APPENDIX I

TABLE OF REPORTS DUE AND RECEIVED ON THE INSTRUMENTS UNDER CONSIDERATION AND LIST OF RATIFICATIONS/DENUNCIATIONS BY CONVENTION AND COUNTRY (AS AT 8 DECEMBER 2000)

Article 19 of the Constitution of the International Labour Organization provides that Members shall “report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body” on the position of their law and practice in regard to the matters dealt with in unratified Conventions and Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5(e) of the abovementioned article. Paragraph 6(d) deals with Recommendations, and paragraph 7(a) and (b) deals with the particular obligations of federal States. Article 23 of the Constitution provides that the Director-General shall lay before the next meeting of the Conference a summary of the reports communicated to him by Members in pursuance of article 19, and that each Member shall communicate copies of these reports to the representative organizations of employers and workers.

At its 218th (November 1981) Session, the Governing Body decided to discontinue the publication of summaries of reports on unratified Conventions and on Recommendations and to publish only a list of reports received, on the understanding that the Director-General would make available for consultation at the Conference the originals of all reports received and that copies of reports would be available to members of delegations on request.

At its 267th (November 1996) Session, the Governing Body approved new measures for rationalization and simplification.

From now on, reports received under article 19 of the Constitution appear in simplified form in a table annexed to Report III (Part 1B) of the Committee of Experts on the Application of Conventions and Recommendations.

Requests for consultation or copies of reports may be addressed to the secretariat of the Committee on the Application of Standards.

The reports, which are listed below, refer to the Night Work (Women) Convention, 1919 (No. 4), the Night Work (Women) Convention (Revised), 1934 (No. 41), the Night Work (Women) Convention (Revised), 1948 (No. 89), and the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948.
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(+) Report received.
- Convention has ceased to apply.
○ Denunciation under consideration.
▲ Intention to denounce announced.

This refers to the former Socialist Federal Republic of Yugoslavia (SFRY). The Government of the Federal Republic of Yugoslavia, which joined the International Labour Organization on 24 November 2000, has not yet notified its decision concerning the Conventions previously ratified by the former Socialist Federal Republic of Yugoslavia. As from the date of accession of the Federal Republic of Yugoslavia to ILO membership, the former Socialist Federal Republic of Yugoslavia was deleted from the list of ILO member States.
APPENDIX II

SELECTED NATIONAL LEGISLATION RELATING TO NIGHT WORK
OF WOMEN IN INDUSTRY BY COUNTRY

Albania

Algeria
— Act No. 90-11 of 21 April 1990 respecting labour relations.

Angola

Antigua and Barbuda

Argentina

Australia
— Workplace Relations Act, 1996.
— Clothing Trades Award, 1999.

Austria
— Maternity Protection Act of 17 April 1979.
— Federal Act of 1 July 1948 respecting the employment of children and young persons, as last amended by Act of 6 November 1997 (Text No. 126).
— Federal Act of 25 June 1969 regarding women’s night work.

_Azerbaijan_

_Bahrain_
— Legislative Decree No. 23 of 16 June 1976 promulgating the Labour Law for the Private Sector, as amended by the Legislative Decree No. 14 of 1993.
— Ministerial Decision No. 18/1976.

_Bangladesh_
— Employment of Children Act, 1938.
— Maternity Benefit Act, 1939.

_Barbados_

_Belarus_

_Belgium_
— Act of 17 February 1997 on night work.
— Collective Agreement No. 46 of 23 March 1990 concerning night work.

_Belize_
— Labour Act, Chapter 234, 1980.

_Benin_

_Bolivia_
— Supreme Decree of 26 May 1939 to issue the Labour Code.
— Decree of 23 August 1943 regulating the General Labour Act.
— Act No. 975 of 2 May 1988 on employment and stability of the pregnant worker.
— Act No. 1403 of 18 December 1992 establishing the Minor’s Code.
— Act No. 2026 of 27 October 1999 establishing the Code of Children and Adolescents.

