

No. 2820

INTERNATIONAL LABOUR ORGANISATION

Convention (No. 67) concerning the regulation of hours of work and rest periods in road transport. Adopted by the General Conference of the International Labour Organisation at its twenty-fifth session, Geneva, 28 June 1939, as modified by the Final Articles Revision Convention, 1946

Official texts: English and French.

Registered by the International Labour Organisation on 18 April 1955.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention (N° 67) concernant la durée du travail et les repos dans les transports par route. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa vingt-cinquième session, Genève, 28 juin 1939, telle qu'elle a été modifiée par la Convention portant revision des articles finals, 1946

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 18 avril 1955.

No. 2820. CONVENTION¹ (No. 67) CONCERNING THE REGULATION OF HOURS OF WORK AND REST PERIODS IN ROAD TRANSPORT. ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS TWENTY-FIFTH SESSION, GENEVA, 28 JUNE 1939, AS MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION, 1946

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 Twenty-fifth Session on 8 June 1939, and

Having decided upon the adoption of certain proposals with regard to the regulation of hours of work and rest periods of professional drivers (and their assistants) of vehicles engaged in road transport, which is the fourth item on the agenda of the Session, and

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

Adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty-nine the following Convention, which may be cited as the Hours of Work and Rest Periods (Road Transport) Convention, 1939 :

Article 1

1. This Convention applies to—

- (a) Persons who drive in a professional capacity a road transport vehicle; and
- (b) Attendants and other persons who travel with a road transport vehicle in a professional capacity connected with the vehicle, its passengers or its load.

2. For the purpose of this Convention, the term “road transport vehicle” includes all vehicles, whether publicly or privately owned, propelled by mechanical power, including trams, trolley-cars and trailers drawn by mechanically-propelled vehicles, which are engaged in the transport of passengers or goods by a public highway for payment or for the purposes of the undertaking operating the vehicle.

¹ In accordance with article 23, the Convention came into force on 18 March 1955, twelve months after the date on which the ratifications of two Members of the International Labour Organisation had been registered with the Director-General of the International Labour Office :

Cuba	20 July 1953
Uruguay	18 March 1954

Article 2

The competent authority may exempt from the application of this Convention—

- (a) Persons who drive or travel with private vehicles used solely for personal services;
- (b) Persons who drive or travel with vehicles engaged in—
 - (i) Transport by agricultural or forestry undertakings in so far as such transport is directly connected with and exclusively used for the work of the undertaking;
 - (ii) The transport of sick and injured persons by hospitals and nursing homes;
 - (iii) Transport for the purposes of national defence, police services and other transport effected in the administration of public authority;
 - (iv) Transport for rescue or salvage work.

Article 3

The competent authority may exclude from the application of all or any of the provisions of this Convention owners of vehicles and members of their families who are not employed for wages, or prescribed classes of such persons, if and so long as the authority—

- (a) Is satisfied that such exclusion will not—
 - (i) Expose to unreasonable competition the conditions of employment of the persons to whom the provisions in question remain applicable; or
 - (ii) Expose to unreasonable risk of accident the persons to whom the Convention applies or endanger public safety; or
- (b) Is satisfied that in view of the conditions in the country concerned the application of the provisions in question to the persons proposed to be excluded is impracticable.

Article 4

For the purpose of this Convention—

- (a) The term “hours of work” means the time during which the persons concerned are at the disposal of the employer or of any other person entitled to claim their services, or in the case of owners of vehicles and members of their families, the time during which they are engaged on their own account

in work connected with a road transport vehicle, its passengers or its load, and includes—

- (i) Time spent in work done during the running time of the vehicle;
 - (ii) Time spent in subsidiary work;
 - (iii) Periods of mere attendance; and
 - (iv) Breaks for rest and interruptions of work, which breaks or interruptions do not exceed a duration to be prescribed by the competent authority;
- (b) The term “running time of the vehicle” means the time from the moment when the vehicle starts at the beginning of the working day until the moment when the vehicle stops at the end of the working day, excluding any time during which the running of the vehicle is interrupted for a period exceeding a duration to be prescribed by the competent authority during which period the persons who drive or travel with the vehicle are free to dispose of their time as they please or are engaged in subsidiary work;
- (c) The term “subsidiary work” means work in connection with the vehicle, its passengers or its load which is done outside the running time of the vehicle, including more particularly—
- (i) Work in connection with accounts, the paying in of cash, the signing of registers, the handing in of service sheets, the checking of tickets and other similar work;
 - (ii) The taking over and garaging of the vehicle;
 - (iii) Travelling from the place where a person signs on to the place where he takes over the vehicle and from the place where he leaves the vehicle to the place where he signs off;
- (iv) Work in connection with the upkeep and repair of the vehicle; and
- (v) The loading and unloading of the vehicle;
- (d) the term “periods of mere attendance” means periods during which a person remains at his post solely in order to reply to possible calls or to resume action at the time fixed in the timetable.

Article 5

1. The hours of work of persons to whom this Convention applies shall not exceed forty-eight in the week.

2. The competent authority may authorise higher weekly limits of hours for persons who ordinarily do a considerable amount of subsidiary work or whose work is frequently interrupted by periods of mere attendance.

Article 6

1. The competent authority may permit weekly hours of work to be calculated as an average.

2. Where the competent authority permits weekly hours of work to be calculated as an average, it shall 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 7

1. The hours of work of persons to whom this Convention applies shall not exceed eight in the day.

2. Where by law, custom, or agreement between the employers' and workers' organisations concerned, or where no such organisations exist between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent authority, or by agreement between such organisations or representatives, so however that in no case shall the daily limit of eight hours be exceeded in virtue of the provisions of this paragraph by more than one hour.

3. The competent authority may authorise higher daily limits—

- (a) In respect of persons whose weekly hours of work do not exceed forty-eight in any week as provided in article 5, paragraph 1, or an average of forty-eight as provided in Article 6; and
- (b) In respect of persons who ordinarily do a considerable amount of subsidiary work or whose work is frequently interrupted by periods of mere attendance.

Article 8

The competent authority shall prescribe the maximum number of hours which may separate the beginning and end of the working day.

Article 9

1. The competent authority may permit time lost as a result of accidental causes to be made up within a prescribed period.

2. The competent authority may permit the limits of hours authorised by the preceding articles to be exceeded in cases in which the provisions of this article are applied.

Article 10

The competent authority may permit the limits of hours authorised by the preceding articles to be exceeded to a prescribed extent in cases in which it is satisfied that there is a shortage of indispensable skilled labour.