



Hours of Employment (Conventions) Act 1936

1936 CHAPTER 22 26 Geo 5 and 1 Edw 8

An Act to carry out certain draft International Conventions relating to the employment of women during the night and to hours of work in automatic sheet-glass works, to amend the law relating to the hours of employment of women holding responsible positions of management who are not ordinarily engaged in manual work, and for purposes connected with the matters aforesaid. [14th July 1936]

Whereas at its Eighteenth Session held at Geneva in June, nineteen hundred and thirty-four, the General Conference of the International Labour Organisation adopted two draft Conventions entitled “the Night Work (Women) Convention (Revised) 1934,” and “the Sheet-Glass Works Convention, 1934,” and containing (together with other provisions) the provisions set out in Part I and Part II of the Schedule to this Act respectively;

And whereas the first of the said draft Conventions is intended to replace the Convention containing the provisions set out in Part III of the Schedule to the^{M1} Employment of Women, Young Persons and Children Act 1920;

And whereas it is expedient that for the purposes of, and in connection with, the ratification of the said draft Conventions, the provisions contained in this Act should have effect:

Modifications etc. (not altering text)

- C1 Act (except s. 5) amended by [S. I. 1988/1222](#), [regs. 3, 4](#)
- C2 Power to amend Act (N. I.) conferred by [Factories Act \(Northern Ireland\) 1965 \(c. 20\)](#), [s. 115\(1\)\(c\)](#)
- C3 Act (except s. 5) amended by [S. I. 1990/1380](#), [reg. 3](#)

Marginal Citations

- M1 [1920 c. 65](#).

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Hours of Employment (Conventions) Act 1936 (repealed 1.4.1996). (See end of Document for details)

(3) F2

Textual Amendments

F1 S. 1 repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), ss. 7(1), 9(2), **Sch. Pt. III**

F2 S. 1(3) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), **Sch. 1 Part VIII**

2 F3

Textual Amendments

F3 S. 2 repealed by [Mines and Quarries Act 1954 \(c. 70\)](#), **Sch. 5** and [Mines Act \(Northern Ireland\) 1969 \(c. 6\)](#), **Sch. 5**

3 Hours of work in automatic sheet-glass works.

(1) The following provisions shall have effect for the purpose of carrying out the Sheet-Glass Works Convention 1934:—

- (a) no person to whom the Convention applies shall be employed except in accordance with a system providing for at least four shifts of workers with hours of work not greater and intervals not less than those specified in paragraphs (b), (c) and (d) of this subsection, being a system of which due notice is given in accordance with the provisions of subsection (2) of this section;
- (b) the hours of work of any such person shall not exceed one hundred and sixty-eight in any continuous period of four weeks;
- (c) the length of a spell of work of any such person shall not exceed eight hours;
- (d) the interval between successive spells of work of any such person shall not be less than sixteen hours, except that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts:

Provided that in the following cases, that is to say—

- (i) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of force majeure; or
- (ii) in order to make good the unforeseen absence of one or more members of a shift,

the limits of hours and the intervals which would otherwise have to be observed and allowed under this subsection may be departed from, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

(2) Due notice shall not be deemed to be given of a system of employment unless—

- (a) a notice is kept posted in a conspicuous position in the works giving particulars of the system and in particular specifying the number of shifts and the hours on each day at which the spells of work for each shift begin and end, and a copy of that notice has been delivered to the inspector of factories for the district in which the works are situated; and

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- (b) in the case of a change of the system of employment, a notice specifying the change has been kept posted in the works for at least one month before the date on which the change takes effect and a copy thereof has been delivered to the inspector of factories for the district in which the works are situate before the beginning of that month.
- (3) Where by virtue of the proviso to subsection (1) of this section additional hours are worked by any person to whom the Convention applies, compensation for the hours so worked shall be granted by the employer in such manner as may be agreed between the organisations of employers and workers concerned or as may, in default of such agreement, be determined by such method as may be prescribed by the Secretary of State after consulting the Minister of Labour.

Every person who employs any person to whom the Convention applies shall keep a record in such form as may be prescribed by the Secretary of State of all hours so worked and the compensation granted in respect thereof.

- (4) If any person employs another person in contravention of the provision of this section or fails to comply with the requirements of subsection (3) of this section, he shall in respect of each offence be liable on summary conviction to a fine not exceeding [F4]level 2 on the standard scale].
- (5) F5
- (6) In this section, the expression “person to whom the Convention applies” means a person to whom the Convention is expressed to apply by Article One thereof as set out in Part II of the Schedule to this Act.

