

WHAT IS FAIR LABOUR?

At Travelife, we define fair labour practices as working terms and conditions that comply with the law (local, national or international) and that ensure employees are paid properly for the work they do, are given time off for rest and relaxation, have equal opportunities, and enjoy a safe working environment that is free from exploitation, abuse and harassment. Treating your staff properly and using fair labour practices forms part of your human rights commitments, so please read our Human Rights Member Guide that you can find in the Member Zone so you have a full understanding of what those commitments are.

WHO DO FAIR LABOUR PRACTICES APPLY TO?

Your employees

- The staff you employ directly (e.g. your business pays their wages)
- Staff on any type of agreement (e.g. permanent, temporary, part time, casual, full time, contracted)
- Salaried staff as well as those on an hourly wage
- People on internships (paid or unpaid)
- People on work experience (paid or unpaid)
- Volunteers

The employees of your sub-contractors

- Anyone working at or for your place of business that is employed by a contractor (e.g. entertainers, builders, contracted laundry services).

The employees of your suppliers

- You are expected to encourage your suppliers to employ fair labour practices.
- If you find that a supplier is not respecting human rights and fair labour practices and refuses to make improvements, we recommend that you end your relationship with them.

WHAT AREAS OF YOUR BUSINESS DO THEY APPLY TO?

Recruitment: When you recruit directly and when you recruit via an agency or recruitment company.

Procurement: When you procure sub-contractors and suppliers.

Induction: When new employees join your business and when new contractors or suppliers begin working at or for your business.

General operations: Fair labour practices must be observed all of the time for anybody working anywhere for or on behalf of your company.

RECRUITMENT

In order to become Travelife Certified you are expected to have fair recruitment practices. These are summarised below along with the related question on the Travelife Standard.

Equal opportunities: You cannot discriminate against groups of people when you are recruiting. You must equally consider applicants regardless of their nationality, gender, age, disability, ethnicity, beliefs, thoughts, ideas, religion, marital status or sexual orientation. The only exception is that you should not hire anyone under the age of 18. If you do, you will need to make special arrangements.

Example: You cannot insist that all receptionists must be under the age of 30.

Equal pay, terms and conditions: You cannot offer different wages and conditions based on nationality, gender, age, disability, ethnicity, beliefs, thoughts, ideas, religion, marital status or sexual orientation. Any differences in pay and other employment conditions should relate to the responsibility of the position and relevant experience.

Example: You cannot put staff of one ethnicity in worse accommodation than people of another ethnicity.

Recruitment fees: Any recruitment fees must be paid by you. It is not acceptable for any employee to have paid money to **anybody** in order to secure employment with you or a sub-contractor. You must also make reasonable efforts to ensure your suppliers are also paying their own recruitment costs.

Example: Some recruitment companies charge fees to employees that they must 'work off' over time. This prevents them from being able to freely leave their employment and is a form of slavery.

Withholding documents: It is not acceptable for **anybody** to withhold original documents that belong to an employee or the employee of a sub-contractor as a condition of their employment. You should also make reasonable efforts to ensure that your suppliers are not withholding documents from their employees.

Example: Withholding an employee's passport prevents them from freely leaving the country and therefore your place of business. This is a form of slavery.

Withholding property: It is not acceptable for **anybody** to withhold an employee's personal property as a condition of their employment. You should also make reasonable efforts to ensure that your suppliers are not withholding personal property from their employees. If you provide a safe and secure place for an employee to store their property whilst they are at work (e.g. a locked cupboard for valuables, keys, wallets), then they must store this voluntarily and always have immediate and easy access to their items.

Example: Withholding an employee's property prevents them from freely leaving your place of business and this is a form of slavery.

