

OVERTIME REGULATIONS IN EL SALVADOR



Overtime regulations in El Salvador

In El Salvador, the regulations related to overtime work are governed by the Labor Code and its reforms.

According to the Labor Code, overtime work are those hours that exceed the ordinary workday and **may only be agreed occasionally, when unforeseen, special, or necessary circumstances so require.** The ordinary day shift is 8 hours a day and 44 hours a week. The night shift is 7 hours a day and 39 hours a week.

The day shift goes from 6 a.m. to 6 p.m. to 7 p.m., and the night shift from 7 p.m. to 6 a.m.

Overtime in El Salvador is subject to the following regulations:

- During the **day shift**, overtime must be paid with a surcharge of **100%** of the ordinary basic salary per hour, up to the legal limit.
- During **night shift**, overtime must be paid with a surcharge of **125%** of the ordinary basic salary per hour, up to the legal limit.

By saying "legal limit" the Labor Code refers to article 167 which defines that, **between the end of a workday (ordinary or with overtime) and the start of the next workday, there must be a period of no less than 8 hours.**

The articles of the Labor Code of El Salvador that regulate overtime work are the following:

- **Article 161:** Defines the ordinary day and night shift. It also defines your daily and weekly limits on working hours.
- **Article 167:** Establishes that between end of a workday (ordinary or with overtime) and the start of the next workday, there must be a period of no less than 8 hours.
- **Art. 168:** establishes that the work carried out at night will be paid, at least, with a twenty-five percent surcharge on the salary established for the same work during daytime hours.
- **Article 89 and 169:** Regulates the surcharge for overtime.
- **Article 170:** Defines that overtime work may only be agreed occasionally.