



Ethical Trading Initiative Working Hours Clause Revision

Interpretation: What does it mean?

Introduction

- The purpose of this document is to provide guidance on the interpretation of ETI Base Code clause 6 on working hours, the revised version of which came into effect on **1 April 2014**. This is one of the most difficult of the provisions of the Base Code to interpret and is an area where there will often be national law, collective agreements and other relevant provisions to take into account.
- The primary aim of clause 6 of the Base Code is to ensure that workers do not work **excessive hours**; that workers have at least **one day off per week**; and that any **overtime is voluntary** and is properly **compensated**.
- The underlying principle behind this part of the Base Code is the **preservation of workers' health and workplace safety**.
- Clause 6.1 clearly states that the primary benchmarks for working hours are **national law, collective agreements** and the standards set out in the provisions of 6.2 to 6.6 of the **Base Code** – whichever provides the **greater protection** for workers. It is therefore important to consider the appropriate standards set out in all of these when assessing workplace practices on working hours.
- The standards set out in 6.2 to 6.6 are based on a number of **international labour standards**, the most relevant ones of which are listed in Annex B.
- This guidance note explores the different components that clause 6 of the Base Code addresses, namely:
 - restrictions on normal working hours;
 - exceptional circumstances under which working hours may be excessive;
 - regulation of voluntary overtime; and
 - weekly rest periods.
- The ETI Base Code clause on Working Hours must be considered in conjunction with all other aspects of the Base Code, including those related to wages and freedom of association.
- The ETI Base Code applies to all categories of workers, including those who may not be covered by national labour law provisions (for example, agricultural workers).

Working hours

What does the ETI Base Code require?

6. Working hours are not excessive

6.1 Working hours must comply with national laws, collective agreements, and the provisions of 6.2 to 6.6 below, whichever affords the greater protection for workers. Sub-clauses 6.2 to 6.6 are based on international labour standards.

6.2 Working hours, excluding overtime, shall be defined by contract, and shall not exceed 48 hours per week*

6.3 All overtime shall be voluntary. Overtime shall be used responsibly, taking into account all the following: the extent, frequency and hours worked by individual workers and the workforce as a whole. It shall not be used to replace regular employment. Overtime shall always be compensated at a premium rate, which is recommended to be not less than 125% of the regular rate of pay.

6.4 The total hours worked in any seven day period shall not exceed 60 hours, except where covered by clause 6.5 below.

6.5 Working hours may exceed 60 hours in any seven day period only in exceptional circumstances where all of the following are met:

- this is allowed by national law;
- this is allowed by a collective agreement freely negotiated with a workers' organisation representing a significant portion of the workforce;
- appropriate safeguards are taken to protect the workers' health and safety; and
- the employer can demonstrate that exceptional circumstances apply such as unexpected production peaks, accidents or emergencies.

6.6 Workers shall be provided with at least one day off in every seven day period or, where allowed by national law, two days off in every 14 day period.

* International standards recommend the progressive reduction of normal hours of work, when appropriate, to 40 hours per week, without any reduction in workers' wages as hours are reduced.

Why is it important?

- **Legal limits** on working hours and overtime exist to protect **workers' health and well-being** by preventing them from working **excessive hours**.
- Excessive working hours can be detrimental to workers' health and increase the risk of **workplace accidents** due to worker fatigue. The risk of occupational injury is reportedly doubled when employees work more than 12 hours per day and increases by 40% over 10 hours in one day (Salminen, 2010). Long working hours have also been linked to **absenteeism** and **lower productivity** as a result of health-related issues (BW, 2011).
- Although longer working hours are likely to increase the total output per worker, they do not necessarily increase **labour productivity** rates per hour (ILO, 2011). In fact, **longer working hours** appear to **lower productivity rates**, or outputs per hour. A study conducted for 18 manufacturing industries in the US in 2000 showed that a **10% increase in overtime** resulted, on average, in a **2.4% decrease in productivity** (Shepard and Clifton, 2000).

The business case for avoiding excessive hours

- **Increased productivity:** workers perform better when they are well-rested, alert and satisfied with their working conditions. Reducing working hours can improve workers' well-being, which will in turn improve their performance and productivity.
- **Reduced accident rates** as a result of greater worker alertness, resulting in a lower likelihood of workplace injuries.
- **Reduced staff turnover** as a result of improved workforce satisfaction and a healthier work-life balance.
- **Cost savings** related to leaner, more effective production processes, reduced costs for overtime, reduced recruitment and training costs to replace workers who have suffered injuries or who have left the business, fewer mistakes and product damages, and so on.

