

International Labour Office
Geneva, Switzerland

Legislative Series
1929 — Rum. 1

RUMANIA 1

Decree: Employment of Women and Children: Hours of Work

Decret regal nr. 247: Aprobarea regulamentului pentru aplicarea legii relativă la ocrotirea muncii minorilor și femeilor. 30 Ianuarie 1929. (Monitorul Oficial, 5 Februarie 1929, nr. 28, p. 850.)

Royal Decree no. 247, to approve the Regulations for the administration of the Act¹ respecting the employment of women and young persons. Dated 30th January, 1929.

I. We hereby approve the Regulations for the administration of the Act¹ respecting the employment of women and young persons and respecting hours of work, published in the *Monitorul Oficial* no. 85 of 13th April, 1928.

II. Our Minister of Labour, Co-operation and Social Insurance shall be responsible for the administration of this Decree.

Regulations under the Act respecting the employment of women and young persons and respecting hours of work.

PART I. EMPLOYMENT OF WOMEN AND YOUNG PERSONS.

Chapter I. General provisions.

1. For the purposes of the Act respecting the employment of women and young persons and respecting hours of work and for the purposes of these Regulations, "young persons" (minori) shall mean children under the age of eighteen years, irrespective of sex, who are engaged under a contract of employment (whether in writing or oral) as apprentices or improvers or as employees (as private salaried employees, workers, assistants, apprentices or improvers or in any similar occupation) in industrial or commercial undertakings of any kind whatever, or in the branches, sections, departments or dependencies of such undertakings.

2. The provisions of these Regulations shall apply equally to industrial and commercial undertakings of every kind and to the branches, sections, departments and dependencies thereof.

The provisions of Part II shall be an exception hereto; they may be extended in full or in part to commercial undertakings by the Ministry of Labour after consultation with the Superior Labour Council.

In the event of partial extension, all commercial undertakings of the same category in a locality or district shall necessarily be covered thereby.

3. The right to request the application of the provisions of the second and third paragraphs of the preceding section shall be vested in the employers' or employees' trade organisations concerned, labour inspectors, prefects and mayors.

The Ministry of Labour, Co-operation and Social Insurance shall be entitled to take measures under the above provisions *ex officio*.

Requests may be forwarded either through the labour inspectors or directly to the Ministry.

¹ Act of 9th April, 1928. Legislative Series, 1928 (Rum. 1).

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They shall be submitted to the Superior Labour Council for its opinion within a time limit not exceeding one month from the date of registration, and the Ministry shall give a decision thereon within a time limit not exceeding fifteen days after receipt of the opinion.

4. These Regulations shall not apply to undertakings in which only members of the same family are employed under the authority of the father or mother, provided that such undertakings are not classified as dangerous or unhealthy and that the same children are not employed simultaneously in other industrial or commercial undertakings which are not placed under the authority of the father or mother.

5. A committee composed of the following persons shall be set up for the classification of dangerous or unhealthy undertakings:—

1. a representative of the Ministry of Industry and Commerce (an engineer);
2. a representative of the Ministry of Health and Social Welfare (a medical practitioner);
3. a representative of the Rumanian Federation of Industry;
4. a representative of the Federation of Chambers of Commerce and Industry;
5. two representatives of the Federation of Labour (one employee engaged in industry and one employee engaged in commerce);
6. the chief medical officer of the Central Insurance Fund.

The Director-General of Labour shall be a member of the committee *ex officio*.

Other experts from whom it may be necessary to obtain information for the proper performance of the duties of the committee may be invited to attend meetings of the committee in an advisory capacity.

The schedule of unhealthy and dangerous undertakings drawn up by the committee shall be submitted for approval to the Ministry of Labour, which in its turn shall submit it for approval to the Council of Ministers.

The committee to which this section refers shall be dissolved upon terminating the work of classification.

When the schedule has been finally approved, it shall not be amended subsequently, except in accordance with the procedure laid down in this section.

6. The decisions as to objections with respect to the character or the classification of the undertakings mentioned in section 2 shall be given by the Ministry of Labour after consultation with the Superior Labour Council.

Objections may be raised by the persons or associations mentioned in section 3 of these Regulations or directly by the employers or representatives of the employees of the undertakings concerned, subject to observance of the same procedure and the same time limits.

