

ILO Office for the Caribbean webinar series
“Resilient with Decent Work”

Saving jobs, creating new ones and making people more employable. Shaping good labour market policies for post COVID 19 response.

Part I. Job retention: Int’l Labour Standards, new work modalities, support to enterprises and leave.

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Job retention: Termination of employment

Termination of Employment Convention, 1982 (No. 158)

Termination of Employment Recommendation, 1982 (No. 166)

When an employer contemplates terminations for an economic, technological, structural reason, he or she must consult with the workers' representatives on measures to avert or to minimise the terminations.

R166 recommends:

Temporary reduction of normal hours of work with partial compensation for loss of wages for the normal hours not worked, financed by methods appropriate under national law and practice

Spreading the workforce reduction over a certain time period to permit natural reduction

Restriction of hiring

Internal transfer

Training and retraining

Voluntary early retirement with pay

Restriction of overtime



Job retention: Alternative work arrangements.

Defining Working Time & Rest Periods

When considering regulations or policies on telework or worksharing it is important to factor in working time and rest periods when structuring them.

Normal Hours of Work – Are hours of work during which workers are at the disposal of the employer (not including rest periods). Can be set by day or week.

For example, normal hours during a work day may be from 9:00 AM – 5:00 PM

Overtime Hours - All hours worked in excess of the normal hours of work. Can be limited by day/week

For example, if the normal work day is from 9:00 – 5:00 PM then if a worker works to 6:00 PM that extra hour of work is considered an overtime hour

Maximum Working Hours – Normal Working Hours + Overtime Hours = Maximum Working Hours

Rest Periods – Are periods of time where the worker is not at the disposal of the employer. Types include:

Workday breaks are breaks organized during the working day by pausing the work for the purpose of resting, eating or other needs (e.g. lunch, coffee/tea break)

Daily rest is provided after the end of the working day. This is the uninterrupted rest period between two shifts within a twenty-four hour period.

Weekly rest refers to a minimum break of 24 consecutive hours (1 day) from work within a seven day period.

Annual leave is a yearly vacation or holiday, consisting of consecutive days or weeks off work, which may be paid.

Job retention: Telework

Telework

Telework is work done at a distance (away from the organization's premises or away from the place where the work is expected to be done) using information and communications technology (ICT) or landline telephones to carry out work. It often involves use of the internet.

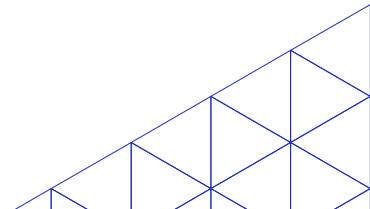
Positives & Negatives of Remote Work & Telework

Advantages: Reduced commuter time for worker; more working time flexibility; better work-life balance; high productivity; reduced need for office space.

Disadvantages: Blurring of lines between work & personal life; longer working hours & possible work intensification; workers may feel isolated and neglected by workers/employer

Need to account for normal working hours, overtime, and rest periods in order for telework to function properly.

National policy and regulatory measures and national or sectoral collective agreements are important for providing the overall framework for a telework strategy.



Job retention: Work-sharing

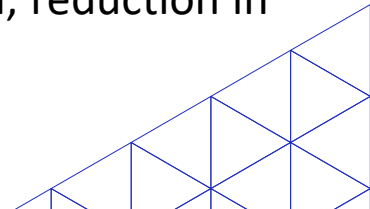
Work sharing is a reduction of working time intended to spread a reduced volume of work over the same (or a similar) number of workers in order to avoid layoffs.

Five elements of work sharing programmes

1. The reduction of working hours for all workers in a company or a specific work unit within a company, in lieu of layoffs
2. The reduction in working hours may also include a (pro-rata) reduction in wages/salaries
3. The provision of wage supplements (by government) to affected workers to limit the impact of temporary reduction of working hours and earnings.
4. The establishment of specific time limits on the period a worksharing policy will operate (by government).
5. Links may be made between work sharing programmes and training / retraining activities.

