TWENTY THIRD INTERNATIONAL LABOUR CONFERENCE SESSION ON 22 JUNE 1937 - AT GENEVA

ILO - CONVENTION - 061
REDUCTION OF HOURS OF WORK (TEXTILES)

Convention Concerning the Reduction of Hours of Work in the Textile Industry.

[Withdrawn by decision of the International Labour Conference at its 88th Session (2000)]

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 (Textiles) Convention, 1937 (No. 61). 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 Twenty-third Session on 3 June 1937;

Considering that the question of the reduction of hours of work in the textile industry is the second 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 the textile industry;

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Convention, which may be cited as the Reduction of Hours of Work (Textiles) Convention, 1937:

Article 1

- 1. This Convention applies to--

- (a) persons employed in an undertaking which fulfils the condition stated in paragraph 2 of this Article, including persons employed in any branch of such an undertaking which branch does not fulfil that condition; and
- (b) persons employed in a branch of an undertaking which branch fulfils the condition stated in paragraph 2 of this Article, even though the undertaking does not fulfil that condition.

- 2. The condition referred to in the preceding paragraph is that the undertaking or branch of an undertaking is engaged wholly or mainly in one or more of the series of operations delimited in paragraphs 3, 4 and 5 of this Article in the course of the manufacture of any kind of thread, yarn, twine, cord, rope, netting or felt, or any woven, piled, knitted or lacework fabric from any one or more of the following materials: cotton, wool, silk, flax, hemp, jute, rayon or other synthetic fibre, or any other textile material whether of vegetable, animal or mineral origin.
- 3. The series of operations referred to in paragraph 2 of this Article begins--
  - (a) in the case of cotton, with the reception of the bales of ginned cotton for breaking up and cleaning;
  - (b) in the case of wool, with the reception of the raw wool for sorting and cleaning (excluding the process of anthrax disinfection);
  - (c) in the case of silk, with the reeling of the silk from the cocoon or the steeping of the silk waste;
  - (d) in the case of flax, jute and hemp, with the operation of retting, except where this operation is effected as work accessory to that of an agricultural undertaking;
  - (e) in the case of rayon or other synthetic fibre, with the reception of the materials used in the chemical production of the fibre;
  - (f) in the case of rags, with the sorting of the rags or the reception of the sorted rags; and
  - (g) in the case of any other textile material, with the operation prescribed by the competent authority as corresponding to the operations set out above.
- 4. The series of operations referred to in paragraph 2 of this Article includes the operations of bleaching, dyeing, printing, and finishing and similar operations, and ends with the packing and despatch of the products specified in that paragraph.
- 5. The series of operations referred to in paragraph 2 of this Article includes the making in whole or in part of any garment or other article only in the following cases:
  - (a) the case of hosiery manufacture; and

- (b) cases in which the garment or other article is made by the same process as the fabric thereof.

- 6. In any case in which it is doubtful whether an undertaking or branch of an undertaking fulfils the condition stated in paragraph 2 of this Article, the question shall be determined by the competent authority after consultation with the organisations of employers and workers concerned where such exist.

- 7. Where and so long as the principle of a forty-hour week is applied to persons to whom this Convention applies in accordance with the provisions of any international labour Convention other than this Convention, the competent authority may exclude such persons from the application of this Convention.

- 8. This Convention applies to persons employed in both public and private undertakings.

Article 2

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) classes of persons who by reason of their special responsibilities are not subjected to the normal rules governing the length of the working week.

Article 3

- 1. 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.

- 2. Where at the date of adoption of this Convention it is the practice not to regard time spent in the cleaning or oiling of machines as part of ordinary working time, the competent authority may permit any time not exceeding one-and-a-half hours in any week which is so spent to be disregarded in reckoning for the purpose of this Convention the hours of work of the persons concerned.

Article 4

- 1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.

- 2. In the cases 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 the average may be calculated and the maximum number of hours that may be worked in any week.

Article 5

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 authorised by the preceding Article may be exceeded to an extent prescribed by such regulations 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, branch or shift;
- (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;
- (c) persons employed in connection with the transport, delivery or loading or unloading of goods.

Article 6

- 1. The limits of hours authorised by the preceding Articles 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 ;
  - (b) in order to make good the unforeseen absence of one or more members of a shift.
- 2. The employer shall notify the competent authority without delay of all time worked in virtue of this Article and of the reasons therefor.