Travelife Tip



During your audit you may be required to show evidence that you are complying with all of the recruitment practices detailed above. It is up to your auditor to decide how they will find that evidence but you can prepare by ensuring you can easily find all of the following documentation (click the links for more information):

- ✓ Evidence that you do not withhold documents, fees or property
- ✓ Evidence that you are not discriminating when you recruit staff
- ✓ A document containing all the labour laws you must comply with

SALARY AND WAGES

In order to become Travelife Certified you must pay a wage that is equal to or above the legal minimum wage. In many destinations this is very easy to comply with as the laws are clear and the government insists on a minimum wage that is in line with the current cost of living. However, the issue is more difficult for countries that do not have a legal minimum or when the minimum is extremely low. Regardless of what the laws are in your destination, we strongly encourage all of our Members to pay wages that allow their employees to enjoy a good standard of living.

Minimum wage

This is an hourly rate that is set by a government (local or national) and employers cannot pay anyone below that hourly rate. Travelife Certified properties are expected to know what this wage is and to demonstrate that they comply with the law. All countries that are members of the ILO (International Labour Organisation) are required by law to have a minimum wage. If your country does not have a legal minimum wage then we recommend that you pay a living wage.

Living wage

In some countries the legal minimum wage is very low and has not kept pace with increasing living costs. For example, in the United States there are some full-time workers on the minimum wage who still need to collect government welfare in order to provide necessities for their family because the minimum wage is so far below the current cost of housing, food and healthcare. A living wage addresses this by being more closely aligned with the current cost of living. We recommend that Travelife Members take this into consideration.

Example



The adult minimum wage in the UK is currently £7.83 per hour and the living wage is £8.75 per hour. The living wage is calculated every year by a non-profit organisation and is based on things like inflation. All employers must pay the minimum wage but almost 5,000 companies in the UK voluntarily pay the living wage so that they do a better job of attracting and retaining staff. The living wage in London is £10.20 per hour because the cost of living there is significantly higher than in other parts of the UK.

Overtime pay

This should be paid in accordance with the laws in your destination. If the law allows you to offer employees time off in lieu of wages for any extra time that they work, then it is important that you accurately record this and can demonstrate that you are giving time off for all overtime worked.

Records

Travelife requires Certified Members to keep records of the wages paid to their employees for at least 12 months. In addition to copies of payslips, these must include all of the following for every employee and are normally recorded on a payroll summary or request sheet:

- Employee name
- Their hours worked
- Their hourly/salary rate
- Any overtime worked and any overtime paid or hours given back in lieu of overtime pay

Employee departures: Regardless of whether an employee leaves voluntarily or has their employment terminated by your business, you must pay them for any hours they have worked up until their departure. You must also allow them to collect their personal belongings before they leave and if that is not possible, you must have them delivered to them within seven days of their departure.

HOURS

Legal requirements

Most destinations will have legal requirements about working hours and time off. Some businesses will also have to comply with regulations from organisations like trade unions or industry regulators. You are expected to comply with whichever applies to your business.

Destinations without requirements

If your destination does not have any laws or industry regulations to comply with, then Travelife will expect you to comply with the [Ethical Trading Initiative Base Code](#). This means that you will need to demonstrate all of the following:

- Normal working hours (excluding overtime) must not exceed 48 hours in a seven-day period.
- The total hours worked (including overtime) must not exceed 60 hours in a seven-day period.
- At least one day off is given in a seven-day period.

Travelife requirements

You will need to demonstrate all of the following:

- The hours your employees work are in line with the laws and regulations that apply to your business.
- That any overtime worked is in line with the laws and regulations that apply to your business.
- That you are observing laws and regulations regarding breaks and time off.
- That you have a system that records the hours your employees work and that you are monitoring this to ensure you are always compliant with laws and regulations.
- That every employee understands and freely accepts their working hours before they begin employment with you.

