

No. 4704

INTERNATIONAL LABOUR ORGANISATION

Convention (No. 106) concerning weekly rest in commerce and offices. Adopted by the General Conference of the International Labour Organisation at its fortieth session, Geneva, 26 June 1957

Official texts: English and French.

Registered by the International Labour Organisation on 10 March 1959.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention (n° 106) concernant le repos hebdomadaire dans le commerce et les bureaux. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa quarantième session, Genève, 26 juin 1957

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 10 mars 1959.

No. 4704. CONVENTION (No. 106)¹ CONCERNING WEEKLY REST IN COMMERCE AND OFFICES. ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FORTIETH SESSION, GENEVA, 26 JUNE 1957

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 :

¹ In accordance with article 15, the Convention came into force on 4 March 1959, twelve months after the date on which the ratifications of two members had been registered with the Director-General of the International Labour Office. Thereafter, the Convention shall come into force for any member twelve months after the date on which its ratification has been registered. The ratifications on behalf of the following members have been registered with the Director-General of the International Labour Office on the dates indicated :

* Denmark	17 January	1958	Dominican Republic . .	23 June	1958
Haiti	4 March	1958	Yugoslavia	13 October	1958
Tunisia	28 May	1958	United Arab Republic . .	23 October	1958
Cuba	2 June	1958	Ghana	15 December	1958

* The Convention is also applicable, without modification, to Greenland and the Faroe Islands.

- (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 Organisation¹ 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.

¹ United Nations, *Treaty Series*, Vol. 15, p. 40.

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.