## RESOURCE KIT FOR THE DESIGN OF LEARNING ACTIVITIES ON LABOUR RIGHTS



International Training Ce

# Working time

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## **Key selected International Labour Standards**

| Hours of work            |   |  |  |
|--------------------------|---|--|--|
| C001                     | the Hours of Work (Industry) Convention, 1919 (No. 1)                 |  |  |
| C030                     | the Hours of Work (Commerce and Offices) Convention, 1930<br>(No. 30) |  |  |
| <b>C047</b>              | the Forty-Hour Week Convention, 1935 (No. 47)                         |  |  |
| R116                     | Reduction of Hours of Work Recommendation, 1962 (No. 116)             |  |  |
| Weekly rest              |   |  |  |
| <b>C014</b>              | the Weekly Rest (Industry) Convention, 1921 (No. 14)                  |  |  |
| C106                     | the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)     |  |  |
| Annual holiday with pay: |   |  |  |
| C132                     | the Holidays with Pay Convention (Revised), 1970 (No. 132)            |  |  |
| Night work               |   |  |  |
| <b>C171</b>              | the Night Work Convention, 1990 (No. 171)                             |  |  |
| Part-time                |   |  |  |
| C175                     | the Part-Time Work Convention, 1994 (No. 175)                         |  |  |



Working- time arrangements are central to employment relations. Hours of work, periods of rest and other working-time arrangements, including part-time and night work, directly influence the day-to-day lives of workers as well as productivity and sustainability of enterprises. Going beyond specific interests of workers or enterprises, working time can have an impact on the national economy in general, the competitiveness of a particular industry or the running of public services. Decent working time can also contribute to solving certain social issues, such as those related to work-life balance, family responsibilities and well-being of workers.

## Women and working time

Increasing the participation of women in the labour market significantly influences working-time arrangements. Given that women continue to carry out a large share of unpaid household and care work, they are more likely than men to work shorter hours or to be in part-time employment<sup>1</sup>. As a consequence there is increasing worldwide recognition of the need to adopt measures, which would allow workers to improve the balance between their working and personal lives. A number of countries<sup>2</sup> have introduced staggered working-hours, allowing different starting and finishing times for different groups of workers in the same establishment, and other flexitime arrangements to facilitate work-life balance.

## Economic trends and their impact on working time arrangements

New economic trends have led to diversification of working-time arrangements. One of the tendencies is a division of working time into smaller segments among workers to adapt to customers' requirements and to get closer to a '7/24' economy. On the other hand, one of the nowadays challenges is underemployment due to insufficient working hours, which is one of the reasons for excessive overtime due to fear among workers of losing their jobs. While in some industries the working



hours can be excessive, in a number of countries there is rise of jobs that do not guarantee any specific working hours during a day or week – these are so called 'zero hours contracts', which are a form of an on-call work<sup>3</sup>.

## New types of work

Technological developments are undoubtedly influencing working-time arrangement nowadays. Taking a closer look at the 'gig-economy', known as well as the 'on-demand economy', workers get a greater flexibility in arranging their working hours. For instance, being 'crowdworkers' they choose the number of microtasks to perform through online platforms in a given period of time they would like to dedicate to this work; while 'workers on-demand' perform similar to traditional activities, such as transport, cleaning, clerical work or running errands<sup>4</sup>. These types of work involve a number of challenges, such as unpredictability of working hours, encroachments of non-working time and rest periods, and loss of certain labour rights in the absence of a recognized employment relationship.

