

REPORT FORM

FOR THE

PART-TIME WORK CONVENTION, 1994 (No. 175)

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 Part-Time Work Recommendation, 1994 (No. 182), 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:

(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 addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Standards.

Article 22 of the Constitution of the ILO

Report for the periodto
made by the Government of

on the

PART-TIME WORK CONVENTION, 1994 (No. 175)

(ratification registered on))

I. Please give a list of the legislation and administrative regulations, codes of practice or other documents 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 with this report.

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 laws and regulations, etc., or other measures, which give effect to each Article. In addition, please also give any information specifically requested on the different Articles.

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.

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

For the purposes of this Convention:

- (a) the term “part-time worker” means an employed person whose normal hours of work are less than those of comparable full-time workers;
- (b) the normal hours of work referred to in subparagraph (a) may be calculated weekly or on average over a given period of employment;
- (c) the term “comparable full-time worker” refers to a full-time worker who:
 - (i) has the same type of employment relationship;
 - (ii) is engaged in the same or a similar type of work or occupation; and
 - (iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity,as the part-time worker concerned;
- (d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

Please indicate:

- (a) *the level (or levels) of normal hours of work of full-time workers below which a worker is considered to be a part-time worker;*
- (b) *the basis on which the normal hours of work referred to in the preceding subparagraph may be calculated over a given period of employment, specifying the period of employment in question;*
- (c) *the definition(s) of partial unemployment, if contained in the national legislation.*

Article 2

This Convention does not affect more favourable provisions applicable to part-time workers under other international labour Conventions.

Article 3

1. This Convention applies to all part-time workers, it being understood that a Member may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from its scope particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature.

2. Each Member having ratified this Convention which avails itself of the possibility afforded in the preceding paragraph shall, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate any particular category of workers or of establishments thus excluded and the reasons why this exclusion was or is still judged necessary.

In so far as recourse has been had to the provisions of paragraph 1 of this Article:

- (a) *please list the categories excluded and the reasons for such exclusions;*
- (b) *please specify, where applicable, the reasons for maintaining such exclusions;*
- (c) *please indicate the representative organizations of employers and workers concerned which were consulted.*

Article 4

Measures shall be taken to ensure that part-time workers receive the same protection as that accorded to comparable full-time workers in respect of:

- (a) the right to organize, the right to bargain collectively and the right to act as workers' representatives;
- (b) occupational safety and health;
- (c) discrimination in employment and occupation.

Please indicate the measures taken to ensure that part-time workers receive the same protection as that accorded to comparable full-time workers in respect of the areas referred to in this Article.

Article 5

Measures appropriate to national law and practice shall be taken to ensure that part-time workers do not, solely because they work part time, receive a basic wage which, calculated proportionately on an hourly, performance-related, or piece-rate basis, is lower than the basic wage of comparable full-time workers, calculated according to the same method.

Please indicate the measures taken to give effect to this Article, specifying:

- (a) *the components of the basic wage and the basis (hourly performance-related, or piece-rate basis) on which it is calculated;*
- (b) *the reasons for which the basic wage of part-time workers and that of comparable full-time workers may differ, where applicable.*

Article 6

Statutory social security schemes which are based on occupational activity shall be adopted so that part-time workers enjoy conditions equivalent to those of comparable full-time workers; these conditions may be determined in proportion to hours of work, contributions or earnings, or through other methods consistent with national law and practice.

Please indicate the measures adopted to give effect to this Article and specify how the conditions equivalent to those of comparable full-time workers that part-time workers should enjoy are determined.

Article 7

Measures shall be taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of:

- (a) maternity protection;
- (b) termination of employment;
- (c) paid annual leave and paid public holidays; and
- (d) sick leave,

it being understood that pecuniary entitlements may be determined in proportion to hours of work or earnings.

Please indicate the measures taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields referred to by this Article. Please also specify how pecuniary entitlements are determined.

Article 8

1. Part-time workers whose hours of work or earnings are below specified thresholds may be excluded by a Member:

- (a) from the scope of any of the statutory social security schemes referred to in Article 6, except in regard to employment injury benefits;
- (b) from the scope of any of the measures taken in the fields covered by Article 7, except in regard to maternity protection measures other than those provided under statutory social security schemes.

2. The thresholds referred to in paragraph 1 shall be sufficiently low as not to exclude an unduly large percentage of part-time workers.

3. A Member which avails itself of the possibility provided for in paragraph 1 above shall:

- (a) periodically review the thresholds in force;
- (b) in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate the thresholds in force, the reasons therefor and whether consideration is being given to the progressive extension of protection to the workers excluded.

4. The most representative organizations of employers and workers shall be consulted on the establishment, review and revision of the thresholds referred to in this Article.

Paragraph 1: please indicate whether recourse has been had to the provisions of this paragraph. If so:

- (a) *please indicate the thresholds below which part-time workers may be excluded from the scope of the statutory social security schemes referred to in Article 6 and the measures taken in the fields covered by Article 7;*
- (b) *please indicate the statutory social security scheme or schemes referred to in Article 6 and the measure or measures adopted in the fields covered by Article 7 in respect of which such an exclusion is made, where applicable.*

Paragraph 2: please specify in each case the thresholds referred to in paragraph 1 and the percentage of part-time workers excluded, when such data exist.

Paragraph 3: please communicate any information on periodical reviews of thresholds.

Paragraph 4: please indicate the organizations of employers and workers consulted on the establishment, review and revision of the thresholds referred to in paragraph 1.

Article 9

1. Measures shall be taken to facilitate access to productive and freely chosen part-time work which meets the needs of both employers and workers, provided that the protection referred to in Articles 4 to 7 is ensured.

2. These measures shall include:

- (a) the review of laws and regulations that may prevent or discourage recourse to or acceptance of part-time work;
- (b) the use of employment services, where they exist, to identify and publicize possibilities for part-time work in their information and placement activities;
- (c) special attention, in employment policies, to the needs and preferences of specific groups such as the unemployed, workers with family responsibilities, older workers, workers with disabilities and workers undergoing education or training.

3. These measures may also include research and dissemination of information on the degree to which part-time work responds to the economic and social aims of employers and workers.

Paragraphs 1 and 2: please indicate the measures taken to give effect to these paragraphs.

Paragraph 3: please indicate, where applicable, any measure taken in application of this provisions.

Article 10

Where appropriate, measures shall be taken to ensure that transfer from full-time to part-time work or vice versa is voluntary, in accordance with national law and practice.

Please indicate, where applicable, the measures taken to give effect to this Article, specifying the cases in which a full-time worker may be transferred to part-time work or vice-versa, as well as the applicable legislation, regulations or other measures.

Article 11

The provisions of this Convention shall be implemented by laws or regulations, except in so far as effect is given to them by means of collective agreements or in any other manner consistent with national practice. The most representative organizations of employers and workers shall be consulted before any such laws or regulations are adopted.

Please specify the means by which the provisions of the Convention are implemented, and, where applicable, whether the most representative organizations of employers and workers were consulted before the adoption of laws and regulations concerning part-time work.

- III. Please state to what authority or authorities the application of the above-mentioned legislation, administrative regulations, etc., is entrusted, and by what methods such application is supervised.
- 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 and supply — insofar as the information in question has not already been supplied in connection with other questions in this form — extracts from inspection reports and, where such statistics exist, information on the number of workers covered by the measures giving effect to the Convention, the number and nature of infringements reported, etc.
- VI. Please indicate the representative organizations 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 Organization.¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explains the procedure followed.

Please indicate whether you have received from the organizations 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 organizations recognized for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."