

## Co89 - Night Work (Women) Convention (Revised), 1948 (No. 89)

### Preamble

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Night Work (Women) Convention, 1919, adopted by the Conference at its First Session, and the Night Work (Women) Convention (Revised), 1934, adopted by the Conference at its Eighteenth Session, which is the ninth item on the agenda of the session, and

Considering that these proposals must take the form of an international Convention.

adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Night Work (Women) Convention (Revised), 1948:

### PART I. GENERAL PROVISIONS

#### Article 1

- 1. For the purpose of this Convention, the term **industrial undertakings** includes particularly:
  - (a) mines, quarries, and other works for the extraction of minerals from the earth;
  - (b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in ship-building or in the generation, transformation or transmission of electricity or motive power of any kind;
  - (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work.
- 2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

#### Article 2

For the purpose of this Convention the term **night** signifies a period of at least eleven consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning; the competent authority may prescribe different intervals for different areas, industries, undertakings or branches of industries or undertakings, but shall

consult the employers' and workers' organisations concerned before prescribing an interval beginning after eleven o'clock in the evening.

### *Article 3*

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Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

### *Article 4*

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Article 3 shall not apply:

- (a) in cases of force majeure, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;
- (b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration when such night work is necessary to preserve the said materials from certain loss.

### *Article 5*

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- 1. The prohibition of night work for women may be suspended by the government, after consultation with the employers' and workers' organisations concerned, when in case of serious emergency the national interest demands it.
- 2. Such suspension shall be notified by the government concerned to the Director-General of the International Labour Office in its annual report on the application of the Convention.

### *Article 6*

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In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

### *Article 7*

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In countries where the climate renders work by day particularly trying, the night period may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

### *Article 8*

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This Convention does not apply to:

- (a) women holding responsible positions of a managerial or technical character; and
- (b) women employed in health and welfare services who are not ordinarily engaged in manual work.

## PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

### Article 9

In those countries where no government regulation as yet applies to the employment of women in industrial undertakings during the night, the term **night** may provisionally, and for a maximum period of three years, be declared by the government to signify a period of only ten hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between ten o'clock in the evening and seven o'clock in the morning.

### Article 10

- 1. The provisions of this Convention shall apply to India subject to the modifications set forth in this Article.
- 2. The said provisions shall apply to all territories in respect of which the Indian legislature has jurisdiction to apply them.
- 3. The term **industrial undertaking** shall include:
  - (a) factories as defined in the Indian Factories Act; and
  - (b) mines to which the Indian Mines Act applies.

### Article 11

- 1. The provisions of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.
- 2. The said provisions shall apply to all territories in respect of which the Pakistan legislature has jurisdiction to apply them.
- 3. The term **industrial undertaking** shall include:
  - (a) factories as defined in the Factories Act;
  - (b) mines to which the Mines Act applies.

### Article 12

- 1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding articles of Part II of this Convention.
- 2. Any such draft amendment shall state the Member or Members to which it applies, and shall, within the period of one year, or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the Member

or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

- 3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.
- 4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

### **PART III. FINAL PROVISIONS**

#### *Article 13*

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

#### *Article 14*

- 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 15*

- 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 16*

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- 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 17*

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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 18*

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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 19*

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- 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 15 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 20*

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