## Guidance from International Labour Standards

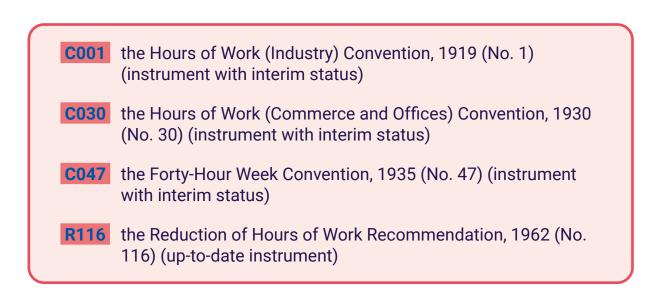
Historically, working time has been one of the primary concerns of the ILO. The very first ILO treaty adopted in 1919 is the **Hours of Work** 

<sup>3</sup> Ibid

<sup>4</sup> To learn more about decent work on digital labour platforms, please consult the ILO report "Digital labour platforms and the future of work: Towards decent work in the online world", 2018 - https://www.ilo.org/global/publications/books/ WCMS\_645337/lang--en/index.htm

(Industry) Convention, 1919 (No. 1), which limited daily and weekly hours of work. Throughout the years, the ILO elaborated a range of International Labour Standards on working time covering hours of work, annual paid leave, weekly rest as well as night work, part-time and other working-time arrangements. Working time issues are thus, addressed in a comprehensive manner, and, are covered by the ILO instruments, which are listed by thematic areas below:

## Hours of work



For the purposes of Convention No. 30, the term **hours of work** means the time during which the persons employed are at the disposal of the employer; it does not include rest periods during which the persons employed are not at the disposal of the employer.

The first two Conventions set the general standard at a maximum of 48 normal hours of work per week and eight hours a day. Later on, the Convention No. 47 established the principle of the -40hour work week. The last, and only instrument with an up-to-date status on hours of work – Recommendation No. 116 - is designed to provide practical guidance on how to progressively reduce hours of work, taking into account the differences in social and economic conditions in the various countries.

Even though these Conventions do not explicitly include **rest breaks** (intervals that workers are allowed to take in order to rest, eat, drink, pray



or satisfy other important needs during the working day), a number of sectoral instruments provide for mandatory breaks, e.g.: the **Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)** and the **Nursing Personnel Recommendation, 1977 (No. 157)**.

**Exceptions to normal hours of work** in limited and well-defined circumstances:

## 1. Permanent exceptions:

- Intermittent work<sup>5</sup> should be defined narrowly, as work which is not concerned with production as such and which, by its nature, is interrupted by long periods of inaction, during which the workers concerned have to display neither physical activity nor sustained attention, and remain at their post only to reply to possible calls; such types of work include, for example, doorkeepers, security guards, janitors, etc.;
- Complementary and preparatory work<sup>6</sup>, which include the work of persons who have to come in before the normal hours for beginning work, or to remain after the day's work is over, such as boiler attendants, engine operators, timekeepers, checkers, etc.;
- Causes of public interest<sup>7</sup> requiring determination of the circumstances and limits in which exceptions to normal hours of work may be permitted permanently;
- Based on the nature of the work/size of population benefitting/ number of persons employed<sup>8</sup> permanent exceptions to normal hours of work are allowed in such sectors and occupations as, for instance, commerce, wholesale and retail, restaurants or hotels.

**<sup>5</sup>** Article 1) 6) (a) of C001, Article 1) 7) (a) of C30 and Para 14 (a) (i) of R116.

<sup>6</sup> Article 1) 6) (a) of C001, Article 1) 7) (b) of C30, and para 14 (a) (iii) of R116.

<sup>7</sup> Para 14 (a) (ii) of R116.

<sup>8</sup> Article 1) 7) (c) of C30.

### 2. Temporary exceptions:

- Abnormal pressure of work/unforeseen additional work<sup>9</sup>;
- Accident, actual or threatened, force majeure or urgent work<sup>10</sup>;
- Suspension in case of war or national danger<sup>11</sup>.

#### Limits to exceptions. Overtime.

The extension of the limits on normal hours of work, although possible in certain circumstances, is not unrestricted. Even though neither the Convention No. 1 nor the Convention No. 30 establishes a specific limit on the number of additional hours that may be worked beyond normal hours in the case of permanent and temporary exceptions, they both require the public authority to set those limits.<sup>12</sup>

Bearing in mind the impact that long hours of work can have on workers' health, productivity and work-life balance, on numerous occasions the ILO's Committee of Experts emphasized the importance of prescribing clear statutory limits for the additional hours of work to be undertaken daily, weekly and yearly<sup>13</sup>. The Committee has been also highlighting the need to keep the number of additional hours allowed within reasonable limits that take into account both the health and well-being of workers', and the employers' productivity needs.

