



1. Child Labour

Child labour is work that is mentally, physically, socially or morally dangerous and harmful to children. It interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or to combine school attendance with excessively long and/or heavy work.

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 schooling can be constructive, such as helping around the home or in a family business or earning pocket money outside school time. Whether a job is classified as 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.

1.1 Child Labourers

- Workers must have reached the minimum legal age for employment before they start work. Under international standards, the minimum age is 15 years, or the age at which compulsory schooling is completed, whichever is higher. National law should specify the minimum working age, which may be set temporarily at 14 in developing countries.
- National law may allow children who are 13-15 years of age (or 12-14 if the minimum working age is 14) to do light work outside of school hours. Children who are at least 14 years of age also may be allowed to work as part of a government-approved training programme.

1.2 Worst Forms of Child Labour

The worst forms of child labour are forbidden for all children under age 18. Under ILO Convention 182, the worst forms of child labour are forced labour by children; the use of children in prostitution, pornography, and illicit activities (e.g., drug production and trafficking); and work that is likely to harm the health, safety or morals of children (hazardous work).

1.3 Hazardous Work

Hazardous work is work that is likely to jeopardise or harm the health, safety or morals of a child, due to the nature of the work or the conditions in which it is carried out. ILO Convention 138 fixes the minimum age for performing hazardous work at 18 years. However, national law may allow workers under age 18 who are 16 years or older to undertake hazardous work if their health, safety and morals are fully protected, and they are adequately trained to do the work.

Most industries involve some form of hazardous work. Some examples include:

- working in an unhealthy environment, e.g., one involving toxic chemicals, high noise levels, high temperatures, or risk of burns or injury;
- work that exposes children to physical, sexual or psychological abuse;
- carrying heavy loads;
- working at dangerous heights or in confined spaces; and
- using dangerous equipment or tools.

National law should set out a list of jobs that are considered hazardous.

Under international standards, night work and work for long hours are considered hazardous for workers who are less than 18 years of age, regardless of whether the work itself is hazardous, so they should not be required to work overtime or at night.

1.4 Documentation

Often national law requires employers to keep records that document the age of workers and/or to keep a register of workers under the age of 18. These practices can provide evidence to show that the employer is complying with legal requirements on child labour.

Types of employer action that can lead to non-compliance

- Hiring workers who have not yet reached minimum working age.
- Engaging workers under age 18 in work that is likely to harm their health, safety or morals, or in work that could expose them to physical, sexual or psychological abuse.
- Employing workers under age 18 in hazardous work without meeting the necessary conditions and training requirements for them to perform the work.
- Allowing workers under age 18 to work overtime or at night.
- Failing to verify workers' ages prior to hiring, or to comply with national law regarding documentation of workers under age 18.

Key action points for employers

- Check the minimum age for employment set by national law.
- Create a procedure to ensure that all workers are above the minimum legal working age at the time of hiring (e.g., asking for identity documents to check dates of birth).
- Ensure that children ages 13-15 (or 12-14, in countries where the minimum age is 14) are only doing light work outside school hours in accordance with national law, and that children working in a government-approved training program are at least 14 years of age.
- Make sure that workers under 18 are not exposed to verbal or physical abuse in the workplace.
- Check to see whether national law sets out a list of prohibited jobs for workers under age 18.
- Make sure that workers under age 18 are not required to perform hazardous work unless all conditions and requirements are satisfied.
- Do not permit overtime or night work for young workers.
- Check national law for additional restrictions on working hours for workers under age 18.
- At a minimum, ensure that young workers have at least 12 hours of rest each day and one day off work per week.
- Keep a register of all workers under age 18, and comply with national requirements to verify and document workers' ages.

Key references

ILO Convention 138 and Recommendation 146 on Minimum Age; ILO Convention 182 and Recommendation 190 on the Worst Forms of Child Labour

2. Discrimination



BETTER WORK

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 covered under national law, such as disability, HIV status, age and sexual orientation. Exceptional distinctions are allowed if they are necessary and inherent requirements of a particular job, but this is rare. In addition, some categories of workers may receive special protection under international law (e.g., maternity protection). National laws also may seek to remedy the effects of past discrimination, for example, by offering preferential treatment to women in hiring.

Discrimination may be direct or indirect, and it does not have to be intentional. Practices that appear neutral but result in unequal treatment of people with certain characteristics are considered indirect discrimination. Harassment (behaviour that violates the recipient's dignity, and creates an intimidating, hostile or humiliating working environment) also is considered discrimination when it is based on discriminatory grounds. All workers must be free from discrimination, including migrants, home-based workers, and job applicants.

Common grounds for discrimination

2.1 Race and Origin

Race refers to the ethnic group that people inherit from their parents, and **national extraction** refers to their place of birth, ancestry or foreign origin. **Social origin** means caste or social status. Groups that are most vulnerable to discrimination on these grounds are ethnic minorities, indigenous and tribal people, and migrant workers.

