

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**HOURS OF WORK AND REST PERIODS
(ROAD TRANSPORT) CONVENTION, 1979
(No. 153)**

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."

Annexed to this report form will be found the text of a Recommendation whose provisions supplement those of the present Convention. The sole object of appending the text of this Recommendation to the report form is to contribute to a better understanding of the requirements laid down in the Convention and to facilitate its application.

The Government is under no obligation to supply in its report on the application of the Convention information on the measures which may have been taken to give effect to the Recommendation as such; however, if the Government deems it useful to supply such information in its report, by way of information on practical application, this would make it possible to assess more precisely the extent to which the Convention is applied and the problems which may have arisen in its application.

GENEVA

1982

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

HOURS OF WORK AND REST PERIODS (ROAD TRANSPORT) CONVENTION, 1979 (No. 153)

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.

In so far as there exist other measures or methods which are relevant to the implementation of the Convention, please indicate their nature and contents.

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. In addition, please provide any indications specifically requested below under individual Articles.

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 1

1. This Convention applies to wage-earning drivers working, whether for undertakings engaged in transport for third parties or for undertakings transporting goods or passengers for their own account, on motor vehicles engaged professionally in the internal or international transport by road of goods or passengers.

2. Except as otherwise provided herein, this Convention further applies to owners of motor vehicles engaged professionally in road transport and non-wage-earning members of their families, when they are working as drivers.

Article 2

1. The competent authority or body in each country may exclude from the application of the provisions of this Convention, or of certain of them, persons who drive vehicles engaged in:

- (a) urban transport or certain types of urban transport, by reference to the particular technical operating conditions involved and to local conditions;
- (b) transport by agricultural or forestry undertakings in so far as such transport is carried out by means of tractors or other vehicles assigned to local agricultural or forestry activities and is used exclusively for the work of such undertakings;
- (c) transport of sick and injured persons, transport for rescue or for salvage work and transport for fire-fighting services;

- (d) transport for the purpose of national defence and police services and, in so far as it is not in competition with that effected by undertakings engaged in transport for third parties, transport for the purpose of other public authority essential services;
- (e) transport by taxi; or
- (f) transport which, by reasons of the type of vehicle used, the passenger or goods capacity of the vehicles, their limited routes or their maximum authorised speed, can be considered as not requiring special regulations concerning driving time and rest periods.

2. The competent authority or body in each country shall lay down adequate standards concerning driving time and rest periods of drivers excluded from the application of the provisions of this Convention, or of certain of them, pursuant to the provisions of paragraph 1 of this Article.

If, and to the extent that it has been deemed necessary to exclude certain drivers from the application of the provisions of the Convention, or of certain of them, please indicate—

- (a) the authority or body that has excluded such drivers;
- (b) the categories of driver excluded; and
- (c) whether the exclusions relate to all the provisions of the Convention or only to certain of them.

Please indicate the standards concerning driving time and rest periods laid down for drivers excluded from the application of the provisions of the Convention, or of certain of them.

Article 3

The representative organisations of employers and workers concerned shall be consulted by the competent authority or body in each country before decisions are taken on any matters covered by the provisions of this Convention.

Please provide information on the consultations which have taken place with the organisations of employers and workers concerned with a view to taking decisions on the matters covered by the provisions of the Convention.

Article 4

1. For the purpose of this Convention the term “hours of work” means the time spent by wage-earning drivers on—

- (a) driving and other work during the running time of the vehicle; and
- (b) subsidiary work in connection with the vehicle, its passengers or its load.

2. Periods of mere attendance or stand-by, either on the vehicle or at the workplace and during which the drivers are not free to dispose of their time as they please, may be regarded as hours of work to an extent to be prescribed in each country by the competent authority or body, by collective agreements or by any other means consistent with national practice.

Please indicate the definition given to the term “hours of work” pursuant to paragraph 1. Where recourse has been had to paragraph 2, please provide information on the measures taken to this end.

Article 5

1. No driver shall be allowed to drive continuously for more than four hours without a break.

2. The competent authority or body in each country, taking into account particular national conditions, may authorise the period referred to in paragraph 1 of this Article to be exceeded by not more than one hour.