Botswana

Brazil
— Federal Constitution, as amended by the constitutional amendment No. 20 of 15 December 1998.
— Decree No. 5.452 of 1 May 1943 concerning the consolidation of Labour Acts.
— Act No. 8.213/91.

Bulgaria

Burkina Faso
— Decree No. 436/ITLS/HV of 15 July 1953 concerning night work hours.
— Decree No. 539/ITLS/HV of 29 July 1954 concerning the employment of children.
— Decree No. 5254/IGTLS/AOF of 19 July 1954 respecting the employment of women and pregnant women.

Burundi

Cameroon

Central African Republic
— Decree No. 839/ITT of 22 November 1953 concerning night work hours.
— Decree No. 3759 of 25 November 1954 respecting the employment of women and pregnant women.
— Decree No. 3157 of 8 October 1951 concerning the employment of children.
Chad

Chile
— Labour Directorate Circular No. 1671/64 of 18 March 1996.

China
— Decree of 28 June 1988 of the State Council adopting Regulations Governing Labour Protection for Female Staff Members and Workers.

Colombia
— Code of Minors, Decree No. 2737/89.

Comoros

Congo

Costa Rica

Côte d’Ivoire
— Decree No. 96-204 of 7 March 1996 regarding night work.

Croatia
Cuba

— Decree No. 101 of 3 March 1982 establishing Regulations on Protection and Hygiene at Work.
— Protection and Hygiene at Work Law No. 13 of 28 December 1977.

Cyprus

— Employment of Women (During the Night) Law of 26 February 1932.
— Employment of Children and Young Persons (Amendment) Law No. 87(I) of 1999.
— Maternity Protection Law No. 100(I) of 1997.

Czech Republic


Democratic Republic of the Congo

— Order No. 68/13 of 17 May 1968 to lay down conditions of work for women and children.

Denmark

— Order No. 867 of 13 October 1984, as amended by Order No. 1117 of 17 December 1997.
— Order No. 516 of 14 June 1996 respecting work by young persons.

Djibouti


Dominica


Dominican Republic

Ecuador

Egypt
— Act No. 43 of 1974 concerning the use of Arab and foreign capital and free zones, as amended by Act No. 32 of 1977.
— Ministerial Decree No. 23 of 7 February 1982.

El Salvador

Eritrea

Estonia

Ethiopia

Finland
— Hours of Work Act No. 605 of 1996.
— Occupational Safety and Health Act.

France

Gabon

Germany
— Youth Employment Protection Act of 12 April 1976.
Ghana
— Labour Decree No. 157 of 10 April 1967 on night work.

Greece
— Presidential Decree No. 176/97 respecting measures to improve the security and health at work of working women during pregnancy, after birth, or during breastfeeding.

Guatemala

Guinea
— Decree No. 2791/MTASE/DNTLS/96 of 22 April 1996 respecting child labour.
— Decree No. 1392/MASE/DNTLS/90 of 15 May 1990 respecting the employment of women and pregnant women.

Guinea-Bissau

Haiti

Hungary

India
— Factories Act No. 53 of 23 September 1948, as amended.
— Child Labour (Prohibition and Regulation) Act No. 61 of 23 December 1986.

Indonesia
— Law on Manpower Affairs No. 25 of 3 October 1997.
— Ministerial Regulation No. 04/MEN/1989 on procedures to employ women workers at night.
— Ordinance of 17 December 1925 on measures limiting child labour and night work for women.
— Ministerial Regulation No. 03/MEN/1996 on prohibition of termination of employment for women due to be married, pregnant or give birth.
— Act No. 1 of 6 January 1951.

Iraq

Israel
— Employment of Women Law No. 5714-1954.
— Youth Labour Law No. 5713-1953.

Italy
— Legislative Decree No. 532 of 26 November 1999 on Provisions relating to night work.

Japan
— Law No. 76 of 15 May 1991 concerning the welfare of workers who take care of children or other family members including childcare and family care leave.

Jordan
— Labour Code, Law No. 8 of 1996.
— Ministerial Order No. 4201 of 30 April 1997 concerning jobs and hours in which the employment of women is prohibited.

