

No. 613

INTERNATIONAL LABOUR ORGANISATION

Convention concerning the regulation of hours of work in commerce and offices, adopted by the General Conference of the International Labour Organisation at its fourteenth session, Geneva, 28 June 1930, 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 la réglementation de la durée du travail dans le commerce et dans les bureaux, adoptée par la Conférence générale de l'Organisation internationale du Travail à sa quatorzième session, Genève, 28 juin 1930, 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. 613. CONVENTION¹ CONCERNING THE REGULATION OF HOURS OF WORK IN COMMERCE AND OFFICES, AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION, 1946²

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 regulation 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.

¹ For the date of entry into force of the Convention and the list of ratifications see Certified Statement on page 100.

² United Nations, *Treaty Series*, Volume 38, page 3.

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.

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 restriction 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 the expiration of each period of ten years after the coming into force of this Convention, 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 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.

The foregoing is the authentic text of the Hours of Work (Commerce and Offices) Convention, 1930, as modified by the Final Articles Revision Convention, 1946.

The original text of the Convention was authenticated on 25 July 1930 by the signatures of E. Mahaim, President of the Conference, and Albert Thomas, Director of the International Labour Office.

The Convention first came into force on 29 August 1933.

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 thirty-first day of August 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 Hours of Work (Commerce and Offices) Convention, 1930, adopted by the International Labour Conference on 28 June 1930 at its Fourteenth Session, and which entered into force on 29 August 1933, has to date been ratified by the following countries and that these ratifications were duly registered on the dates indicated ¹:

<i>Country</i>	<i>Date of registration of ratification</i>	<i>Country</i>	<i>Date of registration of ratification</i>
* Austria ²	16. 2.1933	* Mexico	12. 5.1934
Bulgaria	22. 6.1932	* New Zealand	29. 3.1938
Chile	18.10.1935	Nicaragua	12. 4.1934
Cuba	24. 2.1936	Spain	29. 8.1932
* Finland	13. 1.1936	Uruguay	6. 6.1933

Geneva, 10 August 1949.

For the Director-General

C. W. JENKS
Legal Adviser

¹ The names of Members Parties to the Final Articles Revision Convention, 1946, are marked by an asterisk.

² Ratification conditional upon and to date from the day of the registration of the ratification of Germany.