

**What happens if two public holidays fall on the same day in Luxembourg?**

Those who have already analyzed the Luxembourg 2024 public holiday calendar, must have asked themselves this question. Indeed, Ascension day and European day fall on the same day : the 9<sup>th</sup> of May.

Bill n°8266 (the “Bill”) was introduced to the Chamber of Deputies in order to handle this kind of situation.

The purpose of the Bill, aiming to amend the Labor Code, is to settle the issue of two public holidays falling on the same day. Different situations can be distinguished:

- i. **Two statutory public holidays fall on a working day on which employees would have worked:** employees are entitled to the remuneration for the number of working hours which would normally have been worked on that day at the normal hourly rate, plus - one day's compensatory leave for the 2nd statutory public holiday, to be granted within a period of 3 months starting on the day after the holiday in question.
- ii. **Two public holidays fall on a working day on which employees would not have worked in any case:** employees are entitled to one day's compensatory leave, to be granted within 3 months of the holiday in question, plus - one day's compensatory leave for the 2nd public holiday, to be granted within 3 months of the holiday in question.
- iii. **Two statutory public holidays fall on a working day on which employees would only have worked 4 hours or less:** employees are entitled to remuneration for the number of working hours that would normally have been worked on that day, plus - a ½ day's compensatory leave, to be granted within 3 months of the day following the holiday in question; - a ½ day's compensatory leave for the 2nd statutory public holiday, to be granted within 3 months of the day following the holiday in question.
- iv. **If employees are obliged to work on these two public holidays,** in addition to what is already provided for by the Labor Code, they are entitled to a compensation day for the 2nd public holiday. In other words, if two statutory public holidays fall on the same day (as is will be the case on May 9, 2024) and if employees work on that day, they will be entitled to the remuneration for the number of working hours that would normally have been worked on that day at the normal hourly rate, plus (i) the

remuneration of a supplement of 100% of the normal hourly rate for the hours actually worked on that day, and (ii) to a day's compensatory leave for the 2nd statutory holiday, to be granted within 3 months of the day following the holiday in question.

According to the Luxembourg chamber of commerce, which has recently rendered its opinion on the Bill, its approach complicates the reading of the articles concerned and raises questions which suggests that the Bill may be amended before its final adoption.

Linari Law Firm will obviously keep you updated on this, please see our website and social media accounts.

