

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

HOLIDAYS WITH PAY (REVISED) CONVENTION, 1970 (No. 132)

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:

- (a) on any new legislative or other measures affecting the application of the Convention;
 - (b) in reply 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 organizations of employers and workers and on any observations received from these organizations;
 - (c) *in reply 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 made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

on the

HOLIDAYS WITH PAY (REVISED) CONVENTION, 1970 (No. 132)

(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 these texts to the International Labour Office.**

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, 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, which give effect to each Article.**

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 Standards 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

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

Please indicate the methods by which effect is given to the provisions of the Convention.

Article 2

1. This Convention applies to all employed persons, with the exception of seafarers.

2. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of this Convention limited categories of employed persons in respect of whose employment special problems of a substantial nature, relating to enforcement or to legislative or constitutional matters, arise.

3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

In so far as it may have been found necessary to exclude certain categories of workers from the application of the Convention,

- (a) please indicate by what authority or through what machinery such categories were excluded (paragraph 2);*
- (b) please indicate whether the organisations of employers and workers concerned—where such exist—were consulted (paragraph 2);*
- (c) please list the categories so excluded (paragraph 3);*

- (d) *please give the reasons for such exclusion (paragraph 3);*
- (e) *please give, in the second and subsequent reports, the position of law and practice in respect of the excluded categories (paragraph 3); and*
- (f) *please indicate, in the second and subsequent reports, any changes which may have occurred regarding the extent to which effect has been given or is to be given to the Convention in respect of the excluded categories (paragraph 3).*

Article 3

1. Every person to whom this Convention applies shall be entitled to an annual paid holiday of a specified minimum length.

2. Each Member which ratifies this Convention shall specify the length of the holiday in a declaration appended to its ratification.

3. The holiday shall in no case be less than three working weeks for one year of service.

4. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a holiday longer than that specified at the time of ratification.

Please indicate the minimum length of the annual paid holiday to which the persons covered by the Convention are entitled (paragraph 1).

Article 4

1. A person whose length of service in any year is less than that required for the full entitlement prescribed in the preceding Article shall be entitled in respect of that year to a holiday with pay proportionate to his length of service during that year.

2. The expression "year" in paragraph 1 of this Article shall mean the calendar year or any other period of the same length determined by the competent authority or through the appropriate machinery in the country concerned.

Please indicate how effect is given to this Article.

Article 5

1. A minimum period of service may be required for entitlement to any annual holiday with pay.

2. The length of any such qualifying period shall be determined by the competent authority or through the appropriate machinery in the country concerned but shall not exceed six months.

3. The manner in which length of service is calculated for the purpose of holiday entitlement shall be determined by the competent authority or through the appropriate machinery in each country.

4. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, absence from work for such reasons beyond the control of the employed person concerned as illness, injury or maternity shall be counted as part of the period of service.

In so far as a minimum period of qualifying service is required for entitlement to an annual holiday with pay, please indicate the length of this qualifying period (paragraphs 1 and 2).

Please indicate the manner in which the length of service is calculated for the purpose of holiday entitlement (paragraph 3).

Please indicate the conditions under which periods of absence from work for reasons beyond the control of the employed person are counted as part of the period of service (paragraph 4).

Article 6

1. Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention.

2. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, periods of incapacity for work resulting from sickness or injury may not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention.

Please indicate the measures taken to ensure that public and customary holidays shall not be counted as part of the minimum annual holiday with pay (paragraph 1).

Please indicate the measures taken to ensure that periods of incapacity for work may not be counted as part of the holiday, and the conditions prescribed in this regard (paragraph 2).

Please indicate also whether the measures in question govern periods of incapacity from work occurring both during the period of service and during the holiday.

Article 7

1. Every person taking the holiday envisaged in this Convention shall receive in respect of the full period of that holiday at least his normal or average remuneration (including the cash equivalent of any part of that remuneration which is paid in kind and which is not a permanent benefit continuing whether or not the person concerned is on holiday), calculated in a manner to be determined by the competent authority or through the appropriate machinery in each country.

2. The amounts due in pursuance of paragraph 1 of this Article shall be paid to the person concerned in advance of the holiday, unless otherwise provided in an agreement applicable to him and the employer.

