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HUNGARY 5

Order: Employment of Women, Young Persons and Children

A m. kir. kereskedelemügyi miniszternek 150,443/1930 K.M. számú rendelete. Az iparban, valamint némely más vállalatban foglalkoztatott gyermekek, fiatalok és nők védelméről szóló 1928. évi V. törvénycikk 1—3., 8., 12—16., 18—20., 22—24., 30. §-ainak és az ezekre vonatkozó büntető rendelkezéseknek végrehajtása. 1930. évi december hó 30-án. (Budapesti Közlöny, 1931, január 28., 22. szám.)

Order no. 150,443/1930 of the Minister of Commerce, respecting the administration of sections 1—3, 8, 12—16, 18—20, 22—24 and 30 of Act no. V of 1928¹ respecting the protection of children, young persons and women employed in industry and in certain other undertakings, and the relevant penal provisions of the said Act. Dated 30th December, 1930.

In view of the procedure to be followed with respect to the administration of sections 1—3, 8, 12—16, 18—20, 22—24 and 30 of Act no. V of 1928¹ respecting the protection of children, young persons and women employed in industry and in certain other undertakings (hereinafter called "the Act") and the relevant penal provisions of the said Act, I hereby issue the following Order under section 40 of the Act (and as regards section 19 of the Act in agreement with the Minister of the Interior and the Minister of Social Welfare and Labour).

Date of coming into operation of sections 1—3, 8, 12—16, 18—20, 22—24 and 30 of the Act and the relevant penal provisions.

1. Sections 1—3, 8, 12—16, 18—20, 22—24 and 30 of the Act and the relevant penal provisions shall come into operation on 1st July, 1931, with respect to the cotton spinning and weaving industries, and on 1st January, 1932, with respect to the hosiery and knitted goods industries.

Scope of sections 1—3, 8, 12—16, 18—20, 22—24 and 30 of the Act and the relevant penal provisions.

2. Sections 8, 12—16, 18—20, 22—24 and 30 of the Act and the relevant penal provisions shall apply (subject to the exceptions mentioned in section 2) to all the undertakings specified under nos. 1 and 3—8 of section 1; only sections 8 and 20 of the Act and the relevant penal provisions shall apply to inland and maritime navigation and air transport undertakings and the subsidiary establishments connected therewith. The number of persons employed in the above-mentioned undertakings shall not affect the application to them of the Act or of particular provisions thereof.

3. The first paragraph of section 2 of the Act excludes agriculture, forestry, stock-raising, sericulture (including the silkworm rearing industry) and apiculture from the scope of the Act. In conformity

¹ Legislative Series, 1928 (Hung. 1).

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with (a) of section 183 of Act no. XVII of 1884², the subsidiary industries connected with the said branches of production in so far as they are restricted in the main to the preparation and sale of raw materials supplied by the principal undertaking or the utilisation in the principal undertaking of prepared raw materials, shall also be excluded from the scope of the Act.

Further, the first paragraph of section 2 of the Act excludes the managing departments of railway undertakings and the management and operation of the State postal, telegraph and telephone services from the scope of the Act.

4. The second paragraph of section 2 of the Act excludes from the scope of sections 12, 13 and 14 all women over eighteen years of age employed in connection with the transport of passengers or goods by road or railway, or in the handling of goods at docks, quays, wharves or warehouses. Since this exemption applies only to women over eighteen years of age, the prohibitions laid down in sections 12, 13 and 14 shall apply to young persons, irrespective of sex, who are under the age of eighteen years and are employed in connection with the transport of passengers or goods by road or rail or in the handling of goods at docks, quays, wharves or warehouses.

Since the provisions of sections 8 and 20 only of the Act and the relevant penal provisions apply to inland and maritime navigation, exclusive of manufacturing and repairing workshops maintained by shipping undertakings (no. 7 of the first paragraph of section 1 of the Act) and air transport, the other provisions of the Act at present in force shall not apply to the undertakings in question.

5. In accordance with the third paragraph of section 2 of the Act, the provisions of sections 12, 13, 14 and 15 of the Act shall not apply to shops and stalls, since for the time being recourse will not be had to the option in the last sentence of the said section. For the purposes of the administration of the said section the offices and warehouses connected with shops and stalls shall be covered by the same rule.

Protection granted by sections 8, 12—16, 18—20, 22—24 and 30 of the Act.

