



# Chapter 5: Social

5.5.1-5.5.4 Working Conditions

## Working conditions

In this activity, we will look at working conditions such as **working hours** and **parental leave** and we will examine the topics with case scenarios.



## 5.5 Working Conditions

No.	Base requirements	Group certification			Ind. cert.
		S-farms	L-farms	Group mgt.	S/L
5.5.1	<p>Workers do not exceed eight <u>regular working hours</u> per day or 48 hours per week. They receive a 30-minute break after six consecutive hours and one full rest day after six consecutive working days. Guards do not exceed 60 hours per week or the applicable regulation, whichever is stricter.</p> <p><b>ILO, Hours of Work (Industry) Convention, 1919 (No. 1).</b>  <b>ILO, Hours of Work (Commerce and Offices) Convention, 1930 (No. 30).</b></p>	✓	✓	✓	✓
5.5.2	<p><u>Overtime work</u> is voluntary and allowed if:</p> <p>a) It is requested timely.</p> <p>b) Paid according to national law or CBA, whichever is higher; if neither exists, paid at least 1.5 times the regular wage.</p> <p>c) It does not increase health and safety risks; incident rates during overtime are monitored and reduced if necessary.</p> <p>d) Workers have safe transport home.*</p> <p>e) The total work week does not exceed 60 hours, except in special cases.*</p> <p>f) Workers get a 30-minute break after 6 hours of work and at least 10 consecutive hours of rest per 24-hour period.</p> <p>g) A record of regular and overtime hours is kept.*</p> <p>h) For specific activities like harvesting which must be completed in a short window of up to 6 weeks, overtime may be up to 24 hours per week for a maximum of 12 weeks per year, and workers may work up to 21 consecutive days.</p>	✓	✓	✓	✓
	<p>*Conditions apply in specific situations.</p> <p><b>ILO, Hours of Work (Industry) Convention, 1919 (No. 1)</b>  <b>ILO, Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)</b>  <b>ILO Code of Practice on Safety and Health in Agriculture, 2010</b>  <b>International Labor Conference, 107th Session, General Study concerning instruments on working time, 2018</b></p> <p><i>For small farms, requirement only applies if they are hiring:</i></p> <ul style="list-style-type: none"> <li>- 10 or more temporary workers each working for 3 consecutive months or more, and/or</li> <li>- 50 or more temporary workers per calendar year</li> </ul>				

Read the requirements and their applicability before you move on to the next page

## 5.5.1

# Workers do not exceed eight regular working hours per day or 48 hours per week, get breaks and days off



To ensure that workers are **not exploited** and to safeguard their well-being, the requirement 5.5.1 sets conditions for regular working hours for Certificate Holders.

- Regular working hours consist of **maximum 8 hours per day**
- Working week is maximum of **48 hours per week**.
- After **6 consecutive hours of work**, there should be at least **30 minute break**
- After **6 consecutive days of work**, there should be at least **one full day of rest**

There is an exception for **guards** under this requirement. Their regular working hours should not exceed **60 hours per week**, or applicable regulation, whichever is stricter.

## Case scenario

Let's look at the following case scenario at a tea farm.



There are over 10 permanent workers on this individually certified tea farm. They work **six days per week**. Every working day, the workers start their day at **7 in the morning** and they finish their day at **3 in the afternoon**.

The workers do not take any breaks during their 8-hour working day.

?

**Are these working conditions in line with the Standard?**

*Think about the answer before you move on to the next page*

## Case scenario - Solution



The answer is "**No**", these working conditions can have negative consequences on the workers' health and wellbeing.

While the workers do not exceed the maximum 8-hour working day limit, and there is a day off after 6 consecutive working days, **they should also be taking at least one 30-minute daily break to rest.**



Overtime must be:

- **voluntary**
- **requested** timely
- **paid** according to **national law** or Collective Bargaining Agreement (whichever is higher), or minimum 1.5 times regular wage
- **does not increase health and safety risks** (incident rates during overtime are monitored and increases need to be addressed)

Management must keep a **record** of regular and overtime hours.



- The total work week does **not** exceed **60 hours**, except in special cases such as during harvesting
- Workers get a **30-minute break after 6 hours** of work and at least 10 consecutive hours of rest per 24-hour period.
- For **specific activities** like harvesting which must be completed in a short window of up to 6 weeks, overtime may be up to **24 hours per week for a maximum of 12 weeks per year**, and workers may work up to 21 consecutive days.
- With certain conditions, it is to be ensured that workers have safe transport home

