

GOOD LABOUR PRACTICES (GLP) GUIDELINES FOR PRIMARY PROCESSING WORKPLACES IN THE SHRIMP AND SEAFOOD INDUSTRY OF THAILAND



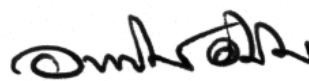
Foreword

Department of Labour Protection and Welfare

In the era of emerging economic and social development, labour, based on decent work, is central to people's well-being, production process and services. It will allow, in consequence, workers to have a decent work, better work and boost the Thai economy.

Recently, Ministry of Labour had a notification on "Good Labour Practice for Primary Processing Workplaces in Shrimp and Seafood Industry in Thailand" which aims to guide, create awareness in primary processing factories, and to practice on the basis of Corporate Social Responsibility in business sector, along with create a strong commitment amongst shrimp and seafood industries against the use of child labour and forced labour.

The Good Labour Practice for Primary Processing Workplaces in Shrimp and Seafood Industry in Thailand has been initiated and developed through a collaborative support from a Working Group in which the Department of Labour Protection and Welfare (DLPW) is responsible for improving worker livelihoods. In addition, the Department of Fisheries (DOF) has an important role in fishery management, Farming and Primary Processing with collaboration with private sectors and relevant key partners under a technical cooperation from International Labour Organization (ILO) through its International Programme on the Elimination of Child Labour (IPEC) in Thailand. The GLP was experimented and revised by the GLP Working Group, and eventually successfully adopted.



(Mr. Arthit Issamo)
Director General

Department of Labour Protection and Welfare

Foreword

Department of Fisheries

Over the past few years, concerns on labour in the fisheries sector have recently been discussed more frequently in the global community. There have been many references made in the media on child labour and forced labour in this industry. In this regard, the Department of Fisheries (DOF), a national agency responsible for management and control of fishing, aquaculture and processing of fishery products, recognizes the significance and the necessity to enhance efficiency in the protection of workers in shrimp, seafood and fishing industry. DOF has conducted various activities under the Anti-Human Trafficking Action Plan 2012-2013 of Thailand. One of the relevant activities being implemented under the National Action Plan is the development of Good Labour Practices (GLP) in Thai shrimp and seafood industry.

This activity is a result of a collaborative effort between DOF, and the Department of Labour Protection and Welfare (DLPW) with technical support from the International Labour Organization (ILO) through the International Programme on the Elimination of Child Labour project. Three separate GLP guidelines for the shrimp and seafood processing industry are being developed to conform to the need to improve the working conditions in primary processing workplaces, processing facilities, and shrimp farms. Presently, the GLP guidelines for primary processing workplaces have already been finalized with strong involvement and cooperation of the private sector especially the Thai Frozen Foods Association (TFFA) and the Thai Food Processors Association (TFPA) as well as primary processing enterprises. Therefore, the GLP guidelines for primary processing workplaces are now ready for practical use by enterprise managers.

DOF believes that such GLP guidelines will bring about solutions to the root cause of labour issues particularly with respect to prevention of child labour, forced labour and human-trafficking in the industry. Therefore, DOF has been strongly supporting and encouraging primary processing operators to apply the GLP to their workplaces' operation in order to prevent mis-practices and, at the same time, promote decent working conditions in the shrimp and seafood industry. In so-doing, this will not only give the Thai shrimp and seafood industry a good image but also create sustainability and stability to the Thai seafood industry as a whole.



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Director General
Department of Fisheries of Thailand

Foreword

International Labour Organization

The Good Labour Practices (GLP) programme was initiated and developed through joint efforts between Department of Labour Protection and Welfare (DLPW), Department of Fisheries (DOF) and industry members as a comprehensive fisheries industry improvement programme. This work has been technically supported by the International Labour Organization (ILO) through its International Programme on the Elimination of Child Labour (IPEC) in Thailand. Trade Unions and civil society groups in Thailand have also been part of designing this programme.

The programme is aimed to help protect workers from unacceptable forms of work such as child labour, forced labour, workplace discrimination and from sub-standards working conditions including harmful occupational safety and health situations.

It is designed to help establish industry specific guidance on appropriate labour practices for each fisheries industry sector namely: fishing, aquamarine farms, primary processing and processing factories. It also promotes across all above sectors decent work opportunities for adults and youth alike and supports positive labour practices through examples emerging from the industry.