A. Protection of mothers and infants.

6. Section 8 of the Act distinguishes the following three degrees with regard to the restrictions on the employment of pregnant women:—

1. A woman shall not be permitted to work during the six weeks following her confinement (second paragraph of section 8). This prohibition shall apply to the employer, and any contravention of which he is guilty in this respect shall be punishable under (b) of the first paragraph of section 36. The employment of a woman during the said six weeks shall be unlawful and punishable even if she desires to be employed or attends for employment. Nevertheless, the employer shall not be liable to punishment unless he knew of the confinement on which the prohibition of employment is based, or could have known thereof if he had taken the necessary care. On the other hand, the prohibition shall not affect the right of the woman to the wages which

² Industrial Code.

she has earned, even if she herself concealed from the employer the circumstance which was an obstacle to her employment.

2. The Act does not absolutely prohibit employment during the six weeks preceding confinement or in cases where a miscarriage is to be feared. Nevertheless, it establishes the right of the woman to request her release from work on production of a medical certificate stating that her confinement will probably take place within six weeks or that she is in danger of a miscarriage, and the duty of the employer to release the woman from work at once at her request, on pain of the penalties provided under (b) of the first paragraph of section 36 of the Act (first paragraph of section 8).

3. Finally, during a period of four weeks after the expiry of the six weeks following her confinement a woman shall not be bound to resume her work if she proves by means of a medical certificate as provided in the Act that in consequence of her pregnancy or confinement she is so ill as to be unable to resume her work (second paragraph of section 8). In view of the fact that any such illness is one which also entails exemption from work, in accordance with the general statutory provisions, the Act does not prescribe any penalty for an employer who nevertheless employs any such sick woman or fails to release her from work at once.

If the Act nevertheless makes special reference to the last-mentioned case and requires that the sickness be proved in this case by the prescribed certificate, it does so in order to grant any woman suffering from such sickness, during the said period of four weeks, the same special protection under the civil law if not under the penal law as is given during the six weeks preceding and following her confinement. This protection in civil law, however, consists in the fact that during the period when in accordance with the provisions in question the woman must not be employed or must be released from work or is entitled to refuse to perform her work, the employer is not entitled to give the woman notice to leave if (as may be anticipated in the most of these cases) he was aware of the presence of the circumstances mentioned in the Act, or if the woman informs him thereof at once in the case of notice given orally or within eight days of the notice in the case of notice given in any other manner (third paragraph of section 8). In these circumstances, if the employer gives notice to terminate the employment, it shall not take effect with respect to the six weeks preceding the confinement and the six or ten weeks following it, as the case may be, *i.e.* it shall be deemed to be null and void. This shall apply not only in cases where the employer alleges this incapacity for work as a reason for giving notice to leave, but also if he alleges any other reason.

Nevertheless, the Act not only protects the woman against the employer's giving her notice to leave during the six weeks preceding and the six weeks following the confinement (or the ten weeks following the confinement, as the case may be), but also against the employer's giving notice in advance for a date falling within that period. Therefore, if the employer gives notice earlier in such a manner that the employment is due to expire during the six weeks preceding or the

six weeks following the confinement (or the ten weeks following the confinement, as the case may be), the employment shall be deemed to be prolonged for the duration of the unexpired period of protection and shall not cease until the end of the said period.

The Act permits no exceptions to the rule that the employment shall not be terminated during the period of protection or as from a date comprised in the period of protection, other than those laid down in the fourth paragraph of section 8.

The Act makes no provision for cases where confinement does not occur within the time limit of six weeks stated by the medical certificate to be probable. Nevertheless, if the intention of the Act is taken into consideration it is manifest that this circumstance does not affect the provisions of the Act with respect to the six weeks immediately preceding the confinement, and that consequently the provisions of the Act remain in operation for the period comprised between the date fixed by the medical certificate and that on which the confinement occurs.

According to the Act the employer is not bound to pay wages for the period when the woman performs no work in consequence of the suspension of her employment, provided that the contract of employment does not expressly stipulate such payment during the period in question. Nevertheless, the employer's liability to pay wages shall subsist if this liability is imposed by special statutory provisions or a collective contract.

For the purposes of this section medical certificates issued by the medical officers of the National Stefania Association shall be deemed to be equivalent to the medical certificate specified in section 8.

7. Section 20 of the Act binds the employer on pain of penalty [(a) of the first paragraph of section 35 of the Act] to grant every woman who is nursing her own child a break of at least an hour in the working day, to be given in at least two instalments, for the purpose of nursing her child.

For the purposes of this provision of the Act a break of less than half an hour or a single break granted during a period of more than four hours shall not be deemed to be sufficient.

B. Restrictions on night work.

8. According to section 12 of the Act, in the undertakings and establishments specified in section 1 of the Act—

- (a) the employment of children, young persons and women between 10 p.m. and 5 a.m. is prohibited;
- (b) children, young persons and women in employment must be ensured a nightly rest period of not less than eleven consecutive hours, and the said nightly rest period shall include the period from 10 p.m. to 5 a.m.

