

ILO Convention No. 138 on the Minimum Age, 1973

Convention concerning Minimum Age for Admission to Employment

In child-friendly language

This is an international pact, a promise by countries to abolish “child labour”. Child labour is work that children should not be doing because they are too young to work, or – if they are old enough to work – because it is dangerous for them. Each State, once it has accepted this Convention, has to take the responsibility to respect and apply it in law and practice.

ARTICLE 1 – The State that commits itself to stop child labour within its national territory has to make sure that children below a certain “minimum age” are not employed. The minimum working age will be consistent with the physical and mental development of children. National laws will gradually and progressively be improved to protect them.

ARTICLE 2 – The State must fix a minimum working age and communicate it to the International Labour Organization. Anyone who has not reached this minimum age will not be allowed to work.

The minimum age should normally be 15 years, which is the average age of completion of compulsory schooling. If children in your country are obliged to go to school up the age of, for example, 16 years, then the minimum age should be 16 years.

There is an exception for “developing countries”, which may initially set a minimum age of 14 years. It can later be raised to 15 years or higher. Industrialized countries must set 15 years (or a higher age) from the start.

ARTICLE 3 – Children under 18 are forbidden from doing work that is dangerous, unhealthy or bad for their morals (some people call this “hazardous work”). The government has to discuss with trade unions and business organizations and make a list of hazardous work a child should not be doing under 18 years.

ARTICLE 4 and 5 – The State may exclude some types of work (but not hazardous work) or economic sectors (if it is a developing country) from the application of the Convention if it explains why, but it still must provide detailed information.

ARTICLE 6 – Children are allowed to work in schools for “vocational” or technical education or in other training institutes. From the age of 14 children may work in a company as an “apprentice” to learn if the Government allows it and makes sure that the children are protected.

ARTICLE 7 – Children may do some “light work” alongside school from the age of 13, provided that it does not disturb the school programme. In developing countries where the minimum working age is 14, this minimum age for light work may be set at 12 years.

ARTICLE 8 – National rules may allow a child to work below the general age of 15, in case of artistic performances (theatre, concerts) or advertisements. Permission may be granted only after examining the conditions of work, the number of hours, the type of performance, etc.

ARTICLE 9 – The State must make sure that people who use children in child labour are punished. It must also make sure that companies who employ children who are old enough to work keep a register in which they list their names and how old they are. This helps the government inspector to make sure that companies follow the rules and do not allow children to do work that is not allowed.

ARTICLES 10 to 18 – These articles explain legal procedures to governments and international organizations.



International
Labour
Organization

ILO Convention No. 182 on the Worst Forms of Child Labour, 1999

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

In child-friendly language

This is an international pact, a promise by countries to stop “the worst forms of child labour.” Child labour is work that children should not be doing because they are too young to work, or because it is dangerous for them. Each State, once it has accepted this Convention, has to take the responsibility to respect and apply it in law and practice. Urgent measures for the protection of children are therefore seen as obligations.

ARTICLE 1 – The State which ratifies this Convention shall take urgent action to prohibit and eliminate the worst forms of child labour.

ARTICLE 2 – Anyone who is under the age of 18 is considered to be a “child” under this Convention.

ARTICLE 3 – The worst forms of child labour means the following:

a) selling or buying a child like a thing; or using a child as a slave or a soldier;

b) using a child sexually, for example in prostitution or pornography;

c) using a child for a crime, for example drug trafficking, or begging;

d) work that is dangerous, unhealthy or bad for morals (this is often called “hazardous work”).

ARTICLE 4 – The State has to make a list of hazardous work that a child should not be doing. It also has to find out where in each country hazardous work exists, and to review the list from time to time. The State should do this in consultation with trade unions and employers’ organizations.

ARTICLE 5 – The State has to establish a new body or choose an existing one to check and monitor what is being done to stop the worst forms of child labour. The State should do this in consultation with trade unions and employers’ organizations.

ARTICLE 6 – The State has to write a “plan of action” to stop the worst forms of child labour, and take action as it says. The State should do this in consultation with trade unions and employers’ organizations.

ARTICLE 7 – The State has to make sure that the worst forms of child labour do not happen and must take action to punish the people who are responsible.

It also has to help children who are found in the worst forms of child labour to rescue and rehabilitate them, and also make sure that there is no child newly starting to be exploited. The State must ensure that rescued children go to school, must help children in difficult circumstances and must take account of the special situation of girls.

ARTICLE 8 – States have to help each other to stop the worst forms of child labour.

ARTICLES 9 to 16 – These articles explain legal procedures to governments and international organizations.

These texts are prepared by ILO-IPEC and aim at explaining the contents of the Conventions in a way that is easy for children to understand. For legal or official purposes, please refer to the authentic texts of the Conventions:

Convention No. 138: www.ilo.org/ilolex/cgi-lex/convde.pl?C138.

Convention No. 182: www.ilo.org/ilolex/cgi-lex/convde.pl?C182.



International Programme on
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Fundamental Principles and Rights at Work Branch

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