

NEWSLETTER

AMENDMENT TO THE LABOR CODE

Law of July 24, 2024, amending:

1. [The Labor Code](#)
2. [The amended law of April 16, 1979, establishing the general status of State civil servants](#)
3. [The amended law of December 24, 1985, establishing the general status of municipal civil servants](#)

This law, which transposes Directive (EU) 2019/1152 of the European Parliament on transparent and predictable working conditions in the European Union, ensures that various workers, on the one hand, have better access to essential information applicable to the employment relationship and, on the other hand, can effectively exercise their new rights.

Thus, the new law introduces several fundamental changes to the Labor Code:

1. EMPLOYEE ACCESS TO INFORMATION

New mandatory clauses in employment contracts: Additionally:

- Provisions relating to the performance of **overtime**;
- If applicable, provisions relating to **shift changes**;
- The remuneration and all salary supplements and accessories to be **indicated separately**;
- The **payment modalities** of the salary;
- The **procedure** in case of **termination of the employment contract**;
- The **conditions of application** for any agreed **probationary period**;
- The **identity of the social security organizations** and the related **social protection scheme**;
- In the case of part-time work, the **duration of part-time work and its distribution**; if not specified, the employee is presumed to be employed full-time.
- Clarification regarding the **duration of the probationary period in a fixed-term contract** (minimum of **two weeks** and a maximum of one-quarter of the contract duration). Example: a maximum of 6 months of probation if the contract is concluded for the maximum duration of 24 months.
- The new law also provides for similar new mandatory clauses concerning **apprenticeship contracts** and **commitment contracts** (student/trainee).
- New details must also be included in the **document provided to an employee posted abroad** for more than four consecutive weeks outside Luxembourg.
- The transmission of **contracts in electronic format** is now possible, provided that:
 - The employee can access it,
 - The contract can be saved and printed
 - The employer must retain proof of the transmission or receipt of the contract.

NEWSLETTER

COMPLIANCE:

If an employee's contract was signed before the amendments took effect on August 4, 2024, the employee can request a new contract or an amendment in line with the new rules.

2. NEW EMPLOYEE RIGHTS

Strict Regulation of the Exclusivity Clause:

Introduction of the principle that **exclusivity clauses are generally void**, except where the holding of multiple jobs is objectively incompatible due to reasons such as workplace safety and/or health, protection of business confidentiality, or prevention of conflicts of interest.



Request for Contract Modification:

Following any probationary period, an employee who has worked for the same employer for at least six months may, once every twelve months:

- Request to take up or **return to full-time employment** or, conversely, **part-time employment**. The employer must, within one month, either agree to the contract modification by mutual consent OR specify in writing the reasons for refusing the employee's request.
- Request the conversion of their **fixed-term contract** into a **permanent contract**. The employer must, within one month, either agree to the contract modification by mutual consent OR specify in writing the reasons for refusing the employee's request.

Right to Training:

When the employer is legally, regulatorily, or administratively required to provide training to the employee for the performance of the job they were hired for, this training must be provided **free of charge** during the employee's **working hours** and considered as **actual working time**.

NEWSLETTER

3. EFFECTIVE RIGHTS

Fines ranging from €251 to €5,000 per employee may be imposed on employers who fail to comply with the (new) information obligations (doubled in case of repeat offenses within two years).



If you need further information, our team will be glad to assist you.