No.	Base requirement	Group certification			Ind. cert.
		S-farms	L-farms	Group mgt.	S/L
5.5.3	<p>Permanent workers are entitled to paid parental leave, rights and benefits in accordance with applicable law. In absence of such law, workers receive paid maternity leave of at least 12 weeks, of which at least six weeks are taken after birth. They can return to their job after maternity leave on the same terms and conditions and without discrimination, loss of seniority or deduction of wages.</p> <p>Workers who are pregnant, nursing or have recently given birth are offered flexible working schedules and work site arrangements. Breastfeeding women have two additional 30-minute breaks per day and an appropriate space for breastfeeding to nurture the child.</p> <p><b>ILO Maternity Protection Convention, 1952 (No. 183)</b></p> <p><i>For small farms, the requirement only applies if they are hiring:</i></p> <ul style="list-style-type: none"> <li>- 10 or more temporary workers each working for three consecutive months or more, and/or</li> <li>- 50 or more temporary workers per calendar year</li> </ul>	✓	✓	✓	✓



*Read the requirement and its applicability before you move on to the next page*

### 5.5.3

## Permanent workers are entitled to paid parental leave, rights and benefits

These benefits are paid in accordance with applicable law.

**In absence of such law**, workers receive paid maternity leave of at least 12 weeks, of which at least six weeks are taken after birth.

After the leave, workers can return to their job on the **same terms** and **conditions** and without discrimination. They should not lose seniority or experience a deduction in their wages.



### 5.5.3

## Flexible working arrangements for pregnant and nursing workers

Workers who are pregnant, nursing or have recently given birth are offered **flexible working schedules** and work site arrangements.

Breastfeeding women have **two additional 30-minute breaks** per day and an appropriate space for breastfeeding to nurture the child.



## Case scenario

Let's look at a case example



A permanent worker of a banana plantation recently had a child. After the birth, the farm manager gave the worker **a maternity leave of 3 months.**

The worker was **not paid** during the leave, but the farm manager promised that once the worker returns, she can have her **old job back** and **receive the same salary** as before.

?

**Did the the farm manager take the right approach?**

*Think about the answer before you move on to the next page*

## Case scenario - Solution



**The answer is "No".**

While the manager gave the worker parental leave, this leave should have been **paid**.

Even in the absence of paid parental leave law in a country, the Standard states that workers must receive **at least 12 weeks paid** maternity leave, of which at least six weeks are taken after birth.

## Case scenario

Let's look at another case example.



The secretary of a coffee cooperative had a baby. After **four months of maternity leave**, she came back to work. She still has the **same salary** and the **same working hours** from 8 am to 5 pm with **one hour of lunch break** at noon.

The cooperative also lets her work from home once a week.

As she is breastfeeding her child, she needs to pump her breastmilk during working hours at the office. **She does this twice a day while working.**

She shares the office with other colleagues of the cooperative.

?

**Are these working conditions appropriate for the new mother?**

*Think about the answer before you move on to the next page*

## Case scenario - Solution



**The answer is "No".**

After coming back from the maternity leave, this worker should be offered **two additional 30-minute breaks per day for breastfeeding** and in this case, for pumping breastmilk.

She should also be provided an **appropriate space** for pumping breastmilk.

No.	Specialized requirement				
5.5.4	<p>Children of workers who are below the applicable minimum working age and accompanying their parents to the workplace must:</p> <ul style="list-style-type: none"> <li>• Be provided with a safe area appropriate for their age.</li> <li>• Be under continuous supervision by adults at all times.</li> </ul> <p><b>ILO Code of Practice on Safety and Health in Agriculture, 2010</b></p>	✓	✓	✓	✓



*Read the requirement and its applicability before you move on to the next page*

## 5.5.4

### Safe conditions for small children of workers accompanying their parents to work

Workers with small children often need to bring the children along with them to work.

In these cases, the children who are below the applicable minimum working age must be:

- Provided with a **safe area** appropriate for their age
- Under **continuous supervision** by adults



## Case scenario

Let's look at another case example



At a coffee estate, it is prohibited for children to be involved in agricultural production.

Therefore, while the harvesting workers are picking coffee, **their small children stay at the workers' housing by themselves.**

?

**Are these safe and appropriate conditions for small children?**

*Think about the answer before you move on to the next page*

## Case scenario - Solution



The answer is "**No**".

The requirement 5.5.4 requires that workers' children are provided with **a safe place**, where they are **under constant supervision of adults**.

It is not safe for workers' children to be staying by themselves at workers' housing.

## Case scenario

This case example is about a small cocoa farm.



The small cocoa farm has three permanent male workers and one female worker. The female worker recently had a baby.

1 month after the baby was born, she started working again at the farm. Since there is **no safe place to leave the baby** or nobody to leave the baby with, **she carries her baby on her back while she harvests cocoa.**

Bringing children to work is not prohibited by law in the country.

Since there is also no breastfeeding room at the farm, she nurses her child outside.

?

**Are these safe and appropriate working conditions?**

*Think about the answer before you move on to the next page*

## Case scenario - Solution



The answer is "**Yes**".

Since this is a small farm without temporary workers, the requirement on flexible working arrangements for pregnant and nursing workers is not applicable.

This farm is also compliant with 5.5.4 as bringing children to work is not prohibited by law in the country. The mother must ensure that her work and the equipment used do not put her child at risk.



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