2.2. Religion and Political Opinion

Discrimination on grounds of religion or political opinion may be less obvious than for other grounds. Political opinion includes party affiliation or participation in political activities. The prohibition of discrimination on religious grounds encompasses religious practices such as prayer, dietary and clothing requirements, and observation of religious holy days. In general, workers should be free to abide by legitimate faith-based rules, tenets or practices without negative repercussions at work, so long as this does not disproportionately impact the requirements of the job or operational needs.

2.3 Gender

Sex discrimination includes distinctions based on biological characteristics (sex), as well as unequal treatment arising from socially constructed roles assigned to a particular sex (gender). Distinctions based on pregnancy that are not necessary to protect the health of the mother and child are discriminatory, because they by definition only affect women. Distinctions based on marital or family status may be discriminatory if they apply to or disproportionately impact workers of one sex. Marital or family status also may be protected under national law. Measures aimed at protecting women based on stereotypical assumptions about their capabilities and their role in society are discriminatory.

Sexual harassment is any physical, verbal or non-verbal conduct of a sexual nature affecting the dignity of women or men, which is unwelcome, unreasonable and offensive to the recipient. Sexual harassment in the workplace arises when workers believe that their reaction to the conduct is a condition of employment or that it will affect decisions regarding

their job. Sexual harassment also can arise from conduct that creates an intimidating, hostile or humiliating working environment.

Other common grounds for discrimination include **sexual orientation, real or perceived HIV status, age** and **disability**. These grounds are not covered under the ILO conventions, so they are only included in the compliance needs assessment if protected under national law. Termination of workers who have reached compulsory retirement age is not considered discriminatory.

Types of employer action that can lead to non-compliance

- Considering race, origin, religion, political opinion or gender when making decisions regarding hiring, training, promotion, termination or redundancy.
- Including references to an applicant's gender, race, religion or other personal characteristics in job announcements, application forms or interviews (unless authorized by national law).
- Providing different working conditions (e.g., working hours, leave, safety and health measures, social security or other benefits) or pay (including minimum wages, overtime, bonuses, allowances, in-kind benefits, etc.) to workers based on discriminatory grounds.
- Asking job applicants or workers to undergo pregnancy tests (except as strictly required by health and safety laws) or asking them directly or indirectly about their HIV status. (Taking legally required measures to help workers with AIDS-related illnesses is not discriminatory.)
- Failing to hire disabled workers, adapt the workplace for people with disabilities (e.g., wheelchair access), or take steps to enable workers with disabilities to retain their work, when required by national law.

Key action points for employers

- Develop a policy to promote equal treatment and prevent harassment in the workplace, and make sure that it is accessible and clearly communicated to management, supervisors and workers in languages understood by all. Ensure that the policy includes measures to prevent and address sexual harassment.
- Ensure that job advertisements, job descriptions and applications do not refer to race, religion, gender, etc. (except when legal exceptions apply).
- Ensure that decisions on hiring, working conditions, pay, benefits, training, promotion, termination, and redundancy are not made on discriminatory grounds.
- Monitor the workplace for any form of harassment, and where it is found, act quickly to address it.
- Ensure that workers are not asked about or required to undergo HIV or pregnancy testing as a condition of employment.
- Take legally required measures to help workers with AIDS-related illnesses.
- Take steps to enable workers with disabilities to retain their jobs; hire and make accommodations for physically disabled persons when required by national law.
- Comply with national laws that prohibit discrimination against workers based on their age or sexual orientation.

Key references

ILO Convention 100 and Recommendation 90 on Equal Remuneration, and ILO Convention 111 and Recommendation 111 on Discrimination (Employment and Occupation)



3. Forced Labour

Forced labour is work exacted under the threat of penalty and for which the person has not offered himself or herself voluntarily. Penalties can be extreme, such as beatings, torture, sexual assault or threats of physical violence, but also can include the withholding of identity documents or wages, or threats of deportation. Other penalties may involve imposing debt on workers (e.g., through large pay advances or transportation fees) that is difficult or impossible to repay on low wages. Forced labour violates the basic human right to work in freedom and to freely choose one's work, and usually is unlawful under national law.

3.1 Coercion

Both the vulnerability of the worker and the actions of the employer are key factors in understanding coercive behaviour that can lead to forced labour.

Coercion by the employer. Coercion is action taken to manipulate, deceive, and/or override a person's will. Coercion on the part of the employer indicates that workers may not have freely consented to perform the work. Examples of coercion include restrictions on movement, threats of violence or deportation, delayed wages, and denied access to personal documents.

Worker vulnerability. Workers who are migrants, pregnant or from ethnic minorities often are more susceptible to forced labour. Vulnerable workers may only need to be subjected to a relatively small amount of coercion in order to be forced to work against their will. However, while extreme poverty makes workers vulnerable, the lack of economic alternatives to working in a particular job does not in itself mean that there is forced labour.

