

No. 589

INTERNATIONAL LABOUR ORGANISATION

Convention concerning the night work of young persons employed in industry, 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 enfants dans l'industrie, 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 révision 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. 589. CONVENTION¹ CONCERNING THE NIGHT WORK
OF YOUNG PERSONS EMPLOYED IN INDUSTRY, AS
MODIFIED BY THE FINAL ARTICLES REVISION
CONVENTION, 1946²

The General Conference of the International Labour Organisation,

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

Having decided upon the adoption of certain proposals with regard to
the "employment of children : during the night", which is part of
the fourth item in the agenda for the Washington meeting of the
Conference, and

Having determined that these proposals shall take the form of an inter-
national Convention,

adopts the following Convention, which may be cited as the Night Work
of Young Persons (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 under-
taking" 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 genera-
tion, transformation, and transmission of electricity or motive power
of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration, or demol-
ition 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,

¹ For the date of entry into force of the Convention and the list of ratifications
see Certified Statement on page 104.

² See page 3.

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 or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

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

Article 2

1. Young persons under eighteen years 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, except as hereinafter provided for.

2. Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which, by reason of the nature of the process, is required to be carried on continuously day and night :

- (a) manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process);
- (b) glass works;
- (c) manufacture of paper;
- (d) manufacture of raw sugar;
- (e) gold mining reduction work.

Article 3

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 coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

3. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

4. In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

Article 4

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not a periodical character, and which interfere with the normal working of the industrial undertaking.

Article 5

In the application of this Convention to Japan, until 1 July 1925, Article 2 shall apply only to young persons under fifteen years of age and thereafter it shall apply only to young persons under sixteen years of age.

Article 6

In the application of this Convention to India, the term "industrial undertaking" shall include only "factories" as defined in the Indian Factory Act, and Article 2 shall not apply to male young persons over fourteen years of age.

Article 7

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

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, 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 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 of Young Persons (Industry) 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 of Young Persons (Industry) Convention, 1919, adopted by the International Labour Conference on 28 November 1919 at its First Session, and which entered into force on 18 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>
Albania	17. 3.1932	Latvia	8. 6.1926
Argentina	30.11.1933	Lithuania	19. 6.1931
* Austria	12. 6.1924	* Luxembourg	16. 4.1928
* Belgium	12. 7.1924	* Mexico	20. 5.1937
* Brazil	26. 4.1934	* Netherlands	17. 8.1924
Bulgaria	14. 2.1922	Nicaragua	12. 4.1934
Chile	15. 9.1925	* Poland	21. 6.1924
Cuba	6. 8.1928	Portugal	10. 5.1932
* Denmark	4. 1.1923	Rumania	18. 6.1921
Estonia	20.12.1922	Spain	29. 9.1932
* France	25. 8.1925	* Switzerland	9.10.1922
Greece	19.11.1920	* United Kingdom ³ ..	14. 7.1921
Hungary	19. 4.1928	Uruguay	6. 6.1933
* India	14. 7.1921	* Venezuela	7. 8.1933
* Ireland	4. 9.1925	Yugoslavia	1. 4.1927
* Italy	10. 4.1923		

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 the future in the work of the International Labour Organisation through the medium of the Government of the United Kingdom

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 4.10.1947.

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