

C051 - Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51)

Preamble

The General Conference of the International Labour Organization, Having been convened in Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and Following consideration of the proposal for the withdrawal of several international labour Conventions, which is the seventh item on the agenda of this session; decides this fifteenth day of June of the year two thousand to withdraw the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51). The Director-General of the International Labour Office shall notify all Members of the International Labour Organization as well as the Secretary-General of the United Nations of this decision to withdraw the instrument. The English and French versions of the text of this decision are equally authoritative.

The General Conference of the International Labour Organisation,

Having met at Geneva in its Twentieth Session on 4 June 1936;

Considering that the question of the reduction of hours of work on public works undertaken or subsidised by Governments is the third item on the agenda of the Session;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living;

Considering it to be desirable that this principle should be applied by international agreement to public works;

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Reduction of Hours of Work (Public Works) Convention, 1936:

Article 1

- 1. This Convention applies to persons directly employed on building or civil engineering works financed or subsidised by central Governments.
- 2. For the purpose of this Convention the precise scope of the terms "building or civil engineering", "financed" and "subsidised" shall be delimited by the competent authority after consultation with the organisations of employers and workers concerned where such exist.

- 3. The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention--
 - (a) persons employed in undertakings in which only members of the employer's family are employed;
 - (b) persons occupying positions of management who do not ordinarily perform manual work.

Article 2

- 1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.
- 2. In the case of persons who work in successive shifts on processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.
- 3. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies.
- 4. Where hours of work are calculated as an average the competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which this average may be calculated and the maximum number of hours that may be worked in any week.
- 5. For the purpose of this Convention, the term **hours of work** means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

Article 3

- 1. The competent authority may, by regulations made after consultation with the organisations of employers and workers concerned where such exist, provide that the limits of hours prescribed in the preceding Article may be exceeded in the case of--
 - (a) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking or branch thereof or of the shift; and
 - (b) persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls.
- 2. The regulations referred to in paragraph 1 shall determine the maximum number of hours which may be worked in virtue of this Article.

- 3. The competent authority may permit the limits of hours prescribed in the preceding Article to be exceeded to a prescribed extent in cases in which this is necessary, if serious hindrance to the execution of a particular public work is to be avoided, on account of abnormal circumstances such as the inaccessibility of the site or the impossibility of engaging sufficient qualified labour.

Article 4

The limits of hours prescribed in the preceding Article may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking--

- (a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of force majeure ; or
- (b) in order to make good the unforeseen absence of one or more members of a shift.

Article 5

- 1. The limits of hours prescribed in Articles 2 and 3 may be exceeded in cases where the continued presence of particular persons is necessary for the completion of an operation which for technical reasons cannot be interrupted.
- 2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which this Article applies and the maximum number of hours in excess of the prescribed limits which may be worked by the persons concerned.
- 3. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

Article 6

- 1. The competent authority may grant an allowance of overtime for exceptional cases of pressure of work. Such an allowance shall only be granted under regulations made after consultation as to the necessity of such overtime and the number of hours to be worked with the organisations of employers and workers concerned where such exist, and no such allowance shall permit of any person being employed for more than one hundred hours of such overtime in any year.
- 2. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

Article 7

In order to facilitate the effective enforcement of the provisions of this Convention, every employer shall be required--

- (a) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority,
 - (i) the hours at which work begins and ends;
 - (ii) where work is carried on by shifts, the hours at which each shift begins and ends;
 - (iii) where a rotation system is applied, a description of the system, including a time-table for each person or group of persons;
 - (iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks; and
 - (v) rest periods in so far as these are not reckoned as part of the working hours;
- (b) to keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 3 (paragraph 3), 5 and 6 and of the payments made in respect thereof.

Article 8

The annual reports submitted by Members upon the application of this Convention shall include more particularly full information concerning--

- (a) the definitions adopted in virtue of Article 1, paragraph 2;
- (b) processes which the competent authority has recognised as necessarily continuous in character in virtue of Article 2, paragraph 2;
- (c) determinations made in virtue of Article 2, paragraph 4;
- (d) decisions taken in virtue of Article 3; and
- (e) allowances of overtime granted in virtue of Article 6.

Article 9

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

Article 10

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

Article 11

- 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 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 13

- 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 14

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 15

- 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 13 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 16

The French and English texts of this Convention shall both be authentic.