

INTERNATIONAL LABOUR OFFICE

REPORTS ON  
**UNRATIFIED CONVENTIONS  
AND RECOMMENDATIONS**

*(Article 19 of the Constitution  
of the International Labour Organization)*

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REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

**HOURS OF WORK (INDUSTRY) CONVENTION, 1919 (No. 1)**

**WEEKLY REST (INDUSTRY) CONVENTION, 1921 (No. 14)**

**HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930 (No. 30)**

**FORTY-HOUR WEEK CONVENTION, 1935 (No. 47)**

**REDUCTION OF HOURS OF WORK RECOMMENDATION, 1962 (No. 116)**

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

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

**NIGHT WORK OF WOMEN (AGRICULTURE) RECOMMENDATION, 1921 (No. 13)**

**WEEKLY REST (COMMERCE AND OFFICES) CONVENTION, 1957 (No. 106)**

**WEEKLY REST (COMMERCE AND OFFICES) RECOMMENDATION, 1957 (No. 103)**

**HOLIDAYS WITH PAY CONVENTION (REVISED), 1970 (No. 132)**

**HOLIDAYS WITH PAY RECOMMENDATION, 1954 (No. 98)**

**NIGHT WORK CONVENTION, 1990 (No. 171)**

**NIGHT WORK RECOMMENDATION, 1990 (No. 178)**

**PART-TIME WORK CONVENTION, 1994 (No. 175)**

**PART-TIME WORK RECOMMENDATION, 1994 (No. 182)**

## INTERNATIONAL LABOUR OFFICE

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*Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:*

“5. In the case of a Convention:

[...]

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

[...]

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

[...]

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.”

*In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.*

## REPORT

to be made no later than 28 February 2017, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of ....., on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Workers' and employers' organizations may send comments no later than 30 June 2017.

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### Context and scope of the questions

The questionnaire has been prepared in the light of the ILO Declaration on Social Justice for a Fair Globalization and its follow-up. Account has been taken of the fact that "This follow-up seeks to make the fullest possible use of all the means of action provided under the Constitution of the ILO to fulfil its mandate. Some of the measures to assist the Members may entail some adaptation of existing modalities of application of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States". In this context, General Surveys are not only intended to provide an overview on the law and practice in ILO member States concerning certain instruments but also to feed the recurrent discussions with relevant information on the trends and practices in relation to a given strategic objective. This explains the fact that some of the questions are only indirectly linked to a provision of an ILO instrument. These questions have been identified as a request for "Information on trends and practice".

In addition, in order to ensure institutional coherence, the Office has taken into account for the preparation of the questionnaire the report form adopted by the Governing Body for the last General Survey on working time (published in 2005); the conclusions of the Tripartite Meeting of Experts on Working-time Arrangements (17–21 October 2011); the conclusions of the Meeting of Experts on Non-Standard Forms of Employment (16–19 February 2015); as well as the conclusions of the recurrent discussion on social protection (labour protection) at the June 2015 session of the International Labour Conference.

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The following questions relate to issues covered by Conventions Nos 1, 14, 30, 47, 89, 106, 132, 171 and 175, Protocol to Convention No. 89 and Recommendations Nos 13, 98, 103, 116, 178 and 182. **As appropriate, please give a specific reference (Web link) or include information relating to the provisions of the relevant legislation, regulations and policies, as well as electronic copies thereof.**

## ARTICLE 19 REPORT FORM CONCERNING WORKING TIME INSTRUMENTS

**Notes:** 1. Governments of countries which have ratified one or several of the Conventions and from which a report is due under article 22 of the Constitution will use the present form only with regard to the Conventions not ratified, if any, and the Recommendations. It will not be necessary to repeat information already provided in connection with the Conventions ratified. *The questions contained under the titles “Information on trends and practice” and “Possible needs for standards-related action and for technical assistance” are addressed to all member States.* 2. When reference is made to “national laws and regulations” or “provisions”, this should be understood as including laws, regulations, policies, collective agreements, court decisions or arbitration awards. 3. Where the national legislation or other provisions do not cover issues raised in this questionnaire, please provide information on current practices.

<b>Concepts of hours of work</b> Hours of work means the time during which the persons employed are at the disposal of the employer (not including rest periods)	
1. Please provide information on how national laws and regulations define hours of work, rest periods, and stand-by or on-call hours (including to what extent stand-by or on-call hours are counted as hours of work or are to be remunerated). Please specify how many days make up one working week.	Arts 2 and 11(2)(b) of C.30; Art. 8(1)(b) of C.1; Para. 11 of R.116
<b>Scope of application</b>	
2. Please specify the relevant provisions excluding in whole or in part categories of workers, employers and/or sectors, if any, from the application of national laws and regulations regarding working time.	Art. 1 of C.1; Art. 1 of C.30
<b>Limits on daily and weekly hours of work</b> Normal daily and weekly working hours refer to working hours in a day or a week respectively, excluding overtime	
3. Please indicate the provisions, if any, which set limits on normal daily and weekly working hours.	Art. 2 of C.1; Art. 3 of C.30; Art. 1 of C.47
4. <b>Information on trends and practice</b> Please indicate if a minimum daily rest period is provided in national laws and regulations. If so, indicate the length.	
<b>Exceptions from the normal hours of work (overtime)</b> Overtime hours are working hours in excess of the normal daily or weekly working hours	
5. (i) Please provide information on the relevant provisions, if any, regulating temporary or permanent exceptions from the normal hours of work and the circumstances under which these exceptions are allowed.	Arts 3 and 6(1)(a) and (b) of C.1; Art. 7(1) and (2)(a) and (b) of C.30
(ii) Please indicate the limits to the total number of hours of overtime allowed during a specified period.	Art. 6(2) of C.1; Art. 7(3) of C.30 Para. 17 of R.116

6. Please specify the relevant provisions regulating payment for overtime and describe, in particular, the level of overtime rates and their variations, as well as compensatory rest periods (extra pay per hour, days off in lieu, and any combinations of these two).	Art. 6(2) of C.1; Para. 19(1) and (2) of R.116
<p style="text-align: center;"><b>Reduction of hours of work</b></p> <p style="text-align: center;">Policies or legal measures that have been used to reduce daily or weekly working hours</p>	
7. (i) Please specify the policies implemented and the measures adopted, if any, for the progressive reduction of working hours.	Art. 1 of C.47; Para. 3 of R.116
(ii) Where applicable, please indicate if the reduction of normal hours of work was applied by stages and, if so, specify which stages were used (spaced over time, progressively encompassing branches or sectors of the economy, a combination of the two, other arrangements).	Para. 8 of R.116
<p style="text-align: center;"><b>Minimum weekly rest periods</b></p> <p style="text-align: center;">The legal period when workers have rest time generally away from the workplace that is measured in consecutive hours or days at the end of a workweek</p>	
8. (i) Please specify the legal requirements on weekly rest days, indicating if these provide for the weekly rest period to be granted simultaneously to all the persons concerned in each establishment and if it must coincide with the day of the week established as a day of rest by the traditions or customs of the country or district.	Art. 2(1) and (2) of C.14; Art. 6(1) and (2) of C.106; Para. 1 of R.103
(ii) Please indicate if national laws and regulations define weekly rest by reference to a specific day(s) of the week or by a number of consecutive hours.	Art. 2(1) and (3) of C.14; Art. 6(1) and (3) of C.106; Paras 1 and 2 of R.103
(iii) Please indicate if and how national laws and regulations related to weekly rest take into account traditions and customs of religious minorities.	Art. 6(4) of C.106
9. (i) Please provide detailed information on possible temporary exemptions, total or partial, from the general rule concerning weekly rest (including the suspension or reduction of the rest period and rotating weekly rest days).	Art. 4 of C.14; Art. 8(1) and (2) of C.106
(ii) If exemptions are allowed, please indicate if national laws and regulations require that workers be granted compensatory rest.	Art. 5 of C.14; Art. 8(3) of C.106
<p><b>Information on trends and practice</b></p> <p>(iii) If exemptions are allowed, please indicate if according to national laws and regulations workers can be compensated with extra pay instead of compensatory rest.</p>	
(iv) Please specify the special weekly rest schemes, if any, applying to specified categories of persons or types of establishments.	Art. 7(1) of C.106; Para. 3 of R.103

<b>Rest breaks during the workday</b>	
10. (i) Please indicate whether national laws and regulations require rest breaks (e.g. coffee/tea, meal, prayer, etc.) during the workday and under which conditions workers are entitled to them. If so, please indicate the types and the length of rest breaks, and if they are included in the hours of work.	Art. 8(1)(b) of C.1; Arts 2 and 11(2)(b) of C.30; Para. 7 of R.178
<b>Information on trends and practice</b> (ii) Please indicate the provisions, if any, which allow workers to extra rest breaks between regular hours and starting overtime hours or if rest breaks are required by law during the course of working overtime hours.	
<b>Paid annual leave</b> The minimum number of leave days for workers to be given and paid by the employer over a calendar year, not including public holidays	
11. Please indicate the provisions, if any, requiring a minimum period of service in order to be entitled to paid annual leave.	Art. 5 of C.132; Para. 4(2)(a) of R.98
12. (i) Please indicate the provisions, if any, which regulate the length of the paid annual leave period to which workers are entitled, specifying: (a) whether it is counted in days or weeks; (b) on which basis it is calculated (wage, bonuses); (c) if it increases with length of service or by reason of other factors (e.g. age); and (d) if it differs pursuant to workers' categories.	Arts 3 and 7 of C.132; Paras 4(1) and 6 of R.98
(ii) Please provide information on any category of workers excluded from the scope of national laws and regulations on paid annual leave and the reasons for such exclusions.	Art. 2 of C.132; Para. 3 of R.98
13. Please indicate whether annual holiday with pay can be divided into parts and if national laws and regulations provide for a right to an uninterrupted minimum period. If so, please specify the length of this minimum period.	Art. 8 of C.132
14. Please indicate the provisions, if any, requiring that an employed person receive, upon termination of employment, a holiday with pay proportionate to the length of service for which he/she has not received such a holiday, or compensation in lieu thereof, or the equivalent holiday credit.	Art. 11 of C.132; Para. 4(3) of R.98
15. (i) Please indicate the provisions, if any, allowing the carry-over of unused leave days from one year to the next.	Art. 9(1) and (2) of C.132
(ii) Please indicate if and under which conditions national laws and regulations allow agreements to relinquish the right to paid annual leave. Please also indicate if the possibility exists for the worker to receive cash payment in exchange for annual leave.	Art. 12 of C.132
16. Please indicate if the annual leave period includes sick leave, personal leave or leave for other reasons beyond the control of the employed person. Please specify the relevant provisions.	Art. 5(4) of C.132

<b>Protection of night workers</b> Night work is work that is normally scheduled to take place at night when workers might otherwise be asleep	
17. Please provide information on the definition of “night” and “night worker” in national laws and regulations.	Art. 2 of C.89; Art. 1 of C.171; Para1 of R.178
18. (i) Please specify the maximum length of night work and the limits of night work overtime as determined by national laws and regulations, indicating if these limits are per day or per week.	Paras 4 and 5 of R.178
(ii) Please indicate if national laws and regulations guarantee a minimum period of rest for night workers, with particular attention to the situation of women in agricultural undertakings.	Para. 1 of R.13; Para. 6 of R.178
19. Please provide information on measures to assess workers’ health, as well as the possibility for the worker to be transferred to day work in case of incapacity to perform night work.	Arts 4 and 6 of C.171
20. Please indicate which sectors or categories of workers, if any, are exempted from the national laws and regulations on night work.	Art. 2 of C.171
21. Please specify the measures taken, if any, to protect women who work at night in relation to maternity (including transfer to day work during certain periods before and after delivery).	Art. 7 of C.171
22. Please indicate the provisions, if any, establishing compensation for night workers (in terms of working time, pay or similar benefits ...) to recognize the nature of night work.	Art. 8 of C.171
23. Please indicate the provisions, if any, on social services (i.e. in terms of transportation, meals, rest), or facilities (first-aid facilities), to be put in place for night workers.	Arts 5 and 9 of C.171; Paras 13–18 of R.178
<b>24. Information on trends and practice</b> Please indicate whether there is a growing or declining trend in night work by sectors of the economy and/or in the number of workers.	
<b>Part-time work</b> The term part-time worker refers to an employed person whose normal hours of work are less than those of comparable full-time workers	
25. (i) Please indicate if and how the national laws and regulations define part-time work (including the level(s) of normal hours of work of full-time workers below which a worker is considered to be a part-time worker).	Art. 1 of C.175; Para. 2 of R.182
(ii) Please provide information on any category of workers excluded from the scope of part-time work laws and regulations and the reasons for such exclusions.	Art. 3 of C.175

