



**Sustainable Leather Foundation
Standard for Working Hours**

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FSS9 WORKING HOURS STANDARD AND BENCHMARK

Summary: The SLF *Working Hours Standard and Benchmark* provides the context, definitions, relevant international norms and expectations for fair working hours. This document gives the facility under audit the principles and general expectations, but it is not exhaustive and recognises that there will be differences within regions for national and local laws.

Where there are matters of interpretation in relation to the standard, applicable laws or organisational norms, the auditor will assess in favour of the employees in that facility.



1. Scope

1.1 The SLF *Working Hours Standard and Benchmark* specifies the provisions and obligations that a company shall ensure to protect against and eliminate the widespread abuse of worker's rights in relation to the number of hours worked. Particular emphasis is placed on elimination of systematic enforcement of involuntary overtime that is regularly observed in many high producing, low-income countries.

1.2 The SLF *Wages and Benefits Standard and Benchmark* is intended to ensure that all workers at an SLF certified facility are protected from excessive working hours that can have negative impacts on health and wellbeing, family life and productivity. Research has also shown that there is a correlation between excessive working hours and a higher incidence of workplace accidents.

1.3 It is expected that all SLF certified facilities shall adhere to all applicable laws, regulations and industry standards with regard to working hours and in addition shall adhere to any collective bargaining arrangements. It is recognised that from time to time, in order to service a short-term business demand, an exception to the voluntary overtime principle may be permissible, however, this should only be a short term, irregular exception. If it is a regular expectation, then that would constitute a non-conformance of the SLF *Working Hours Standard and Benchmark*.

2. Normative references

2.1 The following references are useful in the understanding of this document and are provided for further guidance. In the case of dispute these references will form the core of the evidence in support of the Standard and Benchmarks used here:

ILO Convention 01 – Hours of Work (Industry), 1919¹

ILO Convention 132 – Holidays with Pay (Revised) (1970)²

ILO Recommendation 116 – Reduction of Hours of Work (1962)³

OECD Due Diligence Guidance for Responsible Business Conduct⁴

OECD Due Diligence for Responsible Supply Chains in the Garment and Footwear Sector⁵

UN Guiding Principles on Business and Human Rights⁶

¹ ILO Convention 01 Hours of Work (Industry), 1919

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312146:NO

² ILO Convention 132 Holidays with Pay (Revised), 1970

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312277:NO

³ ILO Recommendation 116 Reduction of Hours of Work, 1962

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312454:NO

⁵ OECD Due Diligence for Responsible Supply Chains in the Garment and Footwear Sector

<https://www.oecd-ilibrary.org/docserver/9789264290587-en.pdf?expires=1625664837&id=id&accname=guest&checksum=C1516BE172307EAE8D7EC925A2553C8B>

⁶ UN Guiding Principles on Business and Human Rights

https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf



3. Terms and definitions

- 3.1 **Collective Bargaining Agreement:** A contract that specifies the terms and conditions for work, negotiated between a facility (the employer) and a worker organisation
- 3.2 **Preventative Action:** Action to eliminate the cause(s) and root cause(s) of a potential non-conformance.
- 3.3 **Non-conformance:** Inability to meet the requirements of the standard.
- 3.4 **Facility:** The entirety of the business operation that is responsible for meeting the requirements of this *SLF Wages & Benefits Standard and Benchmark*, including all personnel employed at the facility (e.g. tannery, sub-contracting facility, head office organisation, etc)
- 3.5 **Personnel:** All individuals employed or contracted by the facility to perform specified tasks (e.g. directors, managers, warehouse operatives, cleaners, technicians, etc)
- 3.6 **Worker:** All non-management personnel
- 3.7 **Overtime:** Hours that are worked in addition to the standard contracted hours in any given time period
- 3.8 **Remediation:** Support and actions implemented to correct the failure of meeting the standard within an agreed time period.

4. Principle

4.1 The principle of the *SLF Working Hours Standard and Benchmark* is based upon the international normative reference of the International Labour Organisation's (ILO) "Hours of Work" Convention 01 (1919)" that specifies under Articles 2, 3, 4, 5 and 6:

Article 2

The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week, with the exceptions hereinafter provided for:

(a) the provisions of this Convention shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity;

(b) where by law, custom, or agreement between employers' and workers' organisations, or, where no such organisations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement between such organisations or representatives; provided, however, that in no case under the provisions of this paragraph shall the daily limit of eight hours be exceeded by more than one hour;

(c) where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.