How should this be interpreted?

Working hours

6.1 Working hours must comply with national laws, collective agreements, and the provisions of 6.2 to 6.6 below, whichever affords the greater protection for workers. Sub-clauses 6.2 to 6.6 are based on international labour standards.

6.2 Working hours, excluding overtime, shall be defined by contract and shall not exceed 48 hours per week.*

Compliance with national law, collective agreements or the Base Code

- The Base Code makes it very clear that working hours must be, at a minimum, in compliance with national law, collective agreements or the provisions of the Base Code. Where there is any conflict, it is the provisions which are more favourable to workers that should take precedence. Where there is a genuine collective agreement, freely entered into by trade union representatives on behalf of workers it should be assumed that this will be on terms which are more favourable to workers. As such, a genuine collective agreement should have priority over conflicting provisions of the Base Code.

Determining contracted working hours

- **Contracted working hours** are the hours an employee is required to work, excluding overtime (which must be voluntary), as defined by the employment contract. Employment contracts usually set out a **fixed number of working hours** per week, in which case the contracted working hours will be clear.
- Contracts which provide for a variation in required working hours may be acceptable, if allowed by national law and the workers contract and providing that the maximum required hours do not exceed 48 hours per week.
- Where the employment contract allows for **variation** in the number of weekly working hours, it may be that reference may be made to relevant working hour **averaging clauses** if provided for by the national law and any applicable collective bargaining agreements.

Categories of employees excluded from national law

Certain categories of employees may not be covered by national labour laws, such as seasonal agricultural workers, or employees in small businesses. However, the ETI Base Code provisions on working hours apply to all categories of workers, including temporary, agricultural and piece-rate workers.

Use of averaging

- As noted above, the contracted working **48 hours per week** can be **averaged** over a **reference period** where this is allowed under national law and any applicable collective agreement. In some countries (see Country Practice Table in Annex A), the national law may contain averaging provisions that allow weekly working hours to be calculated across a multi-week reference period provided that the average weekly number of working hours during the said timeframe does not exceed the limit set by law and the ETI Base Code.

Overtime

6.3 All overtime shall be voluntary. Overtime shall be used responsibly, taking into account all the following: the extent, frequency and hours worked by individual workers and the workforce as a whole. It shall not be used to replace regular employment. Overtime shall always be compensated at a premium rate, which is recommended to be not less than 125% of the regular rate of pay.

Defining overtime

- For full-time workers, overtime refers to all hours worked **in excess of the maximum contracted hours**. Maximum daily, weekly, monthly and/or yearly overtime limits are normally set by national law and/or collective bargaining agreements.
- For part-time workers, overtime (and any premium attached to it) may either be defined as hours worked in excess of their contracted hours, or hours worked in excess of normal hours worked by full-time workers. Which of these applies will depend on national law, the worker's contract or any collective agreement.

Voluntary nature of overtime

- A key point about overtime is that it must be **voluntary**. This means employees should freely consent to working additional hours, with no threats that they will lose out on benefits, future overtime opportunities or of dismissal expressly or implicitly accompanying any offer of overtime.
- In short, overtime should always be **requested** rather than demanded or required and employees should be free to leave their workplace premises at the end of their **normal working day** if they so choose.

Responsible use of overtime

- Overtime should be used **responsibly** and should not be relied upon on a **regular basis** to meet production demands. This means employers should not plan normal production based on an anticipated level of overtime or to **replace regular employment** (for example, recruiting extra staff or establishing an extra shift).
- In determining whether overtime is used responsibly, the following criteria should be taken into account:
 - extent: the proportion of the workforce working overtime across a workplace;
 - frequency: how often an individual works overtime or a workplace uses overtime;
 - hours: number of overtime hours worked by an individual or by a workplace; and
 - whether workers are regularly consulted about the use of overtime and whether there is a transparent agreement or system which indicates the circumstances in which overtime will be used and workers offered extra hours.

