

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**NIGHT WORK (BAKERIES)
CONVENTION, 1925 (No. 20)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

REPORT

for the period to , made by the Government of , in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the

NIGHT WORK (BAKERIES) CONVENTION, 1925

ratification of which was registered on

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done please forward copies of the said legislation, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures under which each Article is applied.

If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

1. Subject to the exceptions hereinafter provided, the making of bread, pastry or other flour confectionery during the night is forbidden.

2. This prohibition applies to the work of all persons, including proprietors as well as workers, engaged in the making of such products; but it does not apply to the making of such products by members of the same household for their own consumption.

3. This Convention has no application to the wholesale manufacture of biscuits. Each Member may, after consultation with the employers' and workers' organisations concerned, determine what products are to be included in the term "biscuits" for the purpose of this Convention.

If advantage has been taken of the exception provided for in the last paragraph of this Article please indicate what definition, if any, of the term "biscuits" has been adopted and what method was employed for consultation with the employers' and workers' organisations concerned.

Article 2

For the purpose of this Convention, the term "night" signifies a period of at least seven consecutive hours. The beginning and end of this period shall be fixed by the competent authority in each country after consultation with the organisations of employers and workers concerned, and the period shall include the interval between eleven o'clock in the evening and five o'clock in the morning. When it is required by the climate or season, or when it is agreed between the employers' and workers' organisations concerned, the interval between ten o'clock in the evening and four o'clock in the morning may be substituted for the interval between eleven o'clock in the evening and five o'clock in the morning.

Please state—

(a) *what method was employed to consult the employers' and workers' organisations concerned for the purpose of fixing the beginning and end of the night period, indicating, as far as possible, also the hours so fixed;*

(b) whether, in the circumstances specified in the last sentence of this Article, the interval between 10 o'clock in the evening and 4 o'clock in the morning has been substituted for the interval between 11 o'clock in the evening and 5 o'clock in the morning, and, if so, for which one of the three reasons provided for in the Article.

Article 3

After consultation with the employers' and the workers' organisations concerned, the competent authority in each country may make the following exceptions to the provisions of Article 1:

- (a) the permanent exceptions necessary for the execution of preparatory or complementary work as far as it must necessarily be carried on outside the normal hours of work, provided that no more than the strictly necessary number of workers and that no young persons under the age of eighteen years shall be employed in such work;
- (b) the permanent exceptions necessary for requirements arising from the particular circumstances of the baking industry in tropical countries;
- (c) the permanent exceptions necessary for the arrangement of the weekly rest;
- (d) the temporary exceptions necessary to enable establishments to deal with unusual pressure of work or national necessities.

If advantage has been taken of the exceptions provided for in this Article please state what method was employed for consulting the employers' and workers' organisations concerned and give full particulars with regard to the permanent and temporary exceptions permitted under paragraphs (a), (b), (c) and (d), forwarding texts of the regulations, orders, etc., which may have been issued for this purpose.

In particular, please indicate what work is regarded as "preparatory or complementary" for the purpose of the application of paragraph (a).

Article 4

Exceptions may also be made to the provisions of Article 1 in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Please state whether your legislation, etc., imposes any conditions subject to which employers are allowed to take advantage of this exception.

III. Article 5 of the Convention is as follows:

Each Member which ratifies this Convention shall take appropriate measures to ensure that the prohibition prescribed in Article 1 is effectively enforced, and shall enable the employers, the workers, and their respective organisations to co-operate in such measures, in conformity with the Recommendation adopted by the International Labour Conference at its Fifth Session (1923).

Please state with particular reference to this Article to what authority or authorities the application of the legislation and administrative regulations, etc., mentioned under I and II is entrusted and by what method application is supervised and enforced, indicating the means by which the employers, the workers and their respective organisations are enabled to co-operate in the measures of application. In particular please supply information on the organisation and working of inspection.

IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so please supply the text of these decisions.

V. Please give a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services and, if such statistics are available, information regarding the number of workers covered by the relevant legislation, the exceptions allowed under Articles 3 and 4 of the Convention and the number of workers affected by such exceptions, the number and nature of the contraventions reported, etc.

VI. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a summary of the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."