Within the limits laid down in the preceding paragraph, the employer shall be entitled to fix the beginning and the end of the nightly rest period of eleven hours in the time table (sections 36—40) at his discretion according to the conditions existing in the undertaking. Nevertheless, if the employer employs children, young persons or

women, e.g. until 10 p.m., they shall not begin work on the following day before 9 a.m., and conversely, children, young persons or women shall not begin work at 5 a.m. unless they leave their work on the preceding evening not later than 6 p.m.

A contravention of the provisions of the first paragraph shall be punishable as laid down under (a) of the first paragraph of section 35 of the Act.

9. The compulsory nightly rest period of eleven hours and the nightly period when work is prohibited shall be based on railway time.

10. All the provisions of Act no. XVII of 1884² respecting hours of work which bear upon the limitation of the daily hours of work of children and young persons, irrespective of sex, and upon the breaks granted during their hours of work, shall remain in operation; similarly, the provisions of Act no. XIII of 1891³ and the Orders issued thereunder respecting the suspension of industrial work on Sunday shall not be affected thereby.

Reduction of the nightly rest period of eleven hours in the case of women employees over the age of eighteen years.

11. Under section 13 the competent authorities may allow the eleven-hour nightly rest period of women employees over the age of eighteen years, but of no others, to be reduced to ten hours, i.e. to be reduced by one hour:—

- (a) in establishments influenced by the seasons;
- (b) in all establishments covered by the Act — consequently also in those mentioned under (a) — if the permit is issued on account of exceptional circumstances.

Section 13 of the Act does not permit the reduction of the eleven-hour nightly rest period by one hour in the case of employees under the age of eighteen years and of children, irrespective of sex.

Section 13 of the Act confers on the authorities the right to grant the exceptional permit mentioned in the said section; the authorities are therefore bound to ascertain and decide before issuing a permit whether the grant of the permit concerns an establishment mentioned under (a) and whether exceptional circumstances (section 13) are present in the case of an establishment mentioned under (b).

The competent authorities are mentioned in section 31 of the Act.

12. "Establishments influenced by the season" (seasonal undertakings) shall mean those which operate throughout the year but in which the bulk of the demand occurs at certain seasons (summer, winter, etc.) or in connection with certain festivals (Christmas, Easter, Whitsun, etc.). In these establishments a permit to reduce the nightly rest period by one hour may be granted for women employees over the age of eighteen years if the occurrence of the bulk of the demand involves such exceptional pressure of work as to justify the issue of a permit in view of the measures to be taken for the expeditious and proper satisfaction of the demand and the preparatory work for it.

³ Act respecting Sunday rest in industrial undertakings.

Before deciding concerning the grant of the permit to any such establishment, the competent authority on the receipt of an application shall ascertain whether the establishment in question belongs to the category of establishments influenced by the seasons and whether a seasonal or occasional demand involving exceptional pressure of work has occurred or is about to occur. Particular care shall be taken in examining this last circumstance, since, if the authority has granted an exceptional permit to one establishment, it cannot refuse a permit to another establishment working in the same locality and under similar conditions.

For the purposes of granting the permit mentioned in this section, intermittent undertakings which operate only during a certain part of the year (busy season undertakings) shall not be included among the establishments influenced by the seasons.

13. The competent authority may grant a permit for the reduction by one hour of the nightly rest period of women employees over the age of eighteen years in any establishment covered by the Act when exceptional circumstances require this.

The following shall be deemed to be exceptional circumstances in any establishment, *viz.*, exceptional pressure of work, exceptional work necessary to prevent the deterioration of raw materials or goods, unfavourable weather conditions, exceptional conditions in transport by rail or boat, exceptional work necessary to satisfy the requirements of public health or other public interests, the impossibility of observing the time limit for delivery in the case of important consignments, etc. Nevertheless, the permit for the exception shall not be granted for any of these reasons unless the exceptional pressure of work or need for additional work could not be foreseen and could not have been obviated by working for stock or by any other steps taken for this purpose in the undertaking.

14. The permit mentioned in section 13 shall be issued to individual establishments according to the duly established requirements in each case, for a single day or two or more consecutive days at a time, up to a maximum total of sixty days in each calendar year.

Permits may also be issued in advance to seasonal establishments (section 12) for a total not exceeding sixty days distributed over specified seasons or if necessary over the whole year, if the employer submits a scheme to this effect for the establishment. If there are two or more similar seasonal undertakings working under the same conditions in the locality in question, the competent authority shall not issue permits in advance for this prolonged period unless all the establishments or a majority of them apply for a permit and jointly submit a scheme.