It is equally important that any additional hours of work/overtime are remunerated and paid at a higher rate than normal hours, even in cases where compensatory time off is granted<sup>14</sup>.

**<sup>9</sup>** Article 1)6)(b) of C001, and Article 2)7)(b), (c) and (d) of C30.

**<sup>10</sup>** Article 3 of C001 and Article 2)7)(a) of C30.

**<sup>11</sup>** Article 14 of C001, Article 9 of C30 and Paragraph 14(b)(vi) of R116.

<sup>12</sup> Article 2) 6) of C001, Article 3) 7) of C30 and para 17 of R116.

**<sup>13</sup>** Para 151 of 2018 GS.

<sup>14</sup> Article 2)6) of C001 and Article 4)7) of C30.



## **Weekly rest**

| C014 | the Weekly Rest (Industry) Convention, 1921 (No. 14) (up-to-<br>date instrument)              |
|------|---|
| C106 | the Weekly Rest (Commerce and Offices) Convention, 1957<br>(No. 106) (up-to-date instrument)  |
| R103 | the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103) (up-to-date instrument) |

ILO Convention No. 14 and ILO Convention No. 106 together with the ILO Recommendation No. 103 cover nearly all economic sectors (one important exception is agriculture):

The Convention No. 14 covers four main types of industrial activity<sup>15</sup>:

- 1. Mines, quarries and other extractive industries;
- 2. Processing industries;
- 3. Construction and demolition;
- **4.** Transport by road, railway or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

The Convention No. 106 applies to employees in the following establishments:

- **1.** Automatically<sup>16</sup>:
  - a. Trading establishments;
  - **b.** Establishments, institutions and administrative services in which the persons employed are mainly engaged in office work, including offices of persons engaged in liberal professions;

15 Article 1 of C014

<sup>16</sup> Article 2 (a) (b) of C106

- **2.** Under certain conditions<sup>17</sup>:
  - a. The trading branches of any other establishments;
  - **b.** The branches of any other establishments in which the persons employed are mainly engaged in office work;
  - c. Mixed commercial and industrial establishments;
    - On condition that they are not subject to national regulations or other arrangements concerning weekly rest in industry, mines, transport and agriculture, and that the persons concerned are not employed in the establishment referred to below;
- **3.** In consequence of a formal declaration made by a Member at a time of ratification<sup>18</sup>:
  - a. Establishments, institutions and administrative services providing personal services;
  - b. Post and telecommunication services;
  - c. Newspaper undertakings; and
  - d. Theatres and places of public entertainment.

ILO instruments on weekly rest are directly complementary to the hours of work standards, in particular they correlate with the restrictions on the number of hours worked per week.

The above two Conventions set the general standard that workers shall enjoy a **rest period** of at least 24 consecutive hours every seven days. There are three main aspects:

 Duration – at least 24 hours<sup>19</sup> (subsequently, the Recommendation No. 103 calls for extension of the weekly rest to at least 36 hours<sup>20</sup>);

**<sup>17</sup>** Article 2 (c) of C106

**<sup>18</sup>** Article 3 of C106

<sup>19</sup> Article 6 of C0106, see also General Survey 2018, paras 200-194

<sup>20</sup> Para 1 of Recommendation No. 103



- 2. Regularity in every period of seven days<sup>21</sup>;
- **3.** Continuity consecutive hours<sup>22</sup>.