Kenya

Korea, Republic of

Kuwait
— Act No. 38 of 1964 regarding employment in the private sector.
— Ministerial Order No. 28 of 1976 on the definition of the term night.
— Ministerial Order No. 5 of 1985.
Latvia

Lebanon

Libyan Arab Jamahiriya
— Ministerial Order of 18 October 1972 defining the circumstances in which females may be employed on night work between 8 p.m. and 7 a.m.

Lithuania

Luxembourg
— Act of 28 October 1969 respecting the protection of children and young workers.

Madagascar
— Decree No. 72-226 of 6 July 1972 regulating overtime and night work.

Malawi
— Employment of Women, Young Persons and Children Act No. 22 of 1939 (Cap. 55:04).

Malaysia

Mali
— Decree No. 96-178/P-RM of 13 June 1996 to make regulations under the Labour Code.
Mauritania
— Order No. 5254/IGTLS/AOF of 19 July 1954 respecting the employment of women and pregnant women.

Mauritius
— Industrial Expansion Act No. 11 of 28 April 1993.

Mexico
— Political Constitution of the United Mexican States.
— Federal Labour Act, as amended up to 1 October 1995.

Moldova, Republic of

Morocco
— Decree of 2 July 1947 to regulate employment.
— Vizirial Order of 8 March 1948 to specify the undertakings which are exempted from the provisions prohibiting the employment of women and children at night.

Mozambique

Namibia

Netherlands

New Zealand

Nicaragua
Niger

Norway
— Act No. 4 of 4 February 1977 respecting Worker’s Protection and the Working Environment, as subsequently amended, last by Act No. 19 of 28 February 1997.
— Ordinance No. 554 of 30 April 1998 respecting work of children and of youth.

Oman
— Labour Law enacted by the Sultani Decree No. 34/73.
— Ministerial Decision No. 19/74.

Pakistan
— Mines Act, 1923.
— West Pakistan Maternity Benefit Ordinance, 1958.

Panama

Papua New Guinea
— Employment Act No. 54 of 21 August 1978.

Paraguay

Peru
— Legislative Decree No. 728 of 21 March 1997.
Philippines

Poland

Portugal
— Act No. 4/84 of 5 April 1984 concerning maternity and paternity protection.
— Legislative Decree No. 409/71 of 27 September 1971.

Qatar
— Labour Law No. 3 of 1962.

Romania

Russian Federation

Rwanda
— Decree of 14 March 1957 respecting working hours, weekly rests and public holidays.

Saudi Arabia

Senegal
— Decree No. 70-182 of 20 February 1970 concerning night work hours.
— Order No. 3724/IT of 22 June 1954 regarding child labour.
— Order No. 5254/IGTLS/AOF of 19 July 1954 regarding conditions of work of women and pregnant women.
Seychelles

Singapore
— Employment Act (Chapter 91), as amended to 30 April 1996.

Slovakia

Slovenia

South Africa
— Mine Health and Safety Act No. 29 of 30 May 1996.

Spain
— Royal Legislative Decree No. 1/95 of 24 March 1995 regarding the Workers Statute Law.
— Law No. 39/99 of 5 November 1999 regarding the reconciliation of work and family life.
— Prevention of Labour Risks Law No. 31/95 of 8 November 1995.

Sri Lanka
— Employment of Women, Young Persons and Children Act No. 47 of 1956.
— Maternity Benefits Ordinance (Chapter 140) of 28 July 1941.
Suriname

Swaziland
— Employment Act No. 5 of 26 September 1980.

Sweden

Switzerland
— Code des Obligations, Federal Act of 30 March 1911 supplementing the Swiss Civil Code.

Syrian Arab Republic
— Law No. 91 of 5 April 1959 establishing the Labour Code.
— Order No. 1663 of 28 December 1985 regarding employment of women in production.
— Order No. 666 of 20 July 1976 to prescribe the cases and types of work in which women may be employed between 8 p.m. and 7 a.m.

Thailand

Togo
— Ordinance No. 16 of 8 May 1974 establishing the Labour Code.
— Decree No. 884-55/ITLS of 28 October 1955 respecting the employment of women and children.

