



SAN POLICY

Working hour requirements for the 2017 SAN Sustainable Agriculture Standard’s critical criteria 4.10 and 4.11

Issue Date:	Binding date:	Expiration date:
June 15, 2017	July 1, 2017	Until next review
Developed by:		Approved by:
Standards and Policy Unit, SAN secretariat		Standards and Policy Director
Linked to (code and name of documents, if applicable):		
<ul style="list-style-type: none"> • SAN-S-SP-1-V1.2 SAN Sustainable Agriculture Standard, July 2017 • SAN-R-SP-1-V1.2 SAN Certification Rules 2017 		
Replaces:		
-		
Clause or criterion number and text:		
<p>Critical Criterion 4.10 Regular working hours of all workers do not exceed 48 hours per week, with at least one full day of rest for every six consecutive days worked. Workers receive one meal period break for every six hours worked.</p> <p>Critical Criterion 4.11 All overtime is voluntary. Overtime does not result in a work week exceeding 60 total hours, except under extraordinary circumstances. All overtime is paid at the rate required by applicable law or as collectively negotiated, whichever is higher. In absence of applicable law for higher overtime pay, overtime is paid at 1.5 times the regular wage level.</p>		
Applicable to:	Audit types:	
Authorized Certification Bodies and Auditors	All	
Regions:		
All		
Crops:	Type of organizations:	
All	All	

1. INTRODUCTION

The Sustainable Agriculture Network (SAN) is a coalition of non-profit conservation and rural development organizations in the Americas, Africa, Europe and Asia promoting the environmental and social sustainability of agricultural activities through the development of good practice standards, certification and the training of rural producers throughout the world. For more information about the Sustainable Agriculture Network, visit its website: www.san.ag.

Rainforest Alliance is a growing network of people who are inspired and committed to working together to achieve our mission of conserving biodiversity and ensuring sustainable livelihoods. For more information about Rainforest Alliance, visit its website: <http://www.rainforest-alliance.org>.

The SAN and Rainforest Alliance (RA) co-own the SAN/RA assurance system, and SAN manages its daily operations. SAN develops, manages and owns the SAN Sustainable Agriculture Standard and its related certification documents. Individual farms and group administrators that comply with SAN standards can apply to use the Rainforest Alliance Certified™ seal for products grown or raised on their certified farms.

2. SAN POLICY

2.1 ILO CONVENTION FRAMEWORK FOR WORKING HOURS

ILO Conventions No. 1 and 30 (Hours of Work conventions), and ILO Conventions No. 14 and 106 (Weekly Rest conventions) provide the framework for the two main SAN criteria about working hours, that have been upgraded to critical criteria for the SAN 2017 Sustainable Agriculture Standard: critical criteria 4.10 and 4.11.

- ILO Conventions No. 1 and 30 determine the main conditions for regular working hours:
 - 48 hours per week; and
 - 8 hours per day
- ILO Conventions No. 14 and 106 state the obligation to provide 24 hours of rest per week to workers.

Additionally, ILO provides some flexibility scenarios about average working hours, for example for management positions and security guards.

These flexibility options are important for the production reality of crop and cattle farms, considering the possible loss of perishable material, such as fruits, vegetables or flowers, the increasing frequency and magnitude of extreme weather events, and the security need for operations in regions with crime incidence.

Considering the ILO convention framework for working hours, this SAN policy rules the permitted flexibility scenarios for working hours on certified organizations.

2.2 SAN POLICY: WORKING HOUR REQUIREMENTS FOR THE 2017 SAN STANDARD'S CRITICAL CRITERIA 4.10 AND 4.11

The following SAN Policy on Working Hour Requirements is binding for audits that take place on or after July 1, 2017 based on the SAN 2017 Sustainable Agriculture Standard and its related standards and policy documents:

1. For Critical Criterion 4.10 about regular working hours, the following exceptions are permitted for organizations audited with the SAN 2017 Standard:
 - a. A worker may work a maximum of 48 hours per week on average with the calendar year as a basis for calculation.
 - b. A worker may work on holidays (public holidays or Sundays), under the condition that this worker is granted 24 hours of rest for each worked holiday.
 - i. SAN prohibits the replacement of this rest period by payment for the hours worked during these holidays.
 - ii. The maximum number of consecutive work days for a worker is 18 days with a maximum of three consecutive holidays worked, under the condition that this worker is granted 72 hours of rest immediately after this working period.
2. For Critical Criterion 4.11 on overtime, the following exceptions are permitted for organizations audited with the SAN 2017 Standard:
 - a. In the case of management positions and security guards, exceptions as defined by the local labor legislation apply.
 - b. During SAN permitted exception periods, a worker may work maximum 56 hours of work per week on average with the calendar year as a basis for calculation.
 - c. For SAN permitted exception periods, a worker may work maximum 10 hours of work per day on average with the exception period as a basis for calculation.
 - d. SAN permitted exception periods are defined as periods with:
 - i. Possible loss of harvest, in the case of perishable fruits, vegetables, flowers and ornamentals.
 - ii. Imminent risk of loss or damage of infrastructure, machines, cattle or crop plants.
3. Certified organizations monitor accident rates during overtime periods and reduce overtime, if accident rates are higher during overtime work periods than during periods of regular work hours.
4. Clause 1.j) of the SAN 2017 certification rules (version 1.2) applies:

When the applicable law is stricter than the standard, the law applies. When the standard is stricter than the law and it does not contradict it, then the standard applies. When the interpretation of applicable law poses a challenge in terms of complying with the respective criteria of the 2017 SAN Standard, the SAN Secretariat will analyze each specific situation and communicate the corresponding decision.