

internationale du Travail l'enregistrement de toutes les ratifications, déclarations et dénonciations qui lui seront communiquées par les membres de l'Organisation.

2 — En notifiant aux membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le directeur général appellera l'attention des membres de l'Organisation sur la date à laquelle la présente Convention entrera en vigueur.

Article 14

Le directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations unies, des renseignements complets au sujet de toutes ratifications, de toutes déclarations et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 15

Chaque fois qu'il le jugera nécessaire, le conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente Convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 16

1 — Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente Convention, et à moins que la nouvelle convention ne dispose autrement:

- a) La ratification par un membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 12 ci-dessus, dénonciation immédiate de la présente Convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;
- b) À partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente Convention cesserait d'être ouverte à la ratification des membres.

2 — La présente Convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 17

Les versions française et anglaise du texte de la présente Convention font également foi.

Le texte qui précède est le texte authentique de la Convention dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa trente-cinquième session qui s'est tenue à Genève et qui a été déclarée close le 28 juin 1952.

En foi de quoi ont apposé leurs signatures, ce quatrième jour de juillet 1952:

Le Président de la Conférence, *José de Segadas Vianna*.

Le Directeur général du Bureau international du Travail, *David A. Morse*.

Le texte de la Convention présenté ici est une copie exacte du texte authentifié par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Copie certifiée conforme et complète.

Pour le Directeur général du Bureau international du Travail, *C. W. Jenks*.

CONVENTION NO. 103, CONCERNING MATERNITY PROTECTION (REVISED 1952), ADOPTED BY THE CONFERENCE AT ITS THIRTY-FIFTH SESSION, GENEVA, 28 JUNE 1952.

The General Conference of the International Labour Organization:

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Thirty-Fifth Session on 4 June 1952; and

Having decided upon adoption of certain proposals with regard to maternity protection, which is the seventh 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 fifty-two, the following Convention, which may be cited as the «Maternity Protection Convention (Revised), 1952».

Article 1

1 — This Convention applies to women employed in industrial undertakings and in non-industrial and agricultural occupations, including women wage earners working at home.

2 — For the purpose of this Convention, the term "industrial undertaking" comprises public and private undertakings and any branch thereof and includes particularly:

- a) Mines, quarries and other works for the extraction of minerals from the earth;
- b) 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;
- c) Undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work;

- d) Undertakings engaged in the transport of passengers or goods by road, rail, sea, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports.

3 — For the purpose of this Convention, the term “non-industrial occupations” includes all occupations which are carried on in or in connection with the following undertakings or services, whether public or private:

- a) Commercial establishments;
- b) Postal and telecommunication services;
- c) Establishments and administrative services in which the persons employed are mainly engaged in clerical work;
- d) Newspaper undertakings;
- e) Hotels, boarding houses, restaurants, clubs, cafés and other refreshment houses;
- f) Establishments for the treatment and care of the sick, infirm or destitute and of orphans;
- g) Theatres and places of public entertainment;
- h) Domestic work for wages in private households;

and any other non-industrial occupations to which the competent authority may decide to apply the provisions of the Convention.

4 — For the purpose of this Convention, the term “agricultural occupations” includes all occupations carried on in agricultural undertakings, including plantations and large-scale industrialised agricultural undertakings.

5 — In any case in which it is doubtful whether this Convention applies to an undertaking, branch of an undertaking or occupation, the question shall be determined by the competent authority after consultation with the representative organizations of employers and workers concerned where such exist.

6 — National laws or regulations may exempt from the application of this Convention undertakings in which only members of the employer's family, as defined by national laws or regulations, are employed.

Article 2

For the purpose of this Convention, the term “woman” means any female person, irrespective of age, nationality, race or creed, whether married or unmarried, and the term “child” means any child, whether born of marriage or not.

Article 3

1 — A woman to whom this Convention applies shall, on the production of a medical certificate stating the presumed date of her confinement, be entitled to a period of maternity leave.

2 — The period of maternity leave shall be at least twelve weeks and shall include a period of compulsory leave after confinement.

3 — The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period

or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period, as may be prescribed by national laws or regulations.

4 — The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement, and the period of compulsory leave to be taken after confinement shall not be reduced on that account.

5 — In case of illness medically certified arising out of pregnancy, national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.

6 — In case of illness medically certified arising out of confinement, the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority.

Article 4

1 — While absent from work on maternity leave in accordance with the provisions of article 3, the woman shall be entitled to receive cash and medical benefits.

2 — The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.

3 — Medical benefits shall include pre-natal, confinement and post-natal care by qualified midwives or medical practitioners, as well as hospitalisation care where necessary; freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected.

4 — The cash and medical benefits shall be provided either by means of compulsory social insurance or by means of public funds; in either case they shall be provided as a matter of right to all women who comply with the prescribed conditions.

5 — Women who fail to qualify for benefits provided as a matter of right shall be entitled, subject to the means test required for social assistance, to adequate benefits out of social assistance funds.

6 — Where cash benefits provided under compulsory social insurance are based on previous earnings, they shall be at a rate of not less than two-thirds of the woman's previous earnings taken into account for the purpose of computing benefits.