26. (i) Please indicate the measures taken, if any, to facilitate access to productive and freely chosen part-time work which meets the needs of both employers and workers. Please indicate the policies, if any, addressing situations where part-time work is not the result of a free choice.	Art. 9(1) of C.175
(ii) Please indicate the provisions, if any, facilitating voluntary movement from full-time to part-time work and vice versa and indicate the conditions under which these movements are allowed. Please specify the role of employers in facilitating this process.	Arts 9 and 10 of C.175; Para. 18 of R.182
27. (i) Please indicate the provisions, if any, ensuring that part-time workers receive the same protection as that accorded to comparable full-time workers in respect of: (a) the right to organize, the right to bargain collectively and the right to act as a workers' representative; (b) occupational safety and health; and (c) discrimination in employment and occupation.	Art. 4 of C.175
(ii) Please indicate the measures taken, if any, to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of maternity protection, termination of employment, paid annual leave and paid public holidays and sick leave, wages and statutory social security.	Arts 5, 6 and 7 of C.175; Paras 6(d), 7(2), 10, 11, 13, 14 and 16 of R.182
(iii) Please indicate if there exist thresholds on hours of work or earnings to be entitled to certain social security or other benefits. If so, please describe them and indicate if they are periodically reviewed.	Art. 8(1), (2) and (3)(a) of C.175
(iv) Please provide information on measures to overcome specific constraints on the access of part-time workers to training, career opportunities and occupational mobility.	Para. 15 of R.182
<p style="text-align: center;"><b>Trends in working-time arrangements</b></p> <p style="text-align: center;">Working-time arrangements are some of the ways working hours can be organized, normally during the work week. Legal provisions on limits on daily and weekly working hours usually provide the basis for how these arrangements should be organized</p>	
<p><b>28. Information on trends and practice<sup>1</sup></b></p> <p>Please indicate if national laws and regulations require employers to consider employees' requests to change their work schedules for personal reasons (e.g. to address family or personal needs).</p>	
29. Please indicate the national laws and regulations, if any, providing for shift-work arrangements <sup>2</sup> (including variable daily shift lengths) and describe the circumstances in which they are permitted.	Arts 2(c) and 4 of C.1; Art. 11(2) (a) of C.30

<sup>1</sup> See also ILO: *Working time in the 21st century*, Report for discussion at the Tripartite Meeting of Experts on Working-time Arrangements (17–21 October 2011).

<sup>2</sup> Shift work is usually defined as a method of organizing working time through which workers succeed one another at the workplace so that the operating hours of the undertaking exceed the hours of work of individual workers. ILO: *Hours of work. From fixed to flexible?* Report of the Committee of Experts on the Application of Conventions and Recommendations (articles 19, 22 and 23 of the Constitution). Report III (Part 1B), International Labour Conference, 93rd Session, Geneva, 2005, para. 103.



30. (i) Please indicate the national laws and regulations, if any, providing for hour-averaging schemes <sup>3</sup> and describe the circumstances in which it is permitted. Where appropriate, indicate the length of the reference period that can be used: weekly; monthly; annually; other.	Art. 5(1) and (2) of C.1; Art. 6 of C.30
<p><b>Information on trends and practice</b></p> <p>(ii) Please indicate if national laws or regulations forbid the use of averaging hours – or of certain periods for averaging (like <b>annualized working hours</b>) – to calculate working time.</p>	
<p><b>31. Information on trends and practice</b></p> <p>Please provide information on the national laws and regulations, if any, providing for: (a) compressed workweeks;<sup>4</sup> (b) staggered working hours;<sup>5</sup> (c) flexitime;<sup>6</sup> and (d) time-saving account arrangements<sup>7</sup> (time banking).</p>	
<p><b>32. Information on trends and practice</b></p> <p>Please provide information on the national laws and regulations, if any, providing for on-call work, work on demand, or zero hours contracts. Where appropriate, please indicate if national laws and regulations require employers to provide a minimum number of guaranteed hours as part of the criteria for an employment contract; under which conditions workers have a duty to be available; whether they have the possibility to work for another employer; and whether they are entitled to have advance notice of work schedules.</p>	
<p><b>33. Information on trends and practice</b></p> <p>Please indicate the national policies, if any, addressing <b>work-sharing</b>.<sup>8</sup> Please describe any existing schemes, the extent of hours reduction, and the level of compensation by the State for wage reduction by enterprises.</p>	

<sup>3</sup> Annualized hours and other types of hours-averaging schemes (e.g. mensualized hours or hours averaged over a period of one month) allow for variations in daily and weekly hours of work within specified legal limits, such as maximum daily and weekly hours, while requiring that working hours either achieve a specified weekly average over the period within which the hours are averaged, or remain within a fixed annual total. As long as the maximum limits are respected, including the weekly average or annual total, no overtime premium is payable for hours worked beyond the statutory normal hours. ILO: *Working time in the 21st century*, op. cit., para. 119.

<sup>4</sup> Compressed workweeks are a method of organizing working time under which normal weekly hours of work are scheduled over fewer days. ILO: *Hours of work. From fixed to flexible?*, op. cit., para. 207.

<sup>5</sup> Staggered hours are used to organize working time when workers or groups of workers start and finish work at slightly different, but fixed times. Ibid., para. 214.

<sup>6</sup> Flexitime arrangements are used to allow workers to schedule their own hours of work within specific limits, although workers are normally required to be present during specified core periods under such arrangements. Ibid., para. 231.

<sup>7</sup> Time-saving account arrangements (time banking) permit workers to build up “credits” or to accumulate “debts” in hours worked, up to a maximum amount; the periods over which the credits or debts are calculated are longer than with flexitime arrangements, ranging from several months to a year or even longer. ILO: *Working time in the 21st century*, op. cit., para. 116.

<sup>8</sup> Work-sharing is defined as a labour market instrument based on the reduction of working time intended to spread a reduced volume of work over the same (or a similar) number of workers in order to avoid lay-offs. Messenger, J.C. and Ghosheh, N. (eds): *Work sharing during the great recession. New developments and beyond* (ILO, 2013), p. 3.

<b>34. Information on trends and practice</b> Please provide information on: (a) the frequency at which the above working-time arrangements are used; (b) the sectors of the economy in which they are more frequent; and (c) the extent to which the current practice is compatible with relevant national laws and regulations.	
<b>35. Information on trends and practice</b> Please indicate the national policies, laws and regulations, if any, addressing the impact of information and communication technologies on availability and working time beyond regular office hours.	
<b>Social dialogue and collective bargaining on working time</b> Social dialogue and collective bargaining are important mechanisms in the arrangement and scheduling of working hours	
36. Please indicate how and to what extent social dialogue is used for the determination of national laws and regulations or other provisions on working time.	Arts 2(b), 5(1) and 6(2) of C.1; Art. 8 of C.30; Para. 20 of R.116; Art. 4 of C.14; Arts 4, 7 and 8 of C.106; Arts 2(2) and 9 of C.132; Art. 5 of C.89; Art. 1(1) of Protocol to C.89; Arts 10 and 11(2) of C.171; Arts 3(1) and 8(4) of C.175
37. Please provide examples of working-time arrangements addressed through collective bargaining agreements, with emphasis on the primary sectors of your economy.	Arts 2(b) and 5 of C.1; Art. 8 of C.30; Paras 3 and 11 of R.116; Art. 5 of C.14; Para. 7 of R.103; Arts 9(3) and 10(1) of C.132; Art. 11 of C.175; Art. 1(1) of Protocol to C.89; Art. 11 of C.171
<b>Consultations of employers' and workers' organizations as required by Conventions</b>	
38. Please provide information on consultations undertaken, if any, at the national level with the most representative organizations of employers and workers prior to:	
(a) the making of regulations determining permanent and temporary exceptions to regular working hours	Art. 6(2) of C.1;
(b) the making of regulations which permit hours of work to be distributed over a period longer than the week	Arts 7 and 8 of C.30
(c) the making of any measure relating to the introduction of special schemes implying total or partial exceptions to the normal weekly rest scheme (24 consecutive hours of rest over seven days of work)	Art. 4 of C.14; Art. 7(4) of C.106

(d) the determination of a minimum part of annual holidays which cannot be postponed and the time limit up to which the exceeding part of the stated minimum can be postponed	Art. 9(3) of C.132
(e) the determination of the meaning of the term “night work” and “night workers”	Art. 2 of C.89; Art. 1 of C.171
(f) the determination of the categories of workers excluded from the night work laws and regulations	Art. 2(2) of C.171
(g) the determination of the length of the period after childbirth where an alternative to night work should be available to women	Art. 7(b)(1)(ii) of C.171
(h) the making of laws and regulations concerning night work	Art. 11(2) of C.171
(i) the exclusion of certain categories of workers from the scope of application of part-time laws and regulations	Art. 3(1) of C.175
(j) the setting of hours of work and earning thresholds below which workers may be excluded from certain rights	Art. 8 of C.175
(k) the making of laws and regulations regarding part-time work	Art. 11 of C.175
<b>Measures of enforcement</b>	
39. (i) Please specify the relevant provisions requiring employers to: (a) notify, by the posting of notices in conspicuous positions in the establishment or other suitable place, the times at which hours of work begin and end, the rest periods granted and, where work is carried on by shifts, the times at which each shift begins and ends; and (b) keep a record of all additional hours of work and the payments made in respect thereof.	Art. 8(1) of C.1; Art. 11(2) of C.30
(ii) Please specify all measures, such as the posting of notices and the keeping of records, taken to ensure compliance with national laws and regulations concerning weekly rest.	Art. 7 of C.14; Paras 5 and 6 of R.103
(iii) Please provide information on the specific measures implemented by labour inspection to address working-time issues (including overtime, rest periods and leave); the role played by social actors and other institutions concerning compliance and enforcement of working-time national laws and regulations, and provision of penalties and application thereof.	Arts 11(1) and 12 of C.30; Art. 10(1) and (2) of C.106; Art. 14 of C.132

<b>Impact of ILO instruments/prospects of ratification</b>	
40. (i)	Please indicate whether any modifications have been made or are intended to be made to national laws and regulations or practice with a view to giving effect to all or some of the provisions of the Conventions or of the Recommendations concerning working time.
(ii)	Please indicate any prospects of ratification and identify any obstacles impeding or delaying ratification of Conventions Nos 1, 14, 30, 47, 89, 106, 132, 171, 175 and the Protocol of 1990 to Convention No. 89.
41.	If your country is a federal State:
(i)	please indicate whether the provisions of the Conventions or of the Recommendations are regarded by the federal government as appropriate, under the constitutional system, for federal action or as appropriate, in whole or in part, for action by the constituent states, provinces or cantons, rather than for federal action;
(ii)	Please indicate also any arrangements that it has been possible to make within the federal State, with a view to promoting coordinated action to give effect to all or some of the provisions of the Conventions and the Recommendations, giving a general indication of any results achieved through such action.
42.	Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23(2) of the Constitution of the ILO and state whether you have received from the organizations of employers and workers concerned any observations concerning the effect given, or to be given, to the instruments to which the present report relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.
<b>Possible needs for standards-related action and for technical assistance</b>	
43. (i)	Please provide your country's views on any existing gaps that would have to be addressed by future standards. What suggestions would your country wish to make concerning possible standards-related action on working time to be taken by the ILO, including the revision of standards and prospects of consolidation?
(ii)	Has your country formulated any request for technical assistance by the ILO to give effect to the instruments in question? If this is the case, what has been the effect of this support? If not, how could the ILO best provide appropriate assistance within its mandate to support country efforts in the area of working time?

