

Description: Convention concerning Hours of Work and Rest Periods in Road Transport (Note:
Date of coming into force: 10:02:1983.)

Convention:C153

Place:Geneva

Session of the Conference:65

Date of adoption:27:06:1979

Subject classification: Hours of Work

Subject: Working Time

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 Sixty-fifth Session on 6 June 1979, and

Having decided upon the adoption of certain proposals with regard to hours of work and rest periods in road transport, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-seventh day of June of the year one thousand nine hundred and seventy-nine the following Convention, which may be cited as the Hours of Work and Rest Periods (Road Transport) Convention, 1979:

Article 1

1. This Convention applies to wage-earning drivers working, whether for undertakings engaged in transport for third parties or for undertakings transporting goods or passengers for own account, on motor vehicles engaged professionally in the internal or international transport by road of goods or passengers.

2. Except as otherwise provided herein, this Convention further applies to owners of motor vehicles engaged professionally in road transport and non-wage-earning members of their families, when they are working as drivers.

Article 2

1. The competent authority or body in each country may exclude from the application of the provisions of this Convention, or of certain of them, persons who drive vehicles engaged in--

(a) urban transport or certain types of urban transport, by reference to the particular technical operating conditions involved and to local conditions

(b) transport by agricultural or forestry undertakings in so far as such transport is carried out by means of tractors or other vehicles assigned to local agricultural or forestry activities and is used exclusively for the work of such undertakings

(c) transport of sick and injured persons, transport for rescue or salvage work and transport for fire-fighting services

(d) transport for the purpose of national defence and police services and, in so far as it is not in competition with that effected by undertakings engaged in transport for third parties, transport for the purpose of other public authority essential services

(e) transport by taxi

(f) transport which, by reason of the type of vehicle used, the passenger or goods capacity of the vehicles, their limited routes or their maximum authorised speed, can be considered as not requiring special regulations concerning driving time and rest periods.

2. The competent authority or body in each country shall lay down adequate standards concerning driving time and rest periods of drivers excluded from the application of the provisions of this Convention, or of certain of them, pursuant to the provisions of paragraph 1 of this Article.

Article 3

The representative organisations of employers and workers concerned shall be consulted by the competent authority or body in each country before decisions are taken on any matters covered by the provisions of this Convention.

Article 4

1. For the purpose of this Convention the term hours of work means the time spent by wage-earning drivers on--

(a) driving and other work during the running time of the vehicle

(b) subsidiary work in connection with the vehicle, its passengers or its load.

2. Periods of mere attendance or stand-by, either on the vehicle or at the workplace and during which the drivers are not free to dispose of their time as they please, may be regarded as hours of work to an extent to be prescribed in each country by the competent authority or body, by collective agreements or by any other means consistent with national practice.

Article 5

1. No driver shall be allowed to drive continuously for more than four hours without a break.

2. The competent authority or body in each country, taking into account particular national conditions, may authorise the period referred to in paragraph 1 of this Article to be exceeded by not more than one hour.

3. The length of the break referred to in this Article and, as appropriate, the way in which the break may be split shall be determined by the competent authority or body in each country.

4. The competent authority or body in each country may specify cases in which the provisions of this Article are inapplicable because drivers have sufficient breaks as a result of stops provided for in the timetable or as a result of the intermittent nature of the work.

Article 6

1. The maximum total driving time, including overtime, shall exceed neither nine hours per day nor 48 hours per week.

2. The total driving times referred to in paragraph 1 of this Article may be calculated as an average over a number of days or weeks to be determined by the competent authority or body in each country.

3. The total driving times referred to in paragraph 1 of this Article shall be reduced in the case of transport activities carried out in particularly difficult conditions. The competent authority or body in each country shall define these activities and determine the total driving times to be applied in respect of the drivers concerned.

Article 7

1. Every wage-earning driver shall be entitled to a break after a continuous period of five hours of work as defined in Article 4, paragraph 1, of this Convention.

2. The length of the break referred to in paragraph 1 of this Article and, as appropriate, the way in which the break may be split shall be determined by the competent authority or body in each country.

Article 8

1. The daily rest of drivers shall be at least ten consecutive hours during any 24-hour period starting from the beginning of the working day.

2. The daily rest may be calculated as an average over periods to be determined by the competent authority or body in each country: Provided that the daily rest shall in no case be less than eight hours and shall not be reduced to eight hours more than twice a week.

3. The competent authority or body in each country may provide for daily rest periods of different duration according to whether passenger or goods transport is involved and to whether the rest is taken at home or elsewhere, on condition that the provisions of paragraphs 1 and 2 of this Article concerning the minimum number of hours are observed.

4. The competent authority or body in each country may provide for exceptions to the provisions of paragraphs 1 and 2 of this Article as regards the duration of the daily rest periods and the manner of taking such rest periods in the cases of vehicles having a crew of two drivers and of vehicles using a ferryboat or a train.

5. During the daily rest the driver shall not be required to remain in or near the vehicle if he has taken the necessary precautions to ensure the safety of the vehicle and its load.

Article 9

1. The competent authority or body in each country may permit as temporary exceptions, but only in so far as may be necessary for the performance of indispensable work, extensions of the driving time, extensions of the continuous working time, and reductions in the duration of the daily rest periods provided for in Articles 5, 6, 7 and 8 of this Convention--

(a) in case of accident, breakdown, unforeseen delay, dislocation of service or interruption of traffic

(b) in case of force majeure

(c) in case of urgent and exceptional necessity for ensuring the work of services of public utility.

2. When national or local conditions in which road transport operates do not lend themselves to the strict observance of Articles 5, 6, 7 or 8 of this Convention, the competent authority or body in each country may also authorise extensions of the driving time, extensions of the continuous working time and reductions in the duration of the daily rest periods provided for therein and authorise exceptions as regards the application of Articles 5, 6 or 8 to the drivers covered by Article 1, paragraph 2, of this Convention. In such case, the Member concerned shall, by a declaration appended to its ratification, describe these national or local conditions as well as the extensions, reductions or exceptions permitted pursuant to this paragraph. Any such Member shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation any progress which may have been made with a view towards stricter or wider application of Articles 5, 6, 7 and 8 of this Convention, and may at any time cancel the declaration by a subsequent declaration.

Article 10

1. The competent authority or body in each country shall--

(a) provide for an individual control book and prescribe the conditions of its issue, its contents and the manner in which it shall be kept by the drivers

(b) lay down a procedure for notification of the hours worked in accordance with Article 9, paragraph 1, of this Convention and the circumstances justifying them.

2. Each employer shall--

(a) keep a record, in a form approved by the competent authority or body in each country, indicating the hours of work and of rest of every driver employed by him

(b) place this record at the disposal of the supervisory authorities in a manner determined by the competent authority or body in each country.

3. The traditional means of supervision referred to in paragraphs 1 and 2 of this Article shall, if this proves to be necessary for certain categories of transport, be replaced or supplemented as far as possible by recourse to modern methods, as for instance tachographs, according to rules to be established by the competent authority or body in each country.

Article 11

The competent authority or body in each country shall make provision for--

(a) an adequate inspection system, with verification carried out in the undertaking and on the roads

(b) appropriate penalties in the event of breaches of the requirements of this Convention.

Article 12

The provisions of this Convention shall, except in so far as they are otherwise made effective by means of collective agreements or arbitration awards or in such other manner as may be consistent with national practice, be given effect by laws or regulations.

Article 13

This Convention revises the Hours of Work and Rest Periods (Road Transport) Convention, 1939.

Article 14

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

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications 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 16

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 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 18

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 all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 19

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 20

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 16 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 21

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