In every commune, town or province, the chamber of commerce and industry acting on behalf of the smaller seasonal establishments operating under identical conditions may also make an application at the request of the owners, stating their names and addresses, for the issue of the permit mentioned in the first paragraph. Before submitting any such application the chamber of commerce and industry shall consult the owners of the seasonal establishments concerned or

their representatives, make a thorough inquiry into the reasons for the request, attach to the application a detailed statement of the reasons and submit with it the relevant scheme or schemes.

15. The application for the reduction of the nightly rest period of women employees over the age of eighteen years shall be made in writing to the competent authority (section 31 of the Act).

The application shall contain the following particulars:—

- (a) the name or style of the employer;
- (b) the nature and situation of the establishment or branch thereof or work to which the application relates;
- (c) the reason for the application;
- (d) the day or days for which the employer requests the permit.

16. The competent authority shall communicate its decision on the application submitted to it within forty-eight hours of its receipt thereof to the applicant for the permit, and to the competent district industrial inspector in the case of an establishment subject to the supervision of the industrial inspectorate.

If an employer applies for a permit for the reduction of the nightly rest period (section 14) in favour of any undertaking mentioned under no. 1, 3, 4 or 6 of section 1 of the Act, not for various special occasions but for a considerable period, *e.g.* a season, the authority shall transmit the application without delay to the competent chamber of commerce and industry for its opinion thereon, and the said chamber shall likewise give its opinion without delay to the authority, and the authority shall then issue its decision on the application within forty-eight hours of its receipt of the opinion.

17. The permit issued under section 13 of the Act to reduce the nightly rest period by one hour shall contain the following particulars:—

- (a) the name or style of the employer;
- (b) the nature and situation of the establishment or branch thereof or work to which the permit relates;
- (c) the reasons for the permit;
- (d) the day or days for which the permit is valid.

The permit shall draw the attention of the employer to the fact that in conformity with the provisions of the Act (fourth paragraph of section 24 of the Act) the permit must be displayed side by side with the time-table on pain of a penalty (first paragraph, item (b), of section 34 of the Act) and the withdrawal of the permit.

18. An appeal against the decision of the industrial authority of first instance with respect to the reduction of night work under section 13 of the Act may be lodged within a fortnight by any of the parties concerned, who are dissatisfied with the decision, *viz.*, the employer applying for the permit or any employee affected by the permit, the owners of other similar establishments, the bodies representing the interests of the employers or of the employees concerned, and, finally in the case of an establishment under the supervision of the industrial inspectorate, the district industrial inspector.

The authorities shall deal with the appeals mentioned in this section without regard to the order of business.

19. If the work covered by a permit issued under section 13 of the Act is carried out in the area of two or more authorities, the authority of first instance dealing with the case shall give notice of the permit of the enforceable decision respecting it to every other authority of first instance competent for any place where the work is to be carried out.

Further, in the case of an establishment under the supervision of the industrial inspectorate, the relevant enforceable decision shall be communicated to the competent district industrial inspector.

20. If the competent authority learns in any manner that the employer acting without a permit or other legal justification has reduced the nightly rest period of women under the age of eighteen years or of children or young persons, even in the case of one employee only, it shall enter the day or days in question, after verifying the case, in the register which must be kept in accordance with the model laid down in section 44 of this Order, and the day or days shall be reckoned among the sixty days allowed to the establishment for the year in question. The employers' liability to penalties laid down by the Act shall not be affected in any way by this provision.

If the employer has reduced the nightly rest period of women employees on less than sixty days in all in the course of any one year, he shall not be entitled to carry forward unused time to the following year, and the permit provided in section 13 of the Act shall not be given for more than sixty days during the following year.

Exceptional employment of women over the age of eighteen years in establishments where raw materials or products in course of manufacture which are liable to rapid deterioration are worked up.

21. In virtue of the powers granted to me by section 14 of the Act, I hereby authorise the employment of women over the age of eighteen years between 10 p. m. and 5 a. m. under the conditions laid down in sections 22—25:—

- (a) in establishments engaged in preserving fruit, vegetables or fish, in order to obviate the possible loss of raw materials and products in course of manufacture which are liable to rapid deterioration, for the whole duration of the general work of the establishment;
- (b) in silkworm nurseries, during the period of the delivery of the cocoons in June and July of each year, for not more than six weeks in all;
- (c) in glue factories, in the work of moulding and cutting the glue, in so far as these processes must be carried on at night on account of the hot weather, during the period from 15th May to 30th June and from 1st September to 15th September;
- (d) in establishments where milk is prepared for public consumption, for washing milk cans and bottles and filling bottles.

