

# Work flexibility and work-life balance

**Dr. Jenniffer Mejía de Iraheta** Legal Associate at Mayora & Mayora

It is evident, as the doctrine points out, that in recent times more women are entering employment due to changes in family structure and social norms. Many do so for professional development, which demands labor regulations more in line with this growing reality.

States have responded by creating regulations to ensure equality of opportunity and treatment in employment, including measures to encourage the hiring of women and the reconciliation of work and family. These regulations seek to guarantee job stability and protect the health and safety of female workers. An important reference is Regulation 39/1999 of November 5, 1999 to Promote the Reconciliation of Family and Work Life of Working People in Spanish Legislation, which contemplates changes so that workers can participate in family life, taking a new step on the road to equal opportunities between men and women, favoring maternity and paternity leave without affecting the possibilities of access to employment, as well as the right to breastfeeding, reduction of the working day, and other aspects that constitute an important reference.

Labor flexibility is a response to this issue, allowing women to effectively fulfill different social and work roles. Some legislations include staggered schedules, extended workdays with additional rest days and other mechanisms that facilitate this balance.

However, these practices may conflict with the constitutional provisions of our country, such as the eight-hour day and forty-four-hour week established in Art. 38, numeral 6 of our

Constitution. Articles such as 164 of the Labor Code, which allowed for more flexible schedules, may be obsolete in this context.

The Covid-19 pandemic prompted the implementation of technological tools for remote work and virtual meetings, which have become efficient and could be considered forms of labor flexibility. The Telework Regulation Law, through Decree 609 of June 2020, establishes rules for this modality, facilitating the reconciliation between family and work life, and being well received by employers and workers.

Other provisions that include labor flexibility issues in our legal system would be maternity and paternity leaves, regulated in articles 309 and 29 numeral 6 literal d) of the Labor Code respectively, the breastfeeding leave that allow the reduction of the working day of female workers, with which we evidence that although on the one hand there is a constitutional limitation regarding the flexibility of schedules, our legislation includes other forms of realization of labor flexibility in favor of workers in accordance with international standards.

In summary, labor regulations must adapt to the changing reality of women in the labor and social sphere, promoting equal opportunities and facilitating the reconciliation between work and family through measures such as Labor Flexibility and Teleworking, as well as the various mechanisms that we have addressed, prioritizing the biopsychosocial development of workers.