3.2 Bonded Labour

- Bonded labour arises when an employer “binds” workers to their jobs through a debt owed by the worker to the employer or a third party. Workers can become indebted to a recruitment agency and/or their employer if they are required to pay excessive recruitment fees, or if the employer provides excessive non-cash benefits (e.g., food and housing), salary advances, or other loans. If an employer uses the existence of workers' debt to coerce them to stay on the job, or manipulates the debt to make it more difficult to repay, and workers cannot freely leave their jobs as a result, this indicates bonded labour.
- To protect against bonded labour on the part of private employment agencies, the employer should use only registered and licensed agencies. The ILO recommends that the employer pay recruitment fees, not the workers.

3.3 Forced Labour and Overtime

Coercing workers to work against their will through physical or psychological means would indicate forced labour regardless of whether the tactics are used to force workers to work during regular hours or overtime. In some cases, forced labour also can arise when workers are forced to work overtime through economic coercion. Those circumstances arise when:

- workers have to work overtime in order to earn minimum wage or reach production targets, they have not freely consented to the overtime (or they are so vulnerable that they have no real choice), and they are subject to threat of penalty if they do not work the overtime.
- the employer forces workers to work excessive overtime (beyond legal limits) against their will by threatening dismissal or other action that would reduce their future income (e.g., no future overtime).

3.4 Prison Labour

Prison labour is allowed under international standards if the prisoners freely consent to perform the work, the working conditions resemble those of a free labour arrangement, and the work is carried out under the supervision and control of a public authority.

Types of employer action that can lead to non-compliance

- Preventing workers from leaving the workplace or dormitories.
- Threatening violence against workers to make them work.
- Threatening to deport workers or report them to the authorities in order to force them to stay on the job (particularly migrant workers).
- Withholding wages, or denying workers access to their personal documents in order to keep them on the job.
- Forcing workers to work beyond the term of their contracts, or not allowing workers to terminate their employment with reasonable notice.
- Providing excessive in-kind benefits or salary advances that make workers so indebted that it is difficult for them to freely leave their jobs.
- Using the existence of workers' debt to coerce them to stay on the job, or manipulating their debt to make it more difficult to repay.
- Forcing workers to work overtime under threat of penalty while not paying minimum wage during regular working hours, so workers have no real choice but to work overtime in order to earn minimum wage.
- Forcing workers to work overtime under threat of penalty while setting production targets that require workers to work overtime in order to earn minimum wage, or while requiring workers to work without pay in order to reach production targets.
- Forcing workers to work overtime beyond legal limits by threatening dismissal or no future overtime.
- Using prison labour when prohibited under national law, when prison labourers have not consented to perform the work, when they are not paid or treated similarly to non-prison workers, or when the work is not carried out under the supervision and control of public authorities.

Key action points for employers

- Ensure that all work is carried out voluntarily.
- Do not provide excessive wage advances to workers.
- If fees are charged to workers either directly or by recruitment agencies (including for travel or accommodation), make sure that the fees are appropriate, legally authorized, and do not prevent workers from leaving their jobs even if the fees are not yet repaid.
- If working with private employment agencies, use only registered and licensed agencies, and put procedures in place to check their practices and policies and to ensure that workers do not pay any unauthorized fees.
- If workers' personal documents are held for safe-keeping, ensure that workers have free access to them.
- Ensure that workers are free to leave the worksite and dormitories, subject to appropriate security, logistical or other restrictions.
- Ensure that any non-cash benefits are valued appropriately and do not impose substantial debt on workers.
- Do not use the existence of workers' debt to coerce them to stay on the job, or manipulate their debt to make it more difficult to repay.

- Do not exploit workers' vulnerability in order to force them to work overtime by paying below minimum wage during normal working hours, or by setting production targets that require workers to work overtime in order to earn minimum wage.
- Do not force workers to work overtime without pay in order to reach production targets.
- Ensure that overtime is within legal limits. Do not compel workers to work excessive overtime by threatening them with dismissal or other measures that would reduce their future income.
- Do not use prison labour unless allowed by national law, and the prison labourers have consented to perform the work, they are paid and treated similarly to non-prison workers, and the work is carried out under the supervision and control of public authorities.

Key references

ILO Conventions 29 on Forced Labour and 105 on the Abolition of Forced Labour



BETTER WORK

4. Freedom of Association and Collective Bargaining

Freedom of association refers to workers' right to create organisations (unions) that represent them. It also applies to employer organizations. Collective bargaining is the process of negotiation between unions and employers, usually on working conditions and terms of employment. Both are fundamental rights and they are linked. Collective bargaining cannot work without freedom of association because workers' views cannot be properly represented. Workers must be free to choose how they are to be represented and employers must not interfere in this process.