Chapter II. Minimum age for the admission of young persons to employment.

7. Young persons, irrespective of sex, shall not be admitted to employment in industrial or commercial undertakings until they have reached the age of fourteen years.

8. In order to be admitted to employment, young persons who have reached the age fixed in the preceding section must hold a certificate issued by a medical officer stating that they are in good health and fit for the employment in which they desire to engage.

The said medical certificate shall be issued free of charge and compulsorily by the workers' insurance medical officer or a State, prefectural or communal medical officer, to whom a copy of the birth certificate of the young person shall be submitted.

If the medical officer ascertains that the young person is not fit for the occupation chosen by the parents or guardian, he shall specify in the certificate as far as possible the occupation or occupations for which the young person is fit.

The certificates issued by the medical officer of the vocational guidance offices authorised by the Ministry of Labour shall replace the medical certificates mentioned above.

The medical certificate and the copy of the birth certificate shall be kept by the employer, who shall submit them whenever required to the supervising officers of the Ministry of Labour.

In the event of the termination of the contract of employment, the above-mentioned documents shall not be retained by the employer.

9. The provisions of sections 7 and 8 shall not apply to children employed in trade schools the operations of which are approved and supervised by the competent State authorities.

Special approval shall not be necessary for State trade schools; but private trade schools, in order to benefit by the above exception, must obtain the authorisation of the Ministry of Labour, which shall grant it after consulting the Superior Labour Council in cases where such schools are able to prove that their curricula are based on a programme similar to that of the State schools.

10. Children over twelve and under fourteen years of age who on the date of the coming into operation of this Act are bound by a contract of employment concluded previously shall be exceptions to the provisions of section 7.

Nevertheless, the labour inspector may prohibit the continuance of the employment of children covered by the provisions of the preceding paragraph if it is ascertained in accordance with the rules hereinafter laid down that there is danger to their life or health.

The investigation shall be made by the labour inspector, with the assistance of one of the medical officers mentioned in section 8 of these Regulations, at the request of the parties, guardians or trade organisations concerned, or *ex officio*.

The travelling expenses of the medical officer shall be defrayed by the Ministry of Labour.

If the report of the medical officer and labour inspector states that it is necessary for the young person to leave the work on which he is employed, the inspector shall request the authority which issued or countersigned the contract of employment to cancel the said contract, and such authority shall be bound to comply with this request within a time limit not exceeding ten days from the date of the communication of the request.

The persons concerned may lodge an appeal with the Ministry of Labour within fifteen days against a decision made in accordance with the above procedure. The decision on the appeal shall be given by the Superior Labour Council within ten days of the date of its registration.

An employer who keeps a young person in his employment contrary to a decision issued under the rules laid down above shall be punished in accordance with section 58 of these Regulations.

11. Children over twelve and under fourteen years of age who during a period of not more than five years from the promulgation of this Act obtain an exemption with respect to their age for light occupations shall also be excepted from the provisions of section 7. Such exemption shall be granted by the labour inspectors after special consultation with the workers' insurance medical officer, or in default of such with a State, prefectural or communal medical officer; in granting such exemptions, preference shall be given to children who are inmates of homes authorised by the State.

The schedule of light occupations shall be drawn up by the Superior Labour Council and communicated to all the labour inspectors.

Such exemptions shall not be granted in dangerous or unhealthy industries classified as such in accordance with section 5 of these Regulations.

Applications for exemptions shall be made by the parents or guardians, and the decision thereon shall be given by the inspectors within a time limit not exceeding fifteen days from the date of notification.

Guardians or parents shall be entitled to appeal to the Superior Labour Council against a decision of the inspectors within a time limit of fifteen days from the date of the communication of the decision; the Council shall issue its decision within ten days of the date of the lodgment of the appeal.

The labour inspectors shall keep a special register of all the exemptions granted under the above provisions.

Chapter III. Employment at night of boys under eighteen years of age.

12. Boys under eighteen years of age shall not be employed at night.

The night's rest shall be not less than eleven consecutive hours.

This rest period shall be bound to include the interval between 10 p.m. and 6 a.m. for boys under sixteen years of age, and the interval between 10 p.m. and 5 a.m. for boys over sixteen years of age.

An employer shall not employ a boy in work of any kind whatever during the night's rest.