## Permanent and temporary exceptions

It is important to recall that the issue of exceptions to the principle of general weekly rest is addressed differently in the two Conventions. While Convention No. 14 contains a single provision governing exceptions in very general terms<sup>23</sup>, Convention No. 106<sup>24</sup> describes precisely the circumstances justifying permanent and temporary exceptions.<sup>25</sup>Concerning compensatory periods of rest in cases of the suspension or reduction of the weekly rest period, while Convention No. 14 states that each Member shall make, *as far as possible*, provision for compensatory periods of rest (Art. 5 of C14), Art. 2) 7) of Convention No. 106 does intend to ensure that a period of rest comparable with that provided under the general scheme is always granted to workers to whom the general rules are not applicable. There are different methods that can be adopted to grant the compensatory rest to workers<sup>26</sup>. For example:

- a. rotation system: in establishments where the production system cannot be interrupted, this system consists of granting weekly rest to the whole or part of staff on the basis of an internal weekly rotation;
- b. transfer of the rest day to another day of the week: transfer of the rest period simultaneously for all staff to a day other than the normal rest day (e.g. from Sunday to another day of the week), or granting of half of the rest period on the rest day, with

**<sup>21</sup>** Article 1) 2) of C014, Article 1) 6) of C106 and Paras 1) 4,1) of R103

<sup>22</sup> Article 1) 2) of C014, Article 1) 6) of C106 and Paras 1) 4,1) of R 103

**<sup>23</sup>** See article 6 of C14: "Each Member will draw up a list of the exceptions...". The Convention does not make any reference to categories or circumstances.

<sup>24</sup> See articles 7 and 8 of C106.

**<sup>25</sup>** See General Survey 2018, paras 234-207. It is also worth recalling that C14 is a highly ratified instrument (120 ratifications compared to 63 for C106).

<sup>26</sup> See General Survey 2018, paras 253-235

the other half being postponed until the next day or some other time (e.g. rest from Sunday noon to Monday noon).

It is important for workers' health and well-being to have a compensatory rest of at least 24 hours in cases where a worker is required for whatever reason to perform work on the weekly rest day.

## Annual holidays with pay

| C | 052 | the Holidays with Pay Convention, 1936 (No. 52) (outdated instrument)                          |
|---|-----|--|
| C | 101 | the Holidays with Pay (Agriculture) Convention, 1952 (No. 101)<br>(outdated instrument)        |
| С | 132 | the Holidays with Pay Convention (Revised), 1970 (No. 132)<br>(instrument with interim status) |
| R | 098 | the Holidays with Pay Recommendation, 1954 (No. 98)<br>(instrument with interim status)        |

Workers need to benefit in practice from a period of rest and recovery every year in order to protect and maintain their physical and mental health.

**Paid annual leave** is the period during which workers are given time away from their work while continuing to receive an income and to be entitled to social protection.

## Length of annual leave

The Convention No. 52 fixes the minimum duration of annual leave at six working days after one year of continuous service<sup>27</sup>. The subsequent Convention No. 101 leaves the determination of the length of paid

<sup>27</sup> Article 1) 2) of C052



annual leave to national legislation<sup>28</sup>, while the Convention No. 132 revises the Conventions Nos 52 and 101 in view of the standards set out in these Conventions were out of date. The Convention No. 132 takes into account the technological change and economic progress and has a broader scope of application to include agricultural workers. This Convention provides for <u>at least three working weeks of annual paid</u> holiday for each year of service<sup>29</sup>.

While Article 1) 6)<sup>30</sup> of Convention No. 132 clearly establishes an absolute prohibition on counting public or customary holidays as annual leave, Article 2)6)<sup>31</sup> of the same Convention leaves it to the competent authority of each country to determine the conditions for applying the same rule to other interruptions of work due to illness or injury. It should also be noted that the prohibition of counting certain types of leave as a part of paid annual leave only applies to the minimum holiday period prescribed by the Convention.

## **Period of service**

Article 4) 5) of Convention No.132 states that under conditions to be determined by the competent authority or through the appropriate machinery in each country, any absence from work for reasons beyond the control of the employed person, such as illness, injury or maternity, and not only absence due to occupational accidents and diseases shall be counted as part of the period of service".

<sup>28</sup> Article 3 of C101

<sup>29</sup> Article 3) 3) of C132

**<sup>30</sup>** "Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay...".

**<sup>31</sup>** "Under conditions to be determined by the competent authority or through the appropriate machinery in each country, periods of incapacity for work resulting from sickness or injury may not be counted as part of the minimum annual holiday with pay"

#### **Increased entitlements to leave**

#### With length of service

Recommendation No. 98 encourages an appropriate machinery in each country to determine whether the duration of the annual holiday with pay should increase with length of service or by reason of other factors<sup>32</sup>. A number of countries provide for the period of annual leave to increase with seniority.