4.1 Union Operations

Workers should be able to freely form and join a union, including a minority union, a second union or a worker association other than a union. Union representatives need access to the workplace to talk with workers and to carry out their representative functions. The employer's consent may be required to engage in union activities during work time, but free access should be allowed during breaks and before and after work. Union representatives who are not employed in the workplace but whose union has members working there also should be granted access, so long as this does not impair the efficient operation of the enterprise. Union representatives should be granted permission to enter free trade zones, even if the union has no members working in the zone.

When employers are required to deduct union dues from workers' wages, they should do so. Otherwise, workers' representatives who are authorized to do so by the trade union should be allowed to collect dues regularly on the premises. Unions should be free to join federations and confederations of their choice.

4.2 Interference and Discrimination

Freedom of association includes the right to be free from interference in the exercise of the right. Unions should operate free from employer interference when organizing themselves, making decisions, and conducting their activities. If there is more than one union present, the employer should treat them equally. If national law allows or requires the employer to give privileges to the most representative union, minority union rights to freedom of association still must be respected.

Discrimination against workers based on their union membership or activities is prohibited. Discrimination occurs if unionists are punished through termination, transfer, demotion, denial of overtime, reduction in wages/benefits, or changes to their conditions of work. The employer should not threaten, intimidate or harass workers, for example by threatening to terminate them, conducting illegal or unreasonable searches, using violence or force, resorting to unwarranted involvement by the police or the military, or using the courts to bring illegitimate claims against individual unionists.

4.3 Collective Bargaining

In the absence of unions, worker representatives (elected and authorized by workers in accordance with national law) should be able to bargain collectively on behalf of workers. However, if a union exists the employer should not undermine it by negotiating directly with elected worker representatives or individual workers on matters that are reserved for unions. Negotiations should be carried out in good faith. Both parties should negotiate with the expectation and willingness to discuss, compromise, and reach a mutually agreed solution. All terms and conditions of employment should be subject to negotiation. Collective agreements should only include terms that are at least as good as the terms and conditions required by national law. Both sides must implement the agreement, and workers should have free access to it. In addition to collective bargaining, employers should consult trade unions when required to do so by national law.

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4.4 Strikes

With the exception of essential services, employers should not hire workers to replace those on strike. Employers should not punish workers who participate in strikes, unless the workers engaged in serious misconduct or criminal acts. Deducting more wages than those corresponding to the days lost during a strike, terminating workers, failing to renew workers' contracts, reducing benefits or seniority, and imposing heavier workloads all would be considered punishment. All workers should be reinstated after a strike (absent serious misconduct or criminal acts). Peaceful strikes should not be broken up by security forces or the police.

Types of employer action that can lead to non-compliance

- Preventing union representatives who are employed at the workplace or whose union has members at the workplace from accessing workers.
- Not allowing workers to form or join the union of their choice.
- Getting involved in union decision-making, rule-making, activities, administration, finances or elections; not allowing the union to meet without management present.
- Attempting to manipulate or control the union, e.g., by financing the union in a way not provided for under national law.
- Offering union members bribes to withdraw from the union, or promoting them in an effort to impede their participation in union affairs.
- Taking into account union membership or activities or using blacklists during hiring.
- Terminating (or not renewing) workers' contracts because they are union members or engaged in union activities.
- Threatening, intimidating, harassing or punishing workers for joining a union or engaging in union activities.
- Favouring one union over another (when there is more than one union in the workplace and this is not provided for under national law).
- Refusing to bargain collectively or in good faith, or limiting the issues that can be negotiated.
- Preventing workers from accessing collective agreements or their provisions.
- Failing to implement the collective agreement.
- Not consulting with unions when required to do so.
- Preventing workers from participating in a strike, punishing them, or not reinstating them where eligible.
- Using security guards, police or armed forces to break up a peaceful strike or arrest striking workers.

Key action points for employers

- Allow union representatives to access workers in the workplace.
- Enable workers to form and join unions of their choice, and do not force them to join a particular union.
- Comply with national law regarding financial support for any union/workers' association.
- Allow workers to meet freely without management present.
- Do not interfere with, manipulate or control any unions present in the workplace.
- Do not consider union activities or use blacklists when hiring or terminating workers.
- Consult with unions when required to do so.
- During collective bargaining, do not limit the issues that can be negotiated.
- Comply with national and international standards in relation to strikes and industrial action.

Key references

ILO Convention 87 on Freedom of Association and Protection of the Right to Organise; ILO Convention 98 on the Right to Organise and Collective Bargaining



5. Compensation

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. They may differ across groups of workers, sectors of economic activity or geographical location.

Workers must receive pay on time and in full for ordinary and overtime hours and paid leave. They must be paid in legal tender. Employers should tell workers about their wages and any deductions, and they should not restrict workers' use of their wages. Deductions should be made only under conditions allowed by law or collective agreement.