22. A woman who is manifestly pregnant or who proves by means of a medical certificate that night work is liable to be dangerous to herself or the unborn child, or who is nursing her own child not more than seven months old shall not be employed at night (first paragraph, item (a), of section 35 of the Act).

23. During the period when women over the age of eighteen years may be employed at night in the establishments mentioned in section 21, their hours of work shall not exceed sixty hours a week and their hours of night work shall not exceed ten hours a day, exclusive of breaks; but they shall be granted an uninterrupted rest period of not less than eleven hours reckoned from the end of their daily work (first paragraph, item (a), of section 35 of the Act), in addition to the breaks mentioned in the first paragraph of section 117 of Act no. XVII of 1884².

24. Before beginning to employ women over eighteen years of age at night, the employer shall give notice by registered letter to the competent authority (section 31) and in the case of an establishment under the supervision of the industrial inspectorate to the competent district industrial inspector, of the work which is to be carried out at night during the employment of the said women at night, the causes necessitating their employment during the night, the names of the women employed at night, the year, month and day of birth of each, the times at which their hours of work or breaks begin and end in each twenty-four hours, and the day or days on which the said women are to be employed at night.

25. The employer shall be bound to make out a list of the names of the women employed at night during the period of employment of women at night, the year, month and day of birth of each, the times at which their hours of work and breaks begin and end in each twenty-four hours, and the day or days on which night work is to be performed; he shall display the list together with the text of sections 21—25 of this Order where they can easily be read in the workplaces where women are employed at night (first paragraph, item (b), of section 34 of the Act).

Exceptional employment at night of young persons between the ages of sixteen and eighteen years and women over the age of eighteen years in case of force majeure.

26. Section 15 of the Act authorises owners of undertakings to employ young persons between the ages of sixteen and eighteen years and women over the age of eighteen years at night, subject merely to notification, if this is absolutely necessary:—

- (a) to prevent an impending accident or catastrophe;
- (b) to effect repairs in the event of a derangement of the working of the undertaking or of a catastrophe;
- (c) to effect repairs in the event of an interruption in the work of the undertaking due to *force majeure* which could not have been foreseen and is not of a periodical character;
- (d) to take measures to combat an epidemic.

Section 15 specifies categorically all the reasons the presence of which renders admissible the employment at night of young persons between the ages of sixteen and eighteen years and women over the age of eighteen years to achieve the purposes mentioned above. These provisions shall not be interpreted in such a manner as to allow of any latitude, and work shall not be carried out at night unless its performance is necessary for the causes specified in the Act and to achieve purposes mentioned in the Act.

27. Work shall not be carried out under (a) of section 26 of this Order unless it is absolutely necessary to prevent an impending accident or catastrophe.

Obviously night work which is normally prohibited cannot be carried out on the pretext of preventing loss due to an impending catastrophe if the possible effect of the catastrophe can be attributed to an arrangement made or act committed by the owner of the undertaking himself, in connection with which the danger could be foreseen as a necessary consequence, and in particular if the owner manifestly risked such an act without any urgent necessity for it merely because he hoped to prevent the impending catastrophe in connection therewith by having recourse to night work. It is likewise obvious that even if he is entitled to have recourse to night work in accordance with the first paragraph, he must terminate such night work as soon as the lawful grounds for it have ceased to exist.

28. Item (b) of section 26 of the Order authorises the night work absolutely necessary to remedy a derangement of the undertaking or the effects of any catastrophe which has occurred.

For the purposes of this item the expression "derangement of the undertaking" (üzemzavar) shall mean only an interruption of the output of the undertaking according to its capacity at the time; the interpretation of "catastrophe" (élemy kár) given in the second paragraph of section 27 shall apply for the purposes of this item, *mutatis mutandis*. Here also it shall be held that employment at night cannot be continued beyond the cessation of its lawful cause, viz., the cessation of the derangement of the undertaking or of the effects of the catastrophe, as the case may be.

29. In virtue of section 15 of the Act night work is also permitted under (c) of section 26 of this Order to remedy the damage consequent upon an interruption or suspension of the working of the undertaking due to *force majeure* which could not have been foreseen and is not of a periodical character, or to make up for lost days of work.

The applicability of this item does not depend upon the whole undertaking's being brought to a standstill in consequence of *force majeure*. In particular, the making up of lost days of work may also be justified when a stoppage of work consequent upon *force majeure* has occurred only in one part of the undertaking, but in that case work shall be performed at night solely with a view to making up the hours of work actually lost.