#### On grounds of age

Recommendation also envisages that young workers under 18 years of age should receive a longer period of annual holiday with pay than the minimum provided<sup>33</sup>. Young workers in different countries around the globe benefit from additional days of paid annual leave.

#### **Based on other factors**

Furthermore, some countries decide to grant longer period of annual leave to workers engaged in harmful and hazardous work, work under abnormal conditions or work in certain climatic conditions<sup>34</sup>.

**Necessary measures** should be in place to ensure that every person taking annual leave receives <u>at least the normal or average remuneration</u>, including the cash equivalent of any remuneration in kind, and that the <u>amounts due are paid in advance of the holiday</u> unless otherwise provided in an agreement applicable to the employer and the employee<sup>35</sup>.

<sup>32</sup> Para 6 of R098, see also General Survey 2018, paras 324-323

<sup>33</sup> Para 10 of R098, see also General Survey 2018, para 325

<sup>34</sup> see General Survey 2018, paras 328-326

<sup>35</sup> Art. 7 of C132, see also General Survey 2018, paras 330-329



In the event of the **division of the holiday**<sup>36</sup>, Convention No. 132 requires that one of the parts shall consist of at least two uninterrupted working weeks, or 12 working days, based on a six-day working week, unless otherwise provided in an agreement applicable to the employer and the employed person. It is equally important to limiting the **postponement of annual leave**<sup>37</sup> to a small portion of the leave entitlement and to ensure that the postponement of leave does not exceed a reasonable period of time, which the Convention No. 132 sets at <u>18 months</u>.

The Convention also seeks to guarantee that <u>holiday rights are acquired</u> <u>and retained in the event of termination of employment</u><sup>38</sup>, irrespective of the grounds on which the employment relationship is terminated.

## Night work

| C089        | Night Work (Women) Convention (Revised), 1948 (No. 89)<br>(instrument with interim status)    |
|-------------|---|
| P089        | Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (up-to-date instrument) |
| <b>C171</b> | Night Work Convention, 1990 (No. 171) (up-to-date instrument)                                 |
| R013        | Night Work of Women (Agriculture) Recommendation, 1921<br>(No. 13) (request for information)  |
| <b>R178</b> | Night Work Recommendation, 1990 (No. 178) (up-to-date instrument)                             |

Historically, a number of Conventions on night work have been adopted by ILO since its creation. One of the first ones – the Night Work (Women)

<sup>36</sup> Art. 8 of C132, see also General Survey 2018, paras 354-348

<sup>37</sup> Art.9 of C132, see also General Survey 2018, paras 359-355

**<sup>38</sup>** Art. 11 of C132, Para 3) 4) of Recommendation No. 98, see also General Survey 2018, paras 365-361

Convention, 1919 (No. 4) and the Night Work of Young Persons (Industry) Convention, 1919 (No. 6) – sought to protect categories of workers which were exposed to the hazards of night work and more susceptible to exploitation. Subsequently these first standards have been revised in light of the appropriateness of maintaining special protective measures for women taking into consideration the principle of equal treatment and non-discrimination between men and women in employment. After years of debates on international level, the last generation of ILO standards – the Night Work Convention, 1990 (No. 171) and the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 – are the result of a dual approach.<sup>39</sup>

The Night Work Convention, 1990 (No. 171) is the most up-to –date instrument. It applies to all night workers and almost all occupations.

## **Definition of Night work**

All work performed during a period of not less than seven consecutive hours, that includes the interval from midnight to 5 a.m.

## **Definition of Night worker**

An employed person whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit.

There are two aspects of the term "night work" as defined in the Convention No. 171:

 The total length of the period defined as night<sup>40</sup> – at least seven hours, which is shorter than in previous Conventions, however this period may go beyond seven hours, after consultation with employer and worker representatives;

**<sup>39</sup>** See General Survey 2018, paras. 400 to 416.

**<sup>40</sup>** Article 1 of C171

2. The interval or core period<sup>41</sup> – from midnight to 5 a.m. is considered to be the minimum protected period of the night, and any work during this period qualifies as night work.

