

Legal Shots

What's new: Counting of absences due to death

Supreme Court of Justice decided that "consecutive days" should be interpreted as referring to days in a row.

In a recent ruling*, the Supreme Court of Justice decided that the expression "consecutive days" - contained in a clause of a collective bargaining agreement identical to article 251 of the Labour Code - should be interpreted as referring to days in a row, regardless of whether they are business days, working days or rest days.

This decision contradicts the position of the Working Conditions Authority, which takes the view that the reference to justified absences implies that only working days (of actual work) are taken into account, i.e. that rest days (days off, public holidays and weekends, depending on the organisation of working hours) are not taken into account.

After contacting the above-mentioned Authority, and despite being aware of the ruling in question, the same will remain the above mentioned understanding as set out in its Technical Report no. 7.

* Decision no. 4/2023 of the Supreme Court of Justice, dated April 19, 2023, Process no. 11379/21.0T8PRT.P1.S1

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