

day of June, of the year one thousand nine hundred and thirty-six, the following Draft 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, 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, boardinghouses, 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 organizations 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 authorize 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.

*Article 5.*

National laws or regulations may provide that a person who engages in paid employment during the course of his annual holiday may be deprived of his right to payment in respect of the period of the holiday.

*Article 6.*

A person dismissed for a reason imputable to the employer before he has taken a holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Convention the remuneration provided for in Article 3.