

No. 12658

MULTILATERAL

Convention (No. 132) concerning annual holidays with pay (revised 1970). Adopted by the General Conference of the International Labour Organisation at its fifty-fourth session, Geneva, 24 June 1970

Authentic texts: English and French.

Registered by the International Labour Organisation on 24 July 1973.

MULTILATÉRAL

Convention (n° 132) concernant les congés annuels payés (révisée en 1970). Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa cinquante-quatrième session, Genève, 24 juin 1970

Textes authentiques: anglais et français.

Enregistrée par l'Organisation internationale du Travail le 24 juillet 1973.

CONVENTION¹ CONCERNING ANNUAL HOLIDAYS WITH PAY (REVISED 1970)

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 Fifty-fourth Session on
3 June 1970, and

Having decided upon the adoption of certain proposals with regard to
holidays with pay, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an
international convention,
adopts this twenty-fourth day of June of the year one thousand nine hundred
and seventy the following convention, which may be cited as the Holidays with
Pay Convention (Revised), 1970:

Article 1. The provisions of this Convention, in so far as they are not
otherwise made effective by means of collective agreements, arbitration
awards, court decisions, statutory wage fixing machinery, or in such other
manner consistent with national practice as may be appropriate under national
conditions, shall be given effect by national laws or regulations.

Article 2. 1. This Convention applies to all employed persons, with the
exception of seafarers.

2. In so far as necessary, measures may be taken by the competent
authority or through the appropriate machinery in a country, after consultation
with the organisations of employers and workers concerned, where such exist,
to exclude from the application of this Convention limited categories of
employed persons in respect of whose employment special problems of a
substantial nature, relating to enforcement or to legislative or constitutional
matters, arise.

3. Each Member which ratifies this Convention shall list in the first report
on the application of the Convention submitted under article 22 of the
Constitution of the International Labour Organisation² any categories which

¹ Came into force on 30 June 1973 for the
following two members of the International Labour
Organisation, i.e. twelve months after their ratifica-
tions had been registered by the Director-General of
the International Labour Office, on the dates indi-
cated, in accordance with article 18 (2):

Madagascar* 8 February 1972
Spain** 30 June 1972

Thereafter, the ratification by the following member
of the International Labour Organisation was regis-
tered with the Director-General of the International
Labour Office on the date indicated below, to take
effect twelve months after that date, in accordance
with article 18 (3):

Norway* 22 June 1973
(To take effect on
22 June 1974.)

* Specifying under article 3 (2) three weeks as the minimum length of the holiday, and accepting under
article 15 (2) the obligations of the Convention in respect of the persons covered by both sub-paragraphs (a) and (b)
of article 15 (1).

** Specifying under article 3 (2) three weeks as the minimum length of the holiday, and accepting under
article 15 (2) the obligations of the Convention in respect of the persons covered by sub-paragraph (a) of article
15 (1).

² United Nations, *Treaty Series*, vol. 15, p. 40; see also vol. 191, p. 143, and vol. 466, p. 323, for the
Instruments for the amendment of the Constitution of the International Labour Organisation.

may have been excluded in pursuance of paragraph 2 of this article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

Article 3. 1. Every person to whom this Convention applies shall be entitled to an annual paid holiday of a specified minimum length.

2. Each Member which ratifies this Convention shall specify the length of the holiday in a declaration appended to its ratification.

3. The holiday shall in no case be less than three working weeks for one year of service.

4. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a holiday longer than that specified at the time of ratification.

Article 4. 1. A person whose length of service in any year is less than that required for the full entitlement prescribed in the preceding article shall be entitled in respect of that year to a holiday with pay proportionate to his length of service during that year.

2. The expression "year" in paragraph 1 of this article shall mean the calendar year or any other period of the same length determined by the competent authority or through the appropriate machinery in the country concerned.

Article 5. 1. A minimum period of service may be required for entitlement to any annual holiday with pay.

2. The length of any such qualifying period shall be determined by the competent authority or through the appropriate machinery in the country concerned but shall not exceed six months.

3. The manner in which length of service is calculated for the purpose of holiday entitlement shall be determined by the competent authority or through the appropriate machinery in each country.

4. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, absence from work for such reasons beyond the control of the employed person concerned as illness, injury or maternity shall be counted as part of the period of service.

Article 6. 1. Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay prescribed in article 3, paragraph 3, of this Convention.

2. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, periods of incapacity for work resulting from sickness or injury may not be counted as part of the minimum annual holiday with pay prescribed in article 3, paragraph 3, of this Convention.

