



Abogados & Notarios

## HOLIDAYS IN COSTA RICA

**HOLIDAYS IN COSTA RICA – COSTA RICA HOLIDAY REGULATIONS – COSTA RICA EMPLOYMENT BENEFITS – COSTA RICA LABOR LAW – By: Rogelio Navas Rodríguez, Esq., Costa Rica Labor Law Attorney** .- According with Costa Rican labor law, there are 11 holidays every year that all employees have the right to enjoy as time off. According with article 149 of the Costa Rican Labor Code, it is absolutely forbidden to make employees work on a Holiday. Those employers who oblige their employees to work on such days, must pay a fine and must indemnify the employees by paying double shift (article 152). Nevertheless, there are exceptions to said rules and ways to have employees work on a Holiday without it being illegal. There are also other important rules that all employers should be aware of. In the following lines we explain the main rules applicable to enjoyment of Holidays in Costa Rica:

**WHICH ARE THE MANDATORY HOLIDAYS IN COSTA RICA?** Under Costa Rican law, the mandatory Holidays are:

- January 1st.
- April 11th.
- Easter Thursday and Friday.
- May 1st.
- July 25th.
- August 2nd.
- August 15th.
- September 15th.
- October 12th.
- December 25th.

From said dates, August 2nd and October 12th are considered Holidays whose payment is not mandatory; which means that the employer is not obligated to pay for them (i) when the employee is paid on a weekly basis and (ii) when the employee does not work on those days. When the employee is paid on a monthly or bi-weekly basis, payment of such days is already included in the salary.

**WHEN SHOULD HOLIDAYS BE ENJOYED?** Holidays must be enjoyed on the date specified by law, with exception of October 12th, which can be enjoyed on the following Monday, by decision of the employer, if October 12th should be a Tuesday, Wednesday, Thursday or Friday.

In the rest of Holidays, such only be enjoyed on a different date when the employee has agreed to it; however, double payment is always required when the employee is required to work on the Holiday.

**ARE RELIGIOUS DAYS CONSIDERED MANDATORY HOLIDAYS?** In the case of employees who are not Catholic, they may request enjoyment of their religious celebrations, and the employer is obliged to grant the corresponding time off for such purposes. However, in those cases, the employee must make up for the time off taken; either by deduction of the corresponding amount of days from the vacation days accrued by the employee, or by working on other dates agreed with the employer.

**ARE EMPLOYEES OBLIGATED TO WORK ON A HOLIDAY IF THE EMPLOYER SHOULD NEED IT?** By law an employer is not allowed to require an employee to work on a Holiday, unless the employee has voluntarily agreed to it, or when one should be before a case of exception. Exceptions are provided in articles 150 and 151 of the Costa Rican Labor Code. Among said exceptions are:

- Businesses dedicated to the sale or distribution of alcohol.
- Hotels, drugstores, bars, cafeterias, restaurants, bakeries, movie theatres, gas stations and supermarkets.
- Barbershops or beauty salons, which are allowed to close on Sundays and on Easter Thursday and Friday.
- When the works are being performed to repair damages resulting from Acts-of-God or force majeure, as long as said repairs cannot be delayed.
- When the nature of the works or services being provided require continuity, either for technical reasons or to avoid affecting public interests, agriculture, industry or cattle-raising activities.
- When works are performed in sites that depend on the forces of nature.
- When works are necessary and cannot be postponed to guarantee proper operation of the company.

**WHAT HAPPENS WHEN A HOLIDAY IS ON A WEEKEND OR A DAY OFF?** In those cases the employee is not entitled to enjoy the Holiday on a different date, nor the employer is obliged to allow the employee to take another day off.

**HOW ARE HOLIDAYS PAID?** As indicated above, when an employee is required to work on a Holiday, the employer must pay double. Nevertheless, when an employee is required to work on a Holiday and that day is also his or her day off, or when working the Holiday implies exceeding the ordinary shift, payment may increase to triple payment or more.

In case you should need further assistance with these and other Labor Law matters, do not hesitate to contact us at [navas@costarica-law.com](mailto:navas@costarica-law.com).