

Working time

Online training series
International and EU Labour Standards

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▶ Contents

- ▶ Why International and EU Labour Standards?
- ▶ Why to regulate working time at national level?
- ▶ What International and EU Labour Standards?
- ▶ Concepts
- ▶ Minimum safety and health requirements for the organisation of working time
- ▶ More favourable provisions and level of protection
- ▶ Cases for discussion
- ▶ Q&A

► Why International and EU Labour Standards?

To establish a framework for the regulation, at national level, of the minimum safety and health requirements for the organization of working time, including:

- Daily and weekly working time;
- Breaks;
- Daily rest;
- Weekly rest;
- Annual paid leave;
- Pattern work;
- Night work and shift work;
- Part-time work (to be specifically addressed in the next training).

► Why to regulate working time at national level?

- To establish minimum safety and health requirements for the organization of working time (regarding, e.g., daily and weekly working time; breaks; daily rest; weekly rest; annual paid leave; pattern work; night work and shift work) with a view to:
 - Improve the safety, health and well-being of workers;
 - Promote the sustainability of the organizations in which workers are employed; and
 - Foster decent working conditions and prosperity for all.
- In conclusion:
 - To uphold the principle that “labour is not a commodity”
 - To ensure that the improvement of workers' safety and health at work is not subordinated to purely economic considerations

► What International and EU Labour Standards?

Main ILO Standards on working time¹:

- Hours of Work (Industry) Conv. (No. 1)
- Weekly Rest (Industry) Conv. (No. 14) - **Ratif. 19/06/1968**
- Hours of Work (Commerce and Offices) Conv. (No. 30)
- Forty-Hour Week Conv. (No. 47) - **Ratif. 10/08/1956**
- Weekly Rest (Commerce and Offices) Conv. (No. 106) - **Ratif. 19/06/1968**
- Reduction of Hours of Work Recom. (No. 116)
- Holidays with Pay Conv. (Revised) (No. 132) – **Ratif. 25/10/2001**
- Night Work Conv. (No. 171)

More relevant EU Directives on working time:

- Directive 2003/88/EC, concerning certain aspects of the organisation of working time – **TBD by Ass. Council**
- Directive 2002/15/EC, on the organisation of the working time of persons performing mobile road transport activities – **Deadline: int. transp. - 31.08.2020; nat. transp. - 31.08.2022**
- Directive 92/85/EEC, on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding – **Deadline: 31.08.2020**
- Directive 89/391/EEC, on the introduction of measures to encourage improvements in the safety and health of workers at work – **Deadline: 31.08.2020**

¹Part-Time Work Convention, 1994 (No. 175) will be addressed in the specific training.

► Concepts

- **Working time or hours of work** - Any period during which the worker is working, at the employer's disposal and carrying out his activity or duties.
- **Rest period** - Any period which is not working time.
- **Normal hours of work** - The number of hours fixed in each country (by or in pursuance of laws or regulations, collective agreements or arbitration awards) or, where not so fixed, the number of hours in excess of which any time worked is remunerated at overtime rates or forms an exception to the recognised rules or custom of the establishment or of the process concerned.
- **Adequate rest** - regular rest periods which duration (expressed in units of time) are sufficiently long and continuous to ensure that, as a result of fatigue or other irregular working patterns, they do not cause injury to themselves, to fellow workers or to others and that they do not damage their health, either in the short term or in the longer term.

▶ Concepts

- ▶ **Night time or night work** - Any period of not less than seven hours, as defined by national law, and which must include, in any case, the period between midnight and 05:00.
- ▶ **Night worker** - Any worker, who, during night time, works at least three hours of his daily working time as a normal course; and, any worker who is likely during night time to work a certain proportion of his annual working time.
- ▶ **Shift work** - Any method of organising work in shifts whereby workers succeed each other at the same work stations according to a certain pattern, including a rotating pattern, and which may be continuous or discontinuous, entailing the need for workers to work at different times over a given period of days or weeks.
- ▶ **Shift worker** - Any worker whose work schedule is part of shift work.

▶ Minimum safety and health requirements for the organisation of working time

▶ Daily rest

- Every worker is entitled to a minimum daily rest period of 11 consecutive hours per 24-hour period.

▶ Breaks

- Where the working day is longer than six hours, every worker is entitled to a rest break.

▶ Weekly rest period

- Every worker is entitled, per each seven-day period, to a minimum uninterrupted rest period of 24 hours plus the above mentioned 11 consecutive hours of daily rest.
- If objective, technical or work organisation conditions so justify, at least a minimum rest period of 24 hours should be applied.
- For its application, a reference period not exceeding 14 days may be applied.
- If possible, fixed to coincide with traditional/customs days and be granted simultaneously to all staff (C014 & C106)

▶ Minimum safety and health requirements for the organisation of working time

▶ Maximum weekly working time

- The average working time for each seven-day period, including overtime, shall not exceed 48 hours;
- For its application, a reference period (average should exclude/be neutral to periods of paid annual leave or sick leave) not exceeding 4 months may be laid down.
- Working hours shall not exceed 8 in the day and 48 in the week (C001 & C030)
- Principle of a forty-hour week, without the reduction of the standard of living (C047)
- Practical measures for progressive reduction of hours of work for achievement of the 40-hour week social standard, without any resulting reduction on workers' wages (R116).

