

RSB – ROUNDTABLE ON SUSTAINABLE BIOMATERIALS

**RSB Reactive guidance on
RSB-STD-01-001 Principles & Criteria:**

Implementation of Principle 4, Criterion 4e, Minimum requirements

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1. Objective

The objective of this document is to provide guidance to RSB participating operators, auditors, certification bodies and other interested stakeholders on how to interpret the minimum requirements of RSB Principle 4 (Human & Labour Rights), Criterion 4e.

2. Background

The *RSB Principles & Criteria* (RSB-STD-01-001) consist of 12 sustainability principles with underlying criteria and minimum requirements and that are applicable to biomass cultivation and industrial processing.

Principle 4: Human and Labour Rights, comprises eight criteria, 4a – 4h, each with a set of minimum requirements.

Criterion **4e** reads as follows:

Workers' wages and working conditions shall respect all applicable laws and international conventions, as well as all relevant collective agreements. Where a government-regulated minimum wage is in place in a given country and applies to the specific industry sector, this shall be observed. Where a minimum wage is absent, the wage paid for a particular activity shall be negotiated and agreed on an annual basis with the worker. Men and women shall receive equal remuneration for work of equal value.

The fourth minimum requirement of this criterion, 4.e.4, states:

... the maximum number of regular hours worked per week must not exceed 48. Workers may work overtime which shall be voluntary, but total working hours shall not exceed 80 per week.

A number of RSB stakeholders have raised concern that the '80 per week' maximum number of working hours including overtime is arduous and is not in line with other voluntary or compulsory sustainability standards.

To address this, RSB has carried out a benchmarking exercise in order to determine the minimum requirements set out by other voluntary standards, as well as the UN International Labour Organisation (ILO).

Finally, RSB proposes a guideline for interpretation of this minimum requirement, to enable auditors to make an appropriate assessment of Requirement 4.e.4.

3. Recommendations

Based on the results of this research exercise, it is recommended that the *RSB Principles and Criteria* (RSB-STD-01-001) is accompanied with additional guidance on Principle 4.e.4. Considering the variable nature of activities to which the RSB Principles and Criteria may be applied, it is necessary to ensure some level of flexibility, allowing periods of intense work (such

as during a harvest period) where necessary. However, this should never exceed legal or reasonable limits.

The following guidance is therefore recommended:

RSB recognises and supports the common practice for maximum working hours to be limited to 60 per week, including overtime.

RSB acknowledges that in rare and exceptional circumstances, this weekly limit may be exceeded. An exception to the 60-hour working week limit may be made under the condition that the operator first informs and agrees the exceptional cases with the workers. However this exception may not be made in contradiction of national legislation.

Auditors can assume that operators comply with the requirements of Principle 4.e.4 if the following requirements are met:

- a. Weekly hours of work including overtime do not exceed 60 hours, unless in exceptional circumstances;
- b. Where exceptional circumstances are anticipated, the operator must inform workers of such an exception in a timeous manner and receive agreement from the workers.
- c. Examples of exceptional circumstances are: emergency situations (accidents, fire), exceptional weather conditions that directly impact operations, specific and non-regular seasonal operations, activities listed in the operator's contingency plan, among others;
- d. Exceptional circumstances cannot apply for regular basis seasonal workers and operations (e.g. workers contracted for the sugar cane harvesting period).
- e. The exception cannot be in contradiction of national legislation and cannot exceed a total of 6 weeks per calendar year and no more than 3 weeks consecutively;
- f. Overtime must be voluntary and not carried out on a regular basis;
- g. Overtime must be compensated at a higher rate of pay as agreed with the worker and set out in a contract which is compliant with national, regional and/or local legislation and/or workers unions;
- h. The operator must ensure that the worker understands and agrees with the contract terms.