**CONVENTION LIMITING THE HOURS OF WORK  
IN INDUSTRIAL UNDERTAKINGS TO EIGHT IN THE DAY  
AND FORTY-EIGHT IN THE WEEK<sup>1</sup>**

The General Conference of the International Labour Organisation,

Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and

Having decided upon the adoption of certain proposals with regard to the “application of the principle of the 8-hours day or of the 48-hours week”, which is the first item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the Hours of Work (Industry) Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

*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) 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 ship-building 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;
  - (d) transport of passengers or goods by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

2. The provisions relative to transport by sea and on inland waterways shall be determined by a special conference dealing with employment at sea and on inland waterways.

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

*Article 2*

The working hours of persons employed 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, shall not exceed eight in the day and forty-eight in the week, with the exceptions hereinafter provided for:

- (a) the provisions of this Convention shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity;
- (b) where by law, custom, or agreement between employers’ and workers’ organisations, or, where no such organisations exist, between employers’ and workers’ representatives, the hours of work

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<sup>1</sup> Ed.: This Convention came into force on 13 June 1921.

on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement between such organisations or representatives; provided, however, that in no case under the provisions of this paragraph shall the daily limit of eight hours be exceeded by more than one hour;

- (c) where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

### *Article 3*

The limit of hours of work prescribed in Article 2 may be exceeded 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.

### *Article 4*

The limit of hours of work prescribed in Article 2 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

### *Article 5*

1. In exceptional cases where it is recognised that the provisions of Article 2 cannot be applied, but only in such cases, agreements between workers' and employers' organisations concerning the daily limit of work over a longer period of time may be given the force of regulations, if the Government, to which these agreements shall be submitted, so decides.

2. The average number of hours worked per week, over the number of weeks covered by any such agreement, shall not exceed forty-eight.

### *Article 6*

1. Regulations made by public authority shall determine for industrial undertakings –

- (a) the permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent;
- (b) the temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work.

2. These regulations shall be made only after consultation with the organisations of employers and workers concerned, if any such organisations exist. These regulations shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one and one-quarter times the regular rate.

### *Article 7*

1. Each Government shall communicate to the International Labour Office –

- (a) a list of the processes which are classed as being necessarily continuous in character under Article 4;
- (b) full information as to working of the agreements mentioned in Article 5; and
- (c) full information concerning the regulations made under Article 6 and their application.

2. The International Labour Office shall make an annual report thereon to the General Conference of the International Labour Organisation.

## *Article 8*

1. In order to facilitate the enforcement of the provisions of this Convention, every employer shall be required –

- (a) to notify by means of the posting of notices in conspicuous places in the works or other suitable place, or by such other method as may be approved by the Government, the hours at which work begins and ends, and where work is carried on by shifts, the hours at which each shift begins and ends; these hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by this Convention, and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Government;
- (b) to notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours;
- (c) to keep a record in the form prescribed by law or regulation in each country of all additional hours worked in pursuance of Articles 3 and 6 of this Convention.

2. It shall be made an offence against the law to employ any person outside the hours fixed in accordance with paragraph (a), or during the intervals fixed in accordance with paragraph (b).

## *Article 9*

In the application of this Convention to Japan the following modifications and conditions shall obtain:

- (a) the term “industrial undertaking” includes particularly –
  - the undertakings enumerated in paragraph (a) of Article 1;
  - the undertakings enumerated in paragraph (b) of Article 1, provided there are at least ten workers employed;
  - the undertakings enumerated in paragraph (c) of Article 1, in so far as these undertakings shall be defined as “factories” by the competent authority;
  - the undertakings enumerated in paragraph (d) of Article 1, except transport of passengers or goods by road, handling of goods at docks, quays, wharves, and warehouses, and transport by hand; and,regardless of the number of persons employed, such of the undertakings enumerated in paragraphs (b) and (c) of Article 1 as may be declared by the competent authority either to be highly dangerous or to involve unhealthy processes;
- (b) the actual working hours of persons of fifteen years of age or over in any public or private industrial undertaking, or in any branch thereof, shall not exceed fifty-seven in the week, except that in the raw-silk industry the limit may be sixty hours in the week;
- (c) the actual working hours of persons under fifteen years of age in any public or private industrial undertaking, or in any branch thereof, and of all minors of whatever age engaged in underground work in the mines, shall in no case exceed forty-eight in the week;
- (d) the limit of hours of work may be modified under the conditions provided for in Articles 2, 3, 4 and 5 of this Convention, but in no case shall the length of such modification bear to the length of the basic rest week a proportion greater than that which obtains in those Articles;
- (e) a weekly rest period of twenty-four consecutive hours shall be allowed to all classes of workers;
- (f) the provision in Japanese factory legislation limiting its application to places employing fifteen or more persons shall be amended so that such legislation shall apply to places employing ten or more persons;
- (g) the provisions of the above paragraphs of this Article shall be brought into operation not later than 1 July 1922, except that the provisions of Article 4 as modified by paragraph (d) of this Article shall be brought into operation not later than 1 July 1923;
- (h) the age of fifteen prescribed in paragraph (c) of this Article shall be raised, not later than 1 July 1925, to sixteen.

### *Article 10*

In British India the principle of a sixty-hour week shall be adopted for all workers in the industries at present covered by the factory acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference.

### *Article 11*

The provisions of this Convention shall not apply to China, Persia, and Siam, but provisions limiting the hours of work in these countries shall be considered at a future meeting of the General Conference.

### *Article 12*

In the application of this Convention to Greece, the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July 1923, in the case of the following industrial undertakings:

- (1) carbon-bisulphide works,
- (2) acids works,
- (3) tanneries,
- (4) paper mills,
- (5) printing works,
- (6) sawmills,
- (7) warehouses for the handling and preparation of tobacco,
- (8) surface mining,
- (9) foundries,
- (10) lime works,
- (11) dye works,
- (12) glassworks (blowers),
- (13) gas works (firemen),
- (14) loading and unloading merchandise;

and to not later than 1 July 1924, in the case of the following industrial undertakings:

- (1) mechanical industries: machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus;
- (2) constructional industries: limekilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work;
- (3) textile industries: spinning and weaving mills of all kinds, except dye works;
- (4) food industries: flour and grist-mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses, and butcher shops;
- (5) chemical industries: manufactories of synthetic colours, glassworks (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gas works (except the firemen);
- (6) leather industries: shoe factories, manufactories of leather goods;
- (7) paper and printing industries: manufactories of envelopes, record books, boxes, bags, book-binding, lithographing, and zinc-engraving shops;
- (8) clothing industries: clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers, and trimmings, hat and umbrella factories;



- (9) woodworking industries: joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories;
- (10) electrical industries: power houses, shops for electrical installations;
- (11) transportation by land: employees on railroads and street cars, firemen, drivers, and carters.

#### *Article 13*

In the application of this Convention to Rumania the date at which its provisions shall be brought into operation in accordance with Article 19 may be extended to not later than 1 July 1924.

#### *Article 14*

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering the national safety.

#### *Article 15*

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 16*

1. Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing –

- (a) except where owing to the local conditions its provisions are inapplicable; or
- (b) subject to such modifications as may be necessary to adapt its provisions to local conditions.

2. Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

#### *Article 17*

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation.

#### *Article 18*

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, and it shall then be binding only upon those Members which have registered their ratifications with the International Labour Office. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the International Labour Office.

#### *Article 19*

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1921, and to take such action as may be necessary to make these provisions effective.

#### *Article 20*

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

*Article 21*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

*Article 22*

The French and English texts of this Convention shall both be authentic.

**CONVENTION CONCERNING THE APPLICATION  
OF THE WEEKLY REST IN INDUSTRIAL UNDERTAKINGS<sup>1</sup>**

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 Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the weekly rest day in industrial employment, which is included in the seventh item of the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Weekly Rest (Industry) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

*Article 1*

1. For the purpose of this Convention, the term “industrial undertaking” includes –

- (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;
- (d) transport of passengers or goods by road, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

2. This definition shall be subject to the special national exceptions contained in the Washington Convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week, so far as such exceptions are applicable to the present Convention.

3. Where necessary, in addition to the above enumeration, each Member may define the line of division which separates industry from commerce and agriculture.

*Article 2*

1. The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

2. This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.

3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

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<sup>1</sup> Ed.: This Convention came into force on 19 June 1923.

### *Article 3*

Each Member may except from the application of the provisions of Article 2 persons employed in industrial undertakings in which only the members of one single family are employed.

### *Article 4*

1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

### *Article 5*

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 4, except in cases where agreements or customs already provide for such periods.

### *Article 6*

1. Each Member will draw up a list of the exceptions made under Articles 3 and 4 of this Convention and will communicate it to the International Labour Office, and thereafter in every second year any modifications of this list which shall have been made.

2. The International Labour Office will present a report on this subject to the General Conference of the International Labour Organisation.

### *Article 7*

In order to facilitate the application of the provisions of this Convention, each employer, director, or manager, shall be obliged –

- (a) where the weekly rest is given to the whole of the staff collectively, to make known such days and hours of collective rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner approved by the Government;
- (b) where the rest period is not granted to the whole of the staff collectively, to make known, by means of a roster drawn up in accordance with the method approved by the legislation of the country, or by a regulation of the competent authority, the workers or employees subject to a special system of rest, and to indicate that system.

### *Article 8*

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

### *Article 9*

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

#### *Article 10*

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

#### *Article 11*

Each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2, 3, 4, 5, 6 and 7 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

#### *Article 12*

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of article 35 of the Constitution of the International Labour Organisation.

#### *Article 13*

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

#### *Article 14*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 15*

The French and English texts of this Convention shall both be authentic.

**CONVENTION CONCERNING THE REGULATION  
OF HOURS OF WORK IN COMMERCE AND OFFICES<sup>1</sup>**

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 Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to the regulations of hours of work in commerce and offices, which is included in the second item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Convention, which may be cited as the Hours of Work (Commerce and Offices) Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

*Article 1*

1. This Convention shall apply to persons employed in the following establishments, whether public or private:

- (a) commercial or trading establishments, including postal, telegraph and telephone services and commercial or trading branches of any other establishments;
- (b) establishments and administrative services in which the persons employed are mainly engaged in office work;
- (c) mixed commercial and industrial establishments, unless they are deemed to be industrial establishments.

The competent authority in each country shall define the line which separates commercial and trading establishments, and establishments in which the persons employed are mainly engaged in office work, from industrial and agricultural establishments.

2. The Convention shall not apply to persons employed in the following establishments:

- (a) establishments for the treatment or the care of the sick, infirm, destitute, or mentally unfit;
- (b) hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses;
- (c) theatres and places of public amusement.

The Convention shall nevertheless apply to persons employed in branches of the establishments mentioned in (a), (b) and (c) of this paragraph in cases where such branches would, if they were independent undertakings, be included among the establishments to which the Convention applies.

3. It shall be open to the competent authority in each country to exempt from the application of the Convention –

- (a) establishments in which only members of the employer's family are employed;
- (b) offices in which the staff is engaged in connection with the administration of public authority;
- (c) persons occupying positions of management or employed in a confidential capacity;
- (d) travellers and representatives, in so far as they carry on their work outside the establishment.

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<sup>1</sup> Ed.: This Convention came into force on 29 August 1933.

## Article 2

For the purpose of this Convention the term “hours of work” means the time during which the persons employed are at the disposal of the employer; it does not include rest periods during which the persons employed are not at the disposal of the employer.

## Article 3

The hours of work of persons to whom this Convention applies shall not exceed forty-eight hours in the week and eight hours in the day, except as hereinafter otherwise provided.

## Article 4

The maximum hours of work in the week laid down in Article 3 may be so arranged that hours of work in any day do not exceed ten hours.

## Article 5

1. In case of a general interruption of work due to (a) local holidays, or (b) accidents or *force majeure* (accidents to plant, interruption of power, light, heating or water, or occurrences causing serious material damage to the establishments), hours of work in the day may be increased for the purpose of making up the hours of work which have been lost, provided that the following conditions are complied with:

- (a) hours of work which have been lost shall not be allowed to be made up on more than thirty days in the year and shall be made up within a reasonable lapse of time;
- (b) the increase in hours of work in the day shall not exceed one hour;
- (c) hours of work in the day shall not exceed ten.