Specific measures<sup>42</sup> required by the nature of night work have to be taken for night workers, which include:

- Protection of their health;
- Assistance to meet their family and social responsibilities;
- Opportunities for occupational advancement;
- Appropriate compensation;
- Safety measures;
- Maternity protection.

It is required to provide alternatives to night work to be offered to women for specified periods during and after pregnancy<sup>43</sup>.

## Part-time work

**C175** the Part-Time Work Convention, 1994 (No. 175) (up-to-date instrument)

**R182** the Part-Time Work Recommendation, 1994 (No. 182) (up-todate instrument)

A **part-time worker**<sup>44</sup> is an employed person whose normal hours of work are less than those of comparable full-time worker, that is to say:

**<sup>41</sup>** See ILO: Record of Proceedings No. 30, Report of the Committee on Night Work, ILC, 76th Session, Geneva, 1989, p. 8/30

<sup>42</sup> Article 3 of C171, see also General Survey 2018, paras 541-441

<sup>43</sup> Article 7 of C171

<sup>44</sup> Article 1 (a) of C175 and Para 2 (a) of R182, see also General Survey 2018, paras 567-566

Who has the same type of employment relationship;

- Who is engaged in the same or a similar type of work or occupation; and
- Who is employed in the same establishment or, when there is no comparable full-time worker, in the same enterprise or, in the same branch of activity.

As national definitions of the full-time work week vary, for comparative statistical purposes part-time work is often defined as working for pay for fewer than 35 hours per week.

**Full-time workers affected by partial unemployment**<sup>45</sup> are full-time workers affected by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons. Full-time workers affected by partial unemployment are not considered to be part-time workers.

#### **Principle of equal treatment**

The principle of equal treatment<sup>46</sup> between part-time and full-time workers provides that part-time workers are entitled to the same protection as comparable full-time workers in respect of:

- The right to organize, bargain collectively and act as workers' representatives;
- Occupational safety and health;
- Discrimination in employment and occupation.

The Convention No. 175 also calls for measures to be taken to ensure that part-time workers enjoy conditions equivalent to those of comparable full-time workers<sup>47</sup> with regard to:

- Maternity protection;
- Termination of employment;

<sup>45</sup> Article 1 (d) of C175 and Para 2 (d) of R182

<sup>46</sup> Article 4 of C175, see also General Survey 2018, paras 598-591 ,569-568

<sup>47</sup> Articles 6 and 7 of C175



Other entitlements, such as paid annual leave, paid public holidays, sick leave and, as far as possible, all other forms of leave, in particular paid educational leave, parental leave and leave in cases of illness of a child or another family member of a worker' immediate family.

## **Principle of proportionality**

The principle of proportionality envisages that payments or entitlements may be allocated to a part-time worker in proportion to the hours worked, based on the applicable employment or social protection system. The wage of a part-time worker, calculated proportionally on an hourly, performance-related, or piece-related basis, must not be lower than that of a comparable full-time worker solely because she or he works part-time<sup>48</sup>.

The pro rata rule is also applicable to pecuniary entitlements<sup>49</sup> relating to:

- Maternity leave;
- Termination of employment;
- Paid annual leave and paid public holidays;
- Sick leave.

The Recommendation No. 182 provides that part-time workers should benefit on an equitable basis<sup>50</sup> from financial compensation, in addition to basic wages, which is received by a comparable full-time worker.

<sup>48</sup> Article 5 of C175, see also General Survey 2018, paras 618-614 ,569-568

**<sup>49</sup>** Article 7 of C175, see also General Survey 2018, paras 613-599 ,570

**<sup>50</sup>** Paras 11 ,10 and 13 of R182

## Sample session 1: Working time arrangements



## **OBJECTIVES**

**To identify and analyse different working time arrangements.** 

To structure different working time arrangements in line with decent work standards.



