

No. 631

INTERNATIONAL LABOUR ORGANISATION

Convention concerning annual holidays with pay, adopted by the General Conference of the International Labour Organisation at its twentieth session, Geneva, 24 June 1936, as modified by the Final Articles Revision Convention, 1946

English and French official texts communicated by the Director-General of the International Labour Office. The registration took place on 15 September 1949.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention concernant les congés annuels payés, adoptée par la Conférence générale de l'Organisation internationale du Travail à sa vingtième session, Genève, 24 juin 1936, telle qu'elle a été modifiée par la Convention portant revision des articles finals, 1946

Textes officiels anglais et français communiqués par le Directeur général de l'Organisation internationale du Travail. L'enregistrement a eu lieu le 15 septembre 1949.

No. 631. CONVENTION¹ CONCERNING ANNUAL HOLIDAYS WITH PAY, AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION, 1946²

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 Twentieth Session on 4 June 1936, and

Having decided upon the adoption of certain proposals with regard to annual holidays with pay, which is the second item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-fourth day of June of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Holidays with Pay Convention, 1936 :

Article 1

1. This Convention applies to all persons employed in any of the following undertakings or establishments, whether public or private :

- (a) 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;
- (b) undertakings engaged wholly or mainly in the construction, reconstruction, maintenance, repair, alteration or demolition of any one or more of the following :
 - buildings,
 - railways,
 - tramways,
 - airports,
 - harbours,

¹ For the date of entry into force of the Convention and the list of ratifications see Certified Statement on page 150.

² United Nations, *Treaty Series*, Volume 38, page 3.

docks,
piers,
works of protection against floods or coast erosion,
canals,
works for the purpose of inland, maritime or aerial navigation,
roads,
tunnels,
bridges,
viaducts,
sewers,
drains,
wells,
irrigation or drainage works,
telecommunication installations,
works for the production or distribution of electricity or gas,

pipe-lines,
waterworks,

and undertakings engaged in other similar work or in the preparation for or laying the foundation of any such work or structure;

- (c) undertakings engaged in the transport of passengers or goods by road, rail, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports;
- (d) mines, quarries and other works for the extraction of minerals from the earth;
- (e) commercial or trading establishments, including postal and telecommunication services;
- (f) establishments and administrative services in which the persons employed are mainly engaged in clerical work;
- (g) newspaper undertakings;
- (h) establishments for the treatment and care of the sick, infirm, destitute or mentally unfit;
- (i) hotels, restaurants, boarding-houses, clubs, cafés and other refreshment houses;
- (j) theatres and places of public amusement;
- (k) mixed commercial and industrial establishments not falling wholly within any of the foregoing categories.

2. The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned where such exist, define the line which separates the undertakings and establishments specified in the preceding paragraph from those to which this Convention does not apply.

3. The competent authority in each country may exempt from the application of this Convention—

- (a) persons employed in undertakings or establishments in which only members of the employer's family are employed;
- (b) persons employed in public services whose conditions of service entitle them to an annual holiday with pay at least equal in duration to that prescribed by this Convention.

Article 2

1. Every person to whom this Convention applies shall be entitled after one year of continuous service to an annual holiday with pay of at least six working days.

2. Persons, including apprentices, under sixteen years of age shall be entitled after one year of continuous service to an annual holiday with pay of at least twelve working days.

3. The following shall not be included in the annual holiday with pay :

- (a) public and customary holidays;
- (b) interruptions of attendance at work due to sickness.

4. National laws or regulations may authorise in special circumstances the division into parts of any part of the annual holiday with pay which exceeds the minimum duration prescribed by this Article.

5. The duration of the annual holiday with pay shall increase with the length of service under conditions to be prescribed by national laws or regulations.

Article 3

Every person taking a holiday in virtue of Article 2 of this Convention shall receive in respect of the full period of the holiday either—

- (a) his usual remuneration, calculated in a manner which shall be prescribed by national laws or regulations, including the cash equivalent of his remuneration in kind, if any; or
- (b) the remuneration determined by collective agreement.

Article 4

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.