3. The length of the break referred to in this Article and, as appropriate, the way in which the break may be split shall be determined by the competent authority or body in each country.

4. The competent authority or body in each country may specify cases in which the provisions of this Article are inapplicable because drivers have sufficient breaks as a result of stops provided for in the timetable or as a result of the intermittent nature of the work.

If recourse has been had to the exceptions provided for in paragraph 2, please specify the time authorised for any such exceptions.

Please indicate the categories, if any, exempted from the provisions of this Article pursuant to paragraph 4.

Article 6

1. The maximum total driving time, including overtime, shall exceed neither nine hours per day nor 48 hours per week.

2. The total driving times referred to in paragraph 1 of this Article may be calculated as an average over a number of days or weeks to be determined by the competent authority or body in each country.

3. The total driving times referred to in paragraph 1 of this Article shall be reduced in the case of transport activities carried out in particularly difficult conditions. The competent authority or body in each country shall define these activities and determine the total driving times to be applied in respect of the drivers concerned.

If recourse has been had to paragraph 2, please specify the number of days or of weeks over which the average driving time may be calculated.

Please provide information on the decisions taken with a view to the application of paragraph 3.

Article 7

1. Every wage-earning driver shall be entitled to a break after a continuous period of five hours of work as defined in Article 4, paragraph 1, of this Convention.

2. The length of the break referred to in paragraph 1 of this Article and, as appropriate, the way in which the break may be split shall be determined by the competent authority or body in each country.

Please provide information on any measures taken in virtue of paragraph 2.

Article 8

1. The daily rest of drivers shall be at least 10 consecutive hours during any 24-hour period starting from the beginning of the working day.

2. The daily rest may be calculated as an average over periods to be determined by the competent authority or body in each country: Provided that the daily rest shall in no case be less than eight hours and shall not be reduced to eight hours more than twice a week.

3. The competent authority or body in each country may provide for daily rest periods of different duration according to whether passenger or goods transport is involved and to whether the rest is taken at home or elsewhere, on condition that the provisions of paragraphs 1 and 2 of this Article concerning the minimum number of hours are observed.

4. The competent authority or body in each country may provide for exceptions to the provisions of paragraphs 1 and 2 of this Article as regards the duration of the daily rest periods and the manner of taking such rest periods in the cases of vehicles having a crew of two drivers and of vehicles using a ferry-boat or a train.

5. During the daily rest the driver shall not be required to remain in or near the vehicle if he has taken the necessary precautions to ensure the safety of the vehicle and its load.

If recourse has been had to paragraph 2, please specify the periods over which the average daily rest may be calculated.

Where appropriate, please indicate the decisions taken in virtue of paragraph 3.

If recourse has been had to the exceptions provided for in paragraph 4, please specify the exceptions authorised.

Please indicate the manner in which effect is given to paragraph 5.

Article 9

1. The competent authority or body in each country may permit as temporary exceptions, but only in so far as may be necessary for the performance of indispensable work, extensions of the driving time, extensions of the continuous working time and reductions in the duration of the daily rest periods provided for in Articles 5, 6, 7 and 8 of this Convention—

(a) in case of accident, breakdown, unforeseen delay, dislocation of service or interruption of traffic;

(b) in case of *force majeure*; and

(c) in case of urgent and exceptional necessity for ensuring the work of services of public utility.

2. When national or local conditions in which road transport operates do not lend themselves to the strict observance of Articles 5, 6, 7 or 8 of this Convention, the competent authority or body in each country may also authorise extensions of the driving time, extensions of the continuous working time and reductions in the duration of the daily rest periods provided for therein and authorise exceptions as regards the application of Articles 5, 6 or 8 to the drivers covered by Article 1, paragraph 2, of this Convention. In such case, the Member concerned shall, by a declaration appended to its ratification,

describe these national or local conditions as well as the extensions, reductions or exceptions permitted pursuant to this paragraph. Any such Member shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation any progress which may have been made with a view towards stricter or wider application of Articles 5, 6, 7 and 8 of this Convention, and may at any time cancel the declaration by a subsequent declaration.

If recourse has been had to the provisions of paragraph 2, please specify any progress which may have been made towards stricter or wider application of Articles 5, 6, 7 and 8 of the Convention.