DISCIPLINARY PROCEDURES

Travelife Certified properties must have written disciplinary procedures in place that all employees understand and have access to. The purpose of a formal disciplinary procedure is to protect both your business and your staff. Your disciplinary procedure should clearly state all of the following:

The contents of your disciplinary procedure

- What behaviours and actions are unacceptable (misconduct)
- What level of seriousness is given to each behaviour and action (minor misconduct or serious misconduct)
- What the consequences are for minor misconduct and serious misconduct
- How the consequences will be enforced
- How the employee will be given an opportunity to defend and explain themselves
- How the employee can be represented (union representative, lawyer etc.)
- How everything will be recorded
- How the employee can appeal the decision

Examples of minor misconduct

Not following company policies and procedures | Disruptive behaviour | Unauthorised absence | Repeatedly being late

Examples of serious misconduct

Theft | Under the influence of alcohol or drugs when on duty | Sexual harassment or abuse

Consequences

It is up to you to decide how the procedure will work and what the consequences will be for misconduct. The important thing is that whatever you decide is clearly written down and communicated to employees in a language they understand. However, you must ensure that you comply with all of the following:

- You treat minor offences with less severity than major offences.
- You do not include any type of physical punishment.
- You do not verbally abuse or insult the employee.
- You do not use punishment that includes things like withholding wages, food, accommodation or confiscating personal property.

The process

Your procedure should outline the process so that you and your staff clearly understand what will happen when misconduct takes place. It is up to you how the process works but it must be clearly written down and communicated to all employees in a language they understand, and it must include an opportunity for the employee to defend themselves. If they will be given a formal warning, you must give them the opportunity to have a representative present. It must include information about how the employee can appeal the decision.

Best Practice



At Travelife, we follow the ACAS (the UK Advisory, Conciliation and Arbitration Service) Code of Practice if we need to assess the effectiveness of a disciplinary procedure. You can [click here](#) to visit their website and here is a summary of the process they recommend for misconduct:

1. Establish the facts and inform the employee of the problem as soon as possible
2. Hold a meeting with the employee to discuss the problem
3. Allow the employee to be accompanied at the meeting
4. Give the employee an opportunity to defend themselves and/or explain their actions
5. Decide on appropriate action and inform the employee
6. Provide employees with an opportunity to appeal
7. Ensure any trade union requirements, laws or other regulations have been taken into account

Communicating your disciplinary procedure

You might decide to have the procedure as part of your employment terms and conditions that employees sign when they join or as part of a staff handbook. You may even simply explain the procedure to staff verbally when they join and then remind them of it a few times a year during a meeting. In addition, you should display a copy of the procedure in staff areas so that employees can always have access to it.

Travelife will expect you to demonstrate that all of your employees fully understood the disciplinary procedure when they joined the company, are reminded of it and can access it whenever they wish. Here are some ideas for how to ensure all staff understand the procedure and are regularly reminded of it:

- Include it in your terms and conditions of employment or staff handbook that they sign when they join.
- Post it on the wall of a staff break room or on your company intranet.
- Ensure it is discussed at team or department meetings at least once a year.

APPROACHING SENIOR MANAGEMENT AND STAFF ASSOCIATIONS

Travelife Certified properties must have processes in place that allow employees to discuss their employment with each other and to approach management with issues without fearing there will be any kind of retaliation against them. In order to comply you will be expected to demonstrate that you:

1. Explain to new staff how they can approach senior management to discuss any employment issues.
2. Allow staff to join a trade union if one exists.
3. Allow staff to form an association (such as a committee) with an elected representative to discuss matters relating to their employment during paid working hours.
4. Have a grievance procedure that explains to staff the process that will be followed if they have concerns and complaints.

Here are some guidelines about how to demonstrate that you are complying with these parts of the Travelife Standard.

Approaching senior management

This can be done verbally or in writing, however you will need to be able to show that new staff have been told how to approach senior management to discuss employment issues. You could do this in one or more of the following ways:

- Include it in your staff handbook.
- Include it as part of the training schedule for new staff or on the agenda for inductions.

Freedom to join a union

Some destinations have laws or industry regulations that either prevent or force staff to join a trade union so you need to be familiar with the laws and regulations that apply to your business. If your staff are able to join a union voluntarily, then you need to be able to show that there is no retaliation against them for doing so and that union representatives have access to your business to carry out their duties. You can show this in one or more of the following ways:

- Include a policy about trade unions in your staff handbook.
- Allow unions to put information in your staff areas or on a company intranet.
- Keep records of when union representatives visit your business.
- Invite union representatives to talk at staff meetings once or twice a year.

