

INTERNATIONAL LABOUR ORGANISATION

Convention concerning employment of women during the night (revised 1934) adopted by the General Conference of the International Labour Organisation at its eighteenth session, Geneva, 19 June 1934, 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 (révisée en 1934) adoptée par la Conférence générale de l'Organisation internationale du Travail à sa dix-huitième session, Genève, 19 juin 1934, 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. 623. CONVENTION¹ CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT (REVISED 1934), 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 Eighteenth
Session on 4 June 1934, and

Having decided upon the adoption of certain proposals with regard
to the partial revision of the Convention concerning employment
of women during the night adopted by the Conference at its First
Session, which is the seventh item on the agenda of the Session, and

Considering that these proposals must take the form of an international
Convention,

adopts this nineteenth day of June of the year one thousand nine hundred
and thirty-four the following Convention, which may be cited as the Night
Work (Women) Convention (Revised), 1934 :

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 demo-
lition 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 14.

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

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. Provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that in the case of women employed in that industry or area, the interval between eleven o'clock in the evening and six o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

3. 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

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

Article 9

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

Article 10

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 11

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 12

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 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 13

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 14

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 12 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 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 (Revised), 1934, as modified by the Final Articles Revision Convention, 1946.

The original text of the Convention was authenticated on 9 August 1934 by the signatures of Justin Godart, President of the Conference, and Harold Butler, Director of the International Labour Office.

The Convention first came into force on 22 November 1936.

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 Night Work (Women) Convention (Revised), 1934, adopted by the International Labour Conference on 19 June 1934 at its Eighteenth Session, and which entered into force on 22 November 1936, 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	* Iraq	28. 3.1938
* Belgium	4. 8.1937	* Ireland	15. 3.1937
* Brazil	8. 6.1936	* Netherlands	9.12.1935
Egypt	11. 7.1947	* New Zealand	29. 3.1938
Estonia	21.12.1935	Peru	8.11.1945
* France	25. 1.1938	* Switzerland	4. 6.1936
Greece	30. 5.1936	* Union of South Africa	28. 5.1935
Hungary	18.12.1936	* United Kingdom	25. 1.1937
* India	22.11.1935	* Venezuela	20.11.1944

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 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

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.

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