

INTERNATIONAL LABOUR OFFICE

REPORT FORM
FOR THE
**HOLIDAYS WITH PAY (AGRICULTURE)
CONVENTION, 1952 (No. 101)**

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."

The Government may deem it useful to consult the appended text of the Holidays with Pay (Agriculture) Recommendation, 1952 (No. 93), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

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

on the

HOLIDAYS WITH PAY (AGRICULTURE) CONVENTION, 1952 (No. 101)

(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.

Article 1

Workers employed in agricultural undertakings and related occupations shall be granted an annual holiday with pay after a period of continuous service with the same employer.

Article 2

1. Each Member which ratifies this Convention shall be free to decide the manner in which provision shall be made for holidays with pay in agriculture.

2. Such provision may be made, where appropriate, by means of collective agreement or by entrusting the regulation of holidays with pay in agriculture to special bodies.

3. Wherever the manner in which provision is made for holidays with pay in agriculture permits—

(a) there shall be full preliminary consultation with the most representative organisations of employers and workers concerned, where such exist, and with any other persons, specially qualified by their trade or functions, whom the competent authority deems it useful to consult;

(b) the employers and workers concerned shall participate in the regulation of holidays with pay, or be consulted or have the right to be heard, in such manner and to such extent as may be determined by national laws or regulations, but in any case on a basis of complete equality.

Paragraph 1. Please indicate the manner in which provision is made for holidays with pay in agriculture.

Paragraph 2. If advantage has been taken of paragraph 2 please (a) attach to your report relevant extracts from the collective agreements in force, and (b) indicate to which special bodies, if any, regulation of holidays with pay has been entrusted.

Paragraph 3, subparagraph (a). If the manner in which provision is made for holidays with pay permits prior consultation please indicate in general terms the scope of the consultations undertaken.

Paragraph 3, subparagraph (b). Please indicate the manner and measure in which the employers and workers concerned have participated in the regulation of holidays with pay, or have been consulted or heard.

Article 3

The required minimum period of continuous service and the minimum duration of the annual holiday with pay shall be determined by national laws or regulations, collective agreement, or arbitration award, or by special bodies entrusted with the regulation of holidays with pay in agriculture, or in any other manner approved by the competent authority.

Please indicate the minimum period of continuous service required in order that workers may enjoy annual holidays with pay, and state what is the minimum duration of these holidays, indicating the manner in which it has been determined.

Article 4

1. Each Member which ratifies this Convention shall be free to determine, after consultation with the most representative organisations of employers and workers concerned, where such exist, to which undertakings, occupations, and categories of persons referred to in Article 1 the provisions of the Convention shall apply.

2. Each Member which ratifies this Convention may exclude from the application of all or any of the provisions of the Convention categories of persons whose conditions of employment render such provisions inapplicable to them, such as members of the farmer's family employed by him.

Paragraph 1. Please indicate the undertakings, occupations and categories of persons to which the provisions of the Convention apply, and state whether the most representative employers' and workers' organisations concerned were consulted before the scope of the Convention was thus determined.

Paragraph 2. Please indicate the categories of persons with regard to which the provisions of the Convention may have been considered to be inapplicable in view of their conditions of employment.

Article 5

Where appropriate, provision shall be made, in accordance with the established procedure for the regulation of holidays with pay in agriculture, for—

- (a) more favourable treatment for young workers, including apprentices, in cases in which the annual holiday with pay granted to adult workers is not considered adequate for young workers;
- (b) an increase in the duration of the annual paid holiday with the length of service;
- (c) proportionate holidays or payment in lieu thereof, in cases where the period of continuous service of a worker is not of sufficient duration to qualify him for an annual holiday with pay but exceeds such minimum period as may be determined in accordance with the established procedure;
- (d) the exclusion from the annual holiday with pay of public and customary holidays and weekly rest periods, and, to such extent as may be determined in accordance with the established procedure, temporary interruptions of attendance at work due to such causes as sickness or accident.

Please indicate whether it has been deemed appropriate to give effect to all or any of the provisions of this Article and, if so, please indicate where appropriate—

- (a) *the scheme of holidays enjoyed by young workers, including apprentices;*
- (b) *the increase in the duration of holidays with the length of service;*
- (c) *the proportionate holiday or payment in lieu thereof given to a worker whose period of continuous service is too short to qualify him for an annual holiday with pay but exceeds a specified minimum period, indicating the length of such minimum period;*
- (d) *(i) the public and customary holidays, (ii) the weekly rest periods, and (iii) the temporary interruptions of attendance at work due to such causes as sickness or accident, which are not included in the holidays with pay.*

Article 6

The annual holiday with pay may be divided within such limits as may be laid down by national laws or regulations, collective agreement, or arbitration award, or by special bodies entrusted with the regulation of holidays with pay in agriculture, or in any other manner approved by the competent authority.

Please indicate the limits laid down by national laws or regulations, collective agreements, etc., within which holidays with pay may be divided in accordance with this Article.

Article 7

1. Every person taking a holiday in virtue of this Convention shall receive, in respect of the full period of the holiday, not less than his usual remuneration, or such remuneration as may be prescribed in accordance with paragraphs 2 and 3 of this Article.

2. The remuneration payable in respect of the holiday shall be calculated as prescribed by national laws or regulations, collective agreement, or arbitration award, or by special bodies entrusted with the regulation of holidays with pay in agriculture, or in any other manner approved by the competent authority.

3. Where the remuneration of the person taking a holiday includes payments in kind, provision may be made for the payment in respect of holidays of the cash equivalent of such payments in kind.

Paragraph 2. Please indicate the manner in which the remuneration paid for the period of holiday is calculated and the prescriptions governing this method of calculation.

Article 8

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.

Article 9

A person dismissed for a reason other than his own misconduct before he has taken a holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Convention the remuneration provided for in Article 7.

Please indicate whether there is a system of appeal ensuring for workers the benefit of the provisions of Article 9.

Article 10

Each Member which ratifies this Convention undertakes to maintain, or satisfy itself that there is maintained, an adequate system of inspection and supervision to ensure the application of its provisions.

Please indicate the system of inspection and supervision maintained to ensure the application of the provisions of the Convention.

Article 11

Each Member which ratifies this Convention shall communicate annually to the International Labour Office a general statement indicating the manner in which the provisions of the Convention are implemented, and, in summary form, the occupations, categories and approximate number of workers covered, the duration of the holidays granted, and the more important of the other conditions, if any, established relevant to holidays with pay in agriculture.

Please supply the information specified in this Article.

Article 14

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of article 35 of the Constitution of the International Labour Organisation shall indicate—

- (a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it 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 it reserves its decision pending further consideration of the position.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 16, 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 15

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 4 or 5 of article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

2. 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.

3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 16, 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 the application of the Convention.

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.

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 the reports of the inspection services, and, if such statistics are available, information concerning the number of workers (classified into adults and young persons under 16 years of age, including apprentices) covered by the relevant legislation, the number and nature of the contraventions reported, etc., in so far as this information has not already been supplied in the report, particularly under Article 11 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 a copy 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."

ANNEX

The text of the

**HOLIDAYS WITH PAY (AGRICULTURE) RECOMMENDATION, 1952
(NO. 93)**

is not reproduced here.

Please consult ILOLEX or other publications containing the text of ILO
Recommendations.