The ILO is fully committed to support tripartite action through this effort and encourages active dissemination and application of these guidelines. The ILO wishes to recognize the financial support provided by the US Department of Labor to this programme. This is an important collaborative initiative for the effective elimination of child and forced labour in Thailand. This joint effort must continue and will require close engagement and determined action from all partners involved.



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Good Labour Practices (GLP) Guidelines for Primary Processing Workplaces in the Shrimp and Seafood Industry of Thailand

These guidelines are produced jointly by Thai seafood industry members, DLPW, DOF and ILO in order to provide assistance to Thai Primary Processing Workplaces in the Shrimp and Seafood Industry. Inputs have also been received from Thai Trade Unions and civil society organizations knowledgeable on the seafood industry primary processing sector.

The guidelines are based on the Thai labour laws but also refer to International Labour Standards and best practices in the sector.

The guidelines are based on enterprise and sector level experience and knowledge on current regulations concerning working conditions and their application. They can be utilized independently for self-help so that workplaces can come into conformity with key aspects of worker rights; they can also be used in relation to a broader series of guidance materials that the industry and the Government are producing to improve working conditions in the sector such as good practice sheets, thematic guidance notes, leaflets and brochures on various labour and safety and health regulations.

The guidelines accept as a starting point relatively low awareness of local labour laws and of international labour standards at the level of the primary processing workplaces.

The objective of the guidelines is to facilitate a process of improvements and to increase information and awareness of existing laws and standards and to promote their application. The guidelines also provide recommendations on good practices that go beyond compliance to laws, and that can help promote workplace improvements that will enhance workers wellbeing, productivity and workplace cooperation.

The key national laws and standards used as a basis for the Guidelines are:

- Labour Protection Act B.E. 2541 (1998) and its amendments
- Labour Relations Act B.E. 2518 (1975)
- Anti-Trafficking Act
- Alien Employment Act
- The Home Worker Protection Act, B.E. 2553 (A.D. 2010)
- Occupational Safety, Health and Environment Act, B.E. 2554 (A.D. 2011)) and other Department of Labour Protection and Welfare Regulations on OSH
- Thai Labour Standards Corporate Social Responsibility of Thai Business TLS 8001-2010

The following areas are covered in these guidelines:

In the areas of Core Labour Standards:

- Forced Labour
- Child Labour
- Discrimination
- Freedom of Association and Collective Bargaining

In the areas of Working Conditions:

- Compensation
- Contracts and Human Resources
- Working Time
- Occupational Safety and Health
- Worker Welfare

1. Forced Labour

What is it?

Forced labour is work for which the person has not entered of his or her own free will and that is exacted under the threat of penalty. This threat of penalty may occur during recruitment and result in the individual being forced to accept a job. Or, it can occur once the person is working as a means of forcing a worker to perform tasks that were not initially agreed upon.

Forced labour violates the basic human right to work in freedom and freely choose one's work. Two elements must be present: The first element is that the worker must be subject to threat of penalty.

Examples of penalties that could be imposed or threatened include:

1. Restrictions on freedom of movement, such as prohibiting workers from leaving the workplace or living accommodation
2. Financial penalties, e.g. burdening workers with unmanageable debt or delaying wage payments to keep workers on the job
3. Harassment and violence (beatings, sexual assault etc.)
4. Threats to report workers to the authorities (police, immigration, etc.)
5. Threat or/and complicity in deportation, for example in the case of migrants in irregular situations
6. Denying workers access to their personal documents, such as birth certificates, passports, work permits or ID cards
7. Termination or exclusion from future employment
8. Exclusion from community and social life

9. Removal of rights and privileges ,or refusal of food, shelter or other necessities
10. Transfer to worse working conditions

The second element of forced labour is that the worker has not accepted the work voluntarily. Workers must freely consent to accept the work and they must be free to leave the job and the workplace at all times. Deciding whether work is performed voluntarily often involves looking at the vulnerability of the worker and external and indirect pressures that make it difficult for workers to choose not to work, for example, non-payment of wages, or denying workers access to their identity documents.

Workers who are migrants, pregnant or from ethnic minorities often are vulnerable and therefore may be more susceptible to forced labour. Forced labour also can arise when workers are forced to work overtime through economic coercion.