5.1 Minimum Wages

The legally required minimum wage is the higher of that set by the government or that contained in an applicable collective agreement.

There may be different minimum wage rates set for some categories of workers, e.g., probationary workers, temporary workers or apprentices. If there is no specific rate, they should be paid at least at the same rate as regular workers. 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.

5.2 Overtime Wages

Typically, workers receive higher pay for working beyond the required normal hours (overtime), on public holidays, weekly rest days and at night. The rate for these hours may be set by the government or by collective agreement (whichever is higher applies). Different rates may apply for regular overtime, and for overtime worked at night, on public holidays, and on weekly rest days. Piece rate workers also should be paid overtime pay at required premium rates.

5.3 Premium Pay

In some cases, additional compensation is required during regular working hours in the form of premium pay. For example, premium pay may be required under national law for regular working hours performed at night, on weekly rest days, or on public holidays.

5.4 Method of Payment

The form and method of payment refers to the type, timing and location of the payment. Regular pay periods should be set. Wages should be paid on time, directly to the worker, and at a convenient location.

National law or collective agreement may allow employers to provide meals, housing or other benefits to workers and to deduct the cost from workers' wages (in-kind payment). In-kind payments can make up only part of workers' wages, and the benefits provided must be fairly valued and meet the personal and family needs of the worker.

5.5 Wage Information, Use and Deduction

Workers should be able to use their wages as they choose. They may not be pressured to use their wages for goods or services provided by the employer.

The employer should inform workers about their wage payments and any deductions in a language they can understand, and should explain how workers' wages are calculated. Clear wage statements that include days worked, wages or piece rate earned, hours of overtime,

bonuses, allowances and legal or contractual deductions should be provided to workers. The employer should keep complete and accurate payroll records for at least 12 months.

5.6 Paid Leave

Workers should be paid for legally mandated paid leave, including paid public holidays, annual leave, and sick leave. Workers also should be paid for maternity or paternity leave, and provided maternity-related benefits as required by national law.

5.7 Social Security and Other Benefits

Social security or social insurance funds can include national funds to cover medical expenses, sick leave, maternity leave, invalidity benefits, unemployment benefits, retirement, compensation for work-related accidents and illnesses, and survivor's benefits. National law often requires contributions from both workers and employers. Employers typically are responsible for making their own contributions and for withholding workers' contributions from their wages. The employer must forward the funds withheld and employer contribution to the relevant social insurance fund in a timely manner.

Types of employer action that can lead to non-compliance

- Not paying at least minimum wages to all workers (including those paid piece-rate) for ordinary hours of work.
- Not paying workers the correct rate for all of their overtime hours.
- Not paying the correct rate for regular hours or overtime hours worked at night, on weekly rest days or public holidays.
- Not paying workers regularly or on time, or making unauthorized deductions from wages.
- Pressuring workers to spend wages in a particular way (e.g., on company housing or shops).
- Keeping false, incomplete, or inaccurate payroll records, or double books.
- Breaching legal requirements for paid leave or social security contributions.

Key action points for employers

- Check national law and relevant collective agreements for the minimum wage and correct rates of pay for ordinary hours, overtime, night work, leave payments, etc., as well as restrictions on deductions and in-kind payments.
- Pay all workers at least the applicable minimum wage.
- Pay the correct rate for regular and overtime hours worked at night, on weekly rest days and on public holidays.
- Pay workers regularly and on time.
- Inform workers about their wages and how they are calculated in a language they understand.
- Give workers clear wage statements.
- Ensure that workers are free to choose how they spend their wages.
- Ensure that any deductions are reasonable and in line with national law and collective agreements.
- Pay all legally required leave, including annual, sick and parental leave, and paid public holidays.
- Keep clear, complete, and accurate payroll records.
- Pay, collect and submit all relevant social security contributions.

Key references

ILO Convention 95 and Recommendation 85 on Protection of Wages; ILO Convention 183 on Maternity Protection.



6. Contracts and Human Resources

Employment contracts define the relationship between workers and their employer. They should include the terms and conditions of employment, comply with legal requirements and be understandable to workers. Employment security is central to workers' rights, including protection against unjustified termination and subsequent financial hardship. Disciplinary measures should be established and made known to all workers and supervisors, so that workers know what is expected of them and the consequences for poor performance or misconduct. Grievance and dispute resolution procedures also are important, because they enable workers to raise concerns about their employment and to have them heard, and they help to ensure that disputes are handled fairly and effectively.

6.1 Employment Contracts

National law may set out different requirements regarding employment contracts for different types of workers, such as migrants, training workers, temporary workers, fixed-term contract workers, probationary workers, seasonal workers, homeworkers and sub-contractors. For example, migrant workers' contracts may be required to include payment for the return trip home. These requirements should be checked carefully. All contracts should specify the terms and conditions of employment. National law also may require the employer to adopt internal work rules.

