



The Copper Mark Guidance on Working Hours

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Disclaimer:

This guidance does not seek to establish new requirements. It should be understood as an interpretation of the existing Copper Mark Responsible Production Criteria.

The Copper Mark is currently revising its Responsible Production Criteria with the details on this process available on its website [here](#). We invite any interested stakeholder to provide feedback at any time by sending an email to info@coppermark.org.

2 Overview

It is well documented that overtime, long working hours and limited opportunity for rest greatly increase the chance for workers to experience fatigue, long-term health consequences, illness, injuries and accidents. The World Health Organization (WHO) and International Labour Organization (ILO) similarly [reports](#) that, “working 55 or more hours per week is associated with an estimated 35% higher risk of a stroke and a 17% higher risk of dying from ischemic heart disease, compared to working 35-40 hours a week.”

The US Department of Labor’s Occupational Health and Safety Administration (OHSA), [reports](#) that working more than 40-hours per week “may increase the risk of injuries and accidents and can contribute to poor health and worker fatigue. Studies show that long work hours can result in increased levels of stress, poor eating habits, lack of physical activity and illness. It is important to recognize the symptoms of worker fatigue and its potential impact on each worker's safety and health and on the safety of co-workers.”

The US Center for Disease Control (CDC) [reports](#) on over 75-research reports about the effects of long hours (defined as more than 8-hour shifts) and overtime (defined as more than 40-hour work weeks), with an overarching conclusion that, “Overtime was associated with poorer perceived general health, increased injury rates, more illnesses, or increased mortality... A pattern of deteriorating performance on psychophysiological tests and injuries while working long hours was observed across study findings, particularly in very long shifts and when 12-hour shifts were combined with more than 40 hours of work a week.”

The Copper Mark Criteria are derived from international best practice as defined in international guidance and frameworks as well as existing voluntary sustainability standards. Information about the development of the Criteria (also known as the Risk Readiness Assessment) can be found [here](#). In this case, the underlying international frameworks for the Copper Mark Criteria include ILO Convention [C001 - Hours of Work \(Industry\) Convention](#) and [C014 – Weekly Rest \(Industry\) Convention](#). These conventions set the standard working week, excluding overtime, at 48 hours per week, subject to adjustments and exceptions as discussed further below. It is noted that not all countries are signatories to these international conventions

Voluntary standards consulted for purposes of this document include the Aluminium Stewardship [Performance Standard](#), Ethical Trade Initiative [Base Code](#), Responsible Business Alliance Validated Assessment Process (VAP) [Operations Manual](#), and the Responsible Jewellery Council [Code of Practices](#). All of the consulted voluntary standards reference 60hours as maximum weekly limit for regular and overtime hours.

The Copper Mark Criteria, as a voluntary standard, has adopted the internationally accepted definitions and requirements flowing from the ILO Conventions and other voluntary standards.

3 Copper Mark Criterion 10: Working Hours

The [Copper Mark Criteria for Responsible Production](#), the Risk Readiness Assessment, include a specific requirement for working hours in Criterion 10. Participants must “keep

employees' total regular and overtime working hours to 60 hours per week unless defined otherwise by applicable law or a collective bargaining agreement; and to ensure overtime is voluntary, provide one rest day in seven; and, provide annual leave.” The criterion applies to all workers, whether employees or contractors, part or full time, temporary or permanent.

The [Copper Mark Criteria Guide](#) provides further details on the interpretation of this requirement as well as its implementation. The full text of the Criteria Guide is provided in [Annex I](#) of this document. The Copper Mark recognizes that its participants need more guidance on when there may be exceptions to this rule and has therefore developed the additional guidance below.

4 Guidance on Working Hours for Copper Mark Participants

This guidance seeks to provide more details on the interpretation of the current requirements in the Copper Mark Responsible Production Criteria 10 on Working Hours. **This guidance will be explicit in the revision of the Copper Mark Responsible Production Criteria, to launch in 2023.**

4.1 Situations where less than a 60 hour work week may be required

Copper Mark applies a general principle throughout all areas of its criteria to determine which standards take precedence - the Copper Mark criteria or local law. That principle is that **whichever requirements affords more protection to workers** is the one that applies in the application of Copper Mark criteria. That principle is particularly relevant for Criterion 10.

4.1.1. If local law requires fewer working hours than 60 hours per week, this would prevail. This is consistent with the international application of the ILO Conventions that local law cannot allow more than 48 regular working hours per week, not including overtime (ILO C001, Article 2).

4.1.2. Like local law, a collective bargaining agreement may provide for stricter conditions than 60-hours per week. When this is the case, the collective bargaining / labour agreement must be followed. A collective bargaining / labour agreement cannot exceed 48- regular work hours a week, not including overtime (ILO C001, Article 5(2)), except in the formats indicated below.

