

INTERNATIONAL LABOUR OFFICE

FORM FOR THE
ANNUAL REPORT

ON THE
CONVENTION

CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT
(Revised 1934)

GENEVA
1952

INTERNATIONAL LABOUR OFFICE

ARTICLE 22 OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

Article 22 of the Constitution of the International Labour Organisation runs 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.

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the following form of report. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines and the preparation of the summary of reports to be submitted to the Conference by the Director-General of the International Labour Office under Article 23 of the Constitution of the International Labour Organisation.

It is requested that Governments, in drafting reports, should not reproduce the full text of the questions contained in the form, but should prefix to each of their answers the numbers of the main questions in the form and the numbers of the Articles of the Convention.

REPORT

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

CONVENTION CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT (REVISED 1934)

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 its exact scope 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 I

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

(a) mines, quarries, and other works for the extraction of minerals from the earth;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

In addition, please state what decisions, if any, have been taken in regard to the last paragraph of Article 1.

ARTICLE 2

1. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

2. Provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that in the case of women employed in that industry or area, the interval between eleven o'clock in the evening and six o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

3. In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In addition, please state whether in the circumstances provided for in the second paragraph of this Article, the interval between 11 p.m., and 6 a.m. has been substituted for the standard night interval, and, if so, what methods were adopted for consulting the organisations of employers and workers concerned.

Please also state whether, in the circumstances provided for in the third paragraph of this Article, the term "night" has been provisionally declared to signify a period of only ten hours.

ARTICLE 3

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

In particular, please state whether for the purposes of the application of this Article, and irrespective of the exemption provided for in Article 8, the term "women" is interpreted in your country as covering all women employed in industrial undertakings without distinction as to the nature of their duties.

ARTICLE 4

Article 3 shall not apply—

(a) in cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;

(b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

As regards paragraph (a) please state whether your legislation, etc., imposes any conditions subject to which employers are allowed to take advantage of this exception.

As regards paragraph (b) please give particulars of the processes carried on in your country (stating whether only in certain areas and at certain periods) to which this exception is applicable, as well as the conditions, if any, subject to which your legislation, etc., allows employers to take advantage of it.

ARTICLE 5

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

ARTICLE 6

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

In addition, please give particulars of the processes carried on in your country (stating whether only in certain areas and at certain periods) to which the exception provided for in this Article is applicable, as well as the conditions, if any, subject to which your legislation, etc., allows employers to take advantage of it.

ARTICLE 7

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above Articles, provided that compensatory rest is accorded during the day.

If a shorter night period is permitted under this Article, please state for what industries, areas and seasons, and what arrangements, if any, have been made to secure compensatory rest during the day.

ARTICLE 8

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

Please state what definition, if any, has been adopted to determine the women who are regarded as holding responsible positions of management not ordinarily engaged in manual work.

- III. Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.
- IV. Please state whether courts of law or other courts 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 add 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 concerning the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, the application of the exceptions allowed under Articles 4 and 6 of the Convention, etc.

Please state 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 fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

- VI. Please indicate the representative organisations of employers and workers to which the reports on the application of the Convention submitted to the Director-General in conformity with article 22 of the Constitution of the International Labour Organisation have been communicated, in accordance with article 23 of the Constitution.
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