7 — Any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits shall, whether paid both by the employer and the employees or by the employer, be paid in respect of the total number of men and women employed by the undertakings concerned, without distinction of sex.

8 — In no case shall the employer be individually liable for the cost of such benefits due to women employed by him.

Article 5

1 — If a woman is nursing her child, she shall be entitled to interrupt her work for this purpose at a time or times to be prescribed by national laws or regulations.

2 — Interruptions of work for the purpose of nursing are to be counted as working hours and remunerated accordingly in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement, the position shall be as determined by the relevant agreement.

Article 6

While a woman is absent from work on maternity leave in accordance with the provisions of article 3 of this Convention, it shall not be lawful for her employer to give her notice of dismissal during such absence, or to give her notice of dismissal at such a time that the notice would expire during such absence.

Article 7

1 — Any member of the International Labour Organization which ratifies this Convention may, by a declaration accompanying its ratification, provide for exceptions from the application of the Convention in respect of:

- a) Certain categories of non-industrial occupations;
- b) Occupations carried on in agricultural undertakings, other than plantations;
- c) Domestic work for wages in private households;
- d) Women wage earners working at home;
- e) Undertakings engaged in the transport of passengers or goods by sea.

2 — The categories of occupations or undertakings in respect of which the member proposes to have recourse to the provisions of paragraph 1 of this article shall be specified in the declarations accompanying its ratification.

3 — Any member which has made such a declaration may at any time cancel that declaration, in whole or in part, by a subsequent declaration.

4 — Every member for which a declaration made under paragraph 1 of this article is in force shall indicate each year in this annual report upon the application of this Convention the position of its law and practice in respect of the occupations or undertakings to which paragraph 1 of this article applies in virtue of the said declaration and the extent to which effect has been given or is proposed to be given to the Convention in respect of such occupations or undertakings.

5 — At the expiration of five years from the first entry into force of this Convention, the Governing Body of the International Labour Office shall submit to the Conference a special report concerning the application of these exception, containing such proposals as it may think appropriate for further action in regard to the matter.

Article 8

The formal ratifications of this Convention shall be communicated to the director-general of the International Labour Office for registration.

Article 9

1 — This Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the director-general.

2 — It shall come into force twelve months after the date on which the ratification of two members have been registered with the director-general.

3 — Thereafter, this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

Article 10

1 — Declaration communicated to the director-general of the International Labour Office in accordance with paragraph 2 of article 35 of the Constitution of the International Labour Organization shall indicate:

- a) The territories in respect of which the member concerned undertakes that the provisions of the Convention shall be applied without modification;
- b) The territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- c) The territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- d) The territories in respect of which it reserves its decision pending further consideration of the position.

2 — The undertakings referred to in subparagraphs a) and b) of paragraph 1 of this article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3 — Any member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraphs b), c) or d) of paragraph 1 of this article.

4 — Any member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of article 12, communicate to the director-general a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 11

1 — Declarations communicated to the director-general of the International Labour Office in accordance with paragraphs 4 or 5 of article 35 of the Constitution of the International Labour Organization shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

2 — The member, members or international authority concerned may at any time, by a subsequent declaration, renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3 — The member, members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of article 12, communicate to the director-general a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 12

1 — A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the director-general of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2 — Each member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this article will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this article.

Article 13

1 — The director-general of the International Labour Office shall notify all members of the International Labour Organization of the registration of all ratifications, declarations and denunciations communicated to him by the members of the Organization.

2 — When notifying the members of the Organization of the registration of the second ratification communicated to him, the director-general shall draw the attention of the members of the Organization to the date upon which the Convention will come into force.

Article 14

The director-general of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration, in accordance with article 102 of the Charter of the United Nations, full particulars of the ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 15

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 16

1 — Should the Conference adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides:

- a) The ratification by a member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of article 12 above, if and when the new revising Convention shall have come into force;
- b) As from the date when the new revising convention comes into force, this Convention shall cease to be open to ratification by the members.

2 — This Convention shall in any case remain in force in its actual form and content for those members which have ratified it but have not ratified the revising convention.

Article 17

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Thirty-Fifth Session, which was held at Geneva and declared closed the twenty-eighth day of June 1952.

In faith whereof we have appended our signatures this fourth day of July 1952.

The President of the Conference, *José de Segadas Vianna*.

The Director-General of the International Labour Office, *David A. Morse*.

CONFERÊNCIA INTERNACIONAL DO TRABALHO

Convenção n.º 103, respeitante à protecção à maternidade (revista em 1952)

A Conferência Geral da Organização Internacional do Trabalho:

Convocada em Genebra pelo Conselho de Administração da Repartição Internacional do Trabalho, onde reuniu a 4 de Junho de 1952, na sua 35.ª sessão;

Após ter decidido adoptar diversas propostas relativas à protecção à maternidade, questão que constitui o 7.º ponto da ordem de trabalhos da sessão;

Após ter decidido que estas propostas tomariam a forma de uma convenção internacional;

adapta, neste dia 28 de Junho de 1952, a seguinte convenção, que será denominada «Convenção sobre Protecção à Maternidade (revista), 1952».