

The Workday

In today's world of industrial relations it is expected that the concept of a workday and the definition of what hours constitute a workday are unlikely to be contentious issues. The addressing of these as fundamental issues dates back to the early 19th century, when it was recognized that working excessive hours was posing a threat to the health and wellness of workers and their families.

These matters were addressed in the first International Labour Organization (ILO) Convention in 1919. This convention specifically looked at the hours of work in industry. At that time the convention was designed to protect workers in areas of employment such as mining, quarrying, construction and manufacturing; whether be in the private or public sector. The convention limited the hours of work in industrial undertakings to eight hours in a day and a maximum of forty-eight hours in a week.

Labour Ministers in their meeting in London in 1929 observed that the convention stopped short of defining 'hours of work.' At the meeting it was agreed that working hours would be defined as the time during which persons who are employed and are at the disposal of the employer. However, the definition did not include rest periods, during which time the persons employed are not at the disposal of the employer. This was later addressed in the ILO Convention No. 30 (1930). This Convention focused on the regulation of the hours of work in commerce and offices. It is to be noted that a definition for 'hours of work' was included in this Convention.

It has been established that the universal standard of the hours of work in any one day amounts to eight hours. The move from a forty-eight to forty hour work week was as a result of the adoption of ILO Convention No. 47, 1935: 'Convention concerning the Reduction of Hours of Work to a Forty Hour Week.' It was said that the introduction of this convention was a continuous effort which was aimed at reducing the hours of work in all forms of employment.

Today, there continues to be a tinkering with the hours of work in a day and work week. In professions such as nursing and policing, the option for a twelve hours shift has been pursued. The application of this would have ran afoul of Article #4 of ILO Convention No. 30 which stipulated that "The maximum hours of work in

the week laid down in Article #3 may be so arranged that the hours of work in any day do not exceed ten hours.”

The extension to a forty-eight hour week is embodied in ILO Convention No. 57, Hours of Work and Manning (Sea) Convention. The Convention which concerns itself with hours of work on board a ship and manning, provides for a forty-eight hours week, whereby overtime work is required for the purpose of carrying out ordinary routine and sanitary duties.

Any redefining of the work time seems only likely, if this is done by the determination of law, administrative provisions, collective agreements, employment contracts or agreements between the parties to the same.

If there is any one issue to be clarified under work time, it is that of daily period of rest, which is commonly known as ‘the lunch break.’ This is not included in working hours of the employee nor is the time taken to travel or commute to work. It is only in a case where travel from home to work directly involves work related activity, which such constitutes work time.

Thanks to the ILO, workers have benefitted tremendously from the international standards that have been established. These have promoted health and safety, the productivity of workers, and regulated daily and weekly hours of work, rest periods and annual holiday with pay.

In developing their understanding of the workday, workers should now be more conscious of the fact that overtime work is not part of their eight hour workday. It is not compulsory, nor can it be forced upon them. Other than that, they should be aware that based on the general trend, they are entitled to a period of rest after four hours of a work in any day.