Overtime and wages

Overtime can often be linked to **low wages**, as workers whose wages are insufficient to meet their needs will work overtime in order to supplement their regular income. Reducing overtime hours can therefore diminish employees' income dramatically. Suppliers should therefore reduce hours gradually and seek alternative ways to maintain wages at the same level, such as performance-based bonuses or increased rates.

Payment of premium overtime rates

- All overtime hours for full-time workers (that is, hours in excess of contracted working hours, as defined by national law) must be compensated at a **premium rate**. A premium rate

is an additional sum paid, normally per hour, for overtime work. This should be determined by national law, contract or collective bargaining agreement. For example, in China, overtime rates are 150% of the base rate for each overtime hour worked on a normal work day; 200% for each overtime hour worked on a day off; and 300% for each overtime hour worked on a statutory holiday (see table in Annex A for further country examples).

- Where national law, contractual or collective agreements do not provide for overtime premiums, the ETI Base Code **recommends** that employers pay overtime hours at a minimum of 125% of workers' regular hourly rate of pay.
- The overtime premium rate of an employee must be determined on the basis of his or her **regular hourly wage**. If employees are paid on a **piece-rate basis**, their overtime premium rate will normally be calculated based on their average daily or hourly earnings during a previous period of work, as defined by national law, contractual or collective agreement.
- Other forms of compensation (for example, bonuses for night work) and time-off in lieu do not replace overtime premiums but can be provided additionally.

Collective agreements and working hours

A **collective agreement** is reached through the process of negotiation between one or more workers' organisations and an employer or group of employers. It will set out the terms and conditions of the employment relationship (see Glossary for definition). In order to meet the requirements of clause 6.5 of the Base Code, the collective agreement should be 'freely' negotiated with a worker's organisation representing a 'significant portion' of the workforce. To be freely negotiated, the agreement must be genuinely agreed with the workers and there should be evidence of a process that leads up to this agreement, rather than employer imposition.

Working over 60 hours

6.4 The total hours worked in any seven day period shall not exceed 60 hours, except where covered by clause 6.5 below.

6.5 Working hours may exceed 60 hours in any seven day period only in exceptional circumstances where all of the following are met:

- this is allowed by national law;
- this is allowed by a collective agreement freely negotiated with a workers' organisation representing a significant portion of the workforce;
- appropriate safeguards are taken to protect the workers' health and safety; and
- the employer can demonstrate that exceptional circumstances apply such as unexpected production peaks, accidents or emergencies.

Defining maximum weekly hours

- The **60-hour** total limit, including contracted hours and any overtime, can only be exceeded in the exceptional circumstances detailed in clause 6.5 and explained below.

National law and collective agreements

- First, this has to be allowed by **national law and collective agreement**. **National law** will normally place a limit on the total number of hours worked in a single week. However, sometimes it will allow for additional hours in a single week in circumstances such as: emergency or *force majeure*; averaging of hours; individual agreement.
- In addition, the working pattern must be allowed under the terms of a collective agreement **freely negotiated** with a workers' organisation representing a 'significant portion' of the workforce. The collective agreement must be made with a genuine workers' organisation, chosen by workers without management interference.¹
- If there is no such agreement, no workers can work more than 60 hours in any seven day period.

Safety safeguards

- The employer must also provide appropriate **safeguards** to protect the workers' health and safety. This means appropriate measures should be taken to assess, mitigate and monitor workplace hazards and minimise the risk of injury for workers that are specifically related to long hours of work.
- This may include a **risk assessment** of particular tasks that are dangerous when the worker is suffering from fatigue, the introduction of additional breaks, or the provision of transport home at night for late unexpected shifts (particularly for women).

Exceptional circumstances

- Finally, the employer must be able to demonstrate that **exceptional circumstances** apply. Exceptional circumstances refer to unforeseen events, including but not limited to:
 - **emergencies**: urgent work which, if it is not completed, may imminently endanger the health and safety of employees and/or cause serious disruptions to operations (for example, breakdown of machinery, accidents); and
 - **unexpected production peaks**: this typically relates to last minute changes to orders, or increases beyond the control of the supplier but does not include foreseeable seasonal production peaks.

¹ See ETI, *Freedom of association in company supply chains: a practical guide*, 2013, p.6.

- Note that the above list is not exhaustive and that the employer would need to clearly **demonstrate** why circumstances were exceptional to justify employing workers for more than 60 hours per week. However, this cannot mean that each individual week's requirement for overtime should be determined as exceptional; if there are regular circumstances requiring overtime, this will cease to be exceptional.