Article 10

1. The competent authority or body in each country shall—

- (a) provide for an individual control book and prescribe the conditions of its issue, its contents and the manner in which it shall be kept by the drivers; and
- (b) lay down a procedure for notification of the hours worked in accordance with Article 9, paragraph 1, of this Convention and the circumstances justifying them.

2. Each employer shall—

- (a) keep a record, in a form approved by the competent authority or body in each country, indicating the hours of work and of rest of every driver employed by him; and
- (b) place this record at the disposal of the supervisory authorities in a manner determined by the competent authority or body in each country.

3. The traditional means of supervision referred to in paragraphs 1 and 2 of this Article shall, if this proves to be necessary for certain categories of transport, be replaced or supplemented as far as possible by recourse to modern methods, as for instance tachographs, according to rules to be established by the competent authority or body in each country.

Please indicate the measures taken to give effect to the provisions of this Article, providing a specimen copy of the individual control book and, as appropriate, of the record maintained by the employer of the hours of work and rest periods.

Article 11

The competent authority or body in each country shall make provision for—

- (a) an adequate inspection system, with verification carried out in the undertaking and on the roads; and
- (b) appropriate penalties in the event of breaches of the requirements of this Convention.

Please provide detailed information on the organisation and operation of the inspection services for ensuring effective application of the provisions of this Convention in the undertakings and on the roads; providing copies of or extracts from any reports which may be available concerning the activities of such services.

Please specify the penalties applicable in the event of breaches of the requirements of the Convention.

Article 12

The provisions of this Convention shall, except in so far as they are otherwise made effective by means of collective agreements or arbitration awards or in such other manner as may be consistent with national practice, be given effect by laws or regulations.

Please indicate the methods used for giving effect to the provisions of this Convention.

See also question I above.

III. 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.

IV. 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 on the number of employed persons covered by the relevant legislation and other measures, the number and nature of contraventions reported, etc.

V. 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 the observations received, together with any comments that you consider useful.

¹Article 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."

ANNEX

HOURS OF WORK AND REST PERIODS (ROAD TRANSPORT) RECOMMENDATION, 1979 (No. 161)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fifth Session on 6 June 1979, and

Having decided upon the adoption of certain proposals with regard to hours of work and rest periods in road transport, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-seventh day of June of the year one thousand nine hundred and seventy-nine the following Recommendation, which may be cited as the Hours of Work and Rest Periods (Road Transport) Recommendation, 1979:

I. SCOPE

1. This Recommendation applies to wage earners working, whether for undertakings engaged in transport for third parties or for undertakings transporting goods or passengers for own account, on motor vehicles engaged professionally in the internal or international transport by road of goods or passengers, namely as—

- (a) drivers; or
- (b) drivers' mates, attendants, conductors and other persons who travel with a road transport vehicle in a capacity connected with the vehicle, its passengers or its load.

2. Parts II and VII to IX of this Recommendation, as well as the provisions of Parts X to XII relevant thereto, further apply to owners of motor vehicles engaged professionally in road transport and non-wage-earning members of their families, when they are working in a capacity referred to in clause (a) or (b) of Paragraph 1 of this Recommendation.

3. (1) The competent authority or body in each country may exclude from the application of the provisions of this Recommendation, or of certain of them, persons covered by Paragraphs 1 and 2 of this Recommendation who work in—

- (a) urban transport or certain types of urban transport, by reference to the particular technical operating conditions involved and to local conditions;
- (b) transport by agricultural or forestry undertakings in so far as such transport is carried out by means of tractors or other vehicles assigned to local agricultural or forestry activities and is used exclusively for the work of such undertakings;
- (c) transport of sick and injured persons, transport for rescue or salvage work and transport for fire-fighting services;
- (d) transport for the purpose of national defence and police services and, in so far as it is not in competition with that effected by undertakings engaged in transport for third parties, transport for the purpose of other public authority essential services;
- (e) transport by taxi; and
- (f) transport which, by reason of the type of vehicle used, the passenger or goods capacity of the vehicles, their limited routes or their maximum author-

ised speed, can be considered as not requiring special regulations concerning hours of work and rest periods.

