



IN DEPTH

## 3.9 Working Hours

Also includes

## 3.7 Transparent contracts

Stakeholder Consultation April 2024



Setting The  
Standard for  
Seafood



# The issue and ASC's approach

## The issue

Despite regulation, excessive working hours are still a widespread issue.

Limited working hours have been declared a human right in the Universal Declaration of Human Rights and are addressed in several of the International Labour Organization's instruments.

Excessive working hours can result from an inability to decline excessive overtime, especially where low wages or fear of dismissal are a factor. This can lead to a risk of forced labour.

Excessive working hours can lead to high levels of fatigue, which increases the risks of accidents and incidents in the workplace.

## Our approach

Producers keep records of hours worked by every employee.

The criterion sets out the required hours of employee rest hours per 8 hours of work, per 24-hour day and per 7-day period and sets a minimum annual leave requirement of 3 weeks

# The Requirements

## Contracted hours

### Working hours

- Working hours should conform to collective bargaining agreements (if applicable) for working hours/breaks and wellbeing
- Working hours should be recorded for every employee
- A maximum of 8 working hours a day and 48 in a normal week
- Working hours can be averaged over 17-week period if the average is less than 48 hours per week
- Work hours can only be averaged in this way when certain conditions are met

### Overtime

- Overtime should always be voluntary and not requested regularly (<12 additional hours per week in a 48-hour week)
- When requested, health and safety safeguards must be in place
- Overtime must be paid at a premium rate in line with legal, collective bargaining or industry standards
- A minimum of 125% of base salary should be applied where this rate is not otherwise defined

### Breaks / rests

- Allowance required for additional workday breaks for pregnant or breast-feeding women
- Nursing breaks should be re-numerated as hours worked
- All employees entitled to a 1-hour break within an 8-hour work period, 11 consecutive hours rest in a 24-hour period and 24 consecutive hours of rest within a 7-day period
- Pro-rata paid annual leave should be a minimum of 3 weeks

# Improvements on current species standards

The ASC Farm Standard addresses working hours more rigorously

## Existing species standards

- No safeguards to protect employees' health and safety if overtime is requested
- No details about break or rest periods
- No paid annual leave requirement
- No compliance with collective bargaining agreements
- No record keeping of all working hours

## New ASC Farm Standard

- Details about working hours, rest periods and breaks are outlined clearly and are understandable for producers and auditors
- Flexibility in averaging hours to support effective production
- Increased protections for employees against abuse of working hours



# The benefits

## Why ASC is taking this approach

Compliance with the working hours criteria help to contribute to the health, happiness and wellbeing of the farm workforce – which in turn contribute to overall farm productivity



The working hours indicators are clearly defined and wide ranging. Transparency on these topics provides clear alignment with the Universal Declaration of Human Rights and the international covenant on economic, social and cultural rights



Compliance with the working hours criteria helps to support producers and customers with meeting certain potential upcoming EU due diligence directives and UNSDG targets



The working hours indicators provide clarity and details to ease the auditing process





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## 3.7 Transparent Contracts

### The issue

- If the terms and conditions of employment contracts are not clearly understood by the employee, confusion and disagreements may result.
- Contracts that lack transparency can create uncertainty with regard to the rights of the employee and their protection.
- Family Contracting: Where an employment arrangement is made with a member of a household, however, other family members work for the UoC, without being recognised as employees in their own right and separately contracted. Where spouses, children of employees or other family members are pressured into working.

### Our approach

- The farm provides contracts with clear terms and conditions to all employees and ensures that they understand them

# The questions: General

## Consultation questions

1

ALL

**To what extent are the requirements in this criteria clear?**

Reasons for finding clarity/lack of clarity

2

ALL

**To what extent will there be challenges in implementing these requirements?**

What challenges do you foresee?

3

PRODUCERS

**What cost will be involved in meeting these requirements?**

Scale (reduced costs → similar costs → moderate additional costs  
→ significant additional costs)

What are the main sources of additional cost?