Weekly rest / day off

6.6 Workers shall be provided with at least one day off in every seven day period or, where allowed by national law, two days off in every 14 day period.

General

- One day off in every seven means at least **24 consecutive hours** per week. This does not include national holidays or personal leave entitlements.
- When considering the provision of rest days, the seven-day periods that should be used as the weekly reference period will depend on country norms and legislation or production/shift schedules (that is, Monday-Sunday; Sunday-Saturday). Once determined, this should be consistently applied.
- Workers' **weekly rest** is normally set by national law, contract or collective bargaining agreement. In some cases, national law may allow workers to work for seven days without a rest day as long as they are provided with **a day off in lieu** during the following week. This would be acceptable according to the Base Code, which requires that workers be given **two days off in 14 at minimum**, so long as this is allowable in law.
- National law, contracts or collective bargaining agreements may also set rest and meal **breaks** during the day. National provisions may also stipulate a minimum number of hours of rest between two work days (see Table in Annex A for examples). Ideally, the weekly rest should either immediately follow or precede such a period of daily rest.

Frequently Asked Questions

1. What are the maximum contracted or required hours under the ETI Base Code?

Contracted working hours refer to the number of hours which a worker may be required to work per week by his or her employer. This will normally be fixed at no more than 48 hours per week, unless a lower figure is set by national law or a collective agreement. Where averaging is allowed, there may be some variability on required working hours, with the proviso that the average required hours will not exceed 48 hours per week and the total number of hours actually worked will never exceed 60 hours per week, unless there are exceptional circumstances, it is allowed by national law, covered by a collective agreement and appropriate safety safeguards are in place.

2. Which standard should be applied if the ETI 60 hours limit on weekly working hours is stricter than country law?

The 60 hours per week limit on all hours worked in a week set by the ETI Base Code will be stricter than national law in some cases (for example, national law may not set maximum limits on weekly working hours). In these cases, the 60-hour limit should apply. It should be noted that this limit includes all overtime, which must be voluntary and used in accordance with the Base Code.

The 60-hour limit may only be exceeded if all of the following conditions under 6.5 are met:

- this is allowed by national law;
- this is allowed by a collective agreement freely negotiated with a workers' organisation representing a significant portion of the workforce;
- appropriate safeguards are taken to protect the workers' health and safety; and
- the employer can demonstrate that exceptional circumstances apply such as unexpected production peaks, accidents or emergencies.

3. What is considered to be a "significant portion of the workforce"?

This will depend on the circumstances. National law may have specific provisions relating to collective agreements on working hours or bargaining in general. This may include provisions which determine what are the procedural requirements for agreements which provide for derogation from working time rules (for example, Regulation 23 of the Working Time Regulations 1998 which governs working hours in the UK). Where present, these should be followed in determining this issue. If there is no relevant rule, then this provision should be interpreted in light of the fact that it is aimed at ensuring that agreements with organisations representing small numbers of workers do not remove protections from the whole workforce. It should not be used to undermine genuine collective agreements.

4. Can the 60-hour weekly working hour limit be exceeded in seasonal work?

No. Seasonal work is not considered to be an exceptional circumstance, as defined under clause 6.5 of the ETI Base Code. The reason for this is that the work, while being irregular, is entirely predictable and anticipated.

5. Can a worker work more than 60 hours per week by averaging the hours worked over a period of time?

Unlike the contracted 48-hours provision, there **is no possibility of averaging hours around the 60-hour limit**. The Base Code is very clear, a worker cannot exceed 60 hours in any one week, unless there are exceptional circumstances, it is allowed by national law, covered by a collective agreement and appropriate safety safeguards are in place. This is an absolute weekly, hourly limit.

6. How can the company ensure that overtime is voluntary?

When an employer requires workers to work overtime, the employer should clearly communicate to workers that they are free to refuse and that there will be no negative repercussions if they do. To avoid coercion, the employer should ensure that:

- if transportation is provided, it is available at the end of the normal work day or shift so that workers who choose not to perform overtime can leave the facility;
- the facility doors or gates are unlocked to allow workers to leave freely at the end of their work day;
- if daily production targets are used, they are achievable within the standard working hours so employees do not feel pressured to work overtime in order to meet them;
- overtime requests are not always directed at the same workers;
- the company's internal policies clearly state that workers are free to refuse overtime;
- workers are given sufficient notice of overtime work so alternative arrangements can be made if workers are not able to perform the work; and
- workers' agreement to perform overtime work is documented.

