



**Publication of the  
technical policy on the  
working hours record by  
the Labour Inspectorate**

*Barcelona, 18 June 2019*

Dear client,

The purpose of this Circular Letter is to inform you of the **publication by the Labour Inspectorate of Technical Policy 101/2019** as a continuation of the Guidelines on the recording of working hours published on 13 May 2019. This policy will be **applicable to inspection proceedings on this matter**.

### **Main aspects**

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The main aspects of this Policy are as follows:

- ▲ The keeping of the **working hours record is not an option** for the employer but is **mandatory**, requiring the actual implementation of a register.
- ▲ Daily working hours must be reflected in this record. Although the recording of interruptions between the start and end of the working day which is not actual working time is not required, the record can be organised in such a way that these interruptions are recorded. The **purpose is for the record to provide an adequate and complete view of working time**, and not reflecting pauses or interruptions could lead to the presumption that the workday consists of all the time that elapses between the daily start and end time recorded; it being the employer that would have to prove that this were not the case.
- ▲ It must be an **objective, reliable system that cannot be altered subsequently**, and therefore to attest to the fulfilment of the working hours record it will not be acceptable to exhibit the general timetable, employment calendar or hourly schedules, since all of them are prepared previously and relate to the expectation of work but not the hours actually worked that are only known subsequently.
- ▲ The regulation makes no reference to the **system for keeping the record**, therefore **any physical or other medium is valid provided that it guarantees the reliability and veracity of the recorded data**. These data must **remain physically at the work centre**



or be accessible from the work centre on an immediate basis when such is requested by the employees, their representatives or the Labour and Social Security Inspectorate. If the record is kept on paper, for conservation purposes it may be archived in digital format by scanning the original documents.

- ^ **The fact that the records should remain available to employees**, their representatives or the Labour and Social Security Inspectorate **does not imply the obligation for the employer to deliver copies of the record**, unless a collective agreement so provides or there is an express agreement to the contrary, nor that all employees must be given a copy of their daily record.
  
- ^ **When the working hours record is kept using electronic or computer means** (signing in, magnetic card or similar, fingerprint, by computer, etc.) the Labour and Social Security Inspectorate may **ask for a printed copy of the relevant records or their download or supply on a digital medium in a readable and processable format** . If the record is kept **manually**, the Inspectorate **may take the original documents or request a copy of them**.

The **complete Technical Policy** may be consulted at the website of the Ministry of Employment and Social Security at this [link](#).

The professionals in our labour area are at your disposal for any clarification or additional information you may require in relation to the content of this Circular Letter.

Yours sincerely,

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