

INFORMATION NOTE

Know your rights as a Driver and Attendant-Driver!

Are you working as a driver or attendant-driver at an Embassy, Consulate General, or Office abroad? Did you know that your work has limits and there are regulations that protect you?

On April 26, 1990, the Ministry of Foreign Affairs, European Union, and Cooperation published Service Instruction 164 to regulate, clearly and concisely, the different categories and functions of locally hired Personnel Abroad, including those of Official Driver and Attendant-Driver.

Know your functions:

According to said instrument, the job description for these categories establishes the following:

- **Driver:** Person who performs driving functions using the official vehicle assigned to the Ambassador or Permanent Representative, as well as maintaining the vehicle and keeping it in good condition, performing minor repairs.
- **Attendant-Driver:** Among other functions, this person is responsible for driving other vehicles, as well as performing support tasks in administrative units, such as photocopying and courier tasks, etc. Therefore, the Embassy or Consular Office may occasionally assign tasks equivalent to the higher category of Driver, such as maintenance and minor and very specific repairs.

Know your rights:

The Agreement on Working Conditions for Locally Hired Personnel Abroad (PLEX, by its English acronym), of December 3, 2007, is very clear:

- Effective working time cannot exceed **9 hours** during a working day.
- You are entitled to a minimum rest period of **12 hours** between the end of one workday and the beginning of the next.
- You are entitled to an **uninterrupted weekly rest period of 48 hours**, i.e. 2 consecutive rest days (therefore, if you work on Saturday, you must rest on Sunday and Monday).
- You have the right to be compensated for the overtime hours that exceed the maximum ordinary working hours of **40 hours per week**.

Use of official vehicles:

Law 3/2015, of March 30, which regulates the exercise of high-ranking positions in the General State Administration, specifies that official vehicles should only be used for functions related to the position. In addition, except for very specific exceptions and provided there are no security concerns, official vehicles cannot be used for private purposes.

Criteria to be met at each Workplace overseas:

1. **WORKING HOURS AND SCHEDULES:** The Administration is forced to inform Official Drivers and Attendant-Drivers about their work schedules and to establish continuous work shifts that respect the right to work-life balance. Attempting to establish split workdays or work shifts, with rest intervals of more than one hour, is **illegal and unacceptable** and will be reported to the appropriate authorities.

2. **NEGATIVE BANK OF HOURS:** It is not possible to establish periods of **forced rest time** when the Head of Mission is absent or traveling. This practice, irregular as it may be, results in a "NEGATIVE BANK OF HOURS" that the affected personnel are obliged to repay, at the discretion of the manager himself and under conditions that **border on modern slavery, thus not being endorsed by the Administration in Madrid and violating labor regulations.**
3. **COMPENSATION FOR OVERTIME HOURS:** According to the aforementioned PLEX Agreement on Working Conditions, **the Administration is obliged to establish a mechanism for compensating overtime hours.** This instrument must adhere to the criteria established in local legislation and, for proper compensation, must also consider whether the overtime hours were worked on holidays, weekends, or at night. Likewise, the Administration must respect the worker's right to **VOLUNTARILY CHOOSE** when to compensate for accumulated overtime hours, within the following four months of their accrual.
4. **SERVICE NEEDS:** Service needs are not a "catch-all" where anything goes, but they must be **properly motivated and justified.** Therefore, under no circumstances can service needs be invoked for personal, family, or private activities such as: **dining out, going to the theater or cinema, attending family and personal visits, shopping trips to Outlets or Shopping Centers, trips for private sports activities** (e.g., tennis, golf, swimming, gymnastics, horseback riding, etc.), **guided City Tours for the personal or family environment of the duty manager, etc.**

Remember:

- You are not obligated to perform tasks unrelated to your professional category!
- You have the right to a weekly rest period of two consecutive days!
- The use of official vehicles is regulated and, aside from exceptions, cannot be used for private purposes!
- You have the right to compensation for overtime hours and to CHOOSE when to compensate them!
- It is ILLEGAL to establish split work shifts with rest intervals of more than one hour!
- It is ILLEGAL to establish a "Negative Bank of Hours"!
- Service needs must be properly justified and motivated!

Madrid, April 17th, 2024

You have rights, and at CCOO we can help you defend them!
If you have any questions or need assistance, do not hesitate to contact us!