

INTERNATIONAL LABOUR OFFICE — GENEVA

REPORT FORM
FOR THE
**PROTOCOL OF 1990 TO THE NIGHT WORK
(WOMEN) CONVENTION (REVISED), 1948**

The present report form is for the use of countries which have ratified the Protocol. 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 a form and shall contain such particulars as the Governing Body may request."

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

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

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

(a) any new legislative or other measures affecting the application of the Protocol;

(b) replies to the questions in the report form on the practical application of the Protocol (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and on any observations received from those organisations;

(c) **replies to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Protocol in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Conventions and Recommendations.

Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

on the

PROTOCOL OF 1990 TO THE NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948

(ratification registered on)

In addition to the information requested in the report form concerning the Convention, please give detailed information for each of the following Articles of the Protocol.

Article 1

1. (1) National laws or regulations, adopted after consulting the most representative organisations of employers and workers, may provide that variations in the duration of the night period as defined in Article 2 of the Convention and exemptions from the prohibition of night work contained in Article 3 thereof may be introduced by decision of the competent authority:

- (a) in a specific branch of activity or occupation, provided that the organisations representative of the employers and the workers concerned have concluded an agreement or have given their agreement;
- (b) in one or more specific establishments not covered by a decision taken pursuant to clause (a) above, provided that:
 - (i) an agreement has been concluded in the establishment or enterprise concerned between the employer and the workers' representatives concerned; and
 - (ii) the organisations representative of the employers and the workers of the branch of activity or occupation concerned or the most representative organisations of employers and workers have been consulted;
- (c) in a specific establishment not covered by a decision taken pursuant to clause (a) above, and where no agreement has been reached in accordance with clause (b) (i) above, provided that:
 - (i) the workers' representatives in the establishment or enterprise as well as the organisations representative of the employers and the workers of the branch of activity or occupation concerned or the most representative organisations of employers and workers have been consulted;
 - (ii) the competent authority has satisfied itself that adequate safeguards exist in the establishment as regards occupational safety and health, social services and equality of opportunity and treatment for women workers; and
 - (iii) the decision of the competent authority shall apply for a specified period of time, which may be renewed by means of the procedure under subclauses (i) and (ii) above.

(2) For the purposes of this paragraph the term "workers' representatives" means persons who are recognised as such by national law or practice, in accordance with the Workers' Representatives Convention, 1971.

2. The laws or regulations referred to in paragraph 1 shall determine the circumstances in which such variations and exemptions may be permitted and the conditions to which they shall be subject.

A.1. Please give particulars of any legislative measures taken to vary the night period as defined in Article 2 of the Convention and of exemptions from the prohibition of night work contained in Article 3.

2. Please indicate the relevant legislative texts, stating, pursuant to paragraph 2, the circumstances in which such variations and exemptions may be permitted and under what conditions.

3. Please also provide information on prior consultations on this subject that have taken place with the most representative organisations of employers and workers.

B. Where the above-mentioned variations and/or exemptions have been applied by the competent authority -

1. in a branch of activity or specific occupation: please indicate the manner in which the agreement of the representative organisations of employers and workers was obtained on this question, in accordance with clause (a);

2. in one or more establishments as specified in clause (b): please give particulars of any agreement concluded between the employer and the workers' representatives in the establishment or establishments in question, pursuant to clause (b) (i) and paragraph 1 (2), and of consultations held on this question between the competent authority and the organisations mentioned in clause (b) (ii);

3. in an establishment as specified in clause (c): please —

- (a) give particulars of consultations that have been held on this question between the competent authority and the organisations mentioned in clause (c) (i);
- (b) indicate the safeguards (concerning safety and health, social services, equality of opportunity and treatment) taken into consideration in relation to clause (c) (ii);
- (c) indicate the period of time for which exemptions from the prohibition of night work will be authorised by the competent authority and the conditions governing their possible renewal.

Article 2

1. It shall be prohibited to apply the variations and exemptions permitted pursuant to Article 1 above to women workers during a period before and after childbirth of at least 16 weeks, of which at least eight weeks shall be before the expected date of childbirth. National laws or regulations may allow for the lifting of this prohibition at the express request of the woman worker concerned on condition that neither her health nor that of her child will be endangered.

2. The prohibition provided for in paragraph 1 of this Article shall also apply to additional periods in respect of which a medical certificate is produced stating that this is necessary for the health of the mother or child:

- (a) during pregnancy; or
- (b) during a specified time prolonging the period after childbirth fixed pursuant to paragraph 1 above.

3. During the periods referred to in paragraphs 1 and 2 of this Article:

- (a) a woman worker shall not be dismissed or given notice of dismissal, except for justifiable reasons not connected with pregnancy or childbirth;
- (b) the income of a woman worker concerned shall be maintained at a level sufficient for the upkeep of herself and her child in accordance with a suitable standard of living. This income maintenance may be ensured through assignment to day work, extended maternity leave, social security benefits or any other appropriate measure, or through a combination of these measures.

4. The provisions of paragraphs 1, 2 and 3 of this Article shall not have the effect of reducing the protection and benefits connected with maternity leave.

1. Please give particulars of the measures taken to implement this Article, indicating in particular the period of time before and after childbirth during which it is prohibited to apply to women workers the variations and exemptions permitted by national legislation pursuant to Article 1 of the Protocol.

2. Please indicate the measures taken and the means implemented —

- (a) to protect a woman worker against dismissal or notice of dismissal connected with pregnancy or childbirth, pursuant to clause 3 (a);
- (b) to ensure the maintenance of the woman worker's income at a level sufficient for the upkeep of herself and her child in accordance with a suitable standard of living, pursuant to clause 3 (b);
- (c) to ensure that, pursuant to paragraph 4, in all the cases foreseen in paragraphs 1, 2 and 3 of this Article, the protection and benefits connected with maternity leave are not reduced.