

ILO CONVENTION (No. 83) CONCERNING THE APPLICATION OF
INTERNATIONAL LABOUR STANDARDS TO NON-METROPOLITAN
TERRITORIES¹

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 Thirtieth Session on 19 June 1947, and

HAVING DECIDED upon the adoption of certain proposals concerning the application
of international labour standards in non-metropolitan territories, which is included in the
third item on the agenda of the Session, and

HAVING DETERMINED that these proposals shall take the form of an international
Convention,

ADOPTS this eleventh day of July of the year one thousand nine hundred and forty-
seven the following Convention, which may be cited as the Labour Standards (Non-
Metropolitan Territories) Convention, 1947:

Article 1

1. Each Member of the International Labour Organisation which ratifies this
Convention shall communicate to the Director-General of the International Labour
Office with its ratification a declaration stating, in respect of the territories referred to in
Article 35 of the Constitution of the International Labour Organisation as amended by
the Constitution of the International Labour Organisation Instrument of Amendment,
1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so
amended, the extent to which it undertakes that the provisions of the Conventions set
forth in the Schedule to this Convention shall be applied in respect of the said territories.
2. The aforesaid declaration shall state in respect of each of the Conventions set forth
in the Schedule to this Convention-
 - (a) the territories in respect of which the Member undertakes that the provisions
of the Convention shall be applied without modification;
 - (b) the territories in respect of which the Member undertakes that the provisions
of the Convention shall be applied subject to modifications, together with
details of the said modifications;
 - (c) the territories in respect of which the Convention is inapplicable and in such
cases the grounds on which it is inapplicable;
 - (d) the territories in respect of which the Member reserves its decision.

3. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 2 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

4. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 2 of this Article.

5. Any Member may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 8, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 2

1. A declaration accepting the obligations of this Convention in respect of any non-metropolitan territory where the subject matter of the Conventions set forth in the Schedule to this Convention is within the self-governing powers of the territory may be communicated to the Director-General of the International Labour Office by the Member responsible for the international relations of the territory in agreement with the Government of the territory.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office-

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraph of this Article shall include an undertaking that the provisions of the Conventions set forth in the Schedule to this Convention shall be applied in the territory concerned either without modification or subject to modifications; when the declaration indicates that the provisions of one or more of the said Conventions will be applied subject to modifications it shall give in respect of each such Convention details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 8, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of any one or more of the Conventions set forth in the Schedule.

Article 3

The competent authority may, by regulations published beforehand, exclude from the application of any provisions giving effect to any of the Conventions set forth in the Schedule undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

Article 4

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of one or more of the Conventions set forth in the Schedule, the annual reports on the application of this Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

Article 5

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to the Schedule to this Convention including the provisions of further Conventions in the Schedule or substituting for the provisions of any Convention set forth in the Schedule the provisions of any Convention revising that Convention which may have been adopted by the Conference.

2. Each Member for which this Convention is in force and each territory for which a declaration accepting the obligations of this Convention in pursuance of Article 2 is in force shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, submit any such amendment to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Any such amendment shall become effective for each Member for which this Convention is in force on acceptance by the said Member and for each territory in respect of which a declaration accepting the obligations of the Convention in pursuance of Article 2 is in force on acceptance in respect of the said territory.

4. When any such amendment becomes effective for any Member or for any territory in respect of which the obligations of this Convention have been accepted in pursuance of Article 2, the Member, Members or international authority concerned shall communicate to the Director-General of the International Labour Office a declaration giving, in respect of the Convention or Conventions the provisions of which have been included in the Schedule by the amendment, the particulars required by paragraph 2 of Article 1 or paragraph 3 of Article 2 as the case may be.

5. Any Member which ratifies this Convention after the date of the adoption of any such amendment by the Conference shall be deemed to have ratified the Convention as amended and any territory in respect of which the obligations of the Convention are

accepted after that date in pursuance of Article 2 shall be deemed to have accepted the obligations of the Convention as amended.

Article 6

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.²

Article 7

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
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 8

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 9

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations 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 10

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, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 11

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 12

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 8 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 13

The English and French versions of the text of this Convention are equally authoritative.