7. What does "averaging" mean in the context of UK law?

The **UK Working Time Regulations** allow the legal **maximum** working hours limit of 48 hours per week to be exceeded in any one week as long as the average number of hours over 17 weeks (the reference period) does not exceed 48 hours per week.

8. If workers have signed a 48-hour week opt-out agreement in the UK, can any overtime they do be considered voluntary?

Workers over the age of 18 can choose to opt out of the 48-hour limit for a certain period or indefinitely. This agreement must be made voluntarily and in writing by the employee; it can also

be cancelled by the employee by providing the employer at least seven days' notice. However, signing the opt-out clause does not prevent workers from refusing to work for more than 48 hours per week. Any hours worked above the 48-hour per week fixed or, where appropriate, average legal working hours must be voluntary. In addition, the ETI Base Code takes precedent over the opt-out agreement and workers should not work more than 60-hours in **any** week unless exceptional circumstances apply, it is provided for by national law, safety provisions are in place and it is covered by a collective agreement. Further, a premium must be paid in relation to any overtime.

9. When are part-time workers or workers with flexible hours contracts entitled to overtime premium payments?

Determining when part-time workers or workers with flexible hours are entitled to premium payments requires reference to their contracts, collective agreements and national law, which will state when overtime payment starts. In some countries or situations part-time workers only get overtime premiums once they have worked more than the normal full-time hours for comparable workers. The important thing is to assess national law, the worker's contract, and any collective agreement, to identify the point at which overtime is deemed to start.

If the law and contract allows for workers to not be paid overtime premiums until after the equivalent of full-time hours, this should be clearly stated in information provided to workers on the commencement of employment.

10. How does the weekly rest day requirement apply in the context of the comprehensive working hours system (CWHS) in China?

The ETI Base Code is clear that workers must be provided with a full day off in every seven-day period or, where this is permitted under national law, two days off in 14. This rest period is in addition to any annual leave or public holidays that are provided under national legislation and practice.

Chinese law does not expressly address the issue whether two days off in every 14 is allowed, but this must be a minimum basis for weekly rest.

11. Are workers allowed to work more than seven days without a rest day?

This depends on the law. The ETI Base Code states that, if the law allows, workers may not have a rest day in each seven day period, but they must have two full days off in every 14-day period.

12. Are there limits on daily working?

The ETI Base Code does not provide specific regulation on the number of hours per day that can be worked. Nevertheless employers should seek to avoid long working days as these may put a worker's health at risk. There is a duty in the Base Code and national law to provide a safe system of work, which must prevent excessively long work shifts or continuous working. This is because of the health and safety risks that arise from excessive working time. In many countries national

law will contain provisions related to either maximum daily working hours, minimum daily rest hours and rest days. It should be remembered that ILO Convention No 1 (1919) called for the adoption of an 8-hour maximum day.

13. Who is responsible for paying overtime premiums to agency workers in the UK?

As a general rule, the party responsible for paying workers is the party with whom the employment contract is made. Therefore, if workers are employed by an agency which contracts their services to a company, the agency would be responsible for paying overtime premiums to workers. However, companies using agency workers should verify that the workers are receiving appropriate overtime premiums and that working hours are being adequately managed. Companies are responsible for ensuring that the ETI Base Code is respected in relation to all workers involved in the production of goods or services covered by the Base Code, whether they are direct or indirect employees (agency workers). This should involve assessing whether the fees they pay to the agency are sufficient to allow for overtime premium payments.

14. If overtime is systematically requested of the same workers, is this a problem?

Potentially, yes. For example, in certain facilities, employers may offer overtime exclusively to migrant workers as there is a perception that they need less leisure time than local workers (because they are far from their relatives, they want to save money to send back home, and so on). However, local workers may perceive this as discriminatory because it prevents them from working overtime and earning more money. Therefore, employers should ensure that all employees are offered the opportunity to work overtime. Similarly, overtime should not be preferentially offered to those workers who have previously been willing to work overtime as this may give rise to an interpretation that there is a compulsion to work overtime in order to get a future opportunity to work overtime.