Tunisia

Turkey
— Decree No. 7/6909 of 27 July 1973 to approve Regulations respecting the Conditions of Work for Women Working Night Shifts on Industrial Work.
Ukraine
— Regulation No. 381 of 27 March 1996 on the programme of disengagement of women to productions linked with arduous work and dangerous conditions, as well as limitation of their work at night for 1996-98 (Text No. 277).

United Arab Emirates
— Federal Law No. 8 of 1980 regarding regulation of labour relations.
— Ministerial Order No. 46/1 of 1980, defining the types of work in which women may be employed between 10 p.m. and 7 a.m.
— Ministerial Order No. 47/1 of 1980, concerning the exemption of certain establishments from the Law regulating the employment of young persons and women.

United Kingdom
— Maternity and Parental Leave Regulations 1999.

Anguilla

Falkland Islands (Malvinas)

Gibraltar
— Employment Ordinance.

Guernsey
— Act relative to the Employment of Women, Young Persons and Children, 1926.

Isle of Man

United States
Uruguay
— Decree of 1 June 1954.
— Law No. 11.577 of 14 October 1950.
— Law No. 15.084 of 28 November 1980.

Venezuela

Viet Nam

Yemen

Zambia
— Employment of Women, Young Persons and Children Act (Cap. 505) of 13 April 1933, as amended, last by Act No. 4 of 6 September 1991.

Zimbabwe
— Labour Relations Act No. 12 of 1992 (Chapter 28:01).
APPENDIX III

MAIN PROVISIONS OF THE INSTRUMENTS ON
NIGHT WORK OF WOMEN IN INDUSTRY

Convention No. 4

Convention concerning Employment of Women during the Night

The General Conference of the International Labour Organisation,
Having been convened at Washington by the Government of the United States of America on the 29th day of October 1919, and
Having decided upon the adoption of certain proposals with regard to women’s employment; during the night, which is part of the third item in the agenda for the Washington meeting of the Conference, and
Having determined that these proposals shall take the form of an international Convention,
adopts the following Convention, which may be cited as the Night Work (Women) Convention, 1919, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. For the purpose of this Convention, the term “industrial undertaking” includes particularly –
(a) mines, quarries, and other works for the extraction of minerals from the earth;
(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;
(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.
Article 2

1. For the purpose of this Convention, the term “night” signifies a period of at least eleven consecutive hours, including the interval between ten o’clock in the evening and five o’clock in the morning.

2. 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 the interval between ten o’clock in the evening and five o’clock in the morning.

Article 3

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

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

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

Article 6

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

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

[…]
Contribution No. 41

Convention concerning Employment of Women during the Night (Revised 1934)

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 Eighteenth Session on 4 June 1934, and
Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning employment of women during the night adopted by the Conference at its First Session, which is the seventh item on the agenda of the session, and
Considering that these proposals must take the form of an international Convention,
adopts this nineteenth day of June of the year one thousand nine hundred and thirty-four the following Convention, which may be cited as the Night Work (Women) Convention (Revised), 1934:

Article 1

1. For the purpose of this Convention, the term “industrial undertaking” includes particularly –
   (a) mines, quarries, and other works for the extraction of minerals from the earth;
   (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;
   (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2

1. For the purpose of this Convention, the term “night” signifies a period of at least eleven consecutive hours, including the interval between ten o’clock in the evening and five o’clock in the morning.

2. Provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the competent authority may, after consultation with the employers’ and workers’ organisations concerned, decide that in the case of women employed in that industry or area, the interval between eleven o’clock
in the evening and six o’clock in the morning may be substituted for the interval between ten o’clock in the evening and five o’clock in the morning.

3. 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 the interval between ten o’clock in the evening and five o’clock in the morning.

**Article 3**

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**

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**

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

**Article 6**

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**

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

**Article 8**

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

 […]

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Convention No. 89

Convention concerning Night Work of Women Employed in Industry (Revised 1948)

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 undertaking” 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 shipbuilding 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**

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**

Article 3 shall not apply –
(a) in case 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**

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**

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**

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**

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.

