



↳ **LEGAL BULLETIN**

**Ministry of Labor Issues
Ministerial Agreement MDT-2026-
046 Regulating the Authorization
Procedure for Special Work Shifts
or Schedules**



Ministry of Labor Issues Ministerial Agreement MDT-2026-046 Regulating the Authorization Procedure for Special Work Shifts or Schedules

Ministerial Agreement No. MDT-2026-046, signed on February 18, 2026 and **currently in force**, issues new regulations governing the authorization procedure for special work shifts and schedules, as well as the distribution of the efficient working day for development, repealing Ministerial Agreement MDT-2018-0219.

1. Scope of Application (Art. 2)

The Agreement is mandatory for all employers and employees subject to the Labor Code who require:

- Authorization of special shifts or schedules; or
- Implementation of the efficient working day for development.

2. Special Shifts (Based on Days Worked) (Require Authorization from the Ministry of Labor) (Art. 2)

Special shifts are those that involve:

- a. Working more than five (5) consecutive days with additional or accumulated rest days;
- b. Working fewer than five (5) consecutive days with rest intervals of less than two (2) consecutive days.

Authorization is not required for arrangements that do not fall within these scenarios, provided there is mutual consent between the parties, including cases where Saturday and Sunday rest days are replaced with other days of the week, as long as two consecutive rest days are granted.

3. Special Schedules (Based on Hours Worked) (Require Authorization) (Art. 4)

- Rotating schedules (daytime, nighttime, or mixed), whether continuous or discontinuous.

Authorization is not required for ordinary 8-hour workdays that do not involve rotation and are agreed upon by the contracting parties.

Under special schedules, overtime or supplementary hours may also be applied with the employees' agreement, respecting the limits and surcharges established in Article 55 of the Labor Code.

4. Compensation for Additional Working Days

The parties may agree to increase the daily working hours in exchange for additional rest days, considering that for every five (5) days worked, two (2) rest days correspond, in order to compensate additional hours, subject to the following:

- In no case may the workday exceed twelve (12) hours per day.
- If the maximum number of hours is exceeded or work is performed during accumulated rest days, the surcharges established in Article 55 of the Labor Code shall apply.



5. Incentives and Priority for Youth Hiring (Art. 5)

In cases where the implementation of special shifts or schedules results in the creation of new job positions, priority and preferential processing will be granted to applications that demonstrate:

- Hiring of young people between 18 and 29 years old;
- First formal work experience;
- Young individuals certified in public capacity-building programs.

To carry out these new hires:

- The process must be conducted mandatorily through the MDT platform “Encuentra Empleo.”
- Applicants must be informed of the resolution number authorizing the special shift.

6. Procedure to Obtain Authorization for Special Shifts or Schedules (Art. 6)

The employer must submit to the Regional Directorate of Labor:

- A reasoned request;
- Employees’ consent (considered valid if recorded in the individual contract, collective agreement, settlement agreement, or mediation record), unless the approval of special shifts or schedules is included in the internal work regulations;
- RUC and supporting corporate documents;
- Certificate of compliance with IESS or a sworn statement declaring that the employer has no employees at the time of submission;
- Verification of hiring through “Encuentra Empleo” (if applicable).

The Ministry will grant preferential processing to employers who demonstrate that at least 15% of their payroll consists of young people between 18 and 29 years old, and must include supporting verification within the required documentation.

7. Efficient Working Day for Development (Art. 8)

An efficient working day for development may be agreed upon, allowing the distribution of the 40 weekly hours as follows:

- In workdays of up to 10 hours per day, distributed dynamically;
- Within five (5) days per week;
- Without exceeding 40 hours per week (except for applicable special rules).

If the 40 weekly hours are exceeded, legal surcharges shall apply.



Purpose

- Family stability;
- Better time management;
- Promotion of youth employment;
- Female employability;
- Reduction of the wage gap.

8. Agreements Regarding the Efficient Working Day for Development (Art. 9)

Agreements to apply the efficient working day may be implemented as follows:

- They must be included in the employment contract or in an addendum modifying the originally agreed working hours.
- A system for tracking worked hours may be implemented to manage and compensate time worked, allowing the accumulation, compensation, or use of working hours, provided that:
 - It is applied only within the legal limits of the working day;
 - It requires free and voluntary agreement between the parties (it cannot be imposed unilaterally);
 - It must be registered in the Ministry of Labor's system within 30 days from the signing of the contract or addendum;
 - It may not imply waiver or impairment of labor rights.

9. General Provisions

- Schedules approved under the previous agreement remain in force.
- Medical technologists (radiologists) may work 6 hours per day exposed to radiation (maximum 30 per week), plus 2 additional daily hours for administrative duties.
- Drivers' workdays may not exceed 12 hours.

10. Transitional Provision

- Employers who have made new hires for the implementation of special shifts or schedules must formalize them on the "Encuentra Empleo" platform within 30 days from the execution of the Agreement.

11. Repealing Provision

- Ministerial Agreement MDT-2018-0219 is hereby repealed.

For additional information, please contact: laboral@bustamantefabara.com

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