The Ministry of Labour on the advice of the Superior Labour Council may alter the limits laid down in the preceding paragraph if such an alteration is required in view of the special conditions of the climate or the employment.

13. By way of exception to the provisions of the preceding section, boys over sixteen years of age may be employed on surface work in coal and lignite mines after 10 p.m. and before 5 a.m., provided that they are granted an uninterrupted rest period of not less than thirteen hours.

14. The provisions of section 12 shall not apply to boys over the age of sixteen years who are employed in the undertakings mentioned below on work which by reason of the nature of the process is required to be carried on continuously day and night:—

- (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) paper and cellulose factories;
- (d) sugar factories in which raw sugar is refined (during the busy season for dealing with the beets);
- (e) establishments in which gold ore is reduced.

15. In order to benefit by the exceptions provided in sections 13 and 14, employers shall be bound to apply to the labour inspector for the region concerned for a permit.

The application shall state the number of young persons who are to be employed in night work, the departments and duration of the work.

The parties concerned may appeal against the decision of the labour inspector, within ten clear days reckoned from the date of the notification thereof, to the Ministry of Labour, which shall decide after consultation with the Superior Labour Council.

The same procedure shall be adopted if the inspector fails to give a decision concerning an application for exemption within five clear days after the submission of such application.

16. The labour inspectorates with respect to their districts, or the Ministry of Labour on the advice of the Superior Labour Council with respect to two or more districts, may authorise the employment of boys between sixteen and eighteen years of age during the night in various undertakings:—

1. when the normal working of the undertaking is threatened by an interruption or is interrupted owing to an emergency which cannot be prevented or foreseen and which is not of a periodical character.

The following cases shall be deemed to be covered by the preceding paragraph, *viz.*, fires, floods, the unforeseen collapse of the factory premises, explosions, damage to motors and all other similar occurrences;

2. in every case where this is required by abnormal circumstances or the public interest.

The following cases shall be deemed to be covered by the preceding paragraph, *viz.*, the supply of provisions as a matter of urgency in case of a large gathering of the public or in case of famine; work of an urgent character, such as work for purposes of defence, consolidation, the building of dykes, supplies to be delivered within a certain time limit for the army or on account of certain important events, and all other similar occurrences.

The parties concerned may appeal against the decision of the labour inspector within ten clear days reckoned from the date of the notification thereof, to the Ministry of Labour, which shall decide after consultation with the Superior Labour Council.

The same procedure shall be adopted if the inspector fails to give a decision concerning an application for exemption within five clear days after the submission of such application.

The exemptions specified in the two cases under nos. 1 and 2 shall not be utilised beyond the number of employees and the time strictly necessary.

17. In the urgent cases mentioned in the preceding section, if it has proved impossible to apply for the permit there mentioned, an employer may on his own initiative employ boys over sixteen years of age on night work for not longer than seven days; after the expiry of this time limit, their further employment shall constitute a contravention.

Every employer shall inform the labour inspectorate within three days every time he avails himself of the preceding provision.

The time limit shall begin on the date when the said measure is put into operation.

Upon proof of abuse the Ministry of Labour in pursuance of the report of the labour inspector may forbid an employer to continue to avail himself of the provisions of the first paragraph of this section.

Every employer shall keep a register, in which he shall enter the exemptions of which he avails himself, stating the dates and the persons so employed.

Every employer who fails to observe the above provisions shall be punished in accordance with section 58 of these Regulations.

Every employer who is convicted of unjustifiable practices under sections 16 and 17 of these Regulations shall be similarly punished.

Chapter IV. Employment of women at night.

18. Girls and women, without distinction of age, shall not be employed during the night.

The nightly rest shall not be less than eleven consecutive hours, and shall include the interval between 10 p.m. and 6 a.m.

The Ministry of Labour on the advice of the Superior Labour Council may alter these limits in cases where an alteration is required in view of the special conditions of the climate or employment.

The Ministry of Labour on the advice of the Superior Labour Council may authorise the prolongation of the hours of work beyond 10 p.m. under certain conditions in the case of women employed in certain commercial undertakings, *e. g.*, restaurants, cafés, pastrycooks' and confectioners' establishments, hotels, theatres and cinemas.

"Restaurants" shall mean only those establishments in which meals are usually served.