Advantages: companies can adjust working hours to meet changing demand; retention of skilled workers, reduces recruitment & training costs; job security for workers; protected income, rather than unemployment

Disadvantages: adjustment to HRM; administrative costs to change work organization; reduction in wage earnings for workers; problem for worker morale



Job retention: Financial Support to Enterprises and Employers.

Country policy responses

1. Deferral of taxes and payments

- Income/Corporate tax
- Value Added Tax (VAT)
- Social Security Contributions
- Debt Payments

2. Provision of liquidity to affected enterprises

- Loan Guarantees
 - Implementation of new schemes
 - Increasing funding
 - Increasing the level of guarantees
 - Enlarging coverage
- Direct loans
- Grants and Subsidies

3. Temporary Wage Subsidies

- Implementation of new schemes
- Relaxing eligibility criteria and enlarging coverage
- Increasing the amount of the support and/or reducing work time



Job retention: leave

Guidance of ILS on leave

1. Can a worker be required to use holidays? (C132)

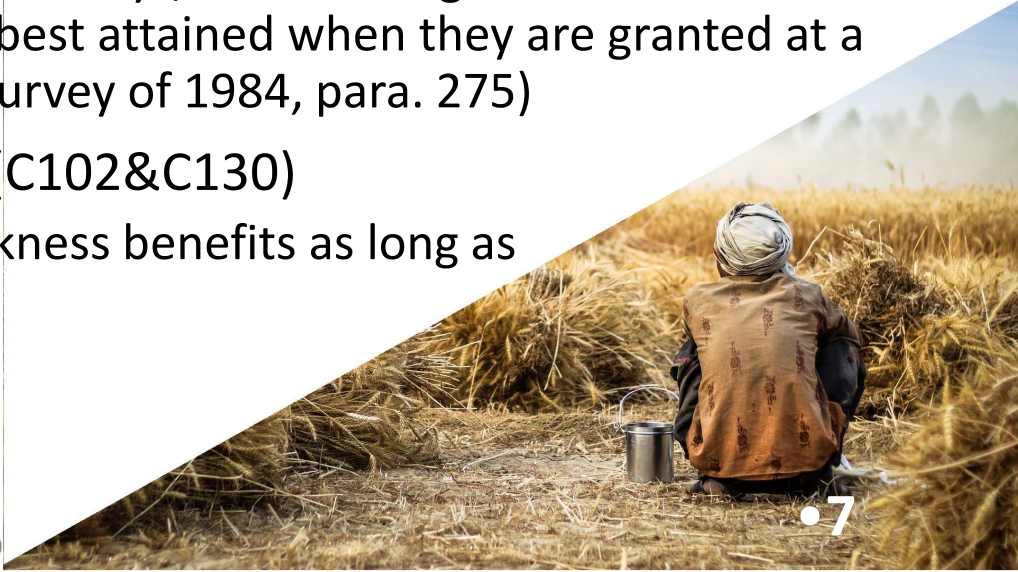
Employers should not unilaterally require workers to use their annual holiday.

The timing must be determined by employers after consultation with the worker considering work requirements and the opportunities for rest and relaxation.

Committee of Experts: The purpose of holidays, which is to grant workers a minimum period of rest and leisure, is best attained when they are granted at a time which suits the worker (General Survey of 1984, para. 275)

2. Are workers entitled to paid sick leave? (C102&C130)

They should be entitled to sick leave or sickness benefits as long as they are incapacitated to work.



Job retention: leave

Guidance of ILS on leave (contd)

3. Absences from work for quarantine (R134)

Workers who are absent from work for preventive or curative medical care and whose salary is suspended should be granted a (sickness) cash benefit.

4. What if a member of a family is sick? (R165&R134)

It should be possible for a worker with family responsibilities to take leave for a dependent child or another member of the worker's immediate family who requires care.