[…]
Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948

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 77th Session on 6 June 1990, and
Having decided upon the adoption of certain proposals with regard to night work, which is the fourth item on the agenda of the session, and
Having determined that these proposals shall take the form of a Protocol to the Night Work (Women) Convention (Revised), 1948 (hereinafter referred to as “the Convention”),
adopts this twenty-sixth day of June of the year one thousand nine hundred and ninety the following Protocol, which may be cited as the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948:

Article 1

1. (1) National laws or regulations, adopted after consulting the most representative organisations of employers and workers, may provide that variations in the duration of the night period as defined in Article 2 of the Convention and exemptions from the prohibition of night work contained in Article 3 thereof may be introduced by decision of the competent authority:

(a) in a specific branch of activity or occupation, provided that the organisations representative of the employers and the workers concerned have concluded an agreement or have given their agreement;

(b) in one or more specific establishments not covered by a decision taken pursuant to clause (a) above, provided that:

(i) an agreement has been concluded in the establishment or enterprise concerned between the employer and the workers’ representatives concerned; and

(ii) the organisations representative of the employers and the workers of the branch of activity or occupation concerned or the most representative organisations of employers and workers have been consulted;

(c) in a specific establishment not covered by a decision taken pursuant to clause (a) above, and where no agreement has been reached in accordance with clause (b)(i) above, provided that:

(i) the workers’ representatives in the establishment or enterprise as well as the organisations representative of the employers and the workers of the branch of activity or occupation concerned or the most representative organisations of employers and workers have been consulted;

(ii) the competent authority has satisfied itself that adequate safeguards exist in the establishment as regards occupational safety and health, social services and equality of opportunity and treatment for women workers; and
(iii) the decision of the competent authority shall apply for a specified period of
time, which may be renewed by means of the procedure under sub-clauses (i)
and (ii) above.

(2) For the purposes of this paragraph the term “workers’ representatives” means
persons who are recognised as such by national law or practice, in accordance with the
Workers’ Representatives Convention, 1971.

2. The laws or regulations referred to in paragraph 1 shall determine the
circumstances in which such variations and exemptions may be permitted and the
conditions to which they shall be subject.

Article 2

1. It shall be prohibited to apply the variations and exemptions permitted
pursuant to Article 1 above to women workers during a period before and after childbirth
of at least 16 weeks, of which at least eight weeks shall be before the expected date of
childbirth. National laws or regulations may allow for the lifting of this prohibition at the
express request of the woman worker concerned on condition that neither her health nor
that of her child will be endangered.

2. The prohibition provided for in paragraph 1 of this Article shall also apply to
additional periods in respect of which a medical certificate is produced stating that this is
necessary for the health of the mother or child:
(a) during pregnancy; or
(b) during a specified time prolonging the period after childbirth fixed pursuant to
paragraph 1 above.

3. During the periods referred to in paragraphs 1 and 2 of this Article:
(a) a woman worker shall not be dismissed or given notice of dismissal, except for
justifiable reasons not connected with pregnancy or childbirth;
(b) the income of a woman worker concerned shall be maintained at a level sufficient
for the upkeep of herself and her child in accordance with a suitable standard of
living. This income maintenance may be ensured through assignment to day work,
extended maternity leave, social security benefits or any other appropriate measure,
or through a combination of these measures.

4. The provisions of paragraphs 1, 2 and 3 of this Article shall not have the
effect of reducing the protection and benefits connected with maternity leave.

Article 3

Information on the variations and exemptions introduced pursuant to this Protocol
shall be included in the reports on the application of the Convention submitted under
article 22 of the Constitution of the International Labour Organisation.

Article 4

1. A Member may ratify this Protocol at the same time as or at any time after its
ratification of the Convention, by communicating its formal ratification of the Protocol
to the Director-General of the International Labour Office for registration. Such
ratification shall take effect 12 months after the date on which it has been registered by
the Director-General. Thereafter the Convention shall be binding on the Member concerned with the addition of Articles 1 to 3 of this Protocol.

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