The permits mentioned in the fourth paragraph shall not be granted otherwise than for all establishments of the same category in a locality or region.

19. The labour inspectorates with respect to their districts, or the Ministry of Labour on the advice of the Superior Labour Council with respect to two or more districts, may grant exemption from the provisions of the preceding section in the following cases:—

1. when the normal working of the undertaking is threatened by an interruption or is interrupted owing to an emergency which cannot be prevented or foreseen and which is not of a periodical character.

The cases mentioned under no. 1 of section 16 of these Regulations and similar cases shall be deemed to be emergencies;

2. when the night work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, if this step is necessary to preserve the said materials from certain loss.

The exemptions specified in the two cases under nos. 1 and 2 shall not be utilised beyond the number of employees and time strictly necessary.

20. The labour inspectorates with respect to their districts, or the Ministry of Labour on the advice of the Superior Labour Council with respect to two or more districts, may grant exemption from the provisions of section 18 for industrial establishments which are influenced by the seasons and in all cases where exceptional circumstances demand it; in such cases the night period may be reduced to ten hours on sixty days of the year.

21. The provisions of section 16 concerning the procedure to be followed in order to obtain the exemptions allowed by the Act and the provisions of section 17 shall also apply to the employment of women and girls at night.

Chapter V. Employment of young persons and women in underground, dangerous or unhealthy work.

22. Boys under eighteen years and girls and women without distinction of age shall not be employed in the underground workings of mines and quarries, nor in general in any work deemed to be unhealthy or dangerous to the life or physical development of such persons.

23. The industries, which are unhealthy or dangerous, and in general all industries likely to be detrimental to the physical health of women and young persons, shall be specified by the Ministry of Labour, after consultation with the Superior Labour Council and the Superior Board of Health, Sanitation and Industrial Hygiene attached to the Ministry of Labour and Social Welfare.

Pending the constitution of the Superior Labour Council, the classification of unhealthy or dangerous industries shall be made by the committee specified in section 5 of these Regulations.

24. The officials of the labour inspectorate, on the application of the young persons themselves or their legal representatives or *ex officio*, may at any time request that young persons be examined by a social insurance medical officer or by a medical officer of the State, a prefecture or a commune, in order to ascertain whether the work on which they are employed is beyond their strength or detrimental to their physical development.

The said officials, on the advice of the medical officer, shall call upon the employer to alter the nature of the employment of the young persons in accordance with the instructions issued by the inspectors. If

the employer fails to comply with such instructions, the labour inspector may request the competent authorities to cancel the contract of employment.

The procedure laid down in this section shall not apply to young persons placed in apprentices' homes or in trade schools authorised and supervised by the State.

The persons concerned may appeal against the decisions made by a labour inspector in accordance with this section to the Superior Labour Council, which shall decide within fifteen days of the date on which the appeal is lodged.

Chapter VI. Employment of young persons on board seagoing vessels.

25. Pending the establishment of a Maritime Code, the employment of young persons on board seagoing vessels shall be governed by the provisions of this chapter.

26. Steamships, ships and vessels of every kind (whether publicly or privately owned) which engage in maritime voyages, with the exception of warships, shall be deemed to be seagoing vessels.

27. Children under the age of fourteen years shall not be employed on board vessels, other than vessels upon which members of the same family are employed.

The provisions of this section shall not apply to work done by children on training ships, provided that such work is approved and supervised by public authority.

28. Young persons under the age of eighteen years shall not be employed on vessels as trimmers or stokers.

This provision shall not apply:—

- (a) to work done by young persons on training ships, provided that such work is approved and supervised by public authority;
- (b) to employment on board vessels mainly propelled by other means than steam.

When a trimmer or stoker is required in a port where it is impossible to find workers of this kind not less than eighteen years of age, the post may be filled by young persons under eighteen years of age and over sixteen years of age; in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required.

29. The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, delivered free of charge by a medical officer of the State, a prefecture or a commune.

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production after each such examination of a further medical certificate attesting fitness for work at sea. Nevertheless, should a medical certificate expire in the course of a voyage, it may remain in force until the end of the said voyage.

In urgent cases the harbour authority may allow a young person below the age of eighteen years to embark without having undergone

the medical examination provided for above, always provided that such an examination shall be undergone at the first port at which the vessel calls.