Please indicate the manner in which holiday remuneration is calculated (paragraph 1).

Please indicate the measures taken to ensure that the amounts due are paid in advance of the holiday (paragraph 2).

Article 8

1. The division of the annual holiday with pay into parts may be authorised by the competent authority or through the appropriate machinery in each country.

2. Unless otherwise provided in an agreement applicable to the employer and the employed person concerned, and on condition that the length of service of the person concerned entitles him to such a period, one of the parts shall consist of at least two uninterrupted working weeks.

In so far as the division into parts of the annual holiday with pay is authorised, please indicate what are the provisions ensuring that, unless otherwise agreed, one of the parts consists of at least two uninterrupted working weeks.

Article 9

1. The uninterrupted part of the annual holiday with pay referred to in Article 8, paragraph 2, of this Convention shall be granted and taken no later than one year, and the remainder of the annual holiday with pay no later than eighteen months, from the end of the year in respect of which the holiday entitlement has arisen.

2. Any part of the annual holiday which exceeds a stated minimum may be postponed, with the consent of the employed person concerned, beyond the period specified in paragraph 1 of this Article and up to a further specified time limit.

3. The minimum and the time limit referred to in paragraph 2 of this Article shall be determined by the competent authority after consultation with the organisations of employers and workers concerned, or through collective bargaining, or in such other manner consistent with national practice as may be appropriate under national conditions.

Please indicate how effect is given to paragraph 1 of this Article.

In so far as the further postponement of part of the annual holiday is authorised—

- (a) *please indicate how effect is given to paragraph 2; and*
- (b) *please indicate—if this matter is determined by the competent authorities—whether the organisations of employers and workers concerned were consulted (paragraph 2).*

Article 10

1. The time at which the holiday is to be taken shall, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the employer after consultation with the employed person concerned or his representatives.

2. In fixing the time at which the holiday is to be taken, work requirements and the opportunities for rest and relaxation available to the employed person shall be taken into account.

Please indicate the method by which the time of the holiday is determined.

If the time of the holiday is determined by the employer, please indicate whether this is done after consultation with the employed person or his representatives.

Article 11

An employed person who has completed a minimum period of service corresponding to that which may be required under Article 5, paragraph 1, of this Convention shall receive, upon termination of employment, a holiday with pay proportionate to the length of service for which he has not received such a holiday, or compensation in lieu thereof, or the equivalent holiday credit.

Please indicate how effect is given to this Article.

Article 12

Agreements to relinquish the right to the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention or to forgo such a holiday, for compensation or otherwise, shall, as appropriate to national conditions, be null and void or be prohibited.

Please indicate how effect is given to this Article.

Article 13

Special rules may be laid down by the competent authority or through the appropriate machinery in each country in respect of cases in which the employed person engages, during the holiday, in a gainful activity conflicting with the purpose of the holiday.

Please indicate what rules, if any, have been laid down in respect of gainful activities carried out during the holiday.

Article 14

Effective measures appropriate to the manner in which effect is given to the provisions of this Convention shall be taken to ensure the proper application and enforcement of regulations or provisions concerning holidays with pay, by means of adequate inspection or otherwise.

Please indicate the manner in which the proper application and enforcement of regulations or provisions concerning annual holidays with pay are assured, whether by inspection or otherwise.

Article 15

1. Each Member may accept the obligations of this Convention separately—

- (a) in respect of employed persons in economic sectors other than agriculture;
- (b) in respect of employed persons in agriculture.

2. Each Member shall specify in its ratification whether it accepts the obligations of the Convention in respect of the persons covered by subparagraph (a) of paragraph 1 of this Article, in respect of the persons covered by subparagraph (b) of paragraph 1 of this Article, or in respect of both.

3. Each Member which has on ratification accepted the obligations of this Convention only in respect either of the persons covered by subparagraph (a) of paragraph 1 of this Article or of the persons covered by subparagraph (b) of paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of all persons to whom this Convention applies.

III. Please state to what authority or authorities the application of the above-mentioned legislation, 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 (in so far as this information has not already been supplied in the report, particularly under Article 14 of the Convention) extracts from the reports of the inspection services, and, if such statistics are available, information on the number of employed persons covered by the relevant legislation and other measures, the number and nature of 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 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. "