Article 3

The limit of hours of work prescribed in Article 2 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of "force majeure", but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Article 4

The limit of hours of work prescribed in Article 2 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

Article 5

1. In exceptional cases where it is recognised that the provisions of Article 2 cannot be applied, but only in such cases, agreements between workers' and employers' organisations concerning the daily limit of work over a longer period of time may be given the force of regulations, if the Government, to which these agreements shall be submitted, so decides.

2. The average number of hours worked per week, over the number of weeks covered by any such agreement, shall not exceed forty-eight.

Article 6

1. Regulations made by public authority shall determine for industrial undertakings--

(a) the permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent;

(b) the temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work.

2. These regulations shall be made only after consultation with the organisations of employers and workers concerned, if any such organisations exist. These regulations shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one and one-quarter times the regular rate.

4.2 In addition, the International Labour Organisation's (ILO) "Holidays with Pay (Revised)" Convention 132 (1970)" that specifies under Articles 3-11:

Article 3

1. Every person to whom this Convention applies shall be entitled to an annual paid holiday of a specified minimum length.

2. Each Member which ratifies this Convention shall specify the length of the holiday in a declaration appended to its ratification.

3. The holiday shall in no case be less than three working weeks for one year of service.

4. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a holiday longer than that specified at the time of ratification.

Article 4

1. A person whose length of service in any year is less than that required for the full entitlement prescribed in the preceding Article shall be entitled in respect of that year to a holiday with pay proportionate to his length of service during that year.

2. The expression year in paragraph 1 of this Article shall mean the calendar year or any other period of the same length determined by the competent authority or through the appropriate machinery in the country concerned.



Article 5

1. A minimum period of service may be required for entitlement to any annual holiday with pay.
2. The length of any such qualifying period shall be determined by the competent authority or through the appropriate machinery in the country concerned but shall not exceed six months.
3. The manner in which length of service is calculated for the purpose of holiday entitlement shall be determined by the competent authority or through the appropriate machinery in each country.
4. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, absence from work for such reasons beyond the control of the employed person concerned as illness, injury or maternity shall be counted as part of the period of service.

Article 6

1. Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention.
2. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, periods of incapacity for work resulting from sickness or injury may not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention.

Article 7

1. Every person taking the holiday envisaged in this Convention shall receive in respect of the full period of that holiday at least his normal or average remuneration (including the cash equivalent of any part of that remuneration which is paid in kind and which is not a permanent benefit continuing whether or not the person concerned is on holiday), calculated in a manner to be determined by the competent authority or through the appropriate machinery in each country.
2. The amounts due in pursuance of paragraph 1 of this Article shall be paid to the person concerned in advance of the holiday, unless otherwise provided in an agreement applicable to him and the employer.

Article 8

1. The division of the annual holiday with pay into parts may be authorised by the competent authority or through the appropriate machinery in each country.
2. Unless otherwise provided in an agreement applicable to the employer and the employed person concerned, and on condition that the length of service of the person concerned entitles him to such a period, one of the parts shall consist of at least two uninterrupted working weeks.

Article 9

1. The uninterrupted part of the annual holiday with pay referred to in Article 8, paragraph 2, of this Convention shall be granted and taken no later than one year, and the remainder of the annual holiday with pay no later than eighteen months, from the end of the year in respect of which the holiday entitlement has arisen.
2. Any part of the annual holiday which exceeds a stated minimum may be postponed, with the consent of the employed person concerned, beyond the period specified in paragraph 1 of this Article and up to a further specified time limit.
3. The minimum and the time limit referred to in paragraph 2 of this Article shall be determined by the competent authority after consultation with the organisations of employers and workers concerned, or through collective bargaining, or in such other manner consistent with national practice as may be appropriate under national conditions.

Article 10

1. The time at which the holiday is to be taken shall, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the employer after consultation with the employed person concerned or his representatives.



2. In fixing the time at which the holiday is to be taken, work requirements and the opportunities for rest and relaxation available to the employed person shall be taken into account.

Article 11

An employed person who has completed a minimum period of service corresponding to that which may be required under Article 5, paragraph 1, of this Convention shall receive, upon termination of employment, a holiday with pay proportionate to the length of service for which he has not received such a holiday, or compensation in lieu thereof, or the equivalent holiday credit.