Bonded Labour

Bonded labour, or debt bondage, can occur when an individual pledges his or her services and/or those of the individual's family members in return for a loan or pay advance. This type of situation arises when the conditions of the loan or the work itself are such that the worker is unable to meet this obligation for an excessive period of time.

In the context of the Thai seafood industry, debt bondage can also occur if the worker has illegally or even legally migrated but has taken on significant debt to a broker, recruitment agency, other third party or the employer in order to do so, and as a result the worker is not free to leave the job. If the employer is using the debt to coerce workers to stay on the job or to agree to certain terms and conditions, or is manipulating the debt to make it more difficult for workers to repay it, and workers do not feel free to leave the job as a result of the debt, this may constitute forced labour.

Trafficking in persons for labour exploitation

Trafficking in persons includes the recruitment, transportation, transfer, harboring or receipt of a person through force or deception for the purpose of exploitation. This often results in forced labour. However, illegal labour migration does not necessarily imply that the person is trafficked for labour exploitation.

A person can be trafficked illegally to Thailand to work and then find him/herself in a forced labour situation. More commonly, workers from abroad enter Thailand voluntarily anticipating that agreed conditions of work materialize, only to afterwards realize that this is not the case and that they have fallen prey to traffickers who do not intend to deliver on their promises of work and pay. Thailand has established penalties not only for trafficking itself, but also for interfering with investigations.

Due to the gravity of forced labour and trafficking offenses, it is very important that employers in Thailand are equipped to recognize forced labour situations and possible cases

of trafficking. Under international standards, employers should not treat migrant workers less favorably than nationals.

EMPLOYER CHECKLIST TO PREVENT FORCED LABOUR

Recruitment and Hiring
1. Violence and/or threats of violence are not used to induce work
2. In the case of migrant workers threats of denunciation to authorities and on deportation are not used to induce work
3. Workers are free to move in and out of their workplaces or dormitories
4. Workers have access to their identification documents and possessions
Contracts
5. Employer does not demand payment for recruitment or demand or receive security deposits for work (for tools or damages etc.)
6. Contracts are written and provided in workers' native language
7. In the case of workers with limited literacy, contracts are explained verbally in the workers' native language
8. Contracts clearly stipulate worker responsibilities and hours of work
9. Contracts clearly stipulate wages, benefits, and worker rights
Using Recruitment Agencies or Brokers
10. You know the recruitment practices and policies of the recruitment agencies from which you hire
11. You know what terms and conditions of employment were conveyed to workers by recruitment agencies. You ensure that workers are not presented with terms and conditions that are different from those they agreed to prior to departure when they arrive in Thailand.
12. You know the fees charged by recruitment agencies of your workers
Termination of Contracts
13. Workers may terminate contracts upon reasonable notice without excessive penalties
14. Workers who terminate employment have access to identification documents, and possessions, and are paid all due wages in a timely manner within 3 days of termination
Conditions of Work
15. Wages are not delayed, withheld or paid irregularly. Forced labour may arise if wage payments are delayed or withheld in order to coerce workers to stay on the job, or to exact unpaid work.
16. Wages are paid directly to the worker.
17. Food and dormitory prices are valued appropriately and do not impose substantial debt on workers
18. Salary advances and any interest on advances are not excessive
19. Security deposits are not taken to ensure that workers stay on the job
20. Normal working hours do not exceed 8 hours per day or 48 hours per week

21. Overtime is compensated at a rate of 1.5 times the normal rate
22. Overtime and holiday work is only required on temporary basis for business reasons only
23. Workers are not compelled to work overtime beyond 36 hours per week
24. Minimum one day per week holiday is provided

Key Message:

The employer must understand what constitutes forced labour and make sure that workers are not subject to conditions that may constitute forced labour, especially when employing migrant workers. Open communication, transparency and clarity on working conditions and pay, as well as the ability by the worker to freely choose to accept or leave employment must be ensured.

Workers need to have a signed contract and be able to understand the conditions of work. In case of termination, it is important to explain the reasons for the termination and provide legally required payments to the worker within a reasonable period of time. Migrant workers should be provided a written agreement to enable them to change employers.