Article 7

- 1. The limits of hours authorised by the preceding Articles may be exceeded in cases where the continued presence of particular persons is necessary for the completion of a bleaching, dyeing, finishing or other operation, or of a succession of such operations, which for technical reasons cannot be interrupted without damage to the material worked and which by reason of exceptional circumstances it has not been possible to complete within the normal limit of hours.

- 2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which and the conditions subject to which the preceding paragraph applies and the maximum number of hours which may be worked in virtue of that paragraph by the persons concerned.

Article 8

- 1. Upon application by an employer, the competent authority may, after consultation with the organisations of employers and workers concerned where such exist, grant an allowance of overtime for specified classes of persons in exceptional cases in which overtime on one or more operations is necessary in order to enable the workers engaged in subsequent operations in the same undertaking to be employed up to the authorised limits of hours.
- 2. The competent authority shall determine, after consultation with the organisations of employers and workers concerned where such exist, the maximum number of hours of overtime which may be worked in virtue of paragraph 1 of this Article, so however that no such allowance shall permit of any person being employed for more than sixty hours of such overtime in any year or for more than four hours of such overtime in any week.
- 3. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.
- 4. The competent authority may attach to the grant of an allowance of overtime such conditions as it deems expedient with a view to securing a progressive reduction in the amount of overtime.

Article 9

- 1. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded subject to the conditions that--
  - (a) all time worked in virtue of this Article shall be regarded as overtime and shall be remunerated at not less than one-and-a-quarter times the normal rate; and
  - (b) no person shall be employed in virtue of this Article for more than seventy-five hours of overtime in any year.
- 2. In cases in which national laws or regulations apply the weekly limit of hours as a strict limit applicable to each week, the competent authority may permit not more than one hundred additional hours of overtime in any year to be worked, subject to the condition that such additional hours of overtime shall be remunerated at not less than one-and-a-quarter times the normal rate.
- 3. When granting permission in virtue of the preceding paragraphs, the competent authority shall satisfy itself that there will be no consistent working of overtime.

- 4. The competent authority shall only grant permission to work overtime in virtue of this Article in accordance with regulations made after consultation with the organisations of employers and workers concerned where such exist.
- 5. The regulations referred to in the preceding paragraph shall prescribe--
  - (a) the procedure by which permission may be granted to employers to work overtime in virtue of this Article; and
  - (b) the maximum number of hours for which the competent authority may grant permission and the minimum overtime rate to be paid for such hours.

Article 10

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

- (a) notify in a manner approved by the competent authority, by the posting of notices or otherwise,
  - (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) effective rest periods as defined in Article 3; and
- (b) keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Articles 7, 8 and 9 of this Convention and of the payments made in respect thereof.

Article 11

Any Member may suspend the operation of the provisions of this Convention during any emergency which endangers the national safety.

Article 12

During a period which shall not exceed two years from the coming into force of this Convention for the Member concerned, the competent authority may approve transitional arrangements in virtue of which--

- (a) the reduction of hours of work to the limits authorised by the preceding Articles may be accomplished by stages during the said period;

- (b) specified classes of workers or undertakings may be exempted from all or any of the provisions of the Convention during the said period.

Article 13

The annual reports upon the application of this Convention to be submitted by Members under Article 22 of the Constitution of the International Labour Organisation shall include more particularly full information concerning--

- (a) decisions taken in virtue of Article 1, paragraph 3 (g);
- (b) exemptions made in virtue of Article 2, and any conditions subject to which such exemptions are made;
- (c) any recourse to the provisions of Article 3, paragraph 2;
- (d) determinations made in pursuance of Article 4, paragraph 4;
- (e) regulations made in virtue of Article 5;
- (f) determinations made in pursuance of Article 7, paragraph 2;
- (g) allowances of overtime granted in virtue of Article 8; and
- (h) the extent to which recourse has been had to the provisions of Article 9.

Article 14

In accordance with article 19, paragraph 11 (Note: That provision reads as follows: In no case shall any Member be asked or required, as a result of the adoption of any Recommendation or draft Convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned. As a result of the amendment of the Constitution in 1946, a corresponding provision is now contained in article 19, paragraph 8, thereof.), of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions to the workers than those provided for by this Convention.

Article 15

In the event of the Conference adopting a further Convention determining such modifications of the provisions of this Convention as may be required to meet the case of countries to which article 19, paragraph 3, of the Constitution of the International Labour Organisation applies, this Convention and the aforesaid further Convention shall be deemed to form one Convention.

Article 16

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

Article 17

- 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 18

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 19

- 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 20

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 21

- 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 19 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.