The applicability of this item does not depend upon the question whether the stoppage of the undertaking or a part thereof is the direct result of the effects of the catastrophe upon the undertaking. For instance, if the work of the undertaking or a part thereof must be suspended owing to *force majeure* affecting the undertaking which supplies the raw materials, the owner of the undertaking shall be entitled to make up by night work the days of work lost on that account.

Nevertheless, the authority shall be bound to inquire carefully whether the stoppage in the work of the undertaking or of part a thereof is in fact due to *force majeure* or to any cause which the owner of the undertaking could not forestall or the effects of which on the undertaking he

could not prevent at all or could prevent only at such a sacrifice that this could not reasonably be expected of him in the circumstances. The question whether an interruption in the work of the undertaking due to an industrial dispute can be deemed to be a case of *force majeure* and serve as a pretext for making up lost days of work by night work shall be decided in accordance with the above principle. A lockout, for instance, shall not in any case be considered to be a case of *force majeure* lawfully justifying night work if the industrial dispute giving rise thereto did not directly affect the undertaking in question or if it did so affect the undertaking but did not prevent the maintenance of the undertaking.

The authority shall also take care that the night work is in practice limited to the making up of hours of work lost during the day on account of the catastrophe. Consequently, the amount of night work done shall not exceed the amount of day work not done. Nevertheless, there shall not be deemed to be any connection between the catastrophe and the night work if the owner of the undertaking orders that the night work be undertaken some considerable time after the catastrophe or the effects thereof are over. The Act does not fix any time limit within which the hours of work lost during the day may be made up by night work after the catastrophe is over. Nevertheless, it is not within the purposes of the Act that an interruption in the work of an undertaking or a part thereof caused by a catastrophe should serve as a pretext at any time for ordering the performance of night work.

30. If the owner of an undertaking desires for the reasons mentioned in section 15 of the Act to employ at night the persons mentioned in the said section, he shall not be bound to apply for a permit in advance, but shall give notice of the night work to the competent authority (section 31 of the Act) and in the case of an establishment under the supervision of the industrial inspectorate to the competent industrial inspector, within twenty-four hours of the beginning thereof, by means of a registered letter. The authority shall forthwith enter the particulars furnished in the notice in the register kept in pursuance of section 44.

The notice shall state the number of young persons between the ages of sixteen and eighteen years who are to be employed at night (the numbers of male and of female employees and likewise of any women over the age of eighteen years being given separately); the reason for which night work is absolutely necessary; the days of work which have been lost and the dates thereof, when days of work lost owing to a catastrophe are to be made up, and the probable duration of the night work.

The owner of the undertaking shall also be bound to give notice of the termination of the night work without delay by registered letter to the competent authority, and in the case of an establishment under the supervision of the industrial inspectorate to the competent industrial inspector.

If the competent authority ascertains that the night work of which notice has been given is not justified under the Act or this Order, as the case may be, or that the owner of the undertaking has failed to give the notice prescribed for night work, it shall prohibit the night work forthwith (in the latter case pending receipt of the proper notice).

Employment of male young persons over the age of sixteen years at night in establishments operating continuously.

31. Under section 16 of the Act, male young persons over the age of sixteen years may be employed at night on processes which cannot be interrupted in the following establishments:—

- (a) manufacture of iron and steel: processes in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process);
- (b) glass works;
- (c) manufacture of paper;
- (d) manufacture of raw sugar;
- (e) gold mining reduction work.

Employment of male young persons at night when the public interest demands it.

32. In accordance with the relevant provisions of the International Labour Convention on which it is based, section 18 of the Act makes provision for those quite exceptional cases when it is necessary to suspend the prohibition of night work in order to maintain imperilled public order or in the interests of the safety of the State. Male young persons over the age of sixteen years shall not therefore be employed at night in virtue of the said section, except in the cases of serious emergency mentioned therein, and in those cases only under an Order issued by the competent Minister and on the terms and conditions (if any) laid down by such Order.

Reduction of the uninterrupted nightly rest period in brickmaking by hand.

33. In undertakings where bricks are made by hand, young persons over the age of sixteen years and women over the age of eighteen years may be employed by way of exception from 4 a. m. in brickmaking by hand and the stacking of bricks, provided that they shall not be so employed after 8 p. m. and shall be granted an uninterrupted rest period of not less than three hours during the day.

Employment of women over the age of eighteen years at night in hotels, boarding houses, restaurants, cafés, coffee bars, dairies and confectioners' shops.