Good Practices and Tips:

- ***Provide a written contract in workers' native language***
- ***Provide a written pay slip (or a sample pay slip that provides information about wages and benefits)***
- ***In case of termination, provide written agreement for workers to change employer***
- ***If using recruitment agencies make sure that you know the conditions and benefits that have been promised to the workers by the agency to ensure that workers are provided the same conditions and benefits during employment.***
- ***Take steps to ensure that workers are not charged excessive fees by recruitment agencies so you can help prevent debt bondage situations***
- ***Inform authorities of fraudulent recruitment practices and illegality concerning labour recruitment agencies***

2. Child Labour

What is it?

Child labour is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling by depriving them of the opportunity to attend school, by obliging them

to leave school prematurely, or by requiring them to combine school attendance with excessively long and heavy work.

In its most extreme forms, children are involved in illegal activities, or in work that exposes them to physical, sexual or psychological abuse. However, not all work done by children is classified as child labour that should be eliminated. Work that does not affect children's health and personal development or interfere with their schooling can be constructive. This includes activities such as helping parents around the home, helping in a family business or earning pocket money outside school time.

Whether or not work being carried out by children constitutes child labour depends on the child's age, the type and hours of work performed, and the impact of the work on the child's health, development and access to education. Under international standards, night work and work for long hours are considered hazardous for workers under age 18 regardless of whether the work itself is hazardous by nature.

In addition to considering whether there are child labourers working at the workplace, it is also important to understand the possibility of workers working at home, and the risk of children helping with the work at too early an age.

Minimum Age and Hazardous Child Labour

The *Labour Protection Act, B.E. 2541* and its revisions cover most sectors in Thailand and require employees to be at least 15 years of age. In line with international requirements, Thailand's LPA and subsequent ministerial regulations define job functions and environments that are considered hazardous due to potential physical or moral harm and set a minimum age of 18 for hazardous work.

Young workers, those aged 15-17, are considered vulnerable even if they are not engaged in hazardous work. Therefore, there are additional laws regarding payment, working hours, and notification of the labour inspection officer that protect and support these young workers in their employment.

EMPLOYER CHECKLIST TO PREVENT CHILD LABOUR

Recruitment, Hiring and Documentation
1. The age of potential employees is verified using both written document(s) and by interviewing applicants about their age
2. Children younger than 15 years of age are not hired
3. Labour Inspection Officer is notified within 15 days of hiring a worker between 15-17 years of age and within 7 days upon termination
4. A record of the employment contract and working time of workers aged 15-17 is available for authorities
Hazardous Work
5. Young employees (aged 15-17) are granted one hour of rest after working for four hours consecutively

6. Young Workers do not work at night or for long hours
-Workers aged 15-17 are not working between 22.00 and 06.00
-Young employees do not work overtime or on holidays
-Young workers should not work for long hours
7. Young workers are not subject to potentially hazardous levels of heat, cold, vibration, noise and light
8. Young workers do not work in jobs that may expose them to hazardous chemicals, poisonous materials, explosives or inflammable materials
9. Young workers do not drive or control forklifts or cranes
10. Young workers do not use, repair or clean electric equipment or motorized machinery and tools
11. Young workers do not work on a scaffold more than 10 meters from the ground for construction, maintenance or repair

FURTHER GUIDANCE REGARDING HAZARDOUS CHILD LABOUR

While Government regulations do not require the higher standards for some of the guidance given below, the following recommendations were arrived at through Government and industry consultations so as to promote good practices that are in line with prevalent international norms.

No one under the age of 18 should be engaged in:
1. Carrying more than 12.5 kgs for males or 10 kgs for females
2. Conducting work on a scaffold more than 2 meters from the ground (10 meters by law)
3. Boiling, deep frying or working in cold storage
4. Handling, transporting or using pesticides, acids or disinfectants or containers with residuals
5. Work in the production or preservation of food by freezing
6. Exposure to continuous noise levels above 85 dBA for more than 40 hours per week
7. Work between the hours of 18.00 and 6.00– i.e. night work (work between 22.00 and 6.00 is prohibited by law)
8. Work in temperatures below 18 degrees Centigrade ambient temperature unless appropriate and adequate warm clothing is provided and worn.
9. Work in isolation and alone
10. Work in confined spaces associated with seafood units

Key Messages:

It is alright to employ young workers aged 15-17, provided that due consideration is given to the type of work they perform so they are not subject to hazardous conditions. Children

under 15 years of age should be at school and not be hired and in case of home-based work, children under 15 should not be allowed to work together with their parents or other adults.

