

No. 586

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## INTERNATIONAL LABOUR ORGANISATION

**Convention concerning the employment of women before and after childbirth, adopted by the General Conference of the International Labour Organisation at its first session, Washington, 29 November 1919, as modified by the Final Articles Revision Convention, 1946**

*English and French official texts communicated by the Director-General of the International Labour Office. The registration took place on 15 September 1949.*

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## ORGANISATION INTERNATIONALE DU TRAVAIL

**Convention concernant l'emploi des femmes avant et après l'accouchement, adoptée par la Conférence générale de l'Organisation internationale du Travail à sa première session, Washington, 29 Novembre 1919, telle qu'elle a été modifiée par la Convention portant revision des articles finals, 1946**

*Textes officiels anglais et français communiqués par le Directeur général de l'Organisation internationale du Travail. L'enregistrement a eu lieu le 15 septembre 1949.*

No. 586. CONVENTION<sup>1</sup> CONCERNING THE UNEMPLOYMENT OF WOMEN BEFORE AND AFTER CHILD-BIRTH, AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION, 1946<sup>2</sup>

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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 "women's employment, before and after childbirth, including the question of maternity benefit", which is part of the third 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 Maternity Protection 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 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,

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<sup>1</sup> For the date of entry into force of the Convention and the list of ratifications see Certified Statement on page 64.

<sup>2</sup> See page 3.

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 foundation 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, and warehouses, but excluding transport by hand.

2. For the purpose of this Convention, the term "commercial undertaking" includes any place where articles are sold or where commerce is carried on.

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

### *Article 2*

For the purpose of this Convention, the term "woman" signifies any female person, irrespective of age or nationality, whether married or unmarried, and the term "child" signifies any child whether legitimate or illegitimate.

### *Article 3*

In any public or private industrial or commercial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman—

- (a) shall not be permitted to work during the six weeks following her confinement;
- (b) shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks;
- (c) shall, while she is absent from her work in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife; no mistake of the medical adviser in estimating the date of confinement

shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place;

- (d) shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

#### *Article 4*

Where a woman is absent from her work in accordance with paragraphs (a) or (b) of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

#### *Article 5*

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 6*

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 7*

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 8*

This Convention shall come into force at the date on which such notification is issued by the Director-General of the International Labour Office, but 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 9*

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1922, and to take such action as may be necessary to make these provisions effective.

*Article 10*

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 11*

At least once in ten years the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

*Article 12*

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

The foregoing is the authentic text of the Maternity Protection Convention, 1919, as modified by the Final Articles Revision Convention, 1946.

The original text of the Convention was authenticated on 1 December 1919 by the signatures of W. B. Wilson, President of the Conference, and H. B. Butler, Secretary-General of the Conference.

The Convention first came into force on 13 June 1921.

IN FAITH WHEREOF I have, in pursuance of the provisions of Article 6 of the Final Articles Revision Convention, 1946, authenticated with my signature this thirtieth day of April 1948 two original copies of the text of the Convention as modified.

Edward PHELAN

Director-General  
of the International Labour Office

## CERTIFIED STATEMENT

This is to certify that the Maternity Protection Convention, 1919, adopted by the International Labour Conference on 29 November 1919 at its First Session, and which entered into force on 18 June 1921, has to date been ratified by the following countries<sup>1</sup> and that these ratifications were duly registered on the dates indicated<sup>2</sup>:

<i>Country</i>	<i>Date of registration of ratification</i>	<i>Country</i>	<i>Date of registration of ratification</i>
Argentina .....	30.11.1933	Latvia .....	3. 6.1928
* Brazil .....	26. 4.1934	* Luxembourg .....	16. 4.1928
Bulgaria .....	14. 2.1922	Nicaragua .....	12. 4.1934
Chile .....	15. 9.1925	Rumania .....	13. 6.1921
* Colombia .....	20. 6.1933	Spain .....	4. 7.1923
Cuba .....	6. 8.1928	Uruguay .....	6. 6.1938
Germany .....	31.10.1927	* Venezuela .....	20.11.1944
Greece .....	19.11.1920	Yugoslavia .....	1. 4.1927
Hungary .....	19. 4.1928		

Geneva, 10 August 1949.

For the Director-General

C. W. JENKS  
*Legal Adviser*

<sup>1</sup> It would not be appropriate for the International Labour Office to express an opinion with regard to the complex questions of a constitutional and juridical nature which may arise in regard to the effect of political or military events on the position of certain countries which have ratified the Convention.

<sup>2</sup> The names of Members Parties to the Final Articles Revision Convention, 1946, are marked by an asterisk.