4

CABs

**To what extent are these requirements auditable?**

Please detail any challenges you foresee with auditing this criterion

5

ALL

**What suggestions do you have for improving these requirements?**



# Specific Questions

Under the Standard, working hours can be averaged over a 17-week period if the average is less than 48 hours per week, as long as arrangements conform to legal and contractual requirements and collective bargaining agreements.

To what extent do you agree with the approach taken here by ASC?	All
<i>Reasons for agreement/disagreement</i>	

The Standard currently requires that there must be a rest day every seven days. It does not allow for shift patterns longer than seven days, even where more rest time is awarded to account for this longer shift pattern.

To what extent do you agree with the approach taken here by ASC?	All
<i>Reasons for agreement/disagreement</i>	

The Standard does not currently distinguish between and define rest hours, on-call hours, and standby hours even though some employers may pay or account for these differently.

To what extent do you agree with the approach taken here by ASC?	All
<i>Reasons for agreement/disagreement</i>	

# How to get involved?

Email: [consultation@asc-aqua.org](mailto:consultation@asc-aqua.org)



Materials are available in English, Spanish, Vietnamese, French, German, Turkish, Japanese, Korean



In depth topic slides on:

[2.4 Alien Species](#)

[2.6 Water Quality](#)

[2.10 Energy Use & GHG Emissions](#)

[2.14 Pre-grow Out](#)

[3.9 Working Hours](#)

[4.3-4.4 Fish and Shrimp Health and Welfare - Slaughter](#)



ASC Farm Standard Slides ([link](#))



Full ASC Draft Farm Standard ([link](#))



Survey ([link](#))



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## Criterion: 3.9 – Working Hours

Scope– Every UoC, for all employees aged 18 and over.

<b>Indicator 3.9.1</b>	The UoC shall conform with collective bargaining agreements (if applicable) on premium rates, working hours, shift patterns, breaks, daily rest, weekly rest, and health assessments for night work.
<b>Indicator 3.9.2</b>	The UoC shall keep records of the hours worked by every employee.
<b>Indicator 3.9.3</b>	<p>The UoC shall not exceed 8 working hours per day and 48 working hours in a normal week (excluding breaks).</p> <p>The UoC may allow averaging of work hours over a maximum of a 17-week reference period, as long as the average over the period is less than 48 working hours a week and the following conditions are met:</p> <ul style="list-style-type: none"><li>• The hours are in line with national legal requirements;</li><li>• The hours are in line with collective bargaining agreements;</li><li>• The hours are clearly set out and agreed to by employees in their contracts;</li><li>• Appropriate safeguards are taken to protect the employee’s health and safety.</li></ul>
<b>Indicator 3.9.4</b>	The UoC shall ensure that overtime hours are voluntary and are not requested regularly.
<b>Indicator 3.9.5</b>	The UoC shall ensure that, if overtime is requested, appropriate safeguards are taken to protect the employee’s health and safety.
<b>Indicator 3.9.6</b>	The UoC shall ensure that overtime is not more than 12 hours per week, beyond the working hours outlined in Indicator 3.9.3.

## Criterion: 3.9 – Working Hours

Scope– Every UoC, for all employees aged 18 and over.

<b>Indicator 3.9.7</b>	The UoC shall ensure that overtime hours are paid at a premium rate as defined by applicable law, collective bargaining agreements (if applicable) or industry standards. If not defined, a premium rate of a minimum 125% of the agreed salary is applied to overtime hours.
<b>Indicator 3.9.8</b>	The UoC shall allow for additional workday breaks for pregnant and breast-feeding women in suitable locations; nursing breaks shall be counted as working time and remunerated accordingly.
<b>Indicator 3.9.9</b>	The UoC shall ensure that all employees have at least one hour of break time within 8 hours of work.
<b>Indicator 3.9.10</b>	The UoC shall ensure that all employees have at least 11 consecutive hours of rest within a 24-hour period.
<b>Indicator 3.9.11</b>	The UoC shall ensure that all employees have at least 24 consecutive hours of rest within a 7-day period.
<b>Indicator 3.9.12</b>	The UoC shall ensure that all employees have a paid period of annual leave of a minimum of three weeks, pro rata.

# Thank you



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