Chapter VII. Special provisions concerning the employment of women before and after childbirth.

30. The provisions of this chapter shall apply to women, irrespective of age, who are employed in industrial and commercial undertakings, whether married or unmarried, and whether their children are legitimate or illegitimate.

31. Employers shall be bound to grant a pregnant woman, on an application from her or her husband or the social insurance medical officer, the leave which she needs before confinement.

The said leave shall be granted on production of a certificate delivered free of charge by the social insurance medical officer or by a State, prefectural or communal medical officer, stating that the confinement will probably take place within six weeks.

Within the limits of this period the medical officer shall decide what leave the woman needs, taking into account her physical condition and the nature of her employment.

The same procedure shall be followed and the same rights granted if a pregnant woman contracts an illness arising out of pregnancy.

In the same way the employer may be requested to reduce the work of a pregnant woman during her pregnancy, or to change the conditions of her employment for a specified period, without any consequent reduction of her wages.

32. A woman shall not be permitted to work during the six weeks following her confinement.

This period may be prolonged in case of illness arising out of pregnancy or childbirth, on the application of the woman or her husband in accordance with a certificate issued free of charge by the workers' insurance medical officer or a State, prefectural or communal medical officer.

The certificate shall specify the period of this prolongation, which the employer shall be bound to grant, provided that this period shall not exceed two months from the expiration of the six weeks provided above.

Undertakings shall be bound to continue to provide the women covered by this section with the grants in kind which they received previously, such as board, lodging, lighting and heating.

33. An employer shall not be entitled to cancel a woman's contract of employment on account of her pregnancy.

An employer shall not be entitled to cancel a woman's contract of employment if she absents herself from work in accordance with the preceding provisions of this chapter.

In the same way, it shall be unlawful for an employer to give a woman notice of dismissal during such absence or at such a time that the notice would expire during such absence.

34. During the whole of the authorised period of absence from work in the cases specified in the preceding sections, the woman shall receive

an allowance for her maintenance and that of her child, and free medical attendance under the conditions laid down by the Sickness Insurance Act².

35. In addition to the usual hours of rest, a woman who is nursing her child shall be entitled to two extra breaks of half an hour during the hours of work for this purpose.

A woman's wages shall not be reduced on account of the breaks thus granted, whatever may be the method of remunerating her for her work.

36. Undertakings or groups of undertakings which employ not less than fifty women over eighteen years of age shall be bound to set apart within the undertaking or in the vicinity thereof a special room for the purpose of nursing infants and keeping them during their mothers' hours of work.

"Groups of undertakings" shall mean undertakings of the same employer in a given locality or undertakings of two or more employers situated in the same locality and in proximity to each other.

Such crèches shall be established either on the initiative of the employer or by Ministerial Order in pursuance of a report of the labour inspector.

37. Crèches of this kind shall not be used until an authorisation has been received from the social insurance medical officer or in default of such officer from the communal or prefectural medical officer.

The medical officer shall ascertain whether the premises comply with the necessary conditions of hygiene, that is, whether they have the requisite air space, whether the air is vitiated owing to conditions in the vicinity, and whether they possess the installations which are strictly necessary for the supply of water, baths, and laundry work.

38. A child shall not be admitted to the said premises until it has been medically examined with a view to ascertaining whether it or the environment whence it comes is infected with a contagious disease.

The medical examination shall be made free of charge by the workers' insurance medical officer or one of the public medical officers.

The same medical officers shall be bound to visit these premises free of charge at least once every fortnight.

39. A sufficient number of women supervisors specially trained in the care of infants (qualified children's nurses) shall be engaged to watch over the children.

40. Mothers who are employed shall be bound to bring their infants every day to these rooms during working hours, and shall bring the necessary linen, which shall be perfectly clean. The Central Social Insurance Fund shall provide linen for those who are completely indigent.

Employers shall be bound to grant mothers the necessary rest periods for nursing their infants. Women who absent themselves from work for the purpose of nursing their infants shall not be liable to a reduction of their usual wage.

² Act of 25th January, 1912, ch. II. Extracts in the Bulletin of the International Labour Office (Basle), vol. VIII, 1913, p. 53.

The rest periods for nursing shall not exceed one hour a day in all.

