

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**NIGHT WORK OF YOUNG PERSONS
(NON-INDUSTRIAL OCCUPATIONS)
CONVENTION, 1946 (No. 79)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

GENEVA

1980

REPORT

for the period to , made by the Government of , in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the

NIGHT WORK OF YOUNG PERSONS (NON-INDUSTRIAL OCCUPATIONS) CONVENTION, 1946

ratification of which was registered on

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

PART I. GENERAL PROVISIONS

Article 1

1. This Convention applies to children and young persons employed for wages, or working directly or indirectly for gain, in non-industrial occupations.

2. For the purpose of this Convention, the term " non-industrial occupation " includes all occupations other than those recognised by the competent authority as industrial, agricultural or maritime occupations.

3. The competent authority shall define the line of division which separates non-industrial occupations from industrial, agricultural and maritime occupations.

4. National laws or regulations may exempt from the application of this Convention—

- (a) domestic service in private households; and
(b) employment, on work which is not deemed to be harmful, prejudicial, or dangerous to children or young persons, in family undertakings in which only parents and their children or wards are employed.

Please state what decisions, if any, have been taken in accordance with paragraph 3 of this Article.

Please supply detailed information on the exemptions, if any, allowed under paragraph 4 of this Article, indicating in particular the precise definition of the terms " harmful ", " prejudicial " and " dangerous " work in which children and young persons may not be employed in family undertakings, in virtue of paragraph 4 (b).

Article 2

1. Children under fourteen years of age who are admissible for full-time or part-time employment and children over fourteen years of age who are still subject to full-time compulsory school attendance shall not be employed nor work at night during a period of at least fourteen consecutive hours, including the interval between eight o'clock in the evening and eight o'clock in the morning.

2. Provided that national laws or regulations may, where local conditions so require, substitute another interval of twelve hours of which the beginning shall not be fixed later than eight thirty o'clock in the evening nor the termination earlier than six o'clock in the morning.

See under Article 6, paragraph 2 (a).

Article 3

1. Children over fourteen years of age who are no longer subject to full-time compulsory school attendance and young persons under eighteen years of age shall not be employed nor work at night during a period of at least twelve consecutive hours, including the interval between ten o'clock in the evening and six o'clock in the morning.

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

If use has been made of the provisions laid down in paragraph 2 of this Article please supply information respecting the methods used in view of consultation with the employers' and workers' organisations concerned, as required in this paragraph.

See also under Article 6, paragraph 2 (b).

Article 4

1. In countries where the climate renders work by day particularly trying, the night period may be shorter than that prescribed in the above Articles if compensatory rest is accorded during the day.

2. The prohibition of night work may be suspended by the government for young persons of sixteen years of age and over when in case of serious emergency the national interest demands it.

3. National laws or regulations may empower an appropriate authority to grant temporary individual licences in order to enable young persons of sixteen years of age and over to work at night when the special needs of vocational training so require, subject to the period of rest being not less than eleven consecutive hours in every period of twenty-four hours.

If use has been made of the exception provided for in paragraph 1 of this Article please state for what industries, seasons and areas, and what arrangements have been made to secure compensatory rest during the day.

Please state whether the prohibition of night work has been suspended by the government, in pursuance of paragraph 2 of this Article, during the year to which this report relates, and, if so, for what industries, periods and areas.

Please state which authority, if any, is empowered to grant temporary individual licences in virtue of paragraph 3 of this Article and what use has been made of this right.

Article 5

1. National laws or regulations may empower an appropriate authority to grant individual licences in order to enable children or young persons under the age of eighteen years to appear at night as performers in public entertainments or to participate at night as performers in the making of cinematographic films.

2. The minimum age at which such a licence may be granted shall be prescribed by national laws or regulations.

3. No such licence may be granted when, because of the nature of the entertainment or the circumstances in which it is carried on, or the nature of the cinematographic film or the conditions

under which it is made, participation in the entertainment or in the making of the film may be dangerous to the life, health, or morals of the child or young person.

4. The following conditions shall apply to the granting of licences:

- (a) the period of employment shall not continue after midnight;
- (b) strict safeguards shall be prescribed to protect the health and morals, and to ensure kind treatment of, the child or young person and to avoid interference with his education;
- (c) the child or young person shall be allowed a consecutive rest period of at least fourteen hours.

See under Article 6, paragraph 2 (c).

Article 6

1. In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall—

- (a) provide for a system of public inspection and supervision adequate for the particular needs of the various branches of activity to which the Convention applies;
- (b) require every employer to keep a register, or to keep available official records, showing the names and dates of birth of all persons under eighteen years of age employed by him and their hours of work; in the case of children and young persons working in the streets or in places to which the public have access, the register or records shall show the hours of service agreed upon in the contract of employment;
- (c) provide suitable means for assuring identification and supervision of persons under eighteen years of age engaged, on account of an employer or on their own account, in employment or occupations carried on in the streets or in places to which the public have access;
- (d) provide penalties applicable to employers or other responsible adults for breaches of such laws or regulations.

2. There shall be included in the annual reports to be submitted under article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention and, more particularly, concerning—

- (a) any interval which may be substituted for the interval prescribed in paragraph 1 of Article 2 in virtue of the provisions of paragraph 2 of that Article;
- (b) the extent to which advantage is taken of the provisions of paragraph 2 of Article 3;
- (c) the authorities empowered to grant individual licences in virtue of the provisions of paragraph 1 of Article 5 and the minimum age prescribed for the granting of licences in accordance with the provisions of paragraph 2 of the said Article.

Please indicate the measures taken in conformity with the provisions of paragraph 1 of this Article and include, if possible, a model of the register or documents provided for in subparagraph (b).

Please supply the information requested by paragraph 2 of this Article in so far as it has not already been supplied in regard to the application of Articles 2, 3 and 5.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 7

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations restricting the night work of children and young persons in non-industrial occupations may, by a declaration accompanying its ratification, substitute an age limit lower than eighteen years, but in no case lower than sixteen years, for the age limit prescribed in Article 3.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the

extent to which any progress has been made with a view to the full application of the provisions of the Convention.

If a declaration has been made under paragraph 1 of this Article and is still in force please indicate, in accordance with paragraph 3 of this Article, the extent to which progress has been made with a view to the full application of the provisions of the Convention.

Article 8 (India)

1. The provisions of Part I of this Convention shall apply to India subject to the modifications set forth in the present Article:

- (a) the said provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them;
- (b) the competent authority may exempt from the application of the Convention children and young persons employed in undertakings employing less than twenty persons;
- (c) Article 2 of the Convention shall apply to children under twelve years of age who are admissible for full-time or part-time employment and to children over twelve years of age who are subject to full-time compulsory school attendance;
- (d) Article 3 of the Convention shall apply to children over twelve years of age who are not subject to full-time compulsory school attendance and to young persons under fifteen years of age;
- (e) the exceptions permitted by paragraphs 2 and 3 of Article 4 shall apply to young persons of fourteen years of age and over;
- (f) Article 5 shall apply to children and young persons under fifteen years of age.

Please state what use has been made of the right to exempt, in virtue of paragraph 1 (b), children and young persons employed in undertakings employing less than twenty persons.

III. Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.

IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

V. Please give a general appreciation of the manner in which the Convention is applied in your country including, for instance, extracts from official reports and information on any practical difficulties in the application of the Convention.

VI. Please indicate the representative organisations 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 Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."