2. The competent authority shall be notified of the nature, cause and date of the general interruption of work, of the number of hours of work which have been lost, and of the temporary alterations provided for in the working time-table.

## Article 6

In exceptional cases where the circumstances in which the work has to be carried on make the provisions of Articles 3 and 4 inapplicable, regulations made by public authority may permit hours of work to be distributed over a period longer than the week, provided that the average hours of work over the number of weeks included in the period do not exceed forty-eight hours in the week and that hours of work in any day do not exceed ten hours.

## Article 7

Regulations made by public authority shall determine –

1. The permanent exceptions which may be allowed for –

- (a) certain classes of persons whose work is inherently intermittent, such as caretakers and persons employed to look after working premises and warehouses;
- (b) classes of persons directly engaged in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the hours of work of the rest of the persons employed in the establishment;
- (c) shops and other establishments where the nature of the work, the size of the population or the number of persons employed render inapplicable the working hours fixed in Articles 3 and 4.

2. The temporary exceptions which may be granted in the following cases:

- (a) in case of accident, actual or threatened, *force majeure*, or urgent work to machinery or plant, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment;
- (b) in order to prevent the loss of perishable goods or avoid endangering the technical results of the work;

- (c) in order to allow for special work such as stocktaking and the preparation of balance sheets, settlement days, liquidations, and the balancing and closing of accounts;
- (d) in order to enable establishments to deal with cases of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures.

3. Save as regards paragraph 2(a), the regulations made under this Article shall determine the number of additional hours of work which may be allowed in the day and, in respect of temporary exceptions, in the year.

4. The rate of pay for the additional hours of work permitted under paragraph 2(b), (c) and (d) of this Article shall not be less than one-and-a-quarter times the regular rate.

#### *Article 8*

The regulations provided for in Articles 6 and 7 shall be made after consultation with the workers' and employers' organisations concerned, special regard being paid to collective agreements, if any, existing between such workers' and employers' organisations.

#### *Article 9*

The operation of the provisions of this Convention may be suspended in any country by the Government in the event of war or other emergency endangering national safety.

#### *Article 10*

1. Nothing in this Convention shall affect any custom or agreement whereby shorter hours are worked or higher rates of remuneration are paid than those provided by this Convention.

2. Any restrictions imposed by this Convention shall be in addition to and not in derogation of any other restrictions imposed by any law, order or regulation which fixes a lower maximum number of hours of employment or a higher rate of remuneration than those provided by this Convention.

#### *Article 11*

For the effective enforcement of the provisions of this Convention –

1. The necessary measures shall be taken to ensure adequate inspection;
2. Every employer shall be required –
  - (a) to notify, by the posting of notices in conspicuous positions in the establishment or other suitable place, or by such method as may be approved by the competent authority, the times at which hours of work begin and end, and, where work is carried on by shifts, the times at which each shift begins and ends;
  - (b) to notify in the same way the rest periods granted to the persons employed which, in accordance with Article 2, are not included in the hours of work;
  - (c) to keep a record in the form prescribed by the competent authority of all additional hours of work performed in pursuance of paragraph 2 of Article 7 and of the payments made in respect thereof.

3. It shall be made an offence to employ any person outside the times fixed in accordance with paragraph 2(a) or during the periods fixed in accordance with paragraph 2(b) of this Article.

#### *Article 12*

Each Member which ratifies this Convention shall take the necessary measures in the form of penalties to ensure that the provisions of the Convention are enforced.



### *Article 13*

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

### *Article 14*

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

### *Article 15*

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

### *Article 16*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

### *Article 17*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### *Article 18*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force.

2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

### *Article 19*

The French and English texts of this Convention shall both be authentic.

## CONVENTION CONCERNING THE REDUCTION OF HOURS OF WORK TO FORTY A WEEK<sup>1</sup>

The General Conference of the International Labour Organisation,

Having met at Geneva in its Nineteenth Session on 4 June 1935,

Considering that the question of the reduction of hours of work is the sixth item on the agenda of the session,

Considering that unemployment has become so widespread and long continued that there are at the present time many millions of workers throughout the world suffering hardship and privation for which they are not themselves responsible and from which they are justly entitled to be relieved,

Considering that it is desirable that workers should as far as practicable be enabled to share in the benefits of the rapid technical progress which is a characteristic of modern industry, and

Considering that in pursuance of the Resolutions adopted by the Eighteenth and Nineteenth Sessions of the International Labour Conference it is necessary that a continuous effort should be made to reduce hours of work in all forms of employment to such extent as is possible,

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-five the following Convention, which may be cited as the Forty-Hour Week Convention, 1935:

### *Article 1*

Each Member of the International Labour Organisation which ratifies this Convention declares its approval of –

- (a) the principle of a forty-hour week applied in such a manner that the standard of living is not reduced in consequence; and
- (b) the taking or facilitating of such measures as may be judged appropriate to secure this end;

and undertakes to apply this principle to classes of employment in accordance with the detailed provisions to be prescribed by such separate Conventions as are ratified by that Member.

### *Article 2*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### *Article 3*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

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<sup>1</sup> Ed.: This Convention came into force on 23 June 1957.

#### *Article 4*

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

#### *Article 5*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take into effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 6*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 7*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 5 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 8*

The French and English texts of this Convention shall both be authentic.

## **RECOMMENDATION CONCERNING REDUCTION OF HOURS OF WORK**

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 Forty-sixth Session on 6 June 1962, and

Having decided upon the adoption of certain proposals with regard to hours of work, which is the ninth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation designed to supplement and facilitate the implementation of the existing international instruments concerning hours of work —

by indicating practical measures for the progressive reduction of hours of work, taking into account the different economic and social conditions in the different countries as well as the variety of national practices for the regulation of hours and other conditions of work;

by outlining in broad terms methods whereby such practical measures might be applied; and

by indicating the standard of the forty-hour week, which principle is set out in the Forty-Hour Week Convention, 1935, as a social standard to be reached by stages if necessary, and setting a maximum limit to normal hours of work, pursuant to the Hours of Work (Industry) Convention, 1919,

adopts this twenty-sixth day of June of the year one thousand nine hundred and sixty-two the following Recommendation, which may be cited as the Reduction of Hours of Work Recommendation, 1962:

### **I. GENERAL PRINCIPLES**

1. Each Member should formulate and pursue a national policy designed to promote by methods appropriate to national conditions and practice and to conditions in each industry the adoption of the principle of the progressive reduction of normal hours of work in conformity with Paragraph 4.

2. Each Member should, by means appropriate to the methods which are in operation or which may be introduced for the regulation of hours of work, promote and, in so far as is consistent with national conditions and practice, ensure the application of the principle of the progressive reduction of normal hours of work in conformity with Paragraph 4.

3. The principle of the progressive reduction of normal hours of work may be given effect through laws or regulations, collective agreements, or arbitration awards, by a combination of these various means, or in any other manner consistent with national practice, as may be most appropriate to national conditions and to the needs of each branch of activity.

4. Normal hours of work should be progressively reduced, when appropriate, with a view to attaining the social standard indicated in the Preamble of this Recommendation without any reduction in the wages of the workers as at the time hours of work are reduced.

5. Where the duration of the normal working week exceeds forty-eight hours, immediate steps should be taken to bring it down to this level without any reduction in the wages of the workers as at the time hours of work are reduced.

6. Where normal weekly hours of work are either forty-eight or less, measures for the progressive reduction of hours of work in accordance with Paragraph 4 should be worked out and implemented in a manner suited to the particular national circumstances and the conditions in each sector of economic activity.

7. Such measures should take into account —

- (a) the level of economic development attained and the extent to which the country is in a position to bring about a reduction in hours of work without reducing total production or productivity, endangering its economic growth, the development of new industries or its competitive position in international trade, and without creating inflationary pressures which would ultimately reduce the real income of the workers;
- (b) the progress achieved and which it is possible to achieve in raising productivity by the application of modern technology, automation and management techniques;
- (c) the need in the case of countries still in the process of development for improving the standards of living of their peoples; and
- (d) the preferences of employers' and workers' organisations in the different branches of activity concerned as to the manner in which the reduction in working hours might be brought about.

8. (1) The principle of the progressive reduction of normal hours of work, as expressed in Paragraph 4, may be applied by stages which need not be determined at the international level.

(2) Such stages may include —

- (a) stages spaced over time;
- (b) stages progressively encompassing branches or sectors of the national economy;
- (c) a combination of the two preceding arrangements; or
- (d) such other arrangements as may be most appropriate to national circumstances and to conditions in each sector of economic activity.

9. In carrying out measures for progressively reducing hours of work, priority should be given to industries and occupations which involve a particularly heavy physical or mental strain or health risks for the workers concerned, particularly where these consist mainly of women and young persons.

10. Each Member should communicate to the Director-General of the International Labour Office, at appropriate intervals, information on the results obtained in the application of the provisions of this Recommendation with all such details as may be asked for by the Governing Body of the International Labour Office.

## II. METHODS OF APPLICATION

### A. DEFINITION

11. Normal hours of work shall mean, for the purpose of this Recommendation, the number of hours fixed in each country by or in pursuance of laws or regulations, collective agreements or arbitration awards, or, where not so fixed, the number of hours in excess of which any time worked is remunerated at overtime rates or forms an exception to the recognised rules or custom of the establishment or of the process concerned.

### B. DETERMINATION OF HOURS OF WORK

12. (1) The calculation of normal hours of work as an average over a period longer than one week should be permitted when special conditions in certain branches of activity or technical needs justify it.

(2) The competent authority or body in each country should fix the maximum length of the period over which the hours of work may be averaged.

13. (1) Special provisions may be formulated with regard to processes which, by reason of their nature, have to be carried on continuously by a succession of shifts.

(2) Such special provisions should be so formulated that normal hours of work as an average in continuous processes do not exceed in any case the normal hours of work fixed for the economic activity concerned.

### C. EXCEPTIONS

14. The competent authority or body in each country should determine the circumstances and limits in which exceptions to the normal hours of work may be permitted —

- (a) permanently —
    - (i) in work which is essentially intermittent;
    - (ii) in certain exceptional cases required in the public interest;
    - (iii) in operations which for technical reasons must necessarily be carried on outside the limits laid down for the general working of the undertaking, part of the undertaking, or shift;
  - (b) temporarily —
    - (i) in case of accident, actual or threatened;
    - (ii) in case of urgent work to be done to machinery or plant;
    - (iii) in case of *force majeure*;
    - (iv) in case of abnormal pressure of work;
    - (v) to make up time lost through collective stoppages of work due to accidents to materials, interruptions to the power supply, inclement weather, shortages of materials or transport facilities, and calamities;
    - (vi) in case of national emergency;
  - (c) periodically —
    - (i) for annual stocktaking and the preparation of annual balance sheets;
    - (ii) for specified seasonal activities.
15. In cases where normal hours of work exceed forty-eight a week, the competent authority or body should, before authorising exceptions in the cases mentioned in subparagraphs (a)(i) and (iii), (b)(iv) and (v) and (c)(i) and (ii) of Paragraph 14, most carefully consider whether there is a real need for such exceptions.

### D. OVERTIME

16. All hours worked in excess of the normal hours should be deemed to be overtime, unless they are taken into account in fixing remuneration in accordance with custom.

17. Except for cases of *force majeure*, limits to the total number of hours of overtime which can be worked during a specified period should be determined by the competent authority or body in each country.

18. In arranging overtime, due consideration should be given to the special circumstances of young persons under 18 years of age, of pregnant women and nursing mothers and of handicapped persons.

19. (1) Overtime work should be remunerated at a higher rate or rates than normal hours of work.

(2) The rate or rates of remuneration for overtime should be determined by the competent authority or body in each country: Provided that in no case should the rate be less than that specified in Article 6, paragraph 2, of the Hours of Work (Industry) Convention, 1919.

### E. CONSULTATION OF EMPLOYERS AND WORKERS

20. (1) The competent authority should make a practice of consulting the most representative employers' and workers' organisations on questions relating to the application of this Recommendation.