(2) The competent authority or body in each country should lay down suitable standards concerning hours of work and rest periods of persons excluded from the application of the provisions of this Recommendation, or of certain of them, pursuant to the provisions of subparagraph (1) of this Paragraph.

II. CONSULTATION OF EMPLOYERS AND WORKERS

4. The representative organisations of employers and workers concerned should be consulted by the competent authority or body in each country before decisions are taken on any matters covered by the provisions of this Recommendation.

III. DEFINITION OF HOURS OF WORK

5. For the purpose of this Recommendation the term "hours of work" means the time spent by the persons covered by Paragraph 1 of the Recommendation on—

- (a) driving and other work during the running time of the vehicle; and
- (b) subsidiary work in connection with the vehicle, its passengers or its load.

6. Periods of mere attendance or stand-by, either on the vehicle or at the workplace and during which the workers are not free to dispose of their time as they please, as well as time spent by them on training and advanced training when agreed upon between the organisations of employers and workers concerned, may be regarded as hours of work to an extent to be prescribed in each country by the competent authority or body, by collective agreements or by any other means consistent with national practice.

IV. NORMAL HOURS OF WORK

A. Normal Weekly Hours of Work

7. Normal hours of work, namely those in respect of which national provisions concerning overtime do not apply, should not exceed 40 per week.

8. The normal weekly hours of work referred to in Paragraph 7 of this Recommendation may be introduced gradually and by stages.

9. (1) In the case of long-distance transport and in other transport activities where the standard covered by Paragraph 7 of this Recommendation would be impracticable if applied to one week, this standard may be applied as an average over a maximum period of four weeks.

(2) The competent authority or body in each country should determine the maximum number of hours of work in a single week when, pursuant to subparagraph (1) of this Paragraph, the standard covered by Paragraph 7 is applied as an average.

B. Normal Daily Hours of Work

10. Normal hours of work, as defined in Paragraph 7 of this Recommendation, should not exceed eight per day as an average.

11. (1) When normal weekly hours of work are unevenly distributed over the various days of the week, the normal hours of work should not exceed ten per day.

(2) When the normal daily hours of work include substantial periods of mere attendance or stand-by or interruptions of work or when it is necessary to enable the crew of the vehicle to reach a suitable place of rest, the maximum limit referred to in subparagraph (1) of this Paragraph may be more than ten hours but not more than 12 hours per day.

V. MAXIMUM PERIOD OF CONTINUOUS WORK

12. (1) Every wage-earning worker should be entitled to a break after a continuous period of five hours of work as defined in Paragraph 5 of this Recommendation.

(2) The length of the break referred to in subparagraph (1) of this Paragraph and, as appropriate, the way in which the break may be split should be determined by the competent authority or body in each country.

VI. DAILY SPREADOVER

13. (1) The competent authority or body in each country should prescribe for the various branches of the road transport industry the maximum number of hours which may separate two successive daily rest periods.

(2) The spreadover should not be so long as to reduce the period of daily rest to which the workers are entitled.

VII. DRIVING TIME

14. (1) No driver should be allowed to drive continuously for more than four hours without a break.

(2) The competent authority or body in each country, taking into account particular national conditions, may authorise the period referred to in subparagraph (1) of this Paragraph to be exceeded by not more than one hour.

(3) The length of the break referred to in this Paragraph and, as appropriate, the way in which the break may be split should be determined by the competent authority or body in each country.

(4) The competent authority or body in each country may specify cases in which the provisions of this Paragraph are inapplicable because drivers have sufficient breaks as a result of stops provided for in the time-table or as a result of the intermittent nature of the work.

15. The maximum total driving time, including overtime, should exceed neither nine hours per day nor 48 hours per week.

16. The total driving times referred to in Paragraph 15 of this Recommendation may be calculated as an average over a maximum period of four weeks.

17. The total driving times referred to in Paragraph 15 of this Recommendation may be reduced in the case of transport activities carried out in particularly difficult conditions. The competent authority or body in each country may define these activities and determine the total driving times to be applied in respect of the drivers concerned.

VIII. DAILY REST

18. The daily rest of persons covered by Paragraphs 1 and 2 of this Recommendation should be at least 11 consecutive hours during any 24-hour period starting from the beginning of the working day.

