



SOCIONEWS



LAW

SUNDAY WORK AUTHORISED IN MUSEUMS

The law of 28 June 2023¹ introduces into the Labour Code an additional derogation to the ban on working on Sundays applicable to museums². This law comes into force on 4 July 2023.

In practice, museums have regular opening hours on every Sunday of the year in order to meet the needs of their visitors, most of whom travel to these places on weekends.

This is why, until recently, Sunday working in museum. For this reason, Sunday work in museum institutions has so

far been allowed on the basis that these entities fall under the definition of "*public entertainment enterprise*", which is already covered by the exemption from the ban on Sunday working. However, this solution is insufficient because it is legally uncertain and ambiguous.

The Government therefore considered that it was necessary to add a legal basis allowing "*museums*" to benefit from an exclusive derogation from the ban on Sunday working, so that they could expressly remain open on Sundays.

1. SCOPE OF THE EXEMPTION FROM THE BAN ON SUNDAY WORKING

A museum is defined as "*a permanent, non-profit institution at the service of society, dedicated to the research, collection, conservation, interpretation and exhibition of tangible and intangible heritage. Open to the public, accessible and inclusive,*

it encourages diversity and sustainability. Museums operate and communicate ethically and professionally, involving diverse communities. They offer their audiences diverse experiences of education, entertainment, reflection and knowledge sharing."

¹ Loi du 28 juin 2023 portant modification de l'article L. 231-6 du Code du travail, Mémorial A, N° 343 du 30 juin 2023.

² Article L. 231-6 of the Labour Code.



2. PROVISIONS APPLICABLE TO MUSEUM EMPLOYEES

Museum institutions will therefore be able to have their employees work 8 hours on Sundays on a permanent basis.

Employees working on Sundays benefit from the conditions of pay and rest as defined by the Labour Code³ and explained below.

Hours worked on a Sunday may be remunerated in two ways:

- the employer pays the employee his normal hourly wage plus 70% ;

or

- the employer pays the employee only the 70% supplement and compensatory leave during the week.

Increases for working on Sundays are tax-free without limitation.

Compensatory leave off is a full day if the Sunday work lasted more than 4 hours and half a day if it lasted less than 4 hours.

If the hours worked on Sunday also constitute overtime for the employee, they must also be compensated as such.

If Sunday is a public holiday, the employee is also entitled to extra pay for working on a public holiday.

³ Article L. 231-7 of the Labour Code.