(2) In particular, there should be such consultation on the following matters in so far as they are left to the determination of the competent authority in each country:

- (a) the arrangements provided for in Paragraph 8;
- (b) the maximum length of the period over which hours of work may be averaged as provided for in Paragraph 12;
- (c) the provisions which may be made in pursuance of Paragraph 13 concerning processes which have to be carried on continuously by a succession of shifts;
- (d) the exceptions provided for in Paragraph 14;
- (e) the limitation and remuneration of overtime provided for in Paragraphs 17 and 19.

#### F. SUPERVISION

21. For the effective enforcement of the measures taken to reduce hours of work progressively in pursuance of Paragraphs 4 and 5 —

- (a) appropriate measures should be taken to ensure the proper administration of the provisions concerning hours of work by means of adequate inspection or otherwise;
- (b) the employer should be required to notify the workers concerned, by the posting of notices in the establishment or by such other methods as may be approved by the competent authority, of —
  - (i) the times at which work begins and ends;
  - (ii) where work is carried on by shifts, the time at which each shift begins and ends;
  - (iii) rest periods which are not included in the normal hours of work;
  - (iv) the days worked during the week;
- (c) the employer should be required to keep, and on request to produce for inspection, a record in a form acceptable to the competent authority of the hours of work, wages and overtime for each worker;
- (d) provision should be made for such sanctions as may be appropriate to the method by which effect is given to the provisions of this Recommendation.

#### G. GENERAL PROVISIONS

22. This Recommendation does not affect any law, regulation, award, custom, agreement, or negotiation between employers and workers which ensures, or aims at ensuring, more favourable conditions for the workers.

23. This Recommendation does not apply to agriculture, to maritime transport and to maritime fishing. Special provisions should be formulated for these branches of economic activity.

**CONVENTION CONCERNING NIGHT WORK OF WOMEN  
EMPLOYED IN INDUSTRY (REVISED 1948)<sup>1</sup>**

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Night Work (Women) Convention, 1919, adopted by the Conference at its First Session, and the Night Work (Women) Convention (Revised), 1934, adopted by the Conference at its Eighteenth Session, which is the ninth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention,  
adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Night Work (Women) Convention (Revised), 1948:

**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.

*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.

*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.

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<sup>1</sup> Ed.: This Convention came into force on 27 February 1951. It was partially revised by the Protocol adopted in 1990. See also Convention No. 171. Convention No. 89 is open to ratification either with the Protocol or separately.



#### *Article 4*

Article 3 shall not apply –

- (a) in case 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.

#### *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.

#### *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.

#### *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.

#### *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.

### 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.

#### *Article 10*

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*

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.

### *Article 12*

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding Articles of Part II of this Convention.

2. Any such draft amendment shall state the Member or Members to which it applies, and shall, within the period of one year, or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

## **PART III. FINAL PROVISIONS**

### *Article 13*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### *Article 14*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

### *Article 15*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### *Article 17*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### *Article 18*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 19*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 20*

The English and French versions of the text of this Convention are equally authoritative.

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

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 77th Session on 6 June 1990, and

Having decided upon the adoption of certain proposals with regard to night work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol to the Night Work (Women) Convention (Revised), 1948 (hereinafter referred to as “the Convention”),

adopts this twenty-sixth day of June 1990 the following Protocol, which may be cited as the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948.

*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.

## *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;
- (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.

## *Article 3*

Information on the variations and exemptions introduced pursuant to this Protocol shall be included in the reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation.

## *Article 4*

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification of the Protocol to the Director-General of the International Labour Office for registration. Such ratification shall take effect 12 months after the date on which it has been registered by the Director-General. Thereafter the Convention shall be binding on the Member concerned with the addition of Articles 1 to 3 of this Protocol.

2. The Director-General of the International Labour Office shall notify all Members of the International Labour Office of the registration of all ratifications of this Protocol communicated to him by parties to the Convention.

3. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications registered by him in accordance with the provisions of paragraph 1 of this Article.

## *Article 5*

The English and French versions of the text of this Protocol are equally authoritative.

**Recommendation No. 13**

**RECOMMENDATION CONCERNING NIGHT WORK  
OF WOMEN IN AGRICULTURE**

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 Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the night work of women in agriculture, which is included in the third item of the agenda of the session, and

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

adopts the following Recommendation, which may be cited as the Night Work of Women (Agriculture) Recommendation, 1921, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

The General Conference of the International Labour Organisation recommends:

That each Member of the International Labour Organisation take steps to regulate the employment of women wage-earners in agricultural undertakings during the night in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine hours, which shall, when possible, be consecutive.

## CONVENTION CONCERNING WEEKLY REST IN COMMERCE AND OFFICES<sup>1</sup>

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 Fortieth Session on 5 June 1957, and

Having decided upon the adoption of certain proposals with regard to weekly rest in commerce and offices, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven the following Convention, which may be cited as the Weekly Rest (Commerce and Offices) Convention, 1957:

### *Article 1*

The provisions of this Convention shall, in so far as they are not otherwise made effective by means of statutory wage fixing machinery, collective agreements, arbitration awards or in such other manner consistent with national practice as may be appropriate under national conditions, be given effect by national laws or regulations.

### *Article 2*

This Convention applies to all persons, including apprentices, employed in the following establishments, institutions or administrative services, whether public or private:

- (a) trading establishments;
- (b) establishments, institutions and administrative services in which the persons employed are mainly engaged in office work, including offices of persons engaged in the liberal professions;
- (c) in so far as the persons concerned are not employed in establishments referred to in Article 3 and are not subject to national regulations or other arrangements concerning weekly rest in industry, mines, transport or agriculture –
  - (i) the trading branches of any other establishments;
  - (ii) the branches of any other establishments in which the persons employed are mainly engaged in office work;
  - (iii) mixed commercial and industrial establishments.

### *Article 3*

1. This Convention shall also apply to persons employed in such of the following establishments as the Member ratifying the Convention may specify in a declaration accompanying its ratification:

- (a) establishments, institutions and administrative services providing personal services;
- (b) post and telecommunications services;
- (c) newspaper undertakings; and
- (d) theatres and places of public entertainment.

2. Any Member which has ratified this Convention may subsequently communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention in respect of establishments referred to in the preceding paragraph which are not already specified in a previous declaration.

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<sup>1</sup> Ed.: This Convention came into force on 4 March 1959.

3. Each Member which has ratified this Convention shall indicate in its annual reports under article 22 of the Constitution of the International Labour Organisation to what extent effect has been given or is proposed to be given to the provisions of the Convention in respect of such establishments referred to in paragraph 1 of this Article as are not covered in virtue of a declaration made in conformity with paragraphs 1 or 2 of this Article, and any progress which may have been made with a view to the progressive application of the Convention in such establishments.

#### *Article 4*

1. Where necessary, appropriate arrangements shall be made to define the line which separates the establishments to which this Convention applies from other establishments.

2. In any case in which it is doubtful whether an establishment, institution or administrative service is one to which this Convention applies, the question shall be settled either by the competent authority after consultation with the representative organisations of employers and workers concerned, where such exist, or in any other manner which is consistent with national law and practice.

#### *Article 5*

Measures may be taken by the competent authority or through the appropriate machinery in each country to exclude from the provisions of this Convention:

- (a) establishments in which only members of the employer's family who are not or cannot be considered to be wage earners are employed;
- (b) persons holding high managerial positions.

#### *Article 6*

1. All persons to whom this Convention applies shall, except as otherwise provided by the following Articles, be entitled to an uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of seven days.

2. The weekly rest period shall, wherever possible, be granted simultaneously to all the persons concerned in each establishment.

3. The weekly rest period shall, wherever possible, coincide with the day of the week established as a day of rest by the traditions or customs of the country or district.

4. The traditions and customs of religious minorities shall, as far as possible, be respected.

#### *Article 7*

1. Where the nature of the work, the nature of the service performed by the establishment, the size of the population to be served, or the number of persons employed is such that the provisions of Article 6 cannot be applied, measures may be taken by the competent authority or through the appropriate machinery in each country to apply special weekly rest schemes, where appropriate, to specified categories of persons or specified types of establishments covered by this Convention, regard being paid to all proper social and economic considerations.

2. All persons to whom such special schemes apply shall be entitled, in respect of each period of seven days, to rest of a total duration at least equivalent to the period provided for in Article 6.

3. Persons working in branches of establishments subject to special schemes, which branches would, if independent, be subject to the provisions of Article 6, shall be subject to the provisions of that Article.

4. Any measures regarding the application of the provisions of paragraphs 1, 2 and 3 of this Article shall be taken in consultation with the representative employers' and workers' organisations concerned, where such exist.

#### *Article 8*

1. Temporary exemptions, total or partial (including the suspension or reduction of the rest period), from the provisions of Articles 6 and 7 may be granted in each country by the competent



authority or in any other manner approved by the competent authority which is consistent with national law and practice –

- (a) in case of accident, actual or threatened, *force majeure* or urgent work to premises and equipment, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment;
- (b) in the event of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures;
- (c) in order to prevent the loss of perishable goods.

2. In determining the circumstances in which temporary exemptions may be granted in accordance with the provisions of subparagraphs (b) and (c) of the preceding paragraph, the representative employers' and workers' organisations concerned, where such exist, shall be consulted.

3. Where temporary exemptions are made in accordance with the provisions of this Article, the persons concerned shall be granted compensatory rest of a total duration at least equivalent to the period provided for under Article 6.

#### *Article 9*

In so far as wages are regulated by laws and regulations or subject to the control of administrative authorities, there shall be no reduction of the income of persons covered by this Convention as a result of the application of measures taken in accordance with the Convention.

#### *Article 10*

1. Appropriate measures shall be taken to ensure the proper administration of regulations or provisions concerning the weekly rest, by means of adequate inspection or otherwise.

2. Where it is appropriate to the manner in which effect is given to the provisions of this Convention, the necessary measures in the form of penalties shall be taken to ensure the enforcement of its provisions.

#### *Article 11*

Each Member which ratifies this Convention shall include in its annual reports under article 22 of the Constitution of the International Labour Organisation –

- (a) lists of the categories of persons and the types of establishment subject to special weekly rest schemes as provided for in Article 7; and
- (b) information concerning the circumstances in which temporary exemptions may be granted in accordance with the provisions of Article 8.

#### *Article 12*

None of the provisions of this Convention shall affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention.

#### *Article 13*

The provisions of this Convention may be suspended in any country by the government in the event of war or other emergency constituting a threat to the national safety.

#### *Article 14*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 15*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### *Article 16*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 17*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### *Article 18*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### *Article 19*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 20*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 21*

The English and French versions of the text of this Convention are equally authoritative.

## **RECOMMENDATION CONCERNING WEEKLY REST IN COMMERCE AND OFFICES**

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 Fortieth Session on 5 June 1957, and

Having decided upon the adoption of certain proposals with regard to weekly rest in commerce and offices, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Weekly Rest (Commerce and Offices) Convention, 1957,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven the following Recommendation, which may be cited as the Weekly Rest (Commerce and Offices) Recommendation, 1957:

Whereas the Weekly Rest (Commerce and Offices) Convention, 1957, provides for weekly rest in commercial establishments and offices and it is desirable to supplement the provisions thereof;

The Conference recommends that the following provisions should be applied:

1. The persons to whom the Weekly Rest (Commerce and Offices) Convention, 1957, applies should as far as possible be entitled to a weekly rest of not less than 36 hours which, wherever practicable, should be an uninterrupted period.

2. The weekly rest provided for by Article 6 of the Weekly Rest (Commerce and Offices) Convention, 1957, should, wherever practicable, be so calculated as to include the period from midnight to midnight and should not include other rest periods immediately preceding or following the period from midnight to midnight.

3. Special rest schemes provided for by Article 7 of the Weekly Rest (Commerce and Offices) Convention, 1957, should ensure —

- (a) that persons to whom such special schemes apply do not work for more than three weeks without receiving the rest periods to which they are entitled; and
- (b) that, where it is not possible to grant rest periods of 24 consecutive hours, rest periods comprise not less than 12 hours of uninterrupted rest.

4. (1) Young persons under 18 years of age should, wherever practicable, be granted an uninterrupted weekly rest of two days.

