

INTERNATIONAL LABOUR OFFICE

REPORT FORM
FOR THE
NIGHT WORK OF YOUNG PERSONS
(INDUSTRY) CONVENTION (REVISED),
1948 (No. 90)

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."

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

(a) any new legislative or other measures affecting the application of the Convention;

(b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and on any observations received from these organisations;

(c) **replies to comments by supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Conventions and Recommendations.

Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

NIGHT WORK OF YOUNG PERSONS (INDUSTRY) CONVENTION (REVISED), 1948 (No. 90)

(ratification 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 the exact scope of the Convention 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. 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 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 virtue of paragraph 2 of this Article.

Please state whether exemptions have been granted in virtue of paragraph 3 and, if so, what safeguards have been provided to protect children whose employment is authorised in family undertakings.

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.

Please state whether and in what fields the competent authority has, in virtue of paragraph 3, prescribed different intervals, indicating the methods used to consult the employers' and workers' organisations concerned as regards intervals 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.

Please supply information on the use, if any, made of the exception provided for in paragraph 2 of this Article. Please state, in particular, to which continuous industries or occupations this exception has been applied, what methods have been used to consult the employers' and workers' organisations concerned and what arrangements have been made to secure the rest period of at least thirteen consecutive hours provided for by paragraph 3 of this Article.

Where night work in the baking industry is prohibited for all workers, please state whether, for purposes of apprenticeship or vocational training, the alternative night interval provided for in paragraph 4 of Article 3 can be substituted for the normal period prescribed by 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.

If use has been made of the exception permitted under paragraph 1 of this Article, please state to what industries, areas and seasons it applies, and what arrangements have been made to secure a compensatory rest period during the day.

Please state whether your legislation, etc., imposes any conditions upon the use made by employers of the exception provided for in paragraph 2 of this Article.

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.

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

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 young persons 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.

Article 8

1. The provisions of Part I of this Convention shall apply to India subject to the modifications set forth in this Article.
2. The said provisions shall apply to all territories in respect of which the Indian legislature has jurisdiction to apply them.
3. The term “ industrial undertaking ” shall include—
 - (a) factories as defined in the Indian Factories Act;
 - (b) mines to which the Indian Mines Act applies;
 - (c) railways and ports.
4. Article 2, paragraph 2, shall apply to young persons who have attained the age of thirteen years but are under the age of fifteen years.
5. Article 2, paragraph 3, shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.
6. Article 3, paragraph 1, and Article 4, paragraph 1, shall apply to young persons under the age of seventeen years.
7. Article 3, paragraphs 2, 3 and 4, Article 4, paragraph 2, and Article 5 shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.
8. Article 6, paragraph 1 (e), shall apply to young persons under the age of seventeen years.

Article 9

1. The provisions of Part I of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.
2. The said provisions shall apply to all territories in respect of which the Pakistan legislature has jurisdiction to apply them.
3. The term “ industrial undertaking ” shall include—

- (a) factories as defined in the Factories Act;
- (b) mines to which the Mines Act applies;
- (c) railways and ports.

4. Article 2, paragraph 2, shall apply to young persons who have attained the age of thirteen years but are under the age of fifteen years.

5. Article 2, paragraph 3, shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

6. Article 3, paragraph 1, and Article 4, paragraph 1, shall apply to young persons under the age of seventeen years.

7. Article 3, paragraphs 2, 3 and 4, Article 4, paragraph 2, and Article 5 shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

8. Article 6, paragraph 1 (*e*), shall apply to young persons under the age of seventeen years.

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 add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number of workers covered by the legislation, the number and nature of the contraventions reported, the application of the exceptions allowed under Articles 3 and 4 of the Convention, etc.

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 a summary of 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."