19. The daily rest may be calculated as an average over periods to be determined by the competent authority or body in each country: Provided that the daily rest should in no case be less than eight hours.

20. The competent authority or body in each country may provide for daily rest periods of different duration according to whether passenger or goods transport is involved and to whether the rest is taken at home or elsewhere, on condition that the provisions of Paragraphs 18 and 19 of this Recommendation concerning the minimum number of hours are observed.

21. The competent authority or body in each country may provide for exceptions to the provisions of Paragraphs 18 and 19 of this Recommendation as regards the duration of the daily rest periods and the manner of taking such rest periods in the cases of vehicles having a crew of two drivers and of vehicles using a ferry-boat or a train.

22. During the daily rest the crew should not be required to remain in or near the vehicle if they have taken the necessary precautions to ensure the safety of the vehicle and its load.

IX. WEEKLY REST

23. The minimum duration of the weekly rest should be 24 consecutive hours, preceded or followed by the daily rest.

24. The weekly rest should, as far as possible, coincide with a Sunday or with traditional and customary days of rest, and it should during a given period be possible for this rest to be spent at home a certain number of times, to be determined by the competent authority or body in each country.

25. In long-distance transport, it should be possible to cumulate weekly rest over two consecutive weeks. In appropriate cases, the competent authority or body in each country may approve the cumulation of this rest over a longer time.

X. EXCEPTIONS AND OVERTIME

26. (1) The competent authority or body in each country may permit as temporary exceptions, but only in so far as may be necessary for the performance of indispensable work, extensions of the hours of work, extensions of the driving time and reductions in the duration of the rest periods provided for in the preceding Paragraphs of this Recommendation—

(a) in case of accident, breakdown, unforeseen delay, dislocation of service or interruption of traffic;

(b) in case of *force majeure*; or

(c) in case of urgent and exceptional necessity for ensuring the work of services of public utility.

(2) The competent authority or body in each country may also permit extensions of the hours of work, extensions of the driving time and reductions in the duration of the rest periods provided for in the preceding Paragraphs of this Recommendation where these are necessary to enable the crew to reach a suitable stopping place or the end of their journey, as the case may be, provided that road safety is not thereby jeopardised.

27. The competent authority or body in each country may grant authorisations for an extension of the normal hours of work, as a temporary exception, in case of abnormal pressure of work.

28. All hours worked in excess of normal hours should be considered as overtime and, as such, remun-

nerated at a higher rate or, as prescribed by national laws or regulations, collective agreements or in any other manner consistent with national practice, otherwise compensated.

XI. SUPERVISORY MEASURES

29. The competent authority or body in each country should—

- (a) provide for an individual control book and prescribe the conditions of its issue, its contents and the manner in which it shall be kept by the drivers;
- (b) lay down a procedure for notification of the hours worked in accordance with Paragraph 26 of this Recommendation and the circumstances justifying them; and
- (c) lay down a procedure for authorising the hours that may be worked in accordance with Paragraph 27 of this Recommendation as well as the number of hours for which the authorisation may be granted, according to the nature of the transport operations and the method of calculating the hours of work.

30. Each employer should—

- (a) keep a record, in a form approved by the competent authority or body in each country, indicating the hours of work and of rest of every person covered by this Recommendation and employed by him; and
- (b) place this record at the disposal of the supervisory authorities in a manner to be determined by the competent authority or body in each country.

31. The traditional means of supervision referred to in Paragraphs 29 and 30 of this Recommendation should, if this proves to be necessary for certain categories of transport, be replaced or supplemented as far as possible by recourse to modern methods, as for instance tachographs, according to rules to be established by the competent authority or body in each country.

32. The competent authority or body in each country should make provision for—

- (a) an adequate inspection system with verification carried out in the undertaking and on the roads; and
- (b) appropriate penalties in the event of breaches of the provisions giving effect to this Recommendation.

XII. MEANS AND METHODS OF APPLICATION

33. (1) The provisions of this Recommendation may be applied by laws or regulations, collective agreements, arbitration awards or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions and the needs of each category of transport.

(2) The provisions of this Recommendation which have a direct bearing on road safety, namely those relating to the maximum period of continuous work, driving time, daily rest and supervisory measures, should preferably be applied by laws or regulations.