft law:

Reduction of working hours

- The maximum working hours per week are reduced to 37.5 hours.
- The reduction of the maximum working hours will not affect the employee's salary.

There has been considerable controversy. Business organisations have expressed their opposition to the measure, arguing that collective bargaining should be preferred when implementing this type of measure.

The text stipulates that the negotiating committees of collective agreements will have until 31st December 2025 to make the necessary adaptations to ensure compliance with the provisions of the regulation, in particular with regard to the maximum length of the ordinary working day.

Antonio Garamendi, president of the CEOE, accuses the Ministry of Labour of “invading collective bargaining”.

Along these lines, Foment del Treball has also announced that “Foment del Treball is raising its opposition to the reduction of the working day by means of a law, as many collective agreements have already established working hours of less than 40 hours a week, along the lines of what CEOE has defended. Working hours must be a point of agreement in collective bargaining, where the particularities and needs of each sector are considered”.



Day registration system

- The registration system must be digital, objective and reliable. Employees must clock in personally and directly, immediately at the beginning and end of each working day, so that the company cannot condition its content.
- The registration system must be immediately accessible to:
 - The employees.
 - Legal representatives of the employees.
 - Labour and Social Security Inspectorate, who will have remote access.
- Companies must keep records for four years.

Right to digital disconnection

- To prevent employees from being required to work outside of working hours, digital disconnection is established as an unwaivable right.
- It is expressly provided that refusing or failing to respond to a communication or request for work services by digital means outside working hours may not lead to reprisals by employers.

Part-time employees

- The draft also provides that employees who have a part-time contract, who currently work an average of 37.5 hours a week or more per year, will have a full-time employment agreement after the entry into force of this regulation.

In addition, the text includes a transitional provision which clarifies that “*part-time employees shall be entitled to continue working the same number of hours as before the entry into force of the regulation*”.

This will result in salary increases for people providing services in this modality.

New sanctioning regime

According to the text of the draft of the Law, the government will sanction companies that fail to comply with the time registration and the reduction of the maximum working week of 37.5 hours with up to € 10,000 per employee.

This means a strengthening of the current sanctions on working hours in two ways: firstly, because companies will be sanctioned for each employee and not as a whole; and secondly, because the amount of fines, classified as a serious offence by employers, will be higher, rising from a maximum of € 7,500 to € 10,000.

Update of Annual Minimum Salary (SMI)

In addition, the Government announces that an agreement has been reached with the trade unions (UGT, CCOO) to update the SMI for 2025. This agreement foresees the update in the following terms:

- An increase of 4.41% is agreed retroactive to 1st January 2025.
- The annual minimum salary in 2025 is expected to be € 16,576/year. The SMI rises to €1,184 gross per month in 14 payments and € 1,381.33 gross per month in 12 payments.



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