4.2 Situations where more than 60 hours per week may be allowed as exceptions

Emergency or Unusual Situations

More than 60 hours per week may be allowed in emergency or unusual situations described as events or circumstances that substantially disrupt production and are out of the ordinary and out of the control of the site. Examples may include natural

disasters, outbreak of epidemic/pandemic of infectious diseases, machine breakdown and subsequent repair, and periods of prolonged political instability.

In emergency or unusual situations, workers may exceed the 60-hour work week with the following conditions:

- Workers did not exceed the 60-hour work week before the emergency situation;
- There is a defined end-date to the exception (i.e., exceeding the 60-hour work week is limited in time); and
- There is a plan and evidence to demonstrate that when the exceptional period ends, the site returns to compliance with the 60-hour work week.

However, situations that are reasonably predictable such as peak season, holidays, or regular sick leave are not considered emergency or unusual situations and cannot be used to justify exceeding working hours.

Processes to be carried out continuously (shift work)

The calculation of 60-hour work weeks may vary in processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts. The ILO Convention 001 provides for a reference period for averaging hours for regular shift work of 3 weeks. It does not provide a reference period for averaging hours for shift work for continuous processes. For continuous process, participants shall use the averaging period defined in national law, or, in the absence of national law, participants shall ensure a reasonable averaging period.

In these cases, workers may exceed the 60-hour in a week limit provided that:

- It is not in violation of local or national law;
- The **average** number of hours per week does not exceed 60 hours a week (up to 56 regular hours with the remaining hours considered overtime up to 60 hours) and rest days are compensated for; and
- An assessment of health and safety impacts on the workers and related safeguards to protect those impacts are in place.

The following are illustrative examples of how the average number of regular and overtime working hours are calculated over a period of 4 weeks:

- Shift schedules of 7:7, where workers work 12 hour shifts for 7 consecutive days and are given the next 7 days off. In this case, the average over a period of, for example, 4 weeks would be 42 hours per week $((7 \times 12 \times 2) / 4)$.
- Shift schedules of 4:3, where workers work 12 hour shifts for 4 consecutive days and are given the next 3 days off. In this case, the average over a period of, for example, 4 weeks would be 48 hours per week $((4 \times 12 \times 4) / 4)$.
- Shift schedules of 12:2, where workers work 8 hour shifts for 12 consecutive days and are given the next 2 days off. In addition, workers work overtime of half a shift, 4 hours, during 6 of the 12 days.

In this case, the average over a period of, for example, 4 weeks would be 48 regular hours per week $((12 \times 8 \times 2) / 4)$ plus 6 hours of overtime per week $((6 \times 4) / 4)$, bringing the total number of hours to 54 on average.

4.3 Ensure Overtime is Voluntary

Overtime should be voluntary except where explicit in the regular shift roster working hours. Required overtime for business needs, emergency, or unusual situations is acceptable only where it is allowed under applicable law or collective bargaining agreements.

In this case, workers must not be made to work overtime (above and beyond the shift roster working hours) under the threat of fines, penalties, or implicit or explicit retribution for refusing overtime (for example, refusal to work overtime results in no future offers of overtime). Overtime shall not result in forced labor or potential labor abuses (see also Criterion 6: Forced Labor).

Accurate records must be kept of each of regular working hours, overtime hours and processes to request overtime work.

4.4 One Day of Rest in Seven

The application of one day of rest in seven may vary in processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts. The requirement of one day of rest in seven may be exempt if:

- It is not in violation of local or national law;
- The average number of rest days is equivalent to one in seven; and
- An assessment of health and safety impacts on the workers and related safeguards to protect those impacts are in place.

The following are illustrative examples of the compensation of rest days in shift rotations:

- Shift schedules of 7 days, where workers work 8 hour shifts for 21 consecutive days and are then given 7 days off. In this case, the average over a period of, for example, 4 weeks would be 1 day of rest in 4.
- Shift schedules of 12:2, where workers work 8 hour shifts for 12 consecutive days and are given the next 2 days off. In this case, the average over a period of, for example, 4 weeks would be 1 day of rest in 7.

4.5 Remunerating Overtime Work at a Higher Rate

Overtime work should be remunerated at a higher rate or rates than normal hours of work. Participants shall refer to Criterion 11: Remuneration in this regard.

5 Annex I: Criteria Guide for Criterion 10: Working Hours

RRA ISSUE AREA: WORKING HOURS

To keep employees' total regular and overtime working hours to 60 hours per week unless defined otherwise by applicable law or a collective bargaining agreement; and to ensure overtime is voluntary, provide one rest day in seven; and, provide annual leave.

Explanation:

Working hours are a fundamental component of safe and humane working conditions for all types of operations. In particular, for mining operations, a combination of remote sites, a migrant or expatriate workforce, and premium compensation for working long shifts makes long working hours common in the mining industry.