34. In virtue of the powers conferred upon me by the first paragraph of section 19 of the Act, and in agreement with the Minister of the Interior and the Minister of Labour and Social Welfare, I hereby authorise the employment between 10 p. m. and 5 a. m. of women over the age of forty years employed as chamber-maids and of women over the age of eighteen years whose employment is authorised by my Order no. 155,102/1930. XI⁴ of the same date as this Order. Further, I authorise the employment between 10 p. m. and 5 a. m. of women over the age of twenty-four years, and likewise of women over the age of eighteen years whose employment is authorised by my Order no. 155,102/1930. XI⁴ of the same date as this Order, who are engaged in waiting on customers or bookkeeping in hotels, cafés, coffee bars,

⁴ Legislative Series, 1930 (Hung. 6).

dairies, public-houses and confectioners' shops, and the employment during the same hours of women over the age of eighteen years employed in the kitchens of the said establishments.

The hours of work of the women mentioned in the preceding paragraph (exclusive of breaks) shall not exceed ten hours in the day and sixty hours in the week (first paragraph, item (a), of section 35 of the Act).

The employer shall ensure that the women employed in the establishments mentioned in the first paragraph can sit down during the free periods allowed by their work.

Employment of women over the age of eighteen years at night in stock-taking in commercial undertakings.

35. In virtue of the powers conferred upon me by the second paragraph of section 19 of the Act, I hereby authorise the employment of women over the age of eighteen years between 10 p. m. and 5 a. m. on not more than three nights in the year for the purpose of stock-taking in commercial undertakings. The hours of work of women so employed, exclusive of the breaks, shall not exceed ten hours in the day (first paragraph, item (a), of section 35 of the Act).

The owner of the undertaking shall notify the competent authority not less than one day before the beginning of such employment of the days on which women are to be employed at night for the above reasons, the name and year, month and day of birth of each woman over the age of eighteen years whom it is proposed to employ at night, and her daily hours of work.

Time-table.

36. In accordance with section 24 of the Act and subject to the penalties specified in (b) of the first paragraph of section 34 of the Act, every employer covered by the Act shall draw up a time-table and display it in a legible condition at a particular place in the establishment which is easily accessible to every employee. This obligation shall not be affected even if the work is not carried out in an enclosed workroom but at a specified place. In this case the time-table shall be posted up at the place of employment.

37. The time-table shall show the hours of work of the children, young persons and women employed at the workplace of the employer, the time for the beginning and cessation of the hours of work and the breaks granted within the daily working periods and the weekly rest period granted.

If the distribution of the hours of work is not the same for children, young persons and women, the time-table shall state separately for each group of employees the time for the beginning and cessation of their hours of work and the breaks granted within the daily working periods and the weekly rest. Further, the employer shall be bound to keep that part of the time-table which affects employees in a particular room affixed in the room in question.

The working days shall also be specified in the time-table. This may be achieved, e.g. by the specification of the rest days and a statement that all other days are working days.

38. Employers who keep affixed in their establishment either a time-table or rules of employment or an appendix to the rules of employment which complies with the requirements laid down in sections 36 and 37 of this Order as regards the statement of the hours of work of children, young persons and women, shall not be bound to draw up a new time-table. All other employers shall be bound to draw up and display the requisite time-table within thirty days of the coming into operation of this Order. The copy of the time-table which is posted up shall be signed by the employer, and the day on which it is posted up shall be entered on it.

39. Employers who are bound by section 113 of Act no. XVII of 1884² to display rules of employment in their undertaking, and who, instead of drawing up a special time-table, desire to embody the particulars mentioned in section 36 of this Order in their rules of employment, shall submit to the authority of first instance within the time limit fixed in section 38, the rules of employment so drawn up or the appendix thereto containing the amendment.

The authority of first instance shall refer the rules of employment or the appendix thereto containing the amendment, when thus submitted, to the competent district industrial inspector for his opinion before countersigning them.

The authority of first instance shall return the rules of employment or appendix containing the amendment, duly countersigned, to the employer within thirty days. If the approval of the rules of employment or the appendix requires a longer procedure, the authority of first instance may countersign it conditionally, subject to the right to order the necessary amendments subsequently.

One copy of the approved rules of employment or appendix shall be delivered to the employer, one copy shall be sent to the competent district industrial inspector and one copy shall be filed at the office of the authority of first instance.

The employer shall be bound to post up the rules of employment or appendix duly countersigned by the authority of first instance within a week of the receipt thereof.

40. In accordance with the fourth paragraph of section 24 of the Act, the employer shall not employ his workers outside the hours of work specified in the time-table, except in the cases specified in sections 13 and 15 of the Act and in this Order.

If a deviation from the hours of work specified in the time-table is based on a permit from the authorities, the employer shall affix the said permit or an exact copy thereof side by side with the time-table during the period covered by the exception.