4.3 In addition, the International Labour Organisation's (ILO) "Reduction of Hours of Work" Recommendation 116 (1962) that specifies under General Principles:

1. Each Member should formulate and pursue a national policy designed to promote by methods appropriate to national conditions and practice and to conditions in each industry the adoption of the principle of the progressive reduction of normal hours of work in conformity with Paragraph 4.

2. Each Member should, by means appropriate to the methods which are in operation or which may be introduced for the regulation of hours of work, promote and, in so far as is consistent with national conditions and practice, ensure the application of the principle of the progressive reduction of normal hours of work in conformity with Paragraph 4.

3. The principle of the progressive reduction of normal hours of work may be given effect through laws or regulations, collective agreements, or arbitration awards, by a combination of these various means, or in any other manner consistent with national practice, as may be most appropriate to national conditions and to the needs of each branch of activity.

4. Normal hours of work should be progressively reduced, when appropriate, with a view to attaining the social standard indicated in the Preamble of this Recommendation without any reduction in the wages of the workers as at the time hours of work are reduced.

5. Where the duration of the normal working week exceeds forty-eight hours, immediate steps should be taken to bring it down to this level without any reduction in the wages of the workers as at the time hours of work are reduced.

6. Where normal weekly hours of work are either forty-eight or less, measures for the progressive reduction of hours of work in accordance with Paragraph 4 should be worked out and implemented in a manner suited to the particular national circumstances and the conditions in each sector of economic activity.

7. Such measures should take into account--

(a) the level of economic development attained and the extent to which the country is in a position to bring about a reduction in hours of work without reducing total production or productivity, endangering its economic growth, the development of new industries or its competitive position in international trade, and without creating inflationary pressures which would ultimately reduce the real income of the workers;

(b) the progress achieved and which it is possible to achieve in raising productivity by the application of modern technology, automation and management techniques;

(c) the need in the case of countries still in the process of development for improving the standards of living of their peoples; and

(d) the preferences of employers' and workers' organisations in the different branches of activity concerned as to the manner in which the reduction in working hours might be brought about.

8.

(1) The principle of the progressive reduction of normal hours of work, as expressed in Paragraph 4, may be applied by stages which need not be determined at the international level.



(2) Such stages may include--

- (a) stages spaced over time;
- (b) stages, progressively encompassing branches or sectors of the national economy;
- (c) a combination of the two preceding arrangements; or
- (d) such other arrangements as may be most appropriate to national circumstances and to conditions in each sector of economic activity.

9. In carrying out measures for progressively reducing hours of work, priority should be given to industries and occupations which involve a particularly heavy physical or mental strain or health risks for the workers concerned, particularly where these consist mainly of women and young persons.

10. Each Member should communicate to the Director-General of the International Labour Office, at appropriate intervals, information on the results obtained in the application of the provisions of this Recommendation with all such details as may be asked for by the Governing Body of the International Labour Office.

4.5 The governing principle of this document is to encourage facilities to actively support the fair working hours of a maximum of 48 hours per week or lower. The limit of 48 hours per week may be exceeded in case of accident or urgent work but only to prevent serious interference to the business.

5. Procedure

The facility will provide data and documentation that demonstrates an effective management system to effectively meet the requirements of the SLF *Wages and Benefits Standards and Benchmark* as follows:

- 5.1 Management System: The facility shall have a system in place that permits the company to accurately record the hours worked for all personnel to ensure that regular working hours do not exceed 48 in any one week, unless for exception circumstances. Evidence of the same shall be required in the form of:
- a. Wage slips that show the hours worked and rate of pay for all personnel
 - b. Time sheets or clocking in/out records of all personnel
 - c. Policies, procedures and plans with regard to hours of work and overtime mechanisms.
- 5.2 Regular Overtime: Where overtime is regularly performed, a remediation plan shall be in place to reduce the regular overtime hours to being the facility in line with the 48-hour working week principle. This should include time frames and recruitment strategies to bring the necessary workforce to an acceptable level to facilitate the 48-hour week mandate. The requirements for overtime will also be assessed in relation to the FSS7 Wages and Benefits Standard and Benchmark.
- 5.3 Randomly selected interviews will be conducted in the presence of an impartial person to assess opinions about work, training and general working conditions.

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