(2) The provisions of Article 8 of the Weekly Rest (Commerce and Offices) Convention, 1957, should not be applied to young persons under 18 years of age.

5. In any establishment in which the weekly rest period for any of the persons employed is other than the period established by national practice, the persons concerned should be notified of the days and hours of weekly rest by means of notices posted up conspicuously in the establishment or other convenient place, or in any other manner consistent with national law and practice.

6. Appropriate measures should be taken to ensure the maintenance of such records as may be necessary for the proper administration of weekly rest arrangements and in particular of records of the arrangements made with respect to —

- (a) persons to whom a special weekly rest scheme applies in accordance with the provisions of Article 7 of the Weekly Rest (Commerce and Offices) Convention, 1957;
- (b) persons to whom the temporary exemptions provided for in Article 8 of the Weekly Rest (Commerce and Offices) Convention, 1957, apply.

7. In cases in which Article 9 of the Weekly Rest (Commerce and Offices) Convention, 1957, is inapplicable because wages are not regulated by laws and regulations or subject to the control of administrative authorities, provision should be made by collective agreements or otherwise to ensure that the application of measures taken in accordance with the Convention does not result in reduction of the income of persons covered by the Convention.

**CONVENTION CONCERNING ANNUAL HOLIDAYS  
WITH PAY (REVISED)<sup>1</sup>**

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 Fifty-fourth Session on 3 June 1970, and

Having decided upon the adoption of certain proposals with regard to holidays with pay, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy the following Convention, which may be cited as the Holidays with Pay Convention (Revised), 1970:

*Article 1*

The provisions of this Convention, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards, court decisions, statutory wage fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

*Article 2*

1. This Convention applies to all employed persons, with the exception of seafarers.
2. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Convention limited categories of employed persons in respect of whose employment special problems of a substantial nature, relating to enforcement or to legislative or constitutional matters, arise.
3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

*Article 3*

1. Every person to whom this Convention applies shall be entitled to an annual paid holiday of a specified minimum length.
2. Each Member which ratifies this Convention shall specify the length of the holiday in a declaration appended to its ratification.
3. The holiday shall in no case be less than three working weeks for one year of service.
4. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a holiday longer than that specified at the time of ratification.

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<sup>1</sup> Ed.: This Convention came into force on 30 June 1973.

#### *Article 4*

1. A person whose length of service in any year is less than that required for the full entitlement prescribed in the preceding Article shall be entitled in respect of that year to a holiday with pay proportionate to his length of service during that year.

2. The expression “year” in paragraph 1 of this Article shall mean the calendar year or any other period of the same length determined by the competent authority or through the appropriate machinery in the country concerned.

#### *Article 5*

1. A minimum period of service may be required for entitlement to any annual holiday with pay.

2. The length of any such qualifying period shall be determined by the competent authority or through the appropriate machinery in the country concerned but shall not exceed six months.

3. The manner in which length of service is calculated for the purpose of holiday entitlement shall be determined by the competent authority or through the appropriate machinery in each country.

4. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, absence from work for such reasons beyond the control of the employed person concerned as illness, injury or maternity shall be counted as part of the period of service.

#### *Article 6*

1. Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention.

2. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, periods of incapacity for work resulting from sickness or injury may not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention.

#### *Article 7*

1. Every person taking the holiday envisaged in this Convention shall receive in respect of the full period of that holiday at least his normal or average remuneration (including the cash equivalent of any part of that remuneration which is paid in kind and which is not a permanent benefit continuing whether or not the person concerned is on holiday), calculated in a manner to be determined by the competent authority or through the appropriate machinery in each country.

2. The amounts due in pursuance of paragraph 1 of this Article shall be paid to the person concerned in advance of the holiday, unless otherwise provided in an agreement applicable to him and the employer.

#### *Article 8*

1. The division of the annual holiday with pay into parts may be authorised by the competent authority or through the appropriate machinery in each country.

2. Unless otherwise provided in an agreement applicable to the employer and the employed person concerned, and on condition that the length of service of the person concerned entitles him to such a period, one of the parts shall consist of at least two uninterrupted working weeks.

#### *Article 9*

1. The uninterrupted part of the annual holiday with pay referred to in Article 8, paragraph 2, of this Convention shall be granted and taken no later than one year, and the remainder of the annual holiday with pay no later than eighteen months, from the end of the year in respect of which the holiday entitlement has arisen.

2. Any part of the annual holiday which exceeds a stated minimum may be postponed, with the consent of the employed person concerned, beyond the period specified in paragraph 1 of this Article and up to a further specified time-limit.

3. The minimum and the time-limit referred to in paragraph 2 of this Article shall be determined by the competent authority after consultation with the organisations of employers and workers concerned, or through collective bargaining, or in such other manner consistent with national practice as may be appropriate under national conditions.

#### *Article 10*

1. The time at which the holiday is to be taken shall, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the employer after consultation with the employed person concerned or his representatives.

2. In fixing the time at which the holiday is to be taken, work requirements and the opportunities for rest and relaxation available to the employed person shall be taken into account.

#### *Article 11*

An employed person who has completed a minimum period of service corresponding to that which may be required under Article 5, paragraph 1, of this Convention shall receive, upon termination of employment, a holiday with pay proportionate to the length of service for which he has not received such a holiday, or compensation in lieu thereof, or the equivalent holiday credit.

#### *Article 12*

Agreements to relinquish the right to the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention or to forgo such a holiday, for compensation or otherwise, shall, as appropriate to national conditions, be null and void or be prohibited.

#### *Article 13*

Special rules may be laid down by the competent authority or through the appropriate machinery in each country in respect of cases in which the employed person engages, during the holiday, in a gainful activity conflicting with the purpose of the holiday.

#### *Article 14*

Effective measures appropriate to the manner in which effect is given to the provisions of this Convention shall be taken to ensure the proper application and enforcement of regulations or provisions concerning holidays with pay, by means of adequate inspection or otherwise.

#### *Article 15*

1. Each Member may accept the obligations of this Convention separately –
- (a) in respect of employed persons in economic sectors other than agriculture;
  - (b) in respect of employed persons in agriculture.

2. Each Member shall specify in its ratification whether it accepts the obligations of the Convention in respect of the persons covered by subparagraph (a) of paragraph 1 of this Article, in respect of the persons covered by subparagraph (b) of paragraph 1 of this Article, or in respect of both.

3. Each Member which has on ratification accepted the obligations of this Convention only in respect either of the persons covered by subparagraph (a) of paragraph 1 of this Article or of the persons covered by subparagraph (b) of paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of all persons to whom this Convention applies.

#### Article 16

This Convention revises the Holidays with Pay Convention, 1936, and the Holidays with Pay (Agriculture) Convention, 1952, on the following terms:

- (a) acceptance of the obligations of this Convention in respect of employed persons in economic sectors other than agriculture by a Member which is a party to the Holidays with Pay Convention, 1936, shall *ipso jure* involve the immediate denunciation of that Convention;
- (b) acceptance of the obligations of this Convention in respect of employed persons in agriculture by a Member which is a party to the Holidays with Pay (Agriculture) Convention, 1952, shall *ipso jure* involve the immediate denunciation of that Convention;
- (c) the coming into force of this Convention shall not close the Holidays with Pay (Agriculture) Convention, 1952, to further ratification.

#### Article 17

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### Article 19

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 20

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### Article 21

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.



#### *Article 22*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 23*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 19 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 24*

The English and French versions of the text of this Convention are equally authoritative.

## **RECOMMENDATION CONCERNING HOLIDAYS WITH PAY**

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 Thirty-seventh Session on 2 June 1954, and

Having decided upon the adoption of certain proposals with regard to holidays with pay, which is the seventh item on the agenda of the session, and

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

adopts this twenty-third day of June of the year one thousand nine hundred and fifty-four the following Recommendation, which may be cited as the Holidays with Pay Recommendation, 1954:

The Conference recommends that the following provisions should be applied and that each Member should report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

1. (1) Having regard to the variety of national practices, the provisions of this Recommendation may be given effect by means of public or voluntary action, through legislation, statutory wage fixing machinery, collective agreements or arbitration awards, or in any other manner consistent with national practice, as may be appropriate under national conditions.

(2) The adoption of any procedures specified in subparagraph (1) should not prejudice the particular concern of governments to call into action all appropriate constitutional or legal machinery when voluntary action, action by employers' and workers' organisations or collective agreements do not give speedy and satisfactory results.

2. The following forms of action might be considered, *inter alia*, by the competent authority in the various countries, wherever appropriate:

- (a) encouraging the provision of holidays with pay through collective agreements freely concluded by both parties participating in collective bargaining machinery;
- (b) assisting employers' and workers' organisations to establish joint voluntary machinery, or establishing, where necessary, statutory machinery, which would, *inter alia*, be competent to determine annual holidays with pay in a particular trade or activity;
- (c) granting powers in the field of annual holidays with pay to existing statutory wage fixing bodies where these bodies do not already possess such powers;
- (d) collecting detailed information regarding provisions governing annual holidays with pay, and making such information available to employers' and workers' organisations.

3. This Recommendation applies to all employed persons, with the exception of seafarers, agricultural workers and persons employed in undertakings or establishments in which only members of the employer's family are engaged.

4. (1) Every person covered by this Recommendation should be entitled to an annual holiday with pay. The duration of the annual holiday with pay should be proportionate to the length of service performed with one or more employers during the year concerned and should be not less than two working weeks for twelve months of service.

(2) The appropriate machinery in each country may, where appropriate, determine —

- (a) the number of days which a worker should have worked to become eligible for the annual holiday with pay or for a proportion thereof;
- (b) the method of calculating the period of service of a worker in a particular year for the purpose of determining the annual holiday with pay to be taken by him in respect of that year.

(3) It should be left to the appropriate machinery in each country to provide that, where employment ceases before the worker has completed the service necessary to become eligible for an annual holiday with pay in accordance with the provisions of subparagraphs (1) and (2) above, he should be entitled to a holiday with pay proportionate to the period of service performed or to compensation in lieu thereof or to the equivalent holiday credit, whichever is the more practicable.

5. The appropriate machinery in each country should determine the days such as public or customary holidays, days of weekly rest, days of absence from work on account of accident at work or sickness, and periods of rest occasioned by pre- and post-natal care which are not to be counted as days of holiday with pay for the purpose of these provisions.

6. It should be left to the appropriate machinery in each country to determine whether the duration of the annual holiday with pay should increase with length of service or by reason of other factors.

7. (1) Interruptions of work during which the worker receives wages should not affect entitlement to or the duration of the annual holiday with pay.

(2) Interruptions of work which do not give rise to a termination of the employment relationship or contract should not affect any entitlement to a holiday with pay which has been accumulated prior to the interruption.

(3) The appropriate machinery in each country should determine the manner in which the principles set out in subparagraphs (1) and (2) above should be applied to interruptions of work occasioned by —

- (a) sickness, accident and periods of rest occasioned by pre- and post-natal care;
- (b) absences on account of family events;
- (c) military obligations;
- (d) the exercise of civic rights and duties;
- (e) the performance of duties arising from trade union responsibilities;
- (f) changes in the management of the undertaking;
- (g) intermittent involuntary unemployment.

8. The entitlement of a worker to the annual holiday with pay and the duration of such holiday should not be affected by interruptions occasioned by pregnancy and confinement if the worker concerned resumes employment and if her absence does not exceed a specified period.

9. (1) There should be consultation between employers and workers regarding the time when the annual holiday with pay is to be taken. In determining this time the personal wishes of the worker should be taken into consideration as far as possible.

(2) The worker should be notified of the date at which the annual holiday with pay is to begin sufficiently in advance so that he can make use of his holiday in an appropriate manner.

10. Young workers under eighteen years of age should receive a longer period of annual holiday with pay than the minimum provided for in Paragraph 4.

11. Every person taking an annual holiday with pay should receive in respect of the full period of the holiday, at the minimum, either —

- (a) the remuneration determined for such holiday period by collective agreements, arbitration awards or national laws and regulations; or
- (b) his normal remuneration, as prescribed by national laws or regulations or by any other means established by national practice, including the cash equivalent of his remuneration in kind, if any.