15. The revised wording of clause 6.2 has a footnote reference to the ILO's 40 hours per week recommendation: would an ETI member be expected to ensure that their suppliers were actively reducing working hours to 40 per week?

ETI members are not expected to ensure that their suppliers are actively reducing the working week, although they might wish to encourage suppliers to do so, and give preference to suppliers who have, for example, negotiated a shorter working week with their workforce. ETI members generally set required working hours below 48 hours; for any which do not, the recommendation would also apply to employees in their own operations. The international standards (ILO Conventions) which underpin the Base Code establish 48 hours as the maximum length of the normal working week, but also recognise the importance, in terms of workers' health and well-being, of moving to a shorter working week, overtime and as appropriate and achievable in the national context. This may be some way off in many countries, and bringing working hours down to the 48-hour standard will continue to be the priority for many ETI members.

16. Will ethical audits be expected to cover this footnote?

No. This footnote is a recommendation rather than a requirement and inability to meet this standard will not be seen as non-compliance under the ETI Base Code. However, the length of the normal working week should be recorded as part of any audit, and it would be expected that employers explore options for continuous improvement that work towards achieving this. Employers are encouraged to discuss opportunities for reducing the working week with their employees as part of normal negotiations over conditions, and with the ETI member companies they supply.

Glossary

- **Workers' organisation:** In this context, as set out in ILO Conventions 87, 98 and 135, the term "organisation" means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.²
- **Collective agreement:** An agreement in writing regarding working conditions and terms of employment concluded between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more representative workers' organisations, or, in the absence of such organisations, the representatives of the workers duly elected and authorised by them in accordance with national laws and regulations, on the other (ILO, Collective Agreements Recommendation, 1951 (No.91)).
- **Overtime:** All hours worked in excess of contracted hours.
- **Overtime premium:** Additional sums paid, normally per hour, in respect of overtime work.
- **Employment contract:** An employment contract is an agreement between an employer and employee and is the basis of the employment relationship. National law will generally define what an employment contract is and whether it should be made in writing (depending on national law, a contract does not necessarily need to be made in writing to be legally valid).
- **Emergencies:** Unforeseen circumstances which require immediate and urgent responses.
- **Day off:** A rest period of 24 consecutive hours.

² C087 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87); C098 Right to Organise and Collective Bargaining Convention, 1949 (No 98); C135 Workers' Representatives Convention, 1971 (No 135).

Annex A: Country Practice Table

Country	Maximum contracted work week	Averaging	Limits on overtime	Compensation premium for overtime	Weekly rest period
Bangladesh	48 hours.	A worker may work up to 60 hours in any week and an average of 56 hours per week in any year, provided he or she is paid in accordance with overtime provisions.	Two hours in any one day, 12 hours in any one week and eight hours per week averaged over one year.	Twice the ordinary basic wage and dearness allowance (time rates may be fixed by employer – in consultation with workers' representatives – for workers paid on piece-rate basis). Day off in lieu for work performed on a rest day.	One or 1.5 days, depending on industry. One day for workers employed in a factory or establishment.
Brazil	44 hours.	A collective agreement may provide that normal working hours are exceeded on one day and decreased on another day, provided the normal weekly working time is averaged over a year, and working time on any day does not exceed 10 hours.	Two hours per day.	50% increase or if agreed between employer and worker, by compensatory time off.	Workers are entitled to a weekly rest period of at least 24 consecutive hours that as a general rule shall coincide fully or partly with Sunday.
Cambodia	48 hours per week and	The Minister of Labour may issue a decree, allowing the allocation of	Two hours per day, or not more than a total of	50% increase for overtime and 100% if	A weekly rest period of at least 24 hours must be