Article 7. 1. Every person taking the holiday envisaged in this Convention shall receive in respect of the full period of that holiday at least his

normal or average remuneration (including the cash equivalent of any part of that remuneration which is paid in kind and which is not a permanent benefit continuing whether or not the person concerned is on holiday), calculated in a manner to be determined by the competent authority or through the appropriate machinery in each country.

2. The amounts due in pursuance of paragraph 1 of this article shall be paid to the person concerned in advance of the holiday, unless otherwise provided in an agreement applicable to him and the employer.

Article 8. 1. The division of the annual holiday with pay into parts may be authorised by the competent authority or through the appropriate machinery in each country.

2. Unless otherwise provided in an agreement applicable to the employer and the employed person concerned, and on condition that the length of service of the person concerned entitles him to such a period, one of the parts shall consist of at least two uninterrupted working weeks.

Article 9. 1. The uninterrupted part of the annual holiday with pay referred to in article 8, paragraph 2, of this Convention shall be granted and taken no later than one year, and the remainder of the annual holiday with pay no later than eighteen months, from the end of the year in respect of which the holiday entitlement has arisen.

2. Any part of the annual holiday which exceeds a stated minimum may be postponed, with the consent of the employed person concerned, beyond the period specified in paragraph 1 of this article and up to a further specified time limit.

3. The minimum and the time limit referred to in paragraph 2 of this article shall be determined by the competent authority after consultation with the organisations of employers and workers concerned, or through collective bargaining, or in such other manner consistent with national practice as may be appropriate under national conditions.

Article 10. 1. The time at which the holiday is to be taken shall, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the employer after consultation with the employed person concerned or his representatives.

2. In fixing the time at which the holiday is to be taken, work requirements and the opportunities for rest and relaxation available to the employed person shall be taken into account.

Article 11. An employed person who has completed a minimum period of service corresponding to that which may be required under article 5, paragraph 1, of this Convention shall receive, upon termination of employment, a holiday with pay proportionate to the length of service for which he has not received such a holiday, or compensation in lieu thereof, or the equivalent holiday credit.

Article 12. Agreements to relinquish the right to the minimum annual holiday with pay prescribed in article 3, paragraph 3, of this Convention or to

forgo such a holiday, for compensation or otherwise, shall, as appropriate to national conditions, be null and void or be prohibited.

Article 13. Special rules may be laid down by the competent authority or through the appropriate machinery in each country in respect of cases in which the employed person engages, during the holiday, in a gainful activity conflicting with the purpose of the holiday.

Article 14. Effective measures appropriate to the manner in which effect is given to the provisions of this Convention shall be taken to ensure the proper application and enforcement of regulations or provisions concerning holidays with pay, by means of adequate inspection or otherwise.

Article 15. 1. Each Member may accept the obligations of this Convention separately

- (a) in respect of employed persons in economic sectors other than agriculture;
- (b) in respect of employed persons in agriculture.

2. Each Member shall specify in its ratification whether it accepts the obligations of the Convention in respect of the persons covered by subparagraph (a) of paragraph 1 of this article, in respect of the persons covered by subparagraph (b) of paragraph 1 of this article, or in respect of both.

3. Each Member which has on ratification accepted the obligations of this Convention only in respect either of the persons covered by subparagraph (a) of paragraph 1 of this article or of the persons covered by subparagraph (b) of paragraph 1 of this article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of all persons to whom this Convention applies.

Article 16. This Convention revises the Holidays with Pay Convention, 1936¹, and the Holidays with Pay (Agriculture) Convention, 1952,² on the following terms:

- (a) acceptance of the obligations of this Convention in respect of employed persons in economic sectors other than agriculture by a Member which is a party to the Holidays with Pay Convention, 1936, shall *ipso jure* involve the immediate denunciation of that Convention;
- (b) acceptance of the obligations of this Convention in respect of employed persons in agriculture by a Member which is a party to the Holidays with Pay (Agriculture) Convention, 1952, shall *ipso jure* involve the immediate denunciation of that Convention;
- (c) the coming into force of this Convention shall not close the Holidays with Pay (Agriculture) Convention, 1952, to further ratification.

Article 17. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

¹ United Nations, *Treaty Series*, vol. 40, p. 137.

² *Ibid.*, vol. 196, p. 183.

Article 18. 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 19. 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.

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 20. 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 21. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 22. At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 23. 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 19 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 24. The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Fifty-fourth Session which was held at Geneva and declared closed the twenty-fifth day of June 1970.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June 1970.