Under international labor standards (ILO Convention 1 – Hours of Work, 1919¹), the normal working week is limited to 48 hours, consisting of the amount of non-overtime hours an employee works per week. National or local law, or a collective bargaining agreement can define the limit as less than 48 hours per week.

ILO Convention 1 allows for some departure from maximum working-hour limits in certain circumstances. For example, there are exceptions for employees whose work is by nature intermittent or must be done outside the limits laid down for other employees. There are exceptions for work that has to be carried out continuously by a succession of shifts (in which case, a weekly maximum is set at 56 hours with weekly rest days compensated by a process secured under national law). ILO conventions on work hours also recognize the need for temporary exceptions, for example to complete urgent work or repairs, or because alternative arrangements have been agreed between workers' and employers' organizations and by the government.²

International standards set working hour limits at 60 hours total per week (regular and overtime). Overtime refers to the number of hours an employee works beyond the normal working week. Different countries, local laws and collective bargaining agreements may accept different standards. In all cases, overtime should be voluntary.

Weekly rest and paid annual leave are expected as a normal part of working agreements, typically required by national and local law, and must be provided to employees as part of their benefits.

Exceptions to the weekly working hour limits and weekly rest standards may be applicable to mines or other similar industrial environments that operate on a roster

¹ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C001

² Adapted from Responsible Jewellery Council Code of Practices Guidance:
<https://www.responsiblejewellery.com/rjc-certification/code-of-practices-certification13-2-2/>

cycle or rotational shift basis, or in emergency situations. Either way, working hours must still comply with applicable law and companies must still take appropriate safeguards to protect workers' health and safety.

Special leave, such as maternity, paternity and compassionate leave, should be provided for in compliance with applicable national law. Where national law does not exist, companies should follow international standards. For example, ILO Convention - 183 Maternity Protection 2000³ provides for access to maternity leave for women following childbirth.⁴

Performance Determination:

Does Not Meet

We do not have in place policies, procedures or practices (management systems) to keep employees' regular and overtime working hours within legally required limits or, where no legal limits exist, within forty-eight regular hours and twelve hours overtime in the week. We do not have a system that ensures employees receive one day of rest in seven or annual leave.

Partially Meets

We have begun to develop policies, procedures and practices (management systems) to keep employees' regular and overtime working hours within legally required limits or, where no legal limits exist, within forty-eight regular hours and twelve hours overtime in the week; and to ensure employees receive one day of rest in seven and annual leave; but implementation has not started or is incomplete.

Fully Meets

We have in place policies, procedures and practices (a management system) to keep employees' regular and overtime working hours within legally required limits / not more than sixty hours in the week.

Verification:

Types of evidence:

The following are examples of documents a Producer can upload to demonstrate conformance:

- Policy and procedures committing to legally required working hours, or, where no legal limits exist, no more than forty-eight regular hours and twelve hours overtime in the week; and to ensure one day of rest in seven and annual leave.
- Employee handbook or collective bargaining agreement;

³ ILO C132:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C132

⁴ Adapted from Responsible Jewellery Council Code of Practices Guidance:

<https://www.responsiblejewellery.com/rjc-certification/code-of-practices-certification13-2-2/>

- Documented voluntary overtime procedure;
- Disclosure of third-party assurance of adherence to working hours limits and provision of rest on public website, annual report, or corporate sustainability report at least annually;
- Third-party assurance of a formal management system to ensure adherence to working hour limits and provision of rest and leave;
- Government inspection reports;
- Working hour records;
- Inclusion of adherence to working hours and sufficient rest in the Code of Conduct for Business Partners.

Site assessment:

During interviews with management, managers can demonstrate understanding of the organization's policy or applicable working hour limits stipulated in the law or in the collective bargaining agreement. They can describe the daily and weekly hours allowed by law or collective bargaining. The company has a robust system for recording working hours and uses it to monitor and control overtime. They can describe how they control overtime and ensure that workers get rest days as legally required. The company has an overtime approval procedure outlining responsibility for offering and approving overtime. The process ensures overtime is consistent with the policy. There is a procedure to guarantee that overtime is voluntary and accessible to all workers. Management can demonstrate understanding that they are responsible for monitoring overtime in their areas of responsibility in order to reduce working time burden on staff. Management can demonstrate that they take into account relevant legal requirements related to working hours when forecasting production and planning capacity so as to minimize overtime. They can describe how employees are trained on the company's forced labor policy.

During interviews with workers, employees can demonstrate a basic understanding of applicable limits on working hours including overtime and their entitlement to rest days and annual leave. They have received training on the working hours policy. Employees can confirm that overtime working hours including overtime are within legal limits. They can confirm that overtime is voluntary, and they can decline to work overtime, without fear of sanctions.