Textual Amendments

- F4 Words substituted by virtue of (E. W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) and (N. I.) by [S. I. 1984/703 \(N. I. 3\)](#), [arts. 5, 6](#)
- F5 [S. 3\(5\)](#) repealed by [S. I. 1974/1941](#), [art. 4\(b\)](#) and [S. R. 1979/246 \(N. I. \)](#), [reg. 4\(b\)](#)

Modifications etc. (not altering text)

- C4 References to the inspector of factories for the district to be construed as references to an inspector appointed by the Health and Safety Executive under s. 19 of the Health and Safety at [Work etc. Act 1974 \(c. 37\)](#) who is authorised to act for the purposes of this section: [S.I. 1974/1941](#), [reg. 6](#)
- C5 Functions of Minister of Labour now exercisable by Secretary of State: [S. I. 1968/729](#), [art. 2\(1\)](#)

4 Interpretation, &c.

- (1) F6
- (2) Save as therein expressly provided, the provisions of this Act are in addition to and not in derogation of any of the provisions of any other Act limiting times of employment.

Textual Amendments

- F6 [S. 4\(1\)](#) repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), [s. 9](#), [Sch. Pt. III](#)

Status: Point in time view as at 01/02/1991.

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5 Provisions as to Northern Ireland.

- (1) This Act shall apply to Northern Ireland subject to the following modifications:
 - (a) for any reference to [^{F7}the ^{M2}Factories Act 1961], there shall be substituted a reference to [^{F8}the ^{M3}Factories Act (Northern Ireland) 1965]
 - (b) for the words “the Secretary of State after consulting the Minister of Labour” and the words “the Secretary of State” there shall be substituted the words “the Minister of Labour for Northern Ireland.”
- (2) ^{F9}

Textual Amendments

F7 Words substituted by virtue of [Factories Act 1961 \(c. 34\)](#), **Sch. 6 para. 1**

F8 Words substituted by virtue of [Factories Act \(Northern Ireland\) 1938 \(c. 23\)](#) and [Factories Act \(Northern Ireland\) 1965 \(c. 20\)](#), **Sch. 5 para. 1**

F9 [S. 5\(2\)](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

Modifications etc. (not altering text)

C6 Functions of Minister of Labour for Northern Ireland now exercisable by head of Department of Manpower Services for Northern Ireland: [Ministries Act \(Northern Ireland\) 1946 \(c. 11\)](#), **s. 2**, S.R. & O. (N.I.) 1964 No. 205 and S.R. (N.I.) 1973 No. 504, **Sch.3**

Marginal Citations

M2 1961 c. 34.

M3 1965 c. 20.

6 Short title and commencement.

- (1) This Act may be cited as the Hours of Employment (Conventions) Act 1936.
- (2) ^{F10}

Textual Amendments

F10 [S. 6\(2\)](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Hours of Employment (Conventions) Act 1936 (repealed 1.4.1996). (See end of Document for details)

SCHEDULE

PART I..... F11

Textual Amendments

F11 Sch. 1 Pt. I repealed by Sex Discrimination Act 1986 (c. 59, SIF 106:1), ss. 7(1), 9(2), Sch. Pt. III

PART II

SHEET-GLASS WORKS CONVENTION, 1934

Article 1

- 1 This Convention applies to persons who work in successive shifts in necessarily continuous operations in sheet-glass works which manufacture by automatic machines sheet-glass or other glass of the same characteristics which only differs from sheet-glass in thickness and other dimensions.
- 2 By necessarily continuous operations are meant all operations which, on account of the automatic and continuous character of the feeding of the molten glass to the machines, and the working of the machines, are necessarily carried on without a break at any time of the day, night or week.

Article 2

- 1 The persons to whom this Convention applies shall be employed under a system providing for at least four shifts.
- 2 The hours of work of such persons shall not exceed an average of forty-two per week.
- 3 This average shall be calculated over a period not exceeding four weeks.
- 4 The length of a spell of work shall not exceed eight hours.
- 5 The interval between two spells of work by the same shift shall not be less than sixteen hours: Provided that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts.

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Article 3

- 1 The limits of hours prescribed in paragraphs 2, 3 and 4 of Article 2 may be exceeded and the interval prescribed in paragraph 5 reduced, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—
 - (a) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*; or
 - (b) in order to make good the unforeseen absence of one or more members of a shift.

- 2 Adequate compensation for all additional hours worked in accordance with this Article shall be granted in such manner as may be determined by national laws or regulations or by agreement between the organisations of employers and workers concerned.

Article 4

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall be required:

- (a) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority, the hours at which each shift begins and ends.
- (b) not to alter the hours so notified except in such manner and with such notice as may be approved by the competent authority; and
- (c) to keep a record in the form prescribed by the competent authority of all additional hours worked in pursuance of Article 3 of this Convention and of the compensation granted in respect thereof.

Status:

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Changes to legislation:

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