12. It should be left to collective agreements, arbitration awards, or national laws and regulations, to prescribe the system of holiday records which should be maintained and the particulars which should be included in such records, as may be necessary for the proper administration of provisions or regulations concerning annual holidays with pay.

13. Preliminary consultation, in such a manner and to such an extent as may be consistent with national laws and practice, should take place between representative organisations of employers and

workers and the competent authorities prior to the framing of laws or regulations governing annual holidays with pay.

14. Representative organisations of employers and workers should be given an opportunity to participate on a basis of complete equality in the operation of bodies entrusted by national laws or regulations with the determination of annual holidays with pay or in the implementation of regulations concerning annual holidays with pay, or should be consulted or have a right to be heard in such a manner and to such an extent as may be consistent with national laws and practice.

## CONVENTION CONCERNING NIGHT WORK<sup>1</sup>

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 77th Session on 6 June 1990, and

Noting the provisions of international labour Conventions and Recommendations on the night work of children and young persons, and specifically the provisions in the Night Work of Young Persons (Non Industrial Occupations) Convention and Recommendation, 1946, the Night Work of Young Persons (Industry) Convention (Revised), 1948, and the Night Work of Children and Young Persons (Agriculture) Recommendation, 1921, and

Noting the provisions of international labour Conventions and Recommendations on night work of women, and specifically the provisions in the Night Work (Women) Convention (Revised), 1948, and the Protocol of 1990 thereto, the Night Work of Women (Agriculture) Recommendation, 1921, and Paragraph 5 of the Maternity Protection Recommendation, 1952, and

Noting the provisions of the Discrimination (Employment and Occupation) Convention, 1958, and

Noting the provisions of the Maternity Protection Convention (Revised), 1952, and

Having decided upon the adoption of certain proposals with regard to night work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and ninety the following Convention, which may be cited as the Night Work Convention, 1990:

### *Article 1*

For the purposes of this Convention:

- (a) the term “night work” means all work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m., to be determined by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements;
- (b) the term “night worker” means an employed person whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit. This limit shall be fixed by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements.

### *Article 2*

1. This Convention applies to all employed persons except those employed in agriculture, stock raising, fishing, maritime transport and inland navigation.

2. A Member which ratifies this Convention may, after consulting the representative organisations of employers and workers concerned, exclude wholly or partly from its scope limited categories of workers when the application of the Convention to them would raise special problems of a substantial nature.

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<sup>1</sup> Ed.: This Convention came into force on 4 January 1995.

3. Each Member which avails itself of the possibility afforded in paragraph 2 of this Article shall, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate the particular categories of workers thus excluded and the reasons for their exclusion. It shall also describe all measures taken with a view to progressively extending the provisions of the Convention to the workers concerned.

#### *Article 3*

1. Specific measures required by the nature of night work, which shall include, as a minimum, those referred to in Articles 4 to 10, shall be taken for night workers in order to protect their health, assist them to meet their family and social responsibilities, provide opportunities for occupational advancement, and compensate them appropriately. Such measures shall also be taken in the fields of safety and maternity protection for all workers performing night work.

2. The measures referred to in paragraph 1 above may be applied progressively.

#### *Article 4*

1. At their request, workers shall have the right to undergo a health assessment without charge and to receive advice on how to reduce or avoid health problems associated with their work:

- (a) before taking up an assignment as a night worker;
- (b) at regular intervals during such an assignment;
- (c) if they experience health problems during such an assignment which are not caused by factors other than the performance of night work.

2. With the exception of a finding of unfitness for night work, the findings of such assessments shall not be transmitted to others without the workers' consent and shall not be used to their detriment.

#### *Article 5*

Suitable first aid facilities shall be made available for workers performing night work, including arrangements whereby such workers, where necessary, can be taken quickly to a place where appropriate treatment can be provided.

#### *Article 6*

1. Night workers certified, for reasons of health, as unfit for night work shall be transferred, whenever practicable, to a similar job for which they are fit.

2. If transfer to such a job is not practicable, these workers shall be granted the same benefits as other workers who are unable to work or to secure employment.

3. A night worker certified as temporarily unfit for night work shall be given the same protection against dismissal or notice of dismissal as other workers who are prevented from working for reasons of health.

#### *Article 7*

1. Measures shall be taken to ensure that an alternative to night work is available to women workers who would otherwise be called upon to perform such work:

- (a) before and after childbirth, for a period of at least sixteen weeks of which at least eight weeks shall be before the expected date of childbirth;
- (b) for additional periods in respect of which a medical certificate is produced stating that it is necessary for the health of the mother or child:
  - (i) during pregnancy;
  - (ii) during a specified time beyond the period after childbirth fixed pursuant to subparagraph (a) above, the length of which shall be determined by the competent authority after consulting the most representative organisations of employers and workers.

2. The measures referred to in paragraph 1 of this Article may include transfer to day work where this is possible, the provision of social security benefits or an extension of maternity leave.

3. During the periods referred to in paragraph 1 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 the woman worker 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 by any of the measures listed in paragraph 2 of this Article, by other appropriate measures or by a combination of these measures;
- (c) a woman worker shall not lose the benefits regarding status, seniority and access to promotion which may attach to her regular night work position.

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

#### *Article 8*

Compensation for night workers in the form of working time, pay or similar benefits shall recognise the nature of night work.

#### *Article 9*

Appropriate social services shall be provided for night workers and, where necessary, for workers performing night work.

#### *Article 10*

1. Before introducing work schedules requiring the services of night workers, the employer shall consult the workers' representatives concerned on the details of such schedules and the forms of organisation of night work that are best adapted to the establishment and its personnel as well as on the occupational health measures and social services which are required. In establishments employing night workers this consultation shall take place regularly.

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

#### *Article 11*

1. The provisions of this Convention may be implemented by laws or regulations, collective agreements, arbitration awards or court decisions, a combination of these means or in any other manner appropriate to national conditions and practice. In so far as they have not been given effect by other means, they shall be implemented by laws or regulations.

2. Where the provisions of this Convention are implemented by laws or regulations, there shall be prior consultation with the most representative organisations of employers and workers.

#### *Article 12*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 13*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### *Article 14*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 15*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### *Article 16*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### *Article 17*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 18*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 19*

The English and French versions of the text of this Convention are equally authoritative.



## **RECOMMENDATION CONCERNING NIGHT WORK**

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 77th Session on 6 June 1990, and

Having decided upon the adoption of certain proposals with regard to night work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Night Work Convention, 1990,

adopts this twenty-sixth day of June of the year one thousand nine hundred and ninety the following Recommendation, which may be cited as the Night Work Recommendation, 1990:

### **I. GENERAL PROVISIONS**

1. For the purposes of this Recommendation:

- (a) the term “night work” means all work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m., to be determined by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements;
- (b) the term “night worker” means an employed person whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit. This limit shall be fixed by the competent authority after consulting the most representative organisations of employers and workers or by collective agreements.

2. This Recommendation applies to all employed persons, except those employed in agriculture, stock raising, fishing, maritime transport and inland navigation.

3. (1) The provisions of this Recommendation may be implemented by laws or regulations, collective agreements, arbitration awards or court decisions, a combination of these means or in any other manner appropriate to national conditions and practice. In so far as they have not been given effect by other means, they should be implemented by laws or regulations.

(2) Where the provisions of this Recommendation are implemented by laws or regulations, there should be prior consultation with the most representative organisations of employers and workers.

### **II. HOURS OF WORK AND REST PERIODS**

4. (1) Normal hours of work for night workers should not exceed eight in any 24-hour period in which they perform night work, except in the case of work which includes substantial periods of mere attendance or stand-by, in cases in which alternative working schedules give workers at least equivalent protection over different periods or in cases of exceptional circumstances recognised by collective agreements or failing that by the competent authority.

(2) The normal hours of work of night workers should generally be less on average than and, in any case, not exceed on average those of workers performing the same work to the same requirements by day in the branch of activity or the undertaking concerned.

(3) Night workers should benefit to at least the same extent as other workers from general measures for reducing normal weekly hours of work and increasing days of paid leave.

5. (1) Work should be organised in such a way as to avoid, as far as possible, overtime by night workers before or after a daily period of work which includes night work.

(2) In occupations involving special hazards or heavy physical or mental strain, no overtime should be performed by night workers before or after a daily period of work which includes night work, except in cases of *force majeure* or of actual or imminent accident.

6. Where shift work involves night work:

- (a) in no case should two consecutive full-time shifts be performed, except in cases of *force majeure* or of actual or imminent accident;
- (b) a rest period of at least 11 hours between two shifts should be guaranteed as far as possible.

7. Daily periods of work which include night work should include a break or breaks to enable workers to rest and eat. The scheduling and total length of these breaks should take account of the demands placed on workers by the nature of night work.

### III. FINANCIAL COMPENSATION

8. (1) Night work should generally give rise to appropriate financial compensation. Such compensation should be additional to the remuneration paid for the same work performed to the same requirements during the day and:

- (a) should respect the principle of equal pay for men and women for the same work, or for work of equal value; and
- (b) may by agreement be converted into reduced working time.

(2) In determining such compensation, the extent of reductions in working hours may be taken into account.

9. Where financial compensation for night work is a normal element in a night worker's earnings, it should be included in the calculation of the remuneration of paid annual leave, paid public holidays and other absences that are normally paid as well as in the fixing of social security contributions and benefits.

### IV. SAFETY AND HEALTH

10. Employers and the workers' representatives concerned should be able to consult the occupational health services, where they exist, on the consequences of various forms of organisation of night work, especially when undertaken by rotating crews.

11. In determining the content of the tasks assigned to night workers, account should be taken of the nature of night work and of the effects of environmental factors and forms of work organisation. Special attention should be paid to factors such as toxic substances, noise, vibrations and lighting levels and to forms of work organisation involving heavy physical or mental strain. Cumulative effects from such factors and forms of work organisation should be avoided or reduced.

12. The employer should take the necessary measures to maintain during night work the same level of protection against occupational hazards as by day, in particular avoiding, as far as possible, the isolation of workers.

### V. SOCIAL SERVICES

13. Measures should be taken to limit or reduce the time spent by night workers in travelling between their residence and workplace, to avoid or reduce additional travelling expenses for them and to improve their safety when travelling at night. Such measures may include:

- (a) co-ordination between the starting and finishing times of daily periods of work which include night work and the schedules of local public transport services;
- (b) provision by the employer of collective means of transport for night workers where public transport services are not available;
- (c) assistance to night workers in the acquisition of appropriate means of transport;
- (d) the payment of appropriate compensation for additional travelling expenses;
- (e) the building of housing complexes within a reasonable distance of the workplace.

14. Measures should be taken to improve the quality of rest for night workers. Such measures may include:

- (a) advice and, where appropriate, assistance to night workers for noise insulation of their housing;
- (b) design and equipping of housing complexes which take into account the need to reduce noise levels.

15. Suitably equipped resting facilities should be made available to night workers in appropriate places in the undertaking.

16. The employer should take the necessary measures to enable workers performing night work to obtain meals and beverages. Such measures, devised in such a way as to meet the needs of night workers, may include:

- (a) making available, at appropriate places in the undertaking, food and beverages suitable for consumption at night;
- (b) access to facilities where workers may, at night, prepare or heat and eat food which they have brought.

17. The extent to which night work is performed locally should be one of the factors to be taken into consideration when deciding on the establishment of crèches or other services for the care of young children, choosing their location and determining their opening hours.

18. The specific constraints on night workers should be duly taken into consideration by the public authorities, by other institutions and by employers within the framework of measures to encourage training and retraining, as well as cultural, sporting or recreational activities for workers.

## VI. OTHER MEASURES

19. At any point during pregnancy, once this is known, women night workers who so request should be assigned to day work, as far as practicable.

20. In cases of shift work, the special situation of workers with family responsibilities, of workers undergoing training and of older workers should be taken into consideration when decisions are taken on the composition of night crews.

21. Except in cases of *force majeure* or of actual or imminent accident, workers should be given reasonable notice of a requirement to perform night work.

22. Measures should be taken, where appropriate, to enable night workers, like other workers, to benefit from training opportunities including paid educational leave.

23. (1) Night workers who have completed a given number of years on night work should be accorded special consideration with respect to vacancies for day work for which they have the necessary qualifications.

