

INTERNATIONAL LABOUR OFFICE

REPORT FORM
FOR THE
WEEKLY REST (COMMERCE AND OFFICES)
CONVENTION, 1957 (No. 106)

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

on the

WEEKLY REST (COMMERCE AND OFFICES) CONVENTION, 1957 (No. 106)

(ratification registered on))

I. Article 1 of the Convention provides:

The provisions of this Convention shall, in so far as they are not otherwise made effective by means of statutory wage fixing machinery, collective agreements, arbitration awards or in such other manner consistent with national practice as may be appropriate under national conditions, be given effect by national laws or regulations.

Please state whether the provisions of the Convention are applied by means of—

- (a) national laws or regulations,
- (b) statutory orders,
- (c) collective agreements,
- (d) arbitration awards,
- (e) some combination of the above, or
- (f) in some other manner.

Please give a list of the measures (legislation and administrative regulations, statutory orders, collective agreements, arbitration awards, or other) by which the provisions of the Convention are applied. Where this has not already been done please forward copies of the said legislation, regulations, orders, agreements, awards, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which the said measures have been adopted 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 this effect. Please also indicate the action 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 taken 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 2

This Convention applies to all persons, including apprentices, employed in the following establishments, institutions or administrative services, whether public or private:

- (a) trading establishments;
- (b) establishments, institutions and administrative services in which the persons employed are mainly engaged in office work, including offices of persons engaged in liberal professions;
- (c) in so far as the persons concerned are not employed in establishments referred to in Article 3 and are not subject to national regulations or other arrangements concerning weekly rest in industry, mines, transport or agriculture—

- (i) the trading branches of any other establishments;
- (ii) the branches of any other establishments in which the persons employed are mainly engaged in office work;
- (iii) mixed commercial and industrial establishments.

Article 3

1. This Convention shall also apply to persons employed in such of the following establishments as the Member ratifying the Convention may specify in a declaration accompanying its ratification:

- (a) establishments, institutions and administrative services providing personal services;
- (b) post and telecommunications services;
- (c) newspaper undertakings; and
- (d) theatres and places of public entertainment.

2. Any Member which has ratified this Convention may subsequently communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention in respect of establishments referred to in the preceding paragraph which are not already specified in a previous declaration.

3. Each Member which has ratified this Convention shall indicate in its annual reports under article 22 of the Constitution of the International Labour Organisation to what extent effect has been given or is proposed to be given to the provisions of the Convention in respect of such establishments referred to in paragraph 1 of this Article as are not covered in virtue of a declaration made in conformity with paragraphs 1 or 2 of this Article, and any progress which may have been made with a view to the progressive application of the Convention in such establishments.

Please supply the information mentioned in paragraph 3 of this Article.

Article 4

1. Where necessary, appropriate arrangements shall be made to define the line which separates the establishments to which this Convention applies from other establishments.

2. In any case in which it is doubtful whether an establishment, institution or administrative service is one to which this Convention applies, the question shall be settled either by the competent authority after consultation with the representative organisations of employers and workers concerned, where such exist, or in any other manner which is consistent with national law and practice.

Please state what arrangements, if any, have been made pursuant to paragraph 1 of this Article.

With regard to paragraph 2, please give information as to any cases which have arisen and the manner in which they have been settled.

Article 5

Measures may be taken by the competent authority or through the appropriate machinery in each country to exclude from the provisions of this Convention—

- (a) establishments in which only members of the employer's family who are not or cannot be considered to be wage earners are employed;
- (b) persons holding high managerial positions.

Please give particulars of any exclusions made in accordance with this Article.

Article 6

1. All persons to whom this Convention applies shall, except as otherwise provided by the following Articles, be entitled to an uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of seven days.

2. The weekly rest period shall, wherever possible, be granted simultaneously to all the persons concerned in each establishment.

3. The weekly rest period shall, wherever possible, coincide with the day of the week established as a day of rest by the traditions or customs of the country or district.

4. The traditions and customs of religious minorities shall, as far as possible, be respected.

Article 7

1. Where the nature of the work, the nature of the service performed by the establishment, the size of the population to be served, or the number of persons employed is such that the provisions of Article 6

cannot be applied, measures may be taken by the competent authority or through the appropriate machinery in each country to apply special weekly rest schemes, where appropriate, to specified categories of persons or specified types of establishments covered by this Convention, regard being paid to all proper social and economic considerations.

2. All persons to whom such special schemes apply shall be entitled, in respect of each period of seven days, to rest of a total duration at least equivalent to the period provided for in Article 6.

3. Persons working in branches of establishments subject to special schemes, which branches would, if independent, be subject to the provisions of Article 6, shall be subject to the provisions of that Article.

4. Any measures regarding the application of the provisions of paragraphs 1, 2 and 3 of this Article shall be taken in consultation with the representative employers' and workers' organisations concerned, where such exist.

Where advantage has been taken of the provisions of paragraph 1 of this Article, please give particulars of the measures taken, including lists of the categories of persons and the types of establishment subject to special weekly rest schemes.

Please indicate the measures which ensure to persons covered by such special schemes the minimum period of weekly rest required by paragraph 2.

Please indicate the methods adopted for the consultation of representative employers' and workers' organisations required by paragraph 4.

Article 8

1. Temporary exemptions, total or partial (including the suspension or reduction of the rest period), from the provisions of Articles 6 and 7 may be granted in each country by the competent authority or in any other manner approved by the competent authority which is consistent with national law and practice—

- (a) in case of accident, actual or threatened, *force majeure* or urgent work to premises and equipment, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment;
- (b) in the event of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures;
- (c) in order to prevent the loss of perishable goods.

2. In determining the circumstances in which temporary exemptions may be granted in accordance with the provisions of subparagraphs (b) and (c) of the preceding paragraph, the representative employers' and workers' organisations concerned, where such exist, shall be consulted.

3. Where temporary exemptions are made in accordance with the provisions of this Article, the persons concerned shall be granted compensatory rest of a total duration at least equivalent to the period provided for under Article 6.

Please indicate the circumstances in which exemptions may be granted in accordance with this Article, and the measures taken to ensure to the persons concerned the compensatory rest provided for in paragraph 3.

Please indicate the methods adopted for the consultation of representative employers' and workers' organisations required by paragraph 2.

Article 9

In so far as wages are regulated by laws and regulations or subject to the control of administrative authorities, there shall be no reduction of the income of persons covered by this Convention as a result of the application of measures taken in accordance with the Convention.

Article 10

1. Appropriate measures shall be taken to ensure the proper administration of regulations or provisions concerning the weekly rest, by means of adequate inspection or otherwise.

2. Where it is appropriate to the manner in which effect is given to the provisions of this Convention, the necessary measures in the form of penalties shall be taken to ensure the enforcement of its provisions.

Article 11

Each Member which ratifies this Convention shall include in its annual reports under article 22 of the Constitution of the International Labour Organisation—

- (a) lists of the categories of persons and the types of establishment subject to special weekly rest schemes as provided for in Article 7; and

(b) information concerning the circumstances in which temporary exemptions may be granted in accordance with the provisions of Article 8.

Please see the questions under Articles 7 and 8.

Article 12

None of the provisions of this Convention shall affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention.

Article 13

The provisions of this Convention may be suspended in any country by the government in the event of war or other emergency constituting a threat to the national safety.

- III. In so far as such information has not been supplied under Article 10 above, 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 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 the reports of the inspection services and, if such statistics are available, information concerning the number of workers covered by the relevant national legislation and/or other measures referred to in Article 1 of the Convention, the number and nature of the contraventions reported, 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. "