	eight hours per day.	working hours within a period of time other than the week, on the condition that the average length of working time calculated by the number of weeks does not surpass 48 hours per week.	10 hours in a day, making the maximum working week 60 hours.	overtime occurs at night, on Sunday or on a holiday.	provided after 6 days of work, and in principle this should be Sunday. Rotating day off allowed in some industries.
China	40 hours per week and eight hours per day.	Enterprises may adopt variable hours of work or consolidated hours of work or other systems of work and rest. Consolidated hours of work are to be calculated in clusters of hours worked during a week, month, season or year. However, the average day and average week, hours should be basically the same as those adopting the normal system of hours of work.	One hour a day, or in special circumstances three hours a day, totalling 36 hours in a month.	50% increase on working days, 100% increase on rest days and 200% increase on public holidays and rest days.	At least one day off in a week.
India	48 hours per week and nine hours per day.	No mention of averaging of work hours.	One hour per day. May be increased to two hours per day with the written authorisation of the Chief Labour Inspector.	100% increase for work over nine hours a day or 48 hours a week. Workers in agricultural employment receive a 50% increase for overtime work.	One day per week worked. This day can be substituted as long as workers do not work for more than 10 days without having a rest day.
Italy	40 hours a week (with the exception of industrial	Collective agreements can provide for a lower limit and permit the limit to be averaged on an annual basis. Maximum weekly hours (including	250 hours per year.	10% increase (applies to all remuneration, ie basic pay plus bonuses and allowances). The	One day. Minimum hours of rest for shift work shall not be less than 77 hours in any

	work that must exceed the limit due to technical or seasonal needs).	overtime) established by collective agreements shall not exceed an average of 48 hours, calculated over a reference period not exceeding 4 months.		additional hours worked by part-timers prior to reaching the limit for normal hours of full-time workers are paid at the ordinary rate.	seven-day period.
Kenya	52 hours in six days.	Reference period is limited to a six-day working week.	Overtime plus time worked in normal hours per week shall not exceed 116 hours in total in any period of two consecutive weeks.	50% more for work performed on working days. 100% more for work performed on rest days and public holidays.	At least one rest day in every period of seven days.
South Africa	45 hours.	An agreement in writing may require or permit an employee to work up to 12 hours in a day, inclusive of the meal intervals, without receiving overtime pay. Collective agreements can provide that normal hours and overtime be averaged over a period of up to four months. Hours averaging are subject to 45 hours per week on average or an average of five hours of overtime per week.	3 hours per day and 10 hours per week. Overtime cannot extend the day beyond 12 hours. A collective agreement can increase the weekly limit to 15 hours. An employer cannot require or permit a worker to work overtime except in accordance with an agreement.	At least 50% increase (or compensatory time off by agreement between employer and employee). 100% increase for work on Sunday (rest day) or 50% for workers who usually work on Sundays.	36 hours. The employer and employee may agree in writing to provide a rest period of at least 60 consecutive hours every two weeks, or an employee's weekly rest period to be reduced by up to eight hours in any week if the rest period in the following week is extended equivalently.
Turkey	45 hours per week (over six	If varying daily working hours are agreed between the parties, the	270 hours per year.	Depending on the normal working time,	24 hours each seven-day

	days).	average weekly hours may not exceed 45 hours over a two-month period, and working time on any day must not exceed 11 hours. This period can be increased by up to four months by collective agreement.		between 125% and 150% increase in wages or time off in lieu.	period.
United Kingdom	48 hours total hours, including overtime. (Can be exceeded by written agreement.)	48 hour allowance can be averaged over a 17 week period.	48 hours per week (including overtime hours).	No statutory provisions on overtime pay.	One day in seven. May be substituted to either two rest periods each of no less than 24 hours in each 14-day period, or one rest period of not less than 48 hours in each 14-day period. 11 consecutive hours rest in each 24-hour period.
Vietnam	48 hours per week and eight hours per day.		Four hours per day, 200 hours in a year.	150% increase for normal working day, 200% on a weekly rest day, a public holiday or annual leave day.	One day in seven (24 hours), 12 hours daily rest for shift work.

Annex B: Relevant international labour standards

[C1](#) – Hours of Work (Industry) Convention, 1919

[C30](#) – Hours of Work (Commerce and Offices) Convention, 1930

[C14](#) – Weekly Rest (Industry) Convention, 1921

[C106](#) – Weekly Rest (Commerce and Offices) Convention, 1957

[C175](#) – Part-Time Work Convention, 1994

[C182](#) – Part-Time Work Recommendation, 1994

[C47](#) – Forty-Hour Week Convention, 1935

[R116](#) – Reduction of Hours of Work Recommendation, 1962 (No 116)

[C87](#) – Freedom of Association and Protection of the Right to Organise Convention, 1948