41. The premises intended to be used as crèches shall be installed whenever possible near the factories, in order to obviate loss of time on the part of the mothers in going to and fro, and in a healthy place free from infection; the premises shall be ventilated every day and kept perfectly clean.

PART II. HOURS OF WORK.

Chapter I. Normal hours of work and scope of the Act.

42. In industrial undertakings of every kind and in the branches, sections, departments or dependencies thereof the normal hours of actual work, exclusive of breaks, shall not exceed eight hours in the day or forty-eight hours in the week.

The provisions of this Part may be extended to commercial undertakings, subject to the provisions of the second paragraph of section 2 of these Regulations.

Disputes respecting the nature or classification of undertakings shall be settled in accordance with section 6 of these Regulations.

43. The following industrial undertakings together with their branches or dependencies shall be covered by the provisions of this Part:—

- (a) mines, quarries and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished or adapted for sale, or in which the materials are transformed.
This category shall include shipbuilding and the generation, transformation and transmission of motive power in general and of electricity;
- (c) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, installation for inland navigation, road, tunnel, bridge, viaduct, sewer, telegraphic or telephonic installation; electrical undertaking, gasworks, waterworks or other work of construction, as well as the preparation for, or laying the foundations of, any such work or structure;
- (d) transport of passengers or goods by road, rail or inland waterway, including the handling of goods at docks, quays, silos or warehouses, but excluding transport by hand.

44. The provisions of section 42 shall not apply to the following classes of undertakings or persons:—

- (a) undertakings in which only members of the same family (ascendants and descendants) are employed, under the immediate authority and management of the head of the family;
- (b) seamen and boatmen employed in transport by sea or on inland waterways;
- (c) persons holding positions of supervision or management or in general persons employed in a position of trust.

The following shall be deemed to be persons employed in a position of trust:—

1. directors, assistant directors, managers and stewards;
 2. authorised representatives of undertakings and mercantile agents;
 3. company secretaries or private secretaries and the staff attached exclusively to the offices of such secretaries;
 4. engineers;
 5. heads and assistant heads of managing, commercial and technical departments; chief chemists, heads of laboratories and their assistants;
 6. cashiers;
 7. yard foremen, head foremen, working foremen in so far as they are on the same footing as head foremen;
 8. works managers, workshop superintendents and head storemen and warehousemen;
 9. head gardeners;
 10. chief engine drivers, chief mechanics, chief motormen and head fitters;
 11. persons in charge of repairs, maintenance, loading and unloading and traction;
 12. persons in charge of gas-generating apparatus;
 13. persons responsible as a rule for receiving stores;
 14. persons in charge of ambulance services;
 15. watchmen, doorkeepers and persons responsible for checking the workers entering and leaving undertakings;
 16. modellers (heads of tables);
 17. head furnacemen;
 18. head refiners;
 19. first hands in millinery, dressmaking and ready-made clothing workrooms;
 20. heads of communication systems;
 21. watchmen at fixed posts;
 22. goods yard superintendents and assistant superintendents in the transport industry;
- (d) homeworkers who work alone or exclusively with the members of their families;
- (e) persons engaged by employers for domestic work, such as watchmen, domestic servants, coachmen, motor-car drivers, etc.

The labour inspectorates shall settle all disputes which may arise concerning the classification of the persons mentioned above, in accordance with the procedure laid down in section 15 of these Regulations.

45. Where by local custom or agreement between the parties the hours of work in an undertaking on one or more days of the week are less than eight or work ceases entirely, the limit of eight hours may be exceeded on the remaining days of the week, provided that the weekly limit of hours of work shall not be exceeded and that the hours of work shall not exceed ten hours in the day.

The employer shall be bound to communicate to the regional labour inspectorate the time-table drawn up in accordance with this section and all changes made in the said time-table.

46. In undertakings where work is organised in shifts, it shall be permissible to employ persons in excess of the limits laid down in section 42, if the average hours of actual work over a period of three weeks or less do not exceed eight hours in the day or forty-eight hours in the week.

47. The distribution of the normal hours provided for in section 42 need not be based upon a week if:—

- (a) the work is limited by the nature of the undertaking to certain seasons or is subject to certain atmospheric and agricultural conditions.

The following shall be deemed to be seasonal industries, *viz.*, the sugar industry, certain food product industries, such as the preserving of fruit, vegetables and fish, breweries, the manufacture of coffee substitutes, yeast and edible oils (exclusive of mineral oils).

