



SEVENTH ITEM ON THE AGENDA

Form for reports on the application of unratified Conventions (article 19 of the Constitution): The Hours of Work (Industry) Convention, 1919 (No. 1) and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)

1. In accordance with the decision taken by the Governing Body at its 282nd (November 2001) Session, the Committee is requested to examine the appended draft form to be used as a basis for the reports on the instruments which member States will be required to submit in 2004 in accordance with the recommendations made by the Committee. The report form approved by the Governing Body will be made available on the ILO web site, and member States will be encouraged to submit their replies in electronic format.
2. *The Committee is invited to decide on the report form for the Hours of Work (Industry) Convention, 1919 (No. 1), and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30).*

Geneva, 5 February 2003.

Points for decision: Paragraph 2.

Appendix

Appl.19
C.1
C.30

INTERNATIONAL LABOUR OFFICE

REPORTS ON
**UNRATIFIED CONVENTIONS AND
RECOMMENDATIONS**

(Article 19 of the Constitution of the International Labour Organization)

REPORT FORM FOR THE
HOURS OF WORK (INDUSTRY) CONVENTION, 1919 (No. 1);
HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930 (No. 30)

GENEVA
2003

INTERNATIONAL LABOUR OFFICE

Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5 and 7 of this article read as follows:

“5. In the case of a Convention:

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- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.
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7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, provinces or cantons rather than for federal action, the federal government shall:

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 - (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise.”

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.

REPORT

to be made no later than 1 April 2004, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of , on the position of national law and practice in regard to the matters dealt with in the following instruments:

HOURS OF WORK (INDUSTRY) CONVENTION, 1919 (No. 1);

HOURS OF WORK (COMMERCE AND OFFICES) CONVENTION, 1930 (No. 30)

This General Survey will focus on two selected instruments. In the context of a possible future general discussion in this subject area, which could be based on an integrated approach, this General Survey will provide an overview of the situation in law and in practice prevailing in the member States.

The report form is available on the ILO web site and Members are encouraged to send their report in electronic form, including any attachments. Certain questions relating to hours of work may go beyond the immediate competence of the ministry responsible for labour and social affairs. The preparation of a report on the two Conventions in question may require consultation with other ministries or government agencies concerned, such as those responsible for economic affairs and statistics.

I. Please indicate the legislative, administrative or practical provisions in your country in regard to the matters dealt with in the Conventions.

- (a) Please indicate whether any modifications have been made in the national legislation or practice with a view to giving effect to certain provisions of the Conventions.
- (b) Please state also whether it is intended to adopt measures to give further effect to the provisions of the Conventions.

II. Prospects for ratification and implementation

- (a) Has your government considered ratifying Convention No. 1?
- (b) Has your government considered ratifying Convention No. 30?
- (c) Please explain any difficulties in the legislation, national practice or any other reason, which may prevent or delay the ratification of the Conventions.

III. Normal and actual hours of work

- (a) Please indicate the statutory limit on normal daily and weekly hours of work and the level of hours of work generally fixed by collective agreements or arbitration awards.
- (b) Please indicate the number of hours actually worked or paid for on national average.
- (c) Please specify any sectors in which hours limits lower than the national limits specified under (a) have been introduced as a result of collective bargaining or by other means.
- (d) Please describe the sectors in which the level of working hours may exceed the prescribed standard (extension of hours of work).

IV. Distribution of working hours

- (a) If daily and weekly limits were specified under Question III(a), please specify any limits on the amount by which the daily limit may be exceeded.
- (b) Please indicate the national legislation and practice providing for the distribution of working hours by averaging over periods of more than a week and describe the circumstances in which it is permitted.
 - i. Does the national legislation and practice provide for a specific period over which hours of work may be averaged and for the number of additional hours that may be worked in a day or in a week?
 - ii. Please also describe any authorization procedure to be observed for this kind of hours averaging, including consultations of employers' and workers' organizations concerned.
 - iii. How do the provisions permitting averaging of hours relate to measures prescribing minimum daily or weekly rest periods?
- (c) Please describe any legislative or other measures permitting shift work and indicate the processes for its authorization and the limits imposed.
- (d) Please provide information on whether making up hours of work lost during a given period is practised by exceeding the limit during another period. Please describe the circumstances (e.g. collective stoppages of work due to accidents, interruptions to the power supply, inclement weather, etc.), the time lapse within which the lost hours of work must be made up, the number of hours that may be worked, any authorization procedure and remuneration in such cases.

V. Exceptions (overtime hours)

- (a) Please describe the circumstances established under national law and practice, in which permanent or temporary exceptions from normal hours of work are permitted.
- (b) Please indicate whether limits are set to the total number of hours of overtime that may be worked during a specified period.
 - i. Are there different limits for permanent and temporary exceptions?
 - ii. Are there special arrangements for cases of accident, urgent work and *force majeure*?
- (c) Please describe payment for overtime, in particular, the level of overtime rates and their variations, as well as compensatory rest periods.
- (d) Please provide information on the procedures for the authorization of extensions of working hours and any necessary consultation with the representative organizations of employers and workers.

VI. Measures of enforcement and consultation of employers' and workers' organizations

- (a) Please indicate by which measures, such as the posting of notices, the keeping of records, inspections and sanctions, the provisions on hours of work are enforced.
- (b) In so far as not already done in your previous responses, please indicate on which questions relating to the general application of hours of work consultation of employers' and workers' organizations is required by national legislation and practice.

VII. Working time arrangements

- (a) Please indicate the standard working time schedule prevailing in your country.
- (b) Are there any working time arrangements which differ from the standard full-time workweek such as part-time work, compressed workweeks, staggered working times, variable daily shift lengths, annualized working hours, flexitime or on-call work? Please describe the possible impact of such arrangements on the continuing relevance of the instruments under consideration.

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- (c) Please describe any national legislation or practice, which governs these types of working time arrangements.
 - (d) To what extent does legislation permit workers to influence the length and arrangement of their working hours, e.g. to allow them to meet family responsibilities such as caring for family members?

VIII. Policies concerning hours of work

Please indicate the policies and measures aimed at reducing or extending hours of work or changing the arrangement of working hours, taking into account economic and social conditions in your country.

IX. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.¹

X. Please state whether you have received from the organizations of employers or workers concerned any observations concerning the effect given, or to be given, to the instruments to which the present report relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.

FEDERAL STATES

- (a) Please indicate whether the provisions of the Conventions are regarded by the federal government as appropriate, under the constitutional system, for federal action or, in whole or in part, for action by the constituent States, provinces or cantons, rather than for federal action.
- (b) Where federal action is appropriate, please give the information specified in points I to X of this form.
- (c) Where action by the constituent units is regarded as appropriate, please supply general information corresponding to points I, and III to X of the form. Please indicate also any arrangements it has been possible to make within the federal State, with a view to promoting coordinated action to give effect to all or some of the provisions of the Conventions, giving a general indication of any results achieved through such action.

¹ Article 23, paragraph 2, of the Constitutions reads as follows: *“Each Member shall communicate to the representative organizations recognized for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22.”*