SCHEDULE

MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937

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 and motive power of any kind;
 - (c) construction, reconstruction, maintenance, repair, alteration, or demolition 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, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
 - (d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.
2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof.
2. Provided that, except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

Article 3

The provisions of this Convention shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of eighteen years employed by him, and of the dates of their births.

Article 5

1. In respect of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws shall either-

- (a) prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents; or
- (b) empower an appropriate authority to prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents.

2. The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation shall include full information concerning the age or ages prescribed by national laws in pursuance of sub-paragraph (a) of the preceding paragraph or concerning the action taken by the appropriate authority in exercise of the powers conferred upon it in pursuance of sub-paragraph (b) of the preceding paragraph, as the case may be.

MINIMUM AGE (SEA) CONVENTION (REVISED), 1936

Article 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

Article 3

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

MINIMUM AGE (TRIMMERS AND STOKERS) CONVENTION, 1921

Article 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

Article 3

The provisions of Article 2 shall not apply-

- (a) to work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority;
- (b) to the employment of young persons on vessels mainly propelled by other means than steam;
- (c) to young persons, of not less than sixteen years of age, who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organisations of employers and workers in those countries.

Article 4

When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

Article 5

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births

Article 6

Articles of agreement shall contain a brief summary of the provisions of this Convention.

MEDICAL EXAMINATION OF YOUNG PERSONS (INDUSTRY) CONVENTION, 1946

PART I. GENERAL PROVISIONS

Article 1

1. This Convention applies to children and young persons employed or working in, or in connection with, industrial undertakings, whether public or private.
2. 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) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;
 - (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work;
 - (d) undertakings engaged in the transport of passengers or goods by road, rail, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports.
3. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2

1. Children and young persons under eighteen years of age shall not be admitted to employment by an industrial undertaking unless they have been found fit for the work on which they are to be employed by a thorough medical examination.

2. The medical examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook.
3. The document certifying fitness for employment may be issued-
 - (a) subject to specified conditions of employment;
 - (b) for a specified job or for a group of jobs or occupations involving similar health risks which have been classified as a group by the authority responsible for the enforcement of the laws and regulations concerning medical examinations for fitness for employment.
4. National laws or regulations shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing the document.

Article 3

1. The fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision until he has attained the age of eighteen years.
2. The continued employment of a child or young person under eighteen years of age shall be subject to the repetition of medical examinations at intervals of not more than one year.
3. National laws or regulations shall-
 - (a) make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals in order to ensure effective supervision in respect of the risks involved in the occupation and of the state of health of the child or young person as shown by previous examinations; or
 - (b) empower the competent authority to require medical re-examinations in exceptional cases.

Article 4

1. In occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.
2. National laws or regulations shall either specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

Article 5

The medical examination required by the preceding articles shall not involve the child or young person, or his parents, in any expense.

Article 6

1. Appropriate measures shall be taken by the competent authority for vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations.
2. The nature and extent of such measures shall be determined by the competent authority; for this purpose co-operation shall be established between the labour, health, educational and social services concerned, and effective liaison shall be maintained between these services in order to carry out such measures.
3. National laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined-
 - (a) of temporary work permits or medical certificates valid for a limited period at the expiration of which the young worker will be required to undergo re-examination;
 - (b) of permits or certificates requiring special conditions of employment.

Article 7

1. The employer shall be required to file and keep available to labour inspectors either the medical certificate for fitness for employment or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.
2. National laws or regulations shall determine the other methods of supervision to be adopted for ensuring the strict enforcement of this Convention.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 8

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.
2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour

Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 9

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 concerning medical examination for fitness for employment in industry of children and young persons may, by a declaration accompanying its ratification, substitute an age lower than eighteen years, but in no case lower than sixteen years, for the age of eighteen years prescribed in Articles 2 and 3 and an age lower than twenty-one years, but in no case lower than nineteen years, for the age of twenty-one years prescribed in Article 4.

2. Any Member which has made such a declaration may at any time cancel the 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.

MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921

Article 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

Article 3

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness

for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

Article 4

In urgent cases, the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948

PART I. GENERAL PROVISIONS

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) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;
 - (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work;
 - (d) undertakings engaged in the transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, warehouses or airports.
2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.
3. National laws or regulations may exempt from the application of this Convention 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.

Article 2

1. For the purpose of this Convention the term "night" signifies a period of at least twelve consecutive hours.
2. In the case of young persons under sixteen years of age, this period shall include the interval between ten o'clock in the evening and six o'clock in the morning.
3. In the case of young persons who have attained the age of sixteen years but are under the age of eighteen years, this period shall include an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

Article 3

1. Young persons under eighteen years of age shall not be employed or work during the night in any public or private industrial undertaking or in any branch thereof except as hereinafter provided for.
2. For purposes of apprenticeship or vocational training in specified industries or occupations which are required to be carried on continuously, the competent authority may, after consultation with the employers' and workers' organisations concerned, authorise the employment in night work of young persons who have attained the age of sixteen years but are under the age of eighteen years.
3. Young persons employed in night work in virtue of the preceding paragraph shall be granted a rest period of at least thirteen consecutive hours between two working periods.
4. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may, for purposes of apprenticeship or vocational training of young persons who have attained the age of sixteen years, be substituted by the competent authority for the interval of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning prescribed by the authority in virtue of paragraph 3 of Article 2.

Article 4

1. In countries where the climate renders work by day particularly trying, the night period and barred interval may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.
2. The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

Article 5

The prohibition of night work may be suspended by the government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

Article 6

1. The laws or regulations giving effect to the provisions of this Convention shall-
 - (a) make appropriate provision for ensuring that they are known to the persons concerned;
 - (b) define the persons responsible for compliance therewith;
 - (c) prescribe adequate penalties for any violation thereof;
 - (d) provide for the maintenance of a system of inspection adequate to ensure effective enforcement; and
 - (e) require every employer in a public or private industrial undertaking 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 such other pertinent information as may be required by the competent authority.

2. The annual reports submitted by Members under Article 22 of the Constitution of the International Labour Organisation shall contain full information concerning such laws and regulations and a general survey of the results of the inspections made in accordance therewith.

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 laws or regulations restricting the night work of children in industry which provide for an age-limit lower than eighteen years 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 paragraph 1 of 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.

MATERNITY PROTECTION CONVENTION, 1919

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 demolition 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, waterwork, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure;
- (d) transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. For the purpose of this Convention, the term "commercial undertaking" includes any place where articles are sold or where commerce is carried on.

3. The competent authority in each country shall define the line of division which separates industry and commerce from agriculture.

Article 2

For the purpose of this Convention, the term "woman" signifies any female person, irrespective of age or nationality, whether married or unmarried, and the term "child" signifies any child whether legitimate or illegitimate.

Article 3

In any public or private industrial or commercial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman-

- (a) shall not be permitted to work during the six weeks following her confinement;
- (b) shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks;

- (c) shall, while she is absent from her work in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife; no mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place;
- (d) shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

Article 4

Where a woman is absent from her work in accordance with paragraph (a) or (b) of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

NIGHT WORK (WOMEN) CONVENTION (REVISED), 1948

PART I. GENERAL PROVISIONS

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) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;
 - (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work.
2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2

For the purpose of this Convention the term "night" signifies a period of at least eleven consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

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

1. The prohibition of night work for women may be suspended by the government, after consultation with the employers' and workers' organisations concerned, when in case of serious emergency the national interest demands it.

2. Such suspension shall be notified by the government concerned to the Director-General of the International Labour Office in its annual report on the application of the Convention.

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, the night period may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

Article 8

This Convention does not apply to-

- (a) women holding responsible positions of a managerial or technical character; and
- (b) women employed in health and welfare services who are not ordinarily engaged in manual work.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 9

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 an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning.

UNDERGROUND WORK (WOMEN) CONVENTION, 1935

Article 1

For the purpose of this Convention, the term "mine" includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.

Article 2

No female, whatever her age, shall be employed on underground work in any mine.