Special needs of workers, including those arising from family responsibilities, should be taken into account in shift-work arrangements and assignments to night work.



Job retention: leave

Country examples

1. Annual Leave

Denmark - Tripartite Agreement on Temporary Wage Compensations

The employee must take holiday or time off in lieu amounting to a total of five.

If the employee has no holidays or time off in lieu, he or she must take leave without pay or holidays from the next holiday year

2. Special Sick Leave and Quarantine Leave

United States - Families First Corona Virus Response Act

Two weeks (up to 80 hours) of paid sick leave was introduced for workers that are experiencing COVID-19 symptoms and/or are in quarantine

The leave is paid at the employee's regular rate of pay

The leave will be paid by the employer that will receive a reimburse



Job retention: leave

Country examples

2. Special Sick Leaves and Quarantine Leaves (contd)

Malta - Quarantine Leave Scheme

It applies to all employees that are legally obliged to abide to a quarantine order

It is paid in full by the employer with the right for the employer to claim a reimbursement of 350 euros (USD 370)

Self-employed are also eligible for the reimbursement

3. Carer and Parental Leaves

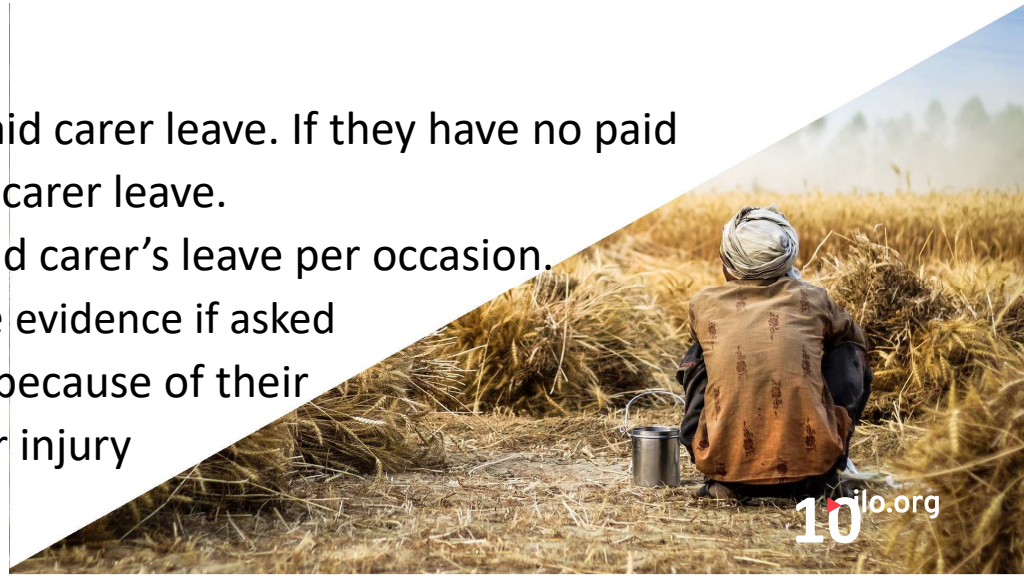
Australia – Carer’s leave

Full-time/Part-time workers are entitled to paid carer leave. If they have no paid carer leave left, they can take unpaid carer leave.

Casual workers are entitled to 2 days of unpaid carer’s leave per occasion.

Workers must give their employer reasonable evidence if asked

Workers are protected from being dismissed because of their temporary absence if due to illness or injury



COVID-19 and Leaves' measures: country examples

3. Carer's and Parental Leaves (contd)

Italy – Special parental leaves during COVID-19 emergency

Parents with children below 12 have the possibility to take up to 15 days of parental leave paid at 50% of the salary

Parents with children between 12 and 16 have the possibility to take up to 15 days of unpaid parental leave

These leave is not deducted from the annual leave count