6.2 Contracting Procedures

Employers must comply with the legal limits set for workers to be considered in training, working as apprentices, or on probation. There also may be limitations on the use of fixed-term contracts. The employer should follow all procedures for recruiting migrant workers, including for example, work permit and visa requirements, and provisions governing recruitment fees and the use of recruitment agents.

6.3 Termination

Termination of a worker's employment should only be carried out for valid reasons (i.e., reasons relating to the conduct or performance of the worker or the operational needs of the enterprise) and according to legal procedures. Workers facing termination because of their conduct or performance should be given a chance to defend themselves and be allowed help from another person to do so.

Workers should not be terminated due to their union membership or activities; lodging a complaint or taking part in proceedings against the employer; personal characteristics such as race, colour, sex, religion, political opinion, national extraction or social origin; or temporary absence from work due to illness or maternity leave.

When dismissing workers, the employer should comply with all requirements regarding notice, and payment of unused annual leave, severance and other termination payments required by national law.

Before reducing the size of the workforce due to economic, technological or structural changes, the employer should comply with legal requirements to inform and consult with workers' representatives, and to notify the relevant authority.

6.4 Discipline and Disputes

Internal discipline and grievance procedures should be established. A reasonable disciplinary measure is a written warning. Discipline should not involve physical punishment or humiliating treatment such as hitting, pushing or throwing things; restricting access to food, water or toilets; or threatening, shouting at or publicly scolding workers. Disputes should be resolved fairly and effectively, in accordance with internal work rules and applicable legal requirements.

Types of employer action that can lead to non-compliance

- Not following legal requirements for recruitment or contracts for different types of workers (e.g., migrants, sub-contractors or homeworkers), or for different types of contracts (e.g., fixed-term contracts).
- Not specifying the terms and conditions of employment or other legal requirements in contracts.
- Failing to clearly explain the terms and conditions of employment to workers.
- Failing to conduct legally required consultations with workers' representatives before reducing the size of the workforce.
- Terminating workers without a valid reason, or without providing legally required notice, payment for unused annual leave, severance or other termination payments.
- Not reinstating or compensating unjustly terminated workers.
- Failing to resolve grievances or disputes in line with internal rules or legal requirements.
- Using unlawful disciplinary measures, such as humiliation or physical punishment.
- Bullying or harassing workers.

Key action points for employers

- Check national law for requirements pertaining to different categories of workers (e.g., migrants, temporary workers, sub-contractors, and homeworkers), and treat all workers in accordance with the law.
- Ensure that contracts specify the terms and conditions of employment (e.g., period of employment, pay, hours of work, and benefits).
- Ensure that workers receive a copy of their employment contract and understand its contents.
- Respect legal limits on training periods (e.g., for apprentices or probationary workers) and on the use of fixed-term contracts.
- Ensure that workers are terminated in accordance with legal requirements, and that they are given the chance to defend themselves if the termination relates to their conduct or performance.
- Pay unused annual leave and required severance payments when workers resign or are terminated.
- If planning significant layoffs due to changes in operations, consult and notify workers and their representatives as per national law.
- Establish grievance and disciplinary procedures that are in line with national law, and make sure that supervisors and workers are aware of them.
- Do not use physical punishment or humiliating treatment when disciplining workers.
- Resolve collective and individual disputes in compliance with legal requirements.

Key references

ILO Convention 158 and Recommendation 166 on Termination of Employment; Recommendation 130 on Examination of Grievances

<http://betterwork.org/global>



7. Occupational safety and health

Improved occupational safety and health enhances productivity by reducing the number of interruptions in the manufacturing process, reducing absences, decreasing the number of accidents and improving work efficiency. Employers and workers both have responsibilities and rights in relation to occupational safety and health (OSH). A preventative approach to OSH is the best strategy to eliminate most workplace accidents, injuries, and diseases.

7.1 OSH Management Systems

Employers must ensure that the workplaces, machinery, equipment and processes under their control are safe and without risk to health. Employers should perform and record regular workplace assessments to identify potential hazards. These assessments should be developed in consultation with workers, who should be informed of the outcome. The employer should take subsequent action to eliminate or control risks to workers.

Employers also should encourage workers to report all accidents and injuries and use this information to prevent similar occurrences in future. All work-related accidents and diseases should be recorded and reported as required under national law.

A written OSH policy should be developed in consultation with workers and their representatives to clarify the different rights and responsibilities of management, supervisors and workers. In the policy, the employer should commit to preventing work-related accidents and illnesses, and to complying with legal requirements concerning OSH.

Workers should be given the opportunity to discuss OSH issues with management and to participate in decisions about their own health and safety. This may be done through worker safety delegates, worker safety and health committees, and/or joint worker/management safety and health committees. Employers must give worker representatives the information they need to participate actively in committees.