## SETTING

- I-2-4-ALL format for discussion and exchange of ideas, enough space for participants to move around needs to be insured.
- Working in small groups and using post-its and/or flipchart/ writing board for mapping and analysis of results.



## DURATION

- **4** 20 minutes to exchange views in 1-2-4-ALL format.
- **4** 20 minutes for group work discussion.
- **4** 10 minutes for sharing results in plenary and wrap-up.



## TASK

- 1. Individually, participants are invited to list all types of working time arrangements in effect at their workplace.
- 2. After an individual brainstorming, participants share their results with a neighbour continuing their work in pairs, followed by a discussion in groups of four. Each discussion should not take more than 5 minutes.



- **3.** Divided into groups, participants compile a list of all the collected examples grouping them into: hours of work (including exceptions to normal hours of work and overtime), weekly rest, annual holidays with pay, night work and part-time. Each group of examples is then analysed through the prism of ILO's five dimensions of decent working time<sup>1</sup>:
  - **1.** Promoting health and safety;
  - **2.** Advancing the productivity and sustainability of enterprises;
  - 3. Being "family-friendly" and improving work-life balance;
  - 4. Promoting gender equality; and
  - **5.** Offering workers a degree of choice and influence over their hours of work.
- 6. Results from each group are then shared with all the participants in plenary and discussed {.....}



## **TIPS FOR TRAINERS:**

- Time-management is important for this exercise, make sure that each step of the exercise does not last longer than 5 minutes.
- During the initial exchange of listed working time arrangements, you may wish to suggest to participants to share concrete examples based on practices applied to their workplace.
- Make available the texts of relevant International Labour Standards for consultation throughout the group work;
- Refer to the ILO Guide to developing balanced working time arrangements.

<sup>1</sup> Additional guidance on decent working time is the ILO's "Guide to developing balanced working time arrangements", 2019 - https://www.ilo.org/travail/whatwedo/publications/WCMS\_706159/lang--en/index.htm

## Sample session 2: Part-time and overtime work



## **OBJECTIVES**

To explore and analyse compensation and entitlements of workers in part-time work.



## SETTING

working in small groups and using handouts for cases study analysis.



## DURATION

30 minutes to analyse the case study and exchange views in groups; 20 for sharing results in plenary and wrap-up; 10 minutes for wrap-up.



## TASK

1. In groups, participants analyse and discuss the following case-study:

A group of workers from [xxxxx] comes and complains about working time arrangement and pay discrimination. These are all part-time workers, who have been recently staying longer hours at work due to increased workload. The workers refer to the collective agreement, which stipulates that overtime on regular working days is paid at 150 per cent; work performed on the weekly rest days and during public holidays is paid at 200 per cent. At the same time, overtime is defined as working time performed above the full-time schedule. How would you solve this situation?





## TIPS FOR TRAINERS:

- Prepare guiding questions to animate the discussion, e.g.:
- Do part-time workers have the same right to overtime compensation as full-time employees? What does the national legislation say? What do International Labour Standards say?
- How are basic wages and different types of compensations for part-time workers calculated?
- What are the benefits available to part-time workers?
- Should the participants have already completed the module on Equality and non-discrimination, or their background allows go deeper into the discussion: explore the views of the participants whether they see any indicators of wage discrimination in this situation? Link the discussion to indirect discrimination based on sex or another ground of discrimination (e.g. ethnicity, health condition, etc.). To identify possible indirect discrimination in the case at hand, further analysis is needed of the composition of the full-time and part-time groups of workers. If the majority of the full-time employees are men (or belong to the mainstream ethnic group in society, or are urban residents), and the part-time employees are women (or belong to a different ethnic group, or are rural migrant workers), this is most likely a case of indirect discrimination on the grounds of sex, (or ethnicity or social origin).
- This exercise can be expanded, adding action-oriented brainstorming on how the rights of part-time workers can be ensured; how decent working time can be ensured for all workers; how new or unconventional working time arrangements can be addressed; and how the question of overtime in general is treated (vis-à-vis part-time work, but also family responsibilities, work-life balance, recreational time, etc.).