(2) Preparations should be made for such transfers by facilitating the training of night workers where necessary for tasks normally performed by day.

24. Workers who have spent a considerable number of years as night workers should be accorded special consideration with respect to opportunities for voluntary early or phased retirement where such opportunities exist.

25. Night workers who have a trade union or workers' representation function should, like other workers who assume such a function, be able to exercise it in appropriate conditions. The need to carry out workers' representation functions should be taken into consideration when decisions are made concerning assignment of workers' representatives to night work.

26. Statistics on night work should be improved and studies on the effects of different forms of organisation of night work, particularly when carried out in the framework of shift systems, should be intensified.

27. Wherever possible, advantage should be taken of scientific and technical progress and of innovations relating to work organisation in order to limit recourse to night work.

## **CONVENTION CONCERNING PART-TIME WORK<sup>1</sup>**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office,  
and having met in its 81st Session on 7 June 1994, and

Noting the relevance, for part-time workers, of the provisions of the Equal Remuneration Convention, 1951, the Discrimination (Employment and Occupation) Convention, 1958, and the Workers with Family Responsibilities Convention and Recommendation, 1981, and

Noting the relevance for these workers of the Employment Promotion and Protection against Unemployment Convention, 1988, and the Employment Policy (Supplementary Provisions) Recommendation, 1984, and

Recognizing the importance of productive and freely chosen employment for all workers, the economic importance of part-time work, the need for employment policies to take into account the role of part-time work in facilitating additional employment opportunities, and the need to ensure protection for part-time workers in the areas of access to employment, working conditions and social security, and

Having decided upon the adoption of certain proposals with regard to part-time work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,  
adopts this twenty-fourth day of June of the year one thousand nine hundred and ninety-four the following Convention, which may be cited as the Part-Time Work Convention, 1994:

### *Article 1*

For the purposes of this Convention:

- (a) the term “part-time worker” means an employed person whose normal hours of work are less than those of comparable full-time workers;
- (b) the normal hours of work referred to in subparagraph (a) may be calculated weekly or on average over a given period of employment;
- (c) the term “comparable full-time worker” refers to a full-time worker who:
  - (i) has the same type of employment relationship;
  - (ii) is engaged in the same or a similar type of work or occupation; and
  - (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,as the part-time worker concerned;
- (d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

### *Article 2*

This Convention does not affect more favourable provisions applicable to part-time workers under other international labour Conventions.

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<sup>1</sup> Ed.: This Convention had not received the necessary number of ratifications to come into force by 15 May 1996.

### *Article 3*

1. This Convention applies to all part-time workers, it being understood that a Member may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from its scope particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature.

2. Each Member having ratified this Convention which avails itself of the possibility afforded in the preceding paragraph shall, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate any particular category of workers or of establishments thus excluded and the reasons why this exclusion was or is still judged necessary.

### *Article 4*

Measures shall be taken to ensure that part-time workers receive the same protection as that accorded to comparable full-time workers in respect of:

- (a) the right to organize, the right to bargain collectively and the right to act as workers' representatives;
- (b) occupational safety and health;
- (c) discrimination in employment and occupation.

### *Article 5*

Measures appropriate to national law and practice shall be taken to ensure that part-time workers do not, solely because they work part time, receive a basic wage which, calculated proportionately on an hourly, performance-related, or piece-rate basis, is lower than the basic wage of comparable full-time workers, calculated according to the same method.

### *Article 6*

Statutory social security schemes which are based on occupational activity shall be adapted so that part-time workers enjoy conditions equivalent to those of comparable full-time workers; these conditions may be determined in proportion to hours of work, contributions or earnings, or through other methods consistent with national law and practice.

### *Article 7*

Measures shall be taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of:

- (a) maternity protection;
- (b) termination of employment;
- (c) paid annual leave and paid public holidays; and
- (d) sick leave,

it being understood that pecuniary entitlements may be determined in proportion to hours of work or earnings.

### *Article 8*

1. Part-time workers whose hours of work or earnings are below specified thresholds may be excluded by a Member:

- (a) from the scope of any of the statutory social security schemes referred to in Article 6, except in regard to employment injury benefits;
- (b) from the scope of any of the measures taken in the fields covered by Article 7, except in regard to maternity protection measures other than those provided under statutory social security schemes.

2. The thresholds referred to in paragraph 1 shall be sufficiently low as not to exclude an unduly large percentage of part-time workers.

3. A Member which avails itself of the possibility provided for in paragraph 1 above shall:
- (a) periodically review the thresholds in force;
  - (b) in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate the thresholds in force, the reasons therefor and whether consideration is being given to the progressive extension of protection to the workers excluded.
4. The most representative organizations of employers and workers shall be consulted on the establishment, review and revision of the thresholds referred to in this Article.

#### *Article 9*

1. Measures shall be taken to facilitate access to productive and freely chosen part-time work which meets the needs of both employers and workers, provided that the protection referred to in Articles 4 to 7 is ensured.

2. These measures shall include:

- (a) the review of laws and regulations that may prevent or discourage recourse to or acceptance of part-time work;
- (b) the use of employment services, where they exist, to identify and publicize possibilities for part-time work in their information and placement activities;
- (c) special attention, in employment policies, to the needs and preferences of specific groups such as the unemployed, workers with family responsibilities, older workers, workers with disabilities and workers undergoing education or training.

3. These measures may also include research and dissemination of information on the degree to which part-time work responds to the economic and social aims of employers and workers.

#### *Article 10*

Where appropriate, measures shall be taken to ensure that transfer from full-time to part-time work or vice versa is voluntary, in accordance with national law and practice.

#### *Article 11*

The provisions of this Convention shall be implemented by laws or regulations, except in so far as effect is given to them by means of collective agreements or in any other manner consistent with national practice. The most representative organizations of employers and workers shall be consulted before any such laws or regulations are adopted.

#### *Article 12*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 13*

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

#### *Article 14*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 15*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

#### *Article 16*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciations registered by him in accordance with the provisions of the preceding Articles.

#### *Article 17*

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 18*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 19*

The English and French versions of the text of this Convention are equally authoritative.

## **RECOMMENDATION CONCERNING PART-TIME WORK**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 81st Session on 7 June 1994, and

Having decided upon the adoption of certain proposals with regard to part-time work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Part-Time Work Convention, 1994,

adopts this twenty-fourth day of June of the year one thousand nine hundred and ninety-four the following Recommendation, which may be cited as the Part-Time Work Recommendation, 1994:

1. The provisions of this Recommendation should be considered in conjunction with those of the Part-Time Work Convention, 1994 (hereafter referred to as “the Convention”).

2. For the purposes of this Recommendation:

- (a) the term “part-time worker” means an employed person whose normal hours of work are less than those of comparable full-time workers;
- (b) the normal hours of work referred to in clause (a) may be calculated weekly or on average over a given period of employment;
- (c) the term “comparable full-time worker” refers to a full-time worker who:
  - (i) has the same type of employment relationship;
  - (ii) is engaged in the same or a similar type of work or occupation; and
  - (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,as the part-time worker concerned;
- (d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

3. This Recommendation applies to all part-time workers.

4. In accordance with national law and practice, employers should consult the representatives of the workers concerned on the introduction or extension of part-time work on a broad scale, on the rules and procedures applying to such work and on the protective and promotional measures that may be appropriate.

5. Part-time workers should be informed of their specific conditions of employment in writing or by any other means consistent with national law and practice.

6. The adaptations to be made in accordance with Article 6 of the Convention to statutory social security schemes which are based on occupational activity should aim at:

- (a) if appropriate, progressively reducing threshold requirements based on earnings or hours of work as a condition for coverage by these schemes;
- (b) as appropriate, granting to part-time workers minimum or flat-rate benefits, in particular old-age, sickness, invalidity and maternity benefits, as well as family allowances;
- (c) accepting in principle that part-time workers whose employment has come to an end or been suspended and who are seeking only part-time employment meet the condition of availability for work required for the payment of unemployment benefits;



- (d) reducing the risk that part-time workers may be penalized by schemes which:
- (i) subject the right to benefits to a qualifying period, expressed in terms of periods of contribution, of insurance or of employment during a given reference period; or
  - (ii) fix the amount of benefits by reference both to the average of former earnings and to the length of the periods of contribution, of insurance or of employment.
7. (1) Where appropriate, threshold requirements for access to coverage under private occupational schemes which supplement or replace statutory social security schemes should be progressively reduced to allow part-time workers to be covered as widely as possible.
- (2) Part-time workers should be protected by such schemes under conditions equivalent to those of comparable full-time workers. Where appropriate, these conditions may be determined in proportion to hours of work, contributions or earnings.
8. (1) As appropriate, threshold requirements based on hours of work or earnings as specified under Article 8 of the Convention in the fields referred to in its Article 7 should be progressively reduced.
- (2) The periods of service required as a condition for protection in the fields referred to in Article 7 of the Convention should not be longer for part-time workers than for comparable full-time workers.
9. Where part-time workers have more than one job, their total hours of work, contributions or earnings should be taken into account in determining whether they meet threshold requirements in statutory social security schemes which are based on occupational activity.
10. Part-time workers should benefit on an equitable basis from financial compensation, additional to basic wages, which is received by comparable full-time workers.
11. All appropriate measures should be taken to ensure that as far as practicable part-time workers have access on an equitable basis to the welfare facilities and social services of the establishment concerned; these facilities and services should, to the extent possible, be adapted to take into account the needs of part-time workers.
12. (1) The number and scheduling of hours of work of part-time workers should be established taking into account the interests of the worker as well as the needs of the establishment.
- (2) As far as possible, changes in the agreed work schedule and work beyond scheduled hours should be subject to restrictions and to prior notice.
- (3) The system of compensation for work beyond the agreed work schedule should be subject to negotiations in accordance with national law and practice.
13. In accordance with national law and practice, part-time workers should have access on an equitable basis, and as far as possible under equivalent conditions, to all forms of leave available to comparable full-time workers, in particular paid educational leave, parental leave and leave in cases of illness of a child or another member of a worker's immediate family.
14. Where appropriate, the same rules should apply to part-time workers as to comparable full-time workers with respect to scheduling of annual leave and work on customary rest days and public holidays.
15. Where appropriate, measures should be taken to overcome specific constraints on the access of part-time workers to training, career opportunities and occupational mobility.
16. Provisions of statutory social security schemes based on occupational activity that may discourage recourse to or acceptance of part-time work should be adapted, in particular those which:
- (a) result in proportionately higher contributions for part-time workers unless these are justified by corresponding proportionately higher benefits;
  - (b) without reasonable grounds, significantly reduce the unemployment benefits of unemployed workers who temporarily accept part-time work;
  - (c) overemphasize, in the calculation of old-age benefits, the reduced income from part-time work undertaken solely during the period preceding retirement.
17. Measures should be considered by employers to facilitate access to part-time work at all levels of the enterprise, including skilled and managerial positions where appropriate.

18. (1) Where appropriate, employers should give consideration to:

- (a) requests by workers for transfer from full-time to part-time work that becomes available in the enterprise; and
- (b) requests by workers for transfer from part-time to full-time work that becomes available in the enterprise.

(2) Employers should provide timely information to the workers on the availability of part-time and full-time positions in the establishment, in order to facilitate transfers from full-time to part-time work or vice versa.

19. A worker's refusal to transfer from full-time to part-time work or vice versa should not in itself constitute a valid reason for termination of employment, without prejudice to termination, in accordance with national law and practice, for other reasons such as may arise from the operational requirements of the establishment concerned.

20. Where national or establishment-level conditions permit, workers should be enabled to transfer to part-time work in justified cases, such as pregnancy or the need to care for a young child or a disabled or sick member of a worker's immediate family, and subsequently to return to full-time work.

21. Where obligations on employers depend on the number of the workers they employ, part-time workers should be counted as full-time workers. Nevertheless, where appropriate, part-time workers may be counted proportionately to their hours of work, it being understood that where such obligations refer to the protection mentioned in Article 4 of the Convention, they should be counted as full-time workers.

22. Information should be disseminated on the protective measures that apply to part-time work and on practical arrangements for various part-time work schemes.