The following industries shall be deemed to be industries subject to certain atmospheric conditions, *viz.*, rural mills driven by wind or water, except flour-mills;

- (b) the limits fixed are deemed to be inapplicable.

The work of railway station or market porters, messengers and raftsmen shall be deemed to belong to the above category.

The enumerations laid down in the preceding paragraphs shall not be restrictive. They may be extended by Ministerial Order to other similar industries, branches of industries or occupations on the recommendation of the Superior Labour Council.

Nevertheless, the average weekly hours of work calculated over the number of working weeks fixed by agreement between the parties shall not in any circumstances exceed forty-eight hours in the cases mentioned under (a).

The actual hours of work of young persons under eighteen years of age or women irrespective of age shall not in any case exceed the limits fixed above.

Authorisations to carry on operations in an undertaking within the limits laid down in this section shall be granted by the labour inspectors, and the persons concerned shall be entitled to appeal to the Ministry within ten days of the date of the communication of the inspector's decision.

The decision on the appeal shall be given by the Superior Labour Council.

The total number of exceptions granted in accordance with the above provision shall not in any case exceed three months in any one year.

48. An employer shall not give his employees work to perform at home after the statutory hours of work.

It shall likewise be unlawful for employees to continue their work after the statutory hours, either at home or in any other undertaking.

Chapter II. Exceptions.

49. The limit of hours of work prescribed in section 42 may be altered, subject to the condition that the hours of work shall not

exceed fifty-six in the week on an average, but only in undertakings or employments in which the work by reason of its nature must be carried on continuously by a succession of shifts. Workers shall not be deprived under this system of the weekly rest provided for in the Act of 17th June, 1925³.

50. The limits fixed in section 42 may be exceeded in the following cases:—

- (a) in case of urgent work which is absolutely necessary to prevent an accident, or if an accident has occurred, to repair the damage caused and put the undertaking in a normal state of operation;
- (b) in case of urgent work for the repair of machinery or in other cases of *force majeure*, in order to avoid serious interference with the normal operation of the undertaking.

This paragraph shall not apply, therefore, to orders for supplies within a fixed time limit and other similar cases.

The exceptions provided for in this section shall not apply beyond the staff strictly necessary.

51. The limit of the hours of work laid down in section 42 shall not apply to:—

- (a) preparatory or complementary work which can only be carried out before or after the ordinary hours of work.

This class of work shall include the heating of boilers, the cleaning of workrooms, the preparation of machinery for beginning operations in the factory at the hour for starting work, and other similar work;

- (b) classes of occupations in which work is essentially intermittent, *e. g.*, railway station or market porters, messengers, raftsmen, watchmen, coachmen and other similar occupations;
- (c) work required owing to the necessity of an increase in production.

For the above work an application for a special authorisation shall be made to the Ministry of Labour, which shall grant it after consultation with the Superior Labour Council.

The authorisation shall not be granted unless it is shown in a report of a labour inspector, stating the reasons, that the increase of production is required on account of unforeseen events of public importance and that an agreement has been concluded between the employers and employees concerned.

The authorisation shall not be granted for a period exceeding three months during one and the same year, and the hours of work shall not exceed ten hours a day.

Overtime worked under the conditions laid down in paragraphs (a) and (c) of this section shall give the employee a right to an addition of not less than 25 per cent. to the normal rate of wages.

52. The normal hours of work may be reduced in undertakings or occupations classified as unhealthy or dangerous by means of regula-

³ Sunday Rest Act; Legislative Series, 1925 (Rum. 2, A).

tions issued by the Ministry of Labour on the recommendation of the Superior Labour Council and the Superior Health Board.

53. In case of war or other event likely to constitute a danger to national safety, the application of the provisions of this Part may be suspended by a decision of the Council of Ministers in pursuance of a report of the Ministry of Labour.

54. The Ministry of Labour, acting on the application of the parties concerned or *ex officio*, after consultation with the Superior Labour Council, shall draw up schedules of the classes of undertakings mentioned in section 49, the complementary or preparatory work mentioned under (a) and the classes of occupations mentioned under (b) of section 51, and the categories of undertakings mentioned in section 52.

