

No. 587

INTERNATIONAL LABOUR ORGANISATION

Convention concerning the employment of women during the night, adopted by the General Conference of the International Labour Organisation at its first session, Washington, 28 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.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention concernant le travail de nuit des femmes, adoptée par la Conférence générale de l'Organisation internationale du Travail à sa première session, Washington, 28 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. 587. CONVENTION¹ CONCERNING THE EMPLOYMENT OF WOMEN DURING THE NIGHT, AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION, 1946²

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: during the night," 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 Night Work (Women) Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions 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, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well,

¹ For the date of entry into force of the Convention and the list of ratifications see Certified Statement on page 76.

² See page 3.

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.

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

Article 2

1. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

2. 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 the interval between ten o'clock in the evening and five o'clock in the morning.

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.

Article 4

Article 3 shall not apply—

- (a) in cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;
- (b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

Article 5

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

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 to the health, the night period may be shorter than prescribed in the above articles, provided that compensatory rest is accorded during the day.

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. 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 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.

Article 11

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 12

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 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 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 15

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

The foregoing is the authentic text of the Night Work (Women) 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 Night Work (Women) Convention, 1919, adopted by the International Labour Conference on 28 November 1919 at its First Session, and which entered into force on 13 June 1921, has to date been ratified by the following countries¹ and that these ratifications were duly registered on the dates indicated²:

<i>Country</i>	<i>Date of registration of ratification</i>	<i>Country</i>	<i>Date of registration of ratification</i>
Afghanistan	12. 6.1939	* Italy	10. 4.1923
Albania	17. 3.1932	Lithuania	19. 6.1931
Argentina	30.11.1933	* Luxembourg	16. 4.1928
* Austria	12. 6.1924	* Netherlands ⁹	4. 9.1922
* Belgium ³	12. 7.1924	Nicaragua	12. 4.1934
* Brazil ⁴	26. 4.1934	Peru	8.11.1945
Bulgaria	14. 2.1922	Portugal	10. 5.1932
Chile	8.10.1931	Rumania	13. 6.1921
* Colombia	20. 6.1933	Spain	29. 9.1932
Cuba	6. 8.1928	* Switzerland ¹⁰	9.10.1922
Czechoslovakia	24. 8.1921	* Union of South Africa ¹¹	1.11.1921
Estonia ⁵	20.12.1922	* United Kingdom ¹²	14. 7.1921
* France	14. 5.1925	Uruguay	6. 6.1933
Greece ⁶	19.11.1920	* Venezuela	7. 3.1933
Hungary ⁷	19. 4.1928	Yugoslavia	1. 4.1927
* India	14. 7.1921		
* Ireland ⁸	4. 9.1925		

¹ 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.

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

³ Ratification denounced on 4 August 1937 in consequence of the ratification of the Night Work (Women) Convention (Revised), 1934.

⁴ Ratification denounced on 12 May 1937 in consequence of the ratification of the Night Work (Women) Convention (Revised), 1934.

⁵ Ratification denounced on 28 January 1936 in consequence of the ratification of the Night Work (Women) Convention (Revised), 1934.

⁶ Ratification denounced on 30 June 1936 in consequence of the ratification of the Night Work (Women) Convention (Revised), 1934.

⁷ Ratification denounced on 18 December 1936 in consequence of the ratification of the Night Work (Women) Convention (Revised), 1934.

⁸ Ratification denounced on 15 March 1937 in consequence of the ratification of the Night Work (Women) Convention (Revised), 1934.

⁹ Ratification denounced on 12 June 1937 in consequence of the ratification of the Night Work (Women) Convention (Revised), 1934.

¹⁰ Ratification denounced on 4 June 1936 in consequence of the ratification of the Night Work (Women) Convention (Revised), 1934.

¹¹ Ratification denounced on 25 October 1935 in consequence of the ratification of the Night Work (Women) Convention (Revised), 1934.

¹² Ratification denounced on 25 January 1937 in consequence of the ratification of the Night Work (Women) Convention (Revised), 1934.

The Convention is also in force for Pakistan, which became a Member of the International Labour Organisation on 31 October 1947, on which date the Director-General of the International Labour Office received a letter from the Government of Pakistan accepting the obligations of the Constitution of the Organisation; this declaration states that the Government of Pakistan recognises that the obligations resulting from the ratification by India of International Labour Conventions before 15 August 1947 continue to be binding upon Pakistan in accordance with the terms of these Conventions.

The Convention is also in force for Burma. In 1937 the United Kingdom Government delegate declared at the Twenty-third Session of the Conference that Burma had ceased to form a part of India on 1 April 1937 but would continue to observe the International Labour Conventions ratified up to that date by India and would participate in future in the work of the International Labour Organisation through the medium of the Government of the United Kingdom which was empowered to accept on behalf of and with the consent of the Government of Burma the obligations arising from future international Conventions. Burma became a Member of the International Labour Organisation on 18 May 1948, on which date the Director-General of the International Labour Office received the instrument of acceptance by the Government of the Union of Burma of the obligations of the Constitution of the Organisation; this instrument states that the Government of Burma recognises that the obligations resulting from the ratification by India as regards Burma of International Labour Conventions before 1 April 1937 continue to be binding on the Union of Burma in accordance with the terms of these Conventions.

Geneva, 10 August 1949.

For the Director-General

C. W. JENKS
Legal Adviser