When employing young workers of legal age it is important to take time to explain to them what they can and cannot be involved in at work. Due to their young age, it is also important to communicate clearly, and listen to the young workers attentively so that any concerns they may have you are able to address and attend to. Well treated young workers become productive and able adult workers.

Good Practices and Tips:

- ***Establish a process to verify age as part of recruitment of workers i.e. apply a checklist on what kind of documents you will require, how you will interview workers on their age, and what to do if in doubt.***
- ***Get assurances of parents/guardians for young workers employment (15-17)***
- ***Have a clear policy of not employing children under 15, and explain this policy to all workers – ask your workers help in applying this policy.***
- ***Consider whether any of the work performed at your workplace could be hazardous for young workers – and put measures in place to make sure that young workers do not perform any of that work. Explain the measures to all workers.***
- ***Have a system in place to record working hours of young workers***
- ***Encourage your workers to promote their children's schooling***

3. Freedom of Association, Collective Bargaining and Work Place Cooperation

What is it?

Freedom of association means the right of workers to join together to create organizations (unions) that represent them. Collective bargaining is the process of negotiation between unions and employers, usually on working conditions and terms of employment. Both are fundamental labour rights, and they are linked together. Without freedom of association, collective bargaining cannot work because the views of the workers cannot be properly represented. Workers themselves must be free to choose how they are to be represented, and employers must not interfere in this process.

In the context of informal workplaces and small and medium enterprises, there may not be trade unions organizing the workplace, and workers may not have expressed an interest in forming union. Nevertheless, what is important is that the key worker right to organize and collectively represent their interest's vis-à-vis the employer is respected and not in any way interfered with by the employer.

When workers express their interest in discussing and negotiating working conditions and terms of employment, it is important that the employer enter into discussions and negotiations in good faith, willing to compromise, discuss and reach a mutually positive outcome. Workers should not be subject to negative measures due to their organizing activities or efforts to negotiate collectively.

There are different ways in which to develop open communication between workers and employers. What is important is that there is willingness and different channels for this to happen. Managers should regularly find ways to learn about the concerns of the workers, to jointly discuss solutions, and to inform workers about issues related to their conditions of work. It is also advisable for workplaces to have a process for attending to disputes and grievances in way that respects the rights of both employers and workers.

EMPLOYER CHECKLIST CONCERNING WORPLACE COOPERATION, FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

1. Workers are free to meet without management present
2. Trade Union and worker rights organization representatives have access to the workers in the workplace
3. Workers can freely form and join a union or an association of their choice.
4. Employer does not use blacklists to avoid hiring trade unionists.
5. Employer allows worker organizations to form and operate independently, and does not try to interfere with or control them.
6. Employer does not punish, intimidate or harass workers for joining a union, engaging in any worker association activities, or representing collectively workers interests
7. Employer does not provide incentives to workers in order to keep them from joining a union or engaging in union activities
8. Employer does not punish any workers for participating in a collective dispute, work stoppage or strike.
9. Employer refrains from not renewing or terminating worker's employment contract due to the worker's union membership or activities to represent workers
10. Employer bargains in good faith with the union or worker representatives
11. If a collective agreement is reached, the provisions are implemented
12. Peaceful worker representation and action is allowed
13. Disciplinary measures comply with legal requirements
14. Employer resolves grievances and disputes in compliance with legal requirements

Key message:

Workers must be free to associate, organize and represent their interest vis-à-vis the employer, and to freely discuss matters concerning their working conditions, entitlements and rights. If workers wish to engage in discussions on these matters with the employer , the employer should negotiate in good faith and engage in a dialogue to work towards an

agreement. Employers may not interfere with the formation or functioning of workers' organizations, or punish workers who form, join or engage in the activities of workers' organizations. It is useful to establish regular communications with workers, and to have a grievance system to that provides a process for solving disputes.

Good Practices and Tips:

- ***Establish regular meetings on workplace matters and encourage workers to choose representatives to talk about issues concerning them.***
- ***Encourage workers to solve potential disputes in their infancy through a clear policy on handling disputes. Bewilling to listen to and constructively attend to disputes and grievances.***

4. Discrimination (Equal Employment Opportunity and Treatment)

What is it?

