

C106 - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having decided upon the adoption of certain proposals with regard to weekly rest in commerce and offices, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-sixth day of June of the year one thousand nine hundred and fifty-seven the following Convention, which may be cited as the Weekly Rest (Commerce and Offices) Convention, 1957:

Article 1

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.

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 the 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.

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.

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.

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.

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.

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.

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.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

- 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
- 2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

- 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 16

- 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
- 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

- 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
- 2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 19

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

- 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides--
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;

- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.