7.2 Chemicals and Hazardous Substances

Workers' exposure to chemical hazards should be monitored and recorded. The employer should install exhaust ventilation in areas where chemicals are used and should provide washing facilities and cleaning materials for workers in the event of emergencies. The employer also should keep an inventory of chemicals and chemical safety data sheets that are accessible to workers and their representatives. Chemicals must be stored properly and substances should be accurately labelled in a way that is easy for workers to understand. Where possible, the employer should use substances and processes that eliminate or reduce risk to workers.

7.3 Worker Protection

Employers should ensure the workplace is arranged to prevent injury to workers. Materials, tools, and controls should be within easy reach. Seated workers should have suitable chairs, and standing workers should be provided shock absorbing mats to stand on and/or chairs so they can rest at regular intervals. Measures should be in place to avoid heavy lifting by workers. Proper guards should be installed on all dangerous parts of machines and equipment, and workers should be effectively trained to use machines and equipment safely.

Personal protective equipment (PPE) should be provided to protect workers from workplace hazards (e.g., hazardous chemicals or high noise levels). However, PPE is a last resort and should be used only when a hazard cannot be eliminated or controlled. Workers must be trained in the use of PPE.

Employers should ensure that employees take reasonable care for their own safety, follow instructions, use safety devices and PPE correctly, and report hazards, accidents and injuries. Workers must receive the supervision, information and training required to work safely, and they should have the right to remove themselves from a work situation if they believe it presents an imminent and serious risk to their life or health.

7.4 Working Environment

The working environment should be comfortable. The temperature should be acceptable, and the workplace should be adequately ventilated, sufficiently lit, and not excessively noisy.

7.5 Health Services and First Aid

The employer should arrange for prompt first-aid treatment. Appropriate first aid supplies should be readily accessible, and workers should be trained in first aid. National law may require onsite medical staff and medical facilities.

Workers should undergo pre-employment and periodic medical checks. Additionally, workers who may be exposed to work-related hazards caused by hazardous chemicals, air pollution, noise or vibration should have medical checks provided at no cost. The workers should have access to their results. Safety and health risks to pregnant or nursing workers should be considered and addressed.

7.6 Welfare Facilities

The workplace should be clean and tidy, and should have a sufficient number of accessible toilets, and hand washing facilities with soap. The employer also must provide workers with enough free safe drinking water. National law may specify requirements related to drinking water supplies, as well as sanitary, washing, changing, personal storage or other facilities.

7.7 Worker Accommodation

If the employer provides overnight accommodation for workers, the accommodation should have adequate space, hygiene, ventilation, storage and cooking facilities, lighting, privacy, fire protection, emergency preparedness measures, and protection from heat, cold and dampness. National law may specify minimum standards.

7.8 Emergency Preparedness

Employers should inform and prepare workers for emergencies (e.g., fire, chemical spill) before they arise, so that workers are ready to respond quickly and safely. For example, the employer should conduct emergency drills and ensure that an adequate number of workers have been trained to use fire-fighting equipment. There should be fire detectors and a fire alarm system, as well as a sufficient number of emergency exits that are clearly marked, accessible, unobstructed and unlocked during work hours.

Types of employer action that can lead to non-compliance

- Failing to assess health and safety in the workplace, or to take steps to address risks.
- Lack of a workplace OSH policy.
- Not informing or training workers on OSH issues.
- Failing to put adequate mechanisms in place to ensure co-operation between workers and managers on OSH.
- Not recording and/or reporting work-related accidents, injuries and diseases.
- Failing to provide adequate personal protective equipment (PPE) and/or training on its use.
- Failing to keep an inventory, or to properly label or store chemicals or hazardous substances.
- Not installing or maintaining guards on dangerous machinery.
- Failing to ensure that the workplace meets standards for temperature, ventilation, noise and lighting.
- Not providing adequate first aid and/or health services.
- Failing to provide adequate toilets, hand-washing facilities or free drinking water.
- Providing worker accommodation that does not meet minimum standards.
- Failing to prepare adequately for emergencies.

Key action points for employers

- Develop a written OSH policy to make sure that everyone is aware of their rights and responsibilities in relation to health and safety.
- Carry out regular OSH assessments as required by national law, and follow up on risks identified during the assessment.
- Encourage workers to discuss concerns about health and safety and make sure that there are avenues for them to do so. Check national law for requirements on worker consultation.
- Investigate and record accidents and injuries, and use the information to put measures in place to avoid similar occurrences. Report accidents and injuries as required by national law.
- Check national law for chemical safety requirements. Keep inventories of chemicals and chemical safety data sheets, and ensure that chemicals are correctly labelled and stored.
- Make sure that all workers receive the supervision, information and training they need to do their jobs safely.
- Ensure that workers are not punished if they remove themselves from work situations when they reasonably believe there is an imminent and serious threat to their health or life.
- Install guards on dangerous moving parts of machines.
- Ensure that electrical wires, switches and plugs are properly installed, grounded and maintained.
- Put measures in place to avoid heavy lifting, e.g., trolleys or carts to move heavy or bulky loads.
- Provide suitable chairs for sitting workers and provide standing workers shock absorbing mats to stand on and regular breaks to sit down.
- Where necessary, provide PPE, and train and encourage workers to use it correctly.
- Ensure that temperature, ventilation, noise and lighting are at acceptable levels.
- Provide health services and first aid that are appropriate for the workplace.
- Provide adequate facilities for workers (toilets, washing facilities, eating area, personal storage, and other legally required facilities).