Discrimination includes any distinction based on race, colour, sex, religion, political opinion, national extraction or social origin that results in unequal treatment. Other grounds of discrimination may be included in national law, such as disability, HIV/AIDS status, age and sexual orientation. Discrimination may be direct or indirect and does not have to be intentional. Indirect discrimination refers to apparently neutral practices, which in fact result in unequal treatment of people with certain characteristics.

Concerns over discrimination apply to all workers, including those applying for work, nationals, non-nationals, migrant workers, and home-based workers. Workers should not be subject to physical, verbal, or non-verbal conduct of a sexual nature that is unwelcome, unreasonable, or offensive to them.

Employers should enable workers to engage in practices that derive from their culture, race, colour, sex, religion, political opinion etc. as long as this does not disproportionately impact the worker's job requirements or the operation's needs.

An important element concerning discrimination is equal pay for men and women doing work of equal value. In addition, Thai and migrant workers must be provided equal conditions and pay for the same work.

EMPLOYER CHECKLIST FOR DISCRIMINATION

- | |
|---|
| <ol style="list-style-type: none">1. Hiring, remuneration, and training and promotion criteria are based on genuine occupational requirements, and the worker's qualifications, competency and experience |
|---|

2. Job announcements do not refer to applicant's race, color, social origin, national extraction, religion, political opinion, or sex.
3. Job functions and working conditions are not determined based on a worker's race, color, social origin, national extraction, religion, political opinion or sex.
4. Workers receive equal remuneration for equal work
5. You have a policy prohibiting harassment, including sexual harassment, and procedures to address it if it occurs
6. Decisions regarding termination of workers do not take into account the worker's race, color, social origin, national extraction, religion, political opinion, or sex.
7. Your policies and practices DO NOT prohibit workers from becoming pregnant. You do not terminate workers who are pregnant or on maternity leave or force them to resign
8. Employees are granted maternity leave, and this leave is included as part of their period of service.
9. At the end of maternity leave, employees have the ability to return to the same position with the same pay and benefits
10. Disabled workers who apply for work are evaluated according to their ability to perform the job. Required job functions do not unnecessarily limit a person with disabilities' ability to obtain or maintain employment

Key Message:

Workers must not be treated differently based on their race, colour, social origin, religion, political opinion, national extraction or sex. Instead, decisions regarding workers are based on their qualifications and experience.

Good Practices and Tips:

- ***Establish a non-discrimination policy***
- ***Prohibit and have clear procedures in place in the event of any type of verbal or physical harassment***
- ***In a multi-cultural workplace, encourage activities that build understanding of different cultures and habits***
- ***Build understanding on principles of gender equality***

5. Compensation, Wages and Working Time

What is it?

Wage payments are critical to workers' day-to-day lives. Minimum wages are set to ensure that workers can meet their own needs and those of their family. Minimum wages may be set by law or regulation, by wage boards, councils, courts or tribunals, or by collective agreement. Representative organizations of employers and workers should be involved in the process.

Workers should receive pay on time and in full for ordinary and overtime hours as well as during paid leave. Workers should be told about their wages as well as any wage deductions. Deductions should be made only on conditions and within the limits prescribed by law or collective agreement.

Workers should be informed about their wages in a language they can understand and in a way that explains how their wages are calculated. This is usually done by providing clear wage statements, which include days worked, wages or piece rate earned per day, hours of overtime at each specified rate, bonuses, allowances and authorized deductions. The lack of individual wage statements is a strong indicator that workers may not be adequately informed about their wages.

Workers paid by piece rate must be paid at least minimum wage for ordinary hours of work, even if their actual piece-rate earnings are below minimum wage. If their piece rate earnings exceed minimum wages, they should be paid the higher amount.

Employers typically are required to pay a higher rate for hours worked during overtime. Workers paid by piece rate also should be paid according to legally required overtime differentials.

In-kind benefits could include meals, housing, or child care for which the cost is deducted directly from workers' wages. Wages may be paid only partly in kind, since workers must have enough cash to meet their subsistence needs and those of their family.

