

INTERNATIONAL LABOUR OFFICE GENEVA

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# REPORT FORM

FOR THE

## NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948 (No. 89)

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 the 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."

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### PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

#### *First reports*

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

#### *Subsequent reports*

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Convention;

- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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## Article 22 of the Constitution of the ILO

Report for the period \_\_\_\_\_ to \_\_\_\_\_

made by the Government of \_\_\_\_\_

on the

### NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948 (No. 89)

(ratification 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, or as a result of, ratification.**

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the abovementioned 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 Standards 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.**

#### PART I. GENERAL PROVISIONS

##### *Article 1*

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) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;
  - (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work.
2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

*Please state what decisions, if any, have been taken in virtue of paragraph 2 of this Article,.*

##### *Article 2*

For the purpose of this Convention the term “night” signifies a period of at least eleven consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

*Please state whether and in what fields the competent authority has prescribed different intervals, indicating the methods used to consult the employers' and workers' organizations concerned as regards intervals beginning after eleven o'clock in the evening.*

### 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 subparagraph (a) please state whether your legislation, etc., imposes any conditions upon the use of this exception by employers.*

*As regards subparagraph (b) please give particulars of the processes carried on in your country to which this exception is applied (stating whether its application is limited to certain areas and certain periods). Please state also the conditions, if any, imposed by laws and regulations upon the use of this exception by employers.*

### Article 5

1. The prohibition of night work for women may be suspended by the government, after consultation with the employers' and workers' organisations concerned, when in case of serious emergency the national interest demands it.

2. Such suspension shall be notified by the government concerned to the Director-General of the International Labour Office in its annual report on the application of the Convention.

*If use has been made of the provisions laid down in paragraph 1 of this Article, please supply information as to the industries, periods and areas for which the prohibition has been suspended and the methods which have been used for consultation with the employers' and workers' organizations concerned.*

### 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.

*Please give particulars of the processes carried on in your country to which the exception provided for in this Article is applied (stating whether its application is limited to certain periods and areas). Please state also the conditions, if any, imposed by laws and regulations upon the use of the exception by employers.*

### Article 7

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

*If use has been made of the exception permitted under this Article, please state for what industries, areas and seasons. Please state what measures, if any, have been taken to define and to assure the application of a compensatory rest period during the day.*

### Article 8

This Convention does not apply to:

- (a) women holding responsible positions of a managerial or technical character; and
- (b) women employed in health and welfare services who are not ordinarily engaged in manual work.

*Please state what measures, if any, have been taken in virtue of this Article.*

## PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

### *Article 9*

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 an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o’clock in the evening and seven o’clock in the morning.

*Please state whether, in the circumstances provided for in this Article, the term “night” has been provisionally declared to signify a period of only ten hours.*

### *Article 10 (India)*

1. The provisions of this Convention shall apply to India subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Indian legislature has jurisdiction to apply them.

3. The term “industrial undertaking” shall include:

- (a) factories as defined in the Indian Factories Act; and
- (b) mines to which the Indian Mines Act applies.

### *Article 11 (Pakistan)*

1. The provisions of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Pakistan legislature has jurisdiction to apply them.

3. The term “industrial undertaking” shall include:

- (a) factories as defined in the Factories Act;
- (b) mines to which the Mines Act applies.

**III. Please state to what authority or authorities the application of the abovementioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organization 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 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 legislation, the number and nature of the contraventions reported, the application of the exceptions allowed under Articles 4 and 6 of the Convention, etc.**

**VI. Please indicate the representative organizations 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 Organization.<sup>1</sup> If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**

**Please indicate whether you have received from the organizations 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.**

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<sup>1</sup> 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.”