Ensure that any accommodation provided meets all relevant requirements.

- Ensure that emergency exits are clearly marked, unlocked and accessible.
- Install fire detectors, fire alarms, and fire fighting equipment in the workplace.
- Inform and prepare workers for possible emergencies in the workplace, including conducting periodic emergency evacuation drills.

Key references

ILO Conventions 148 on Working Environment (Air Pollution, Noise and Vibration), 155 on Occupational Safety and Health, 170 on Chemicals, 187 on Promotional Framework for Occupational Safety and Health; Protocol 155 to the Occupational Safety and Health Convention; ILO Recommendations 97 on Protection of Workers' Health, 115 on Worker Housing, 156 on Working Environment (Air Pollution, Noise and Vibration), 164 on Occupational Safety and Health, and 177 on Chemicals.



8. Working Time

Limits on hours of work help to ensure safety and health at work and enough rest between shifts, and enable workers to balance family and work responsibilities. International standards limit regular (pre-overtime) working hours in industrial enterprises to 8 hours per day, 48 hours per week, with some exceptions. Workers also must have at least one day off in seven. Hours and weekly rest may be regulated under national laws, regulations or agreements between workers and employers. In some cases, daily or weekly limits on hours can be averaged over longer periods of time to allow for fluctuations in hours of work.

8.1 Regular Hours

National law usually defines limits on regular working hours. Hours worked beyond the legal limits on regular hours are considered overtime.

Employers should ensure that they understand legal requirements regarding

- hours of work and break times;
- the period of time over which working hours can be averaged;
- any exceptions to limits on regular hours of work; and
- shift work arrangements.

Legal limits on working hours also may be determined by collective agreement. The employer should keep working time records that accurately reflect all hours worked.

8.2 Overtime

The conditions under which workers can work overtime may be specified in national law or collective bargaining agreements. Overtime typically is allowed to address forces beyond the employer's control (such as floods, fire, or earthquakes), and to perform urgent work that cannot be delayed. National law usually limits the amount of overtime that workers can work. National law also may require the employer to notify workers and/or the competent authority prior to working overtime. Special rules may apply to overtime performed on weekly rest days or public holidays. National law may require that overtime is voluntary under certain or all circumstances. If workers are forced to work overtime in order to earn minimum wage or reach production targets, or if workers are coerced into working overtime beyond legal limits, this may constitute forced labour (see *Forced Labour Guidance Sheet*).

8.3 Leave

Annual leave entitlements usually are established by national law, which may specify the amount of leave to be provided, the period of service needed to qualify for leave, and the scheduling or postponement of leave.

Absence from work due to illness or injury should not be counted as part of workers' annual leave. Maternity leave and breastfeeding breaks usually are provided under national law and must be respected by the employer. Other types of leave commonly provided include sick leave, personal leave, and paternity leave. National laws also may provide other types of leave.

Types of employer action that can lead to non-compliance

- Allowing workers' regular daily or weekly working hours to exceed legal limits.
- Failing to comply with legal requirements regarding shift work.
- Falsifying working time records, or requiring workers to punch out and continue working.
- Not allowing workers sufficient daily or weekly rest.
- Working overtime for reasons not provided for under national law.
- Allowing overtime hours to exceed national limits.
- Not ensuring that overtime is voluntary, if this is required by national law.
- Not complying with rules regarding work on weekly rest days or public holidays.
- Breaching legal requirements on paid annual leave or personal leave, including those related to accrual and use of leave.
- Failing to grant maternity leave, breastfeeding breaks, or paternity leave in line with legal requirements.
- Not complying with legal requirements on sick leave or other legally required leave.

Key action points for employers

- Ensure that workers (including those doing shift work) work within legal limits on working hours.
- Provide workers sufficient daily and weekly rest.
- Keep adequate, accurate working time records.
- Comply with legal requirements regarding overtime conditions and limits.
- Provide workers legally required sick, annual and personal leave.
- Comply with legal requirements on maternity leave, breastfeeding breaks, and paternity leave.
- Check national law for requirements regarding other types of leave.

Key references

ILO Conventions 1 Hours of Work (Industry), 14 on Weekly Rest (Industry), 132 on Holidays with Pay (revised), and 183 on Maternity Protection.