



Fourth Study Commission
Public and Social Law

Meeting in Recife, 17-21 September 2000

Final Report

WORKING TIME AND JOB FLEXIBILITY

Statutes regulate the working time (normal and overtime). According to the various kinds of work, peculiar cases are ruled by collective agreements.

The contract is binding to the parties, but labour law forces it to respect very strict public policy's rules for the protection of the workers.

The derogations provided by different legislations can have consequences on the contract. In case of conflict, the dispute can be submitted to an administrative organ or to a Court. If necessary, the legislator may intervene.

Nightwork and overtime during non-working days is usually permitted in the context of job flexibility, but within limits connected to the age and sex of the workers, and to the type and regulation of the employment.

In some countries, job flexibility increases the demand of self-employed workers.

There are various kinds of flexibility and they may be encouraged whenever workers' rights are respected.

Recommendation: The gap between the letter of the law and its enforcement must be reduced when either working time or job flexibility are concerned. It has been noted that domestic legislations are quite complete as to the principles but actually the enforcement of the labour law often fails to achieve its aims.

Topic of next year: Migrant workers. Regular or irregular workers; their social status.