Freedom to form an association or committee

You must allow staff to form groups with an elected representative that can discuss employment issues with each other then take them to management if they wish. You should make reasonable arrangements for these associations to meet during work hours and management should not attend these meetings unless invited. You must not retaliate against staff for belonging to these associations. You can show you have done this in one or more of the following ways:

- Include a policy about staff committees in your staff handbook.

- Keep records of the time and location of meetings.
- Keep records of any issues that were brought to management and what action was taken.

GRIEVANCE PROCEDURE

Staff must have a way of addressing concerns and raising a complaint about how something or someone is affecting them in the workplace. This must be in writing and communicated to them when they first join the company. The procedure must be accessible to them at all times in the languages they understand. Grievances are normally personal and are often sensitive. Here are some examples:

- Discrimination (pay, promotion, hours, workload)
- Sexual harassment or abuse
- Other types of harassment or abuse
- Working conditions
- Disagreement between an employee and a manager or another member of staff

The contents of a grievance procedure

It is up to you to decide how your procedure will work but you must ensure that the process is confidential, that the employee can go to another manager with a problem they are having with their immediate supervisor and there will not be retaliation against the employee for raising a grievance. Here is an example of the main points your procedure should include:

- Who the employee should first approach.
- That the employee should raise the issue promptly and be able to explain all of the facts.
- The employee and the manager they approach should first try to resolve the issue informally.
- If that is not possible, the employer should arrange a formal meeting as soon as possible and carry out an investigation of the grievance to establish all of the facts.
- That the employee can be accompanied at a formal meeting.
- How the employee can appeal a decision made about what action will be taken.
- That discussions will be kept confidential.

Communicating your grievance procedure

You should communicate your procedure in the following ways:

- Include it in your employment terms and conditions and/or the staff handbook or include it in your induction training process.
- Post it on a company intranet if all your employees have access to it and you provide tablets/computers for them to use and/or in a staff area such as a break room.

DISCRIMINATION

Travelife Certified properties must have processes in place that show they are not discriminating against any group of employees for any reason. Here are some ways that you can put that into practice:

Human rights and labour policy

As part of your Travelife Certification, you will need to have a labour and human rights policy. It will include a statement that commits your business to respecting and upholding labour and human rights along with examples of things you will do to prevent discrimination. By communicating this policy to your staff, guests and suppliers, you are already helping to prevent discrimination by showing that you are committed to the issue and take it seriously.

Internal sustainability report

By including labour and human rights in your regular internal sustainability report, you can ensure that you are regularly monitoring how well you are meeting the commitments you outlined in your human rights and labour policy, you can be sure that you stay on top of these issues and that senior management are always involved.

External sustainability report

By including labour and human rights in your regular external sustainability report, you can ensure that your staff, guests and suppliers see that you are committed to the issue and take it seriously.

Disciplinary procedure

Your disciplinary procedure should include discrimination as serious misconduct and you should follow through by taking complaints about discrimination seriously and taking prompt, appropriate action.

Staff training

We recommend that all staff (including management) undergo regular training about how to prevent and end discrimination. You should keep records that show the content of this training, dates and who attended. Alternatively, you may find that there is a good online training video in your language. If so, you should ensure that staff view this at least once per year.

All over the world discrimination happens unconsciously due to social and cultural norms. Answer yes or no to the questions below to check how well your business is doing.

Self Check



1. Are there any females in senior management positions?
2. Are there any people from another minority group in senior management positions?
3. Do you have any local residents in senior management positions?
4. Are your female staff being paid the same as male staff doing the same role?
5. Are staff of foreign nationalities being paid the same as nationals doing the same role?
6. Do you decide which standard of staff accommodation employees get **only** based on their level of responsibility?

If you answered no to any of these questions then you may have an issue. These are indicators that discrimination might be embedded in your company culture and we recommend that senior management have discussions about how to improve.