Limits on hours of work help to ensure safety and health at work, provide enough rest between shifts, and enable workers to balance family and work responsibilities. For industrial enterprises, international standards limit regular (pre-overtime) working hours to 8 hours each day, 48 hours each week, subject to certain exceptions. They also say that workers must have at least one day off in seven. Regular and overtime hours and weekly rest are regulated under national laws, regulations or agreements between worker(s) and employer(s), which may be more flexible.

EMPLOYER CHECKLIST FOR COMPENSATION, WAGES AND WORKING TIME

Compensation and Wages
1. Employer pays at least minimum wage for ordinary hours of work to regular and temporary workers
2. Employer pays workers correctly for all overtime, public holidays, night time and weekly rest time hours worked. Overtime is compensated at a rate of 1.5 times the normal rate
3. Any in-kind wage payments comply with national law
4. Workers are paid regularly and on time
5. Wages are paid directly to workers on work days at the work place
6. Employer pays workers correctly during paid public holidays and leave
7. Employer uses a pay slip and informs workers about wage payments and deductions in a manner they can understand
8. Employer has registered workers to social insurance and pays the required employer contribution to social insurance funds
9. Workers can use their wages as they choose.

Hours of Work
10. Normal working hours do not exceed 8 hours per day or 48 hours per week
11. Workers are not compelled to work overtime beyond 36 hours per week
12. Overtime and holiday work is only required on temporary basis for business reasons only
13. Minimum one day per week holiday is provided
14. All types of leave are provided as required by law

Key Message:

Workers need to be paid according to minimum wage, with a premium for overtime hours worked. Wages need to be paid regularly and directly to the worker. Employer is responsible to register workers to social security and to explain to workers what the system covers and how to access it. Regular and overtime hours must be within legal limits, and weekly rest and leave must be provided.

Good Practices and Tips:

- ***The piece-rates and/or incentive schemes need to be set at a level that the workers will at minimum earn minimum wage per hours worked.***

- *Workers understand the different elements their pay is composed of and have a written pay slip in a language they understand*
- *Overtime and work on public holidays is agreed together and it is clear how this is compensated*
- *Break times are set and workers have adequate rest between shifts and between regular hours of work and overtime*
- *Workers know about the social security and health insurance schemes that they are covered by the employer and know how to avail of these services*

6. Occupational Safety and Health and Worker Welfare

What is it?

Improvements in occupational safety and health enhance productivity by reducing the number of interruptions in the manufacturing process, by reducing absences, by decreasing the number of accidents and by improving work efficiency. Safety is preventative. The cooperation of workers and employers is essential. Both employers and workers have responsibilities and rights to ensure occupational safety and health.

Many of the issues in the seafood industry identified, such as the installation of proper machine guards, provision of mats for standing workers and chairs for seated workers, and the use of personal protective equipment are important for both workers and the employer to be aware of. Emphasis should be placed on the introduction of systems to maintain adequate awareness of safety and health.

Hygiene and cleanliness are important in the sector. Proper use of chemicals and appropriate labeling is needed. Worker who use chemicals need to be trained properly and the workplace should have a trained safety and health person who can assist workers in proper handling and storage of chemicals. Proper material storage and handling and work organization allow for improved safety and health and can improve productivity.

The employer must provide appropriate training to workers and provide them with adequate information about risks and hazards and how to ensure safety and health at work.

Promoting worker welfare goes beyond understanding and applying OSH measures. Knowledge about what affects worker's welfare, living environment, and health in general and an ability to improve these can contribute to a productive working environment.

EMPLOYER CHECKLIST FOR OSH

Managing Safety and Health
1. Workplace has a written OSH policy
2. Employer has performed an assessment of general occupational safety and health issues in the workplace
3. Employer has developed mechanisms to ensure cooperation between workers and

