



SHIFTS IN COSTA RICA

SHIFTS UNDER THE COSTA RICA LABOR CODE – COSTA RICA LABOR LAW – COSTA RICA LABOR CODE – DAY SHIFT – NIGHT SHIFT – OVERTIME – By: Rogelio Navas Rodríguez, Esq., Costa Rica Labor Law Attorney – A very important subject when hiring personnel in Costa Rica is how shifts are regulated. Under the Costa Rica Labor Code there are ordinary shifts -day-time shifts, night shifts and mixed shifts- , extraordinary shifts (overtime), as well as continuous shifts and fractioned shifts. Each kind of shift has different limitations in terms of the maximum amount of hours that an employee can be required to work per day and/or per week, as well as applications when it comes to taking advantage of your human resources to the fullest. As follows you will find a brief explanation that we hope will be useful for the organization of your business in Costa Rica.

WHAT IS A WORK SHIFT UNDER THE COSTA RICAN LABOR LAW? When we talk about a Work Shift, we are speaking about the maximum amount of hours that an employer may require an employee to work on a daily or a weekly basis. In that sense, the employer cannot oblige the worker or demand from him or her to work for more hours than the amount established by law or by the parties -either contractually or in practice-.

WHAT KINDS OF SHIFTS ARE THERE COSTA RICA? There are different types of shifts in Costa Rica. In general terms, there are ordinary and extraordinary shifts; being the ordinary shifts classified as day-time shift, night shift and mixed shift. There are also continuous or uninterrupted shifts and fractioned shifts.

ORDINARY SHIFTS: The ordinary shift is the one in which the employee works within the maximum amount of hours established by law or agreed between the parties. In no case shifts contractually agreed between the parties may exceed the maximum amount of hours established by law; however, if the amount of daily and weekly hours that is contractually agreed is less than the maximums established by law, said contractually agreed daily and weekly hours become the ordinary shift for that specific employment relationship. The same happens when, in practice, it becomes customary for the employee to work for less hours than the ones established by law. Ordinary shifts as classified as follows:

DAY SHIFT: A day-time shift is any shift between 5:00 am and 7:00 pm. This shift has a maximum of 8 hours per day and 48 hours per week; however, when the job is not considered dangerous or does not pose any threat to the employee's health, the ordinary day-time shift can be extended up to 10 hours per day, as long as the 48 hours per week are not exceeded.



When the shift is extended to 10 hours per day, that is known as an accumulative shift. This kind of shift is used to avoid having to work six days a week, but still covering the 48 hours per week.

NIGHT SHIFT: The night shift is any shift starting on or after 7:00 pm and ending on or before 5:00 am of the next day. This shift has a maximum of 6 hours per day and 36 hours per week. Any shift starting before 7:00 pm and ending after 10:30 pm, or starting before 1:30 am and ending after 5:00 am, is also considered a night shift.

MIXED SHIFT: A mixed shift is any shift starting before 7:00 pm and ending before 10:30 pm, or starting after 1:30 am and ending after 5:00 am. The mixed shift has a limit of 7 hours per day and 42 hours per week; however, when the job is not considered dangerous or does not pose any threat to the employee's health, the mixed shift can be extended to up to 8 days per day and 48 hours per week; unless the employee is required to work for more than three and a half hours after 7:00 pm or before 5:00 am, cases in which the shift will be considered a night shift for all legal effects.

DOES THE SALARY CHANGE BY REASON OF THE SHIFT? No differences in salary are allowed by reason of the shift. Employees of the same category, doing the same kind of work, are entitled to earn the same, regardless of the shift.

EXTRAORDINARY SHIFT: The extraordinary shift is commonly known as "overtime", and consists of the hours worked by the employee in excess of his or her ordinary shift. This kind of shift is called extraordinary because of its nature, as it is considered an exception. No employer is allowed to require the employees to work for more hours than the ordinary shift unless special circumstances should demand it occasionally.

HOW IS OVERTIME PAID? Overtime is paid with an additional 50% of the ordinary hourly salary. To calculate the cost of an overtime hour, just multiply the cost of an ordinary hour by 1.5.

CAN OVERTIME BE EXCHANGED FOR EXTRA TIME OFF? No, overtime has to be compensated with the corresponding payment only.

CONTINUOUS AND FRACTIONED SHIFTS: All employees are entitled to a minimum daily break of 30 minutes during their ordinary shifts. When the break granted to the employee is of 30 minutes and up to one hour, but the employee has to stay at the work site and to the employer's orders, the shift is considered continuous and the break is accounted as part of the employee's shift. However, when the break given to the employee is of one hour or more, and the employee is free to do whatever he or she wants during that time, the shift is



considered fractioned and the time of the break is not accounted as effective work hours. This is useful to extend exit hours without actually requiring the employee to work more than his or her ordinary shift. It is important to take into consideration, though, that coffee breaks not only are not mandatory, but cannot be accounted as part of the daily break to consider the shift as fractioned .

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