CHILDREN

It is recommended that you do not hire anyone under the age of 18 to carry out work that is normally done by adults. If you do then you will need to comply with all of the following:

Records

You will need to keep a log of all employees under the age of 18 except those on temporary internships or work experience placements that are part of their formal education. The log must include all of the following:

- Their name and date of birth
- A record of all the hours they work
- Details of any special working conditions that are in place to accommodate for their age

National laws and regulations

Most countries have laws or industry regulations about employing children. You should ensure you know what these are and can demonstrate that you are complying with them.

The UN Convention on the Rights of the Child

Travelife expects all Certified Members that employ children to understand and comply with this. We have provided a separate guide that you can find in the Member Zone.

ILO Conventions 132/182

The International Labour Organisation (ILO) has several regulations relating to the employment of minors that Travelife Certified Members are expected to understand and comply with if they employ children.

WRITTEN TERMS AND CONDITIONS OF EMPLOYMENT

Travelife Certified properties must have a document that details the terms and conditions of their employment that each staff member has an opportunity to read and fully understand before they sign it and agree to being employed by you. This could be a formal contract, a letter or a terms and conditions document.

Contents of your employment terms and conditions

The minimum inclusions are:

- Wages/salary
- Normal working hours
- Overtime (maximum hours, rates of pay and/or time off in lieu of pay)
- Days off per week
- Leave/vacation entitlement
- Any other legal requirements in your country

Employee handbook or policy

Whilst this is not a Travelife requirement, it is good practice to have a separate staff handbook that outlines the policies and procedures that apply to all staff, whereas the employment terms and conditions can be unique to each staff member. Some companies combine both into one document and what you decide to do is up to you. Here are some common things you might include in a staff handbook. We have marked the ones that are minimum requirements of the Travelife Standard in bold and by including them in a staff handbook or your employment terms and conditions, you will have met part of the standard relating to communicating these to your staff:

- Benefits (pension, childcare, medical insurance)
- Bonuses and incentives
- **Disciplinary procedures**
- **Grievance procedures**
- Uniforms
- Code of conduct
- Training and development
- **Your human rights, labour and sustainability policies**
- **Union membership**
- **Staff associations**
- Meals and accommodation
- Transportation, parking

Communicating terms and conditions to staff

You are required to do all of the following:

- Provide all staff with a copy of the terms and conditions of their employment.
- Ensure it is in a language they can understand or verify that someone has read it to them in a language they understand.
- Give them time to read and understand the terms.
- Ensure they sign it.
- Provide them with a signed copy.

OTHER FAIR LABOUR REQUIREMENTS

Records

Information must be stored securely and confidentially about each employee that includes:

- Proof of their age such as a copy of a passport, birth certificate or other official identification
- Nationality

The following information should also be kept provided employees voluntarily provide it:

- Gender
- Ethnicity
- Disabilities

This information helps you monitor things like working hours, pay and promotions so you can demonstrate that you are not discriminating, and can identify any employees that are children.

Communicating policies

You must ensure that the important employee policies and procedures are regularly communicated to your staff after they are first employed so that they are always aware of their rights and obligations. These could include one or more of the following:

- Posters and notices in staff areas such as break rooms
- Staff intranet or a similar online resource
- Training sessions that all employees must attend
- Regular e-mail reminders or memos
- Another method that ensures they are regularly reminded of their rights and obligations

Languages

All of your staff must be able to understand their entitlements, rights and obligations. If you hire staff that do not speak your local language/s, then you must ensure the following:

- Written communications are translated into a language they understand
- Verbal communications are translated by a person who is fluent in both languages

Please note that translations can be in any language they understand well. For example, if your hotel is in Spain, your housekeeping staff speak Arabic and do not speak Spanish but they do speak English, then you can translate into English instead of Arabic.

MORE INFORMATION & RESOURCES

Travelife Detailed Guides: Human Rights, Child Safeguarding

Travelife Quick Guides: Labour and Human Rights Policy, Child Safeguarding, Disciplinary Procedures, Grievance Procedures

[Click here](#) to view the UN Universal Declaration of Human Rights

[Click here](#) to view the UN Declaration of Rights of Indigenous People

[Click here](#) to view the UN Declaration of the Rights of the Child

[Click here](#) for the International Labour Organisation (ILO) website that details issues such as minimum wages and working hours.