These schedules shall be confirmed by Ministerial Order, and shall not be supplemented or amended otherwise than by the same procedure.

55. Applications for the granting of exceptions as allowed in any of the cases set forth in this chapter shall be addressed to the regional labour inspectorates, which shall adopt their decision after making inquiries in accordance with the provisions issued by the Ministry under section 54.

The parties concerned may appeal against the decision of the labour inspectorate, within ten clear days of the communication thereof, to the Ministry of Labour, which shall decide after consultation with the Superior Labour Council.

The same procedure shall apply if an inspector fails to give the decision concerning an application for an exception within five days of the date on which the application was made to him.

56. In the exceptional cases mentioned in section 50, if it has been found impossible to apply in advance for authorisation for an exception, the hours of work may be extended by the employer on his own initiative for a period which shall not exceed three days.

Employers shall be bound to inform the labour inspectorate within three days of every occasion on which they avail themselves of the preceding provision.

The time limit of three days shall be reckoned from the date on which use is first made of this provision. An employer who is convicted of making improper use of the provisions of this section shall be liable to the penalties provided in section 58 of these Regulations.

57. Employers covered by Part II of these Regulations shall be bound to take measures to ensure that the hours of beginning and ending work and of the rest periods are affixed permanently and conspicuously inside the workplaces.

Every change in the time table shall be communicated to the employees in the same manner twenty-four hours before being put into operation.

PART III. PENALTIES.

58. Heads of undertakings, sub-contractors, employers, directors, managers, and in general all persons responsible for the conduct of an undertaking (including masters of vessels who are bound to observe the provisions of chapter II of these Regulations), who cause or allow work to be performed contrary to the provisions of the preceding Parts or contrary to the measures for their administration taken by the Ministry or the labour inspectors shall be liable to a fine of not less than 500 nor more than 2,000 lei, and in case of repetition of the offence a fine of not less than 1,000 nor more than 5,000 lei, subject to section 28 of the Penal Code⁴.

The fine shall be imposed as many times as there are persons employed contrary to the statutory or administrative provisions, provided that the total amount of the fines shall not exceed 10,000 lei, and in case of a repetition of the offence 20,000 lei.

The fines shall be paid into the account of the Ministry of Labour, and shall be used to constitute a Workers' Relief and Education Fund, which shall be administered in accordance with a scheme drawn up by the Superior Labour Council.

The period of prescription for public proceedings arising out of a contravention of the provisions of the above Parts or of Orders made for the purpose of the administration thereof shall be one year reckoned from the date on which the contravention was committed.

59. Contraventions of this Act shall be established by the inspecting and supervising officials mentioned in the Act to establish the labour inspection service, published in *Monitorul Oficial* no. 82 of 13th April, 1927⁵, and judgment shall be given on them in the first instance by the district judges, subject to a right of appeal to the ordinary law-court within fifteen clear days of the judgment and to a right of final appeal within fifteen days; objections shall not be entered.

Transitional and final provisions.

60. Pending the establishment of the Superior Labour Council, the duties conferred upon it by this Act shall be performed by a board composed of the following persons:—

- (a) a representative of the Ministry of Industry and Commerce;
- (b) a representative of the Federation of Chambers of Commerce and Industry;
- (c) a representative of the most representative trade organisation of employees;
- (d) the Director-General of Labour.

The authorities and organisations mentioned under (a), (b) and (c) shall at the same time appoint a substitute who shall attend the meetings of the board in the absence of the member.

The board may co-opt such experts as it may need, up to a maximum of three persons, in pursuance of a report of the General Directorate of Labour.

⁴ This section provides for the commutation of the fine for proportionate imprisonment not exceeding one year in case of inability to pay.

⁵ Legislative Series. 1927 (Rum. 1).

The members of the board shall be confirmed by a Ministerial Order for the duration of their term of office or the capacity in which they are appointed.

The board shall carry out its work under the chairmanship of the Minister or his representative.

61. All regulations and other provisions contrary to these Regulations are hereby repealed and shall so remain.

Published in the United Kingdom by
P. S. KING & SON, LTD., 14 Great Smith Street, Westminster.

Distributed in the United States by
THE WORLD PEACE FOUNDATION, 40, Mount Vernon Street, BOSTON, Mass.

E. Birkhäuser & Co., Printers, Basle.