Article 3

National laws or regulations may exempt from the above prohibition-

- (a) females holding positions of management who do not perform manual work;
- (b) females employed in health welfare services;
- (c) females who, in the course of their studies, spend a period of training in the underground parts of a mine; and
- (d) any other females who occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION,
1925

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

Article 2

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

Article 3

The Members which ratify this Convention and which do not already possess a system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

Article 4

The Members which ratify this Convention further undertake to afford each other mutual assistance with a view to facilitating the application of the Convention and the execution of their respective laws and regulations on workmen's compensation and to inform the International Labour Office, which shall inform the other Members concerned, of any modifications in the laws and regulations in force on workmen's compensation.

WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial

accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.

Article 2

1. The laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private.
2. It shall nevertheless be open to any Member to make such exceptions in its national legislation as it deems necessary in respect of-
 - (a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;
 - (b) out-workers;
 - (c) members of the employer's family who work exclusively on his behalf and who live in his house;
 - (d) non-manual workers whose remuneration exceeds a limit to be determined by national laws or regulations.

Article 3

This Convention shall not apply to-

- (1) seamen and fishermen for whom provision shall be made by a later Convention;
- (2) persons covered by some special scheme, the terms of which are not less favourable than those of this Convention.

Article 4

This Convention shall not apply to agriculture, in respect of which the Convention concerning workmen's compensation in agriculture adopted by the International Labour Conference at its Third Session remains in force.

Article 5

The compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments: provided that it may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilised.

Article 6

In case of incapacity, compensation shall be paid not later than as from the fifth day after the accident, whether it be payable by the employer, the accident insurance institution, or the sickness insurance institution concerned.

Article 7

In cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be provided.

Article 8

The national laws or regulations shall prescribe such measures of supervision and methods of review as are deemed necessary.

Article 9

Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.

Article 10

1. Injured workmen shall be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognised to be necessary: provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to the injured workman of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.

2. National laws or regulations shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.

Article 11

The national laws or regulations shall make such provision as, having regard to national circumstances, is deemed most suitable for ensuring in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or in case of death, to their dependants.

MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS)
CONVENTION, 1929

Article 1

1. Any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway shall have had its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel.
2. In exceptional cases where it is difficult to determine the exact weight, national laws or regulations may allow an approximate weight to be marked.
3. The obligation to see that this requirement is observed shall rest solely upon the Government of the country from which the package or object is consigned, and not on the Government of a country through which it passes on the way to its destination.
4. It shall be left to national laws or regulations to determine whether the obligation for having the weight marked as aforesaid shall fall on the consignor or on some other person or body.

WEEKLY REST (INDUSTRY) CONVENTION, 1921

Article 1

1. For the purpose of this Convention, the term "industrial undertakings" includes-
 - (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 demolition 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, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
 - (d) transport of passengers or goods by road, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.
2. [Inapplicable.]
3. Where necessary, in addition to the above enumeration, each Member may define the line of division which separates industry from commerce and agriculture.

Article 2

1. The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.
2. This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.
3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

Article 3

Each Member may except from the application of the provisions of Article 2 persons employed in industrial undertakings in which only the members of one single family are employed.

Article 4

1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.
2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

Article 5

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 4, except in cases where agreements or customs already provide for such periods.

Article 6

1. Each Member will draw up a list of the exceptions made under Articles 3 and 4 of this Convention and will communicate it to the International Labour Office, and thereafter, in every second year, any modifications of this list which shall have been made.
2. The International Labour Office will present a report on this subject to the General Conference of the International Labour Organisation.

Article 7

In order to facilitate the application of the provisions of this Convention, each employer, director, or manager, shall be obliged-

- (a) where the weekly rest is given to the whole of the staff collectively, to make known such days and hours of collective rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner approved by the Government;
- (b) where the rest period is not granted to the whole of the staff collectively, to make known, by means of a roster drawn up in accordance with the method approved by the legislation of the country, or by a regulation of the competent authority, the workers or employees subject to a special system of rest, and to indicate that system.

¹ As amended by the Instrument of Amendment of the Schedule to the Labour Standards (Non-Metropolitan Territories) Convention, 1947, adopted at San Francisco on 10 July 1948.

² Instrument of ratification registered for Australia 15 June 1973.

³ The Convention entered into force for Australia and generally 15 June 1974.