management on OSH matters (joint safety and health committee)
4. Employer records work-related accidents and diseases and reports this information to authorities
Control of Hazardous Substances
5. Employer keeps an inventory of chemicals and hazardous substances used in the workplace
6. Chemicals and hazardous substances are properly stored and labelled
7. Employer has effectively trained workers who work with chemicals and hazardous substances
8. Employer provides adequate washing facilities and cleansing materials in the event of exposure to hazardous chemicals
9. Employer provides workers with all necessary personal protective clothing and equipment
Machine Safety
10. Materials, tools, switches, and controls are within easy reach of workers
11. Workers are effectively trained to use machines and equipment safely. PPE is provided as necessary.
12. Proper guards are installed and maintained on all dangerous moving parts of machines and equipment. Electrical wires, switches and plugs are properly installed, grounded, and maintained.
13. Appropriate safety warnings are posted in the workplace
Work Station and Organization
14. Standing workers are properly accommodated (feet support, standing mats, benches to rest on occasionally)
15. There are sufficient measures in place to avoid heavy lifting by workers
16. Seated workers have suitable chairs
Work Environment
17. The temperature in the workplace is acceptable
18. The workplace is adequately ventilated
19. The noise levels are acceptable
20. The workplace is adequately lit
21. The employer has arranged for prompt first-aid treatment of injuries likely to occur during the course of work
22. First Aid equipment is accessible and placed in easy to see locations
Health and Welfare/Facilities
23. The workplace has adequate accessible toilets
24. The workplace has adequate hand washing facilities and soap
25. The employer provides workers enough free safe drinking water
26. The workplace has an adequate eating area
27. The workplace is clean and tidy
In Case of Employer Provided Accommodation
28. The accommodation complies with minimum space requirements
29. The accommodation has enough safe water
30. The accommodation has adequate toilets, showers, sewage and garbage disposal systems
31. The accommodation is adequately protected against disease carrying animals or

insects
32. The accommodation have adequate cooking and storage facilities
33. The accommodation is sufficiently protected against fire, and there has been adequate preparation for emergencies

Worker Welfare and Community Engagement
Worker should be informed and know how to access health care and what to do in case of an emergency
Workers with families and children may benefit from organizing and promoting child care
Workers should have a hygienic place for preparing and eating meals which is separate from the workplace
Worker should have a place where they can convene for social purposes
Special attention should be given to pregnant women, workers with disabilities, older and young workers
Pregnant workers should be allowed to access pre-natal care. Measures to reduce their workload before and after giving birth and to accommodate their needs for breast feeding should be considered
Providing training and organizing joint events with workers can help to promote workplace welfare. Such events can focus on public health issues, promotion of education of children etc. These types of occasions provide informal opportunities to communicate and build trust between workers and employers.
Community cooperation and the impact of the workplace on the neighbourhood in terms of garbage disposal, sewage, odor, noise, traffic etc. are important considerations. Management and workers can positively address these.

The Key message:

While ensuring compliance to Occupational Safety and Health requirements is mainly the responsibility of the employer, workers also have a key role to identify and ensure that appropriate safety and health measures are taken. It is important that workers are well trained in safety and health matters, and can identify issues of concern and raise these with the employer.

An Occupational Health and Safety management system and a culture of safety at the workplace are key ingredients to ensure that the workplace is safe and workers can work in proper conditions.

In case the employer provides workers accommodation, it is important that proper standards are met.

Understanding the impact of the business on the environment and putting measures in place together with workers to positively address these impacts can contribute to community life and neighbourhood development.

Worker welfare goes beyond strict compliance to labour laws and occupational safety and health regulations. It is part of promoting a better living and working environment.

Good Practices and Tips:

- ***Keep the workplace clean and make sure that passageways are unobstructed***
- ***Establish a system to keep the workplace floors and surfaces clean and as dry as possible to prevent slippages.***
- ***Provide workers free of charge wet wear footwear and other work related protective equipment and ensure that these are properly used and in good condition***
- ***Isolate sources of hazardous chemicals and substances with proper storage***
- ***Enclose noisy machines***
- ***Ensure a proper exhaust and ventilation system***
- ***Monitor temperature levels***
- ***Provide workstations that are adjusted to the right height for workers and when work can be done sitting, provide chairs with backrests. Organize for workers to be able to rest their feet if they work standing.***
- ***Use a foot platform for small workers***
- ***Train workers how to properly lift heavy objects and make sure that containers have good grips and holding points***
- ***Use carts, hand trolleys mobile racks etc. to facilitate movement of goods***
- ***Have first aid supplies available and train workers so they know how to use them***
- ***Have fire extinguishers available and train workers so they know how to use them***
- ***Promote personal and industrial hygiene habits***
- ***Give special attention to young workers and check regularly that they are aware of safety and health measures at the workplace***
- ***Be sure to address safety and health risks to pregnant or nursing workers***

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