▶ Minimum safety and health requirements for the organisation of working time

▶ Paid annual leave

- Every worker is entitled to paid annual leave of at least 4 weeks in accordance with the conditions for entitlement to, and granting of, such leave;
- The minimum period of paid annual leave may not be replaced by an allowance in lieu, except where the employment relationship is terminated;
- Every person to whom C132 applies shall be entitled to an annual paid holiday period with a length not less than three working weeks per year of service.
- In case worker's length of service in any year is less than required for this full entitlement, s/he shall be entitled, in respect of that year, to a holiday with pay proportionate to the length of service during that year (C132).

▶ Minimum safety and health requirements for the organisation of working time

▶ Length of night work

- Normal hours of work for night workers shall not exceed an average of 8 hours in any 24-hour period.
- Night workers whose work involves special hazards or heavy physical or mental strain, shall not work more than 8 hours in any period of 24 hours during which they perform night work.
- For its application, a reference period (which should not include the weekly rest period of 24 hours) may be laid down.

▶ Minimum safety and health requirements for the organisation of working time

▶ Night workers' and shift workers' safety and health at work rights

- Free (and confidential) health assessment before assignment and thereafter at regular intervals (which may be conducted within the national health system);
- To be transferred, whenever possible, to day work to which they are suited where they suffer from health problems recognized as being connected with the fact that they perform night work;
- If the transfer is not practicable, they shall be granted the same benefits as other workers who are unable to work or to secure employment (C171);
- A night worker certified as temporarily unfit for night work shall be given the same protection against dismissal as other workers who are prevented from working for health reasons (C171);
- To safety and health protection appropriate to the nature of their work (the same for shift workers);

▶ Minimum safety and health requirements for the organisation of working time

▶ Night workers' and shift workers' safety and health at work

- The work of certain categories of night workers may be subject to certain guarantees, in case of workers who incur risks to their safety or health linked to night-time working;
- To appropriate protection and prevention services or facilities, equivalent to those applicable to other workers, which shall be available at all times (the same for shift workers);
- To the necessary arrangements to be quickly taken to where appropriate treatment can be provided if needed (C171).
- To compensation (in the form of working time, pay or similar benefits), which shall recognize the nature of night work (C171).

▶ Minimum safety and health requirements for the organisation of working time

▶ Pattern of work

- An employer who intends to organise work according to a certain pattern, shall take into account:
 - ✓ The general principle of adapting work to the worker (with a view to alleviating monotonous work and work at a predetermined work rate, depending on the type of activity); and
 - ✓ The safety and health requirements, especially as regards breaks during working time.

▶ Minimum safety and health requirements for the organisation of working time

▶ Maternity protection regarding night workers

➤ Pregnant workers and workers who have recently given birth or are breastfeeding:

- ✓ Are not obliged to perform night work during their pregnancy and for a period following childbirth (subject to submission of a medical certificate stating that this is necessary for her safety or health);
- ✓ Shall be granted with the possibility of being transferred to daytime work; or (where such a transfer is not technically and/or objectively feasible or cannot reasonably be required on duly substantiated grounds),
- ✓ Be granted a leave from work; or
- ✓ Be granted an extension of maternity leave

► More favourable provisions and level of protection

- International and EU Labour Standards on working time ratification or transposition (as the case may be):
 - Shall not affect the introduction of more favourable provisions to the protection of the safety and health of workers through:
 - Laws, regulations or administrative provisions; or
 - Collective agreements or agreements concluded between the two sides of industry.
 - Shall not constitute valid grounds for reducing the general level of protection already afforded to workers.

Resources on the EU-ILO Project site ilo.org/shd4Ukraine

Background paper



Infographics



And more...

- Power Point Presentation
- Relevant ILO Conventions
- Directive No. 2003/88/EC
- Directive No. 2002/15/EC
- Directive No. 92/85/EEC

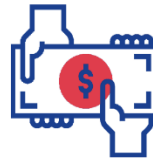
Quid juris?



Ihor
an IT specialist



Joined a company that
provides co-working
services in Kyiv, a year ago



Earns 1,000\$/month



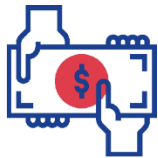
Has the following work
schedule: Monday-Saturday
from 9:00-13:00 and from
14:00-19:00

Quid juris?



Oleksandr

joined a restaurant in Kyiv,
as a waiter



earns 500\$/month + tips

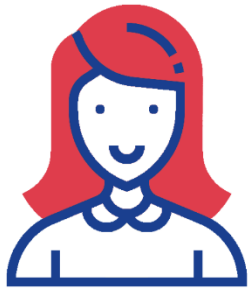


The restaurant serves
breakfasts, lunches and
dinner and operates
07:00 – 24:00



Oleksandr`s work schedule:

- MON, WED and FRI: 15:00-19:00 and 20:00-24:00
- TUE and THU: 07:00-11:00 and 12:00-16:00



Liudmyla

works in a night-club
for 4 years, as a waitress



earns 700\$/month + tips



The night-club is open
to the public Wednesday-
Sunday, 21:00-06:00



Liudmyla`s working schedule:
Wednesday-Sunday,
20:30-00:30 and 01:30-06:30



She found out that she was
pregnant. A doctor told that
to protect her health and of
the unborn, she could not
perform night work



She informed the owner
of the night-club and gave
him the doctor`s certificate,
along with doctor`s
declaration about night work



Her boss replied that
he couldn't transfer her
to a day time job, as the
night-club was only
opened at night time



In the next day, when she
was preparing to start
working, her boss told her
that she was dismissed!..

Quid juris?

Q&A



Contacts

Дякую за увагу!

Thank you for your attention!



EU-ILO Project
“Towards safe, healthy and declared work in Ukraine”

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