[C98](#) – Right to Organise and Collective Bargaining Convention, 1949

A full list of ILO conventions and recommendations on working time is shown below

- [C001 - Hours of Work \(Industry\) Convention, 1919 \(No. 1\)](#)
- [C004 - Night Work \(Women\) Convention, 1919 \(No. 4\)](#)
- [C014 - Weekly Rest \(Industry\) Convention, 1921 \(No. 14\)](#)
- [C020 - Night Work \(Bakeries\) Convention, 1925 \(No. 20\)](#)
- [C030 - Hours of Work \(Commerce and Offices\) Convention, 1930 \(No. 30\)](#)
- [C031 - Hours of Work \(Coal Mines\) Convention, 1931 \(No. 31\)](#)
- [C041 - Night Work \(Women\) Convention \(Revised\), 1934 \(No. 41\)](#)
- [C043 - Sheet-Glass Works Convention, 1934 \(No. 43\)](#)
- [C046 - Hours of Work \(Coal Mines\) Convention \(Revised\), 1935 \(No. 46\)](#)
- [C047 - Forty-Hour Week Convention, 1935 \(No. 47\)](#)
- [C049 - Reduction of Hours of Work \(Glass-Bottle Works\) Convention, 1935 \(No. 49\)](#)
- [C051 - Reduction of Hours of Work \(Public Works\) Convention, 1936 \(No. 51\)](#)
- [C052 - Holidays with Pay Convention, 1936 \(No. 52\)](#)
- [C061 - Reduction of Hours of Work \(Textiles\) Convention, 1937 \(No. 61\)](#)
- [C067 - Hours of Work and Rest Periods \(Road Transport\) Convention, 1939 \(No. 67\)](#)
- [C089 - Night Work \(Women\) Convention \(Revised\), 1948 \(No. 89\)](#)
- [C101 - Holidays with Pay \(Agriculture\) Convention, 1952 \(No. 101\)](#)
- [C106 - Weekly Rest \(Commerce and Offices\) Convention, 1957 \(No. 106\)](#)
- [C132 - Holidays with Pay Convention \(Revised\), 1970 \(No. 132\)](#)

- [C153 - Hours of Work and Rest Periods \(Road Transport\) Convention, 1979 \(No. 153\)](#)
- [C171 - Night Work Convention, 1990 \(No. 171\)](#)
- [P089 - Protocol of 1990 to the Night Work \(Women\) Convention \(Revised\), 1948](#)
- [R013 - Night Work of Women \(Agriculture\) Recommendation, 1921 \(No. 13\)](#)
- [R018 - Weekly Rest \(Commerce\) Recommendation, 1921 \(No. 18\)](#)
- [R021 - Utilisation of Spare Time Recommendation, 1924 \(No. 21\)](#)
- [R037 - Hours of Work \(Hotels, etc.\) Recommendation, 1930 \(No. 37\)](#)
- [R038 - Hours of Work \(Theatres, etc.\) Recommendation, 1930 \(No. 38\)](#)
- [R039 - Hours of Work \(Hospitals, etc.\) Recommendation, 1930 \(No. 39\)](#)
- [R047 - Holidays with Pay Recommendation, 1936 \(No. 47\)](#)
- [R063 - Control Books \(Road Transport\) Recommendation, 1939 \(No. 63\)](#)
- [R064 - Night Work \(Road Transport\) Recommendation, 1939 \(No. 64\)](#)
- [R065 - Methods of Regulating Hours \(Road Transport\) Recommendation, 1939 \(No. 65\)](#)
- [R066 - Rest Periods \(Private Chauffeurs\) Recommendation, 1939 \(No. 66\)](#)
- [R093 - Holidays with Pay \(Agriculture\) Recommendation, 1952 \(No. 93\)](#)
- [R098 - Holidays with Pay Recommendation, 1954 \(No. 98\)](#)
- [R103 - Weekly Rest \(Commerce and Offices\) Recommendation, 1957 \(No. 103\)](#)
- [R116 - Reduction of Hours of Work Recommendation, 1962 \(No. 116\)](#)
- [R161 - Hours of Work and Rest Periods \(Road Transport\) Recommendation, 1979 \(No. 161\)](#)
- [R178 - Night Work Recommendation, 1990 \(No. 178\)](#)
- [R182 - Part-Time Work Recommendation, 1994 \(No. 182\)](#)

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