Register of children, young persons and women.

41. In accordance with section 30 of the Act, the employer is bound on pain of the penalty laid down by item (d) of the first paragraph of section 34 of the Act to keep a register of the children, young persons and women employed by him. The said register shall state the full name and the place, year, month and day of birth of every child, young person and woman, and the date of his or her engagement and leaving.

The names of employees who have left and of the male young persons who have attained the age of eighteen years, together with all particulars concerning them, shall be crossed out in the register by a horizontal line, so that the original entries remain legible while the authorities can easily ascertain from the register at any time the persons covered by this Act who are employed in the undertaking.

The employer shall be bound to submit the register kept by him to the competent administrative authority and also to the competent labour inspection authority at any time on request.

42. The provisions of sections 36—41 of this Order shall not apply to small undertakings and establishments which do not employ more than four persons, inclusive of apprentices.

Inspection.

43. The authorities competent to take action in the first instance under section 31 of the Act shall supervise the observance of the provisions of the Act, and as regards the establishments covered by Act no. XXVIII of 1893⁵ shall do so in co-operation with the industrial inspectors. The said authorities shall ascertain by means of direct inspections and inquiries whether the statutory provisions are observed in the undertakings and establishments covered by the provisions of the Act.

Register kept by the authorities.

44. The authorities shall keep a register (section 23 of the Act), in accordance with the model below, of the permits granted for the reduction of the nightly rest period of women over the age of eighteen years under section 13 of the Act, and likewise of the notices of the employment at night by way of exception of young persons over the age of sixteen years and of women over the age of eighteen years.

..... authority of first instance.

REGISTER

of the permits granted under section 13 of Act no. V of 1928 for the reduction of the nightly rest period of women over the age of eighteen years, and likewise of the notices of the employment at night by way of exception of young persons over the age of sixteen years and of women over the age of eighteen years.

(First page)

| 1 | 2 | 3 | 4 | 5 | 6 |
|--|--------------------------|---|---|--------------------------------|---|
| Permits for the reduction of the nightly rest period | | | | | |
| Serial number | Name of employer or firm | Situation and nature of the undertaking, branch or employment | Number and date of the enforceable permit issued for the reduction of the nightly rest period, and days for which the permit is valid | Reason for granting the permit | Number of women to be employed with a reduced nightly rest period |

⁵ Act respecting the prevention of accidents to employees in industrial undertakings and respecting industrial inspectors.

(Second page)

| 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|--|-----------------------|---------------------------------|---|--------|---------------------------------|--------------|--------------------------------------|
| Notices respecting exceptional night work. | | | | | | | |
| Date and registered number of notice | Reason for night work | Probable duration of night work | Number of persons to be employed at night | | Date of cessation of night work | Re- marks | |
| | | | young persons | | | | women over the age of eighteen years |
| | | | male | female | | | |

45. The industrial inspectors shall include in their annual reports a return of the permits issued under section 13 of the Act, the notices respecting the exceptional employment at night of young persons and women and the experience acquired by them in the administration of the Act.

46. An employer shall be guilty of a contravention and liable to a fine under Act no. X of 1928, provided that he is not punishable by a more severe penalty, in the following cases:—

- (a) if contrary to the prohibition laid down in section 22 of this Order he employs a woman who is pregnant or nursing her own child not more than seven months old;
- (b) if he fails to comply with the obligations laid down in sections 24, 30 and 35 of this Order respecting notice of the employment at night of children, young persons and women or notice of the cessation of night work;
- (c) if he fails to observe the provisions of section 39 respecting the submission of the rules of employment or the appendix thereto for counter-signature, or the time limit for posting up the rules of employment or the appendix thereto when duly countersigned.

The provisions of sections 37 and 38 of the Act shall also apply to the contraventions specified in the first paragraph.

Miscellaneous provisions.

47. The provisions of special laws which provide for more favourable conditions for employees in matters governed by Act no. V of 1928¹ and this Order shall not be affected by the provisions of the said Act and of this Order.

48. The administration of those sections of the Act which are not mentioned in this Order shall be governed by a special Order.

49. This Order shall come into operation on 1st July, 1931, with respect to the cotton spinning and weaving industries, and on 1st January, 1932, with respect to the hosiery and knitted goods industries.

As regards the children, young persons and women covered by the Act, section 65, the last paragraph of section 115 and the second and third paragraphs of section 117 of Act no. XVII of 1884 shall be repealed on the latter date, together with Act no. XIX of 1911⁶ respecting the prohibition of the night work of women employed in industrial undertakings.

⁶ Bulletin of the International Labour Office (Basle), vol. VII, 1912, p. 211.

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