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Report IV (1)

Minimum Age for Admission to Employment

Fourth Item on the Agenda

International Labour Office Geneva
The designations of countries employed, which are in conformity with United Nations practice, and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country or territory or of its authorities, or concerning the delimitation of its frontiers.
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INTRODUCTION

The Governing Body of the International Labour Office, at its 181st Session (November 1970), decided to place an item entitled "minimum age for admission to employment" on the agenda of the 57th (1972) Session of the International Labour Conference.

This item will be dealt with under the double-discussion procedure laid down in article 39 of the Standing Orders of the Conference. Accordingly, the Office has prepared the present preliminary report for communication to governments with a view to a first discussion by the Conference. The report sets out briefly the relevant international standards and national law and practice and discusses possible future international action. It concludes with a questionnaire, to which governments are asked to reply, stating their reasons.

It has been found in the past that Members whose law and practice are in conformity with the essential provisions of an international instrument are sometimes unable to ratify or accept that instrument formally by reason of comparatively minor divergences between its precise terms and national law or practice. These divergences may relate to the scope of the instrument: the scope of the relevant national legislation may not completely coincide with the instrument or may define differently the sector or sectors covered by it. Alternatively, they may relate to details of application of the basic principles. It is clearly desirable for difficulties of this nature to be taken into account at the time of the drafting of the instrument, with a view to determining whether it can be rendered sufficiently flexible to meet these difficulties without detriment to its substantive effect. A question has accordingly been included in the questionnaire inviting Members to indicate any particularities of national law and practice concerning the subject under discussion which in their view are liable to create difficulties in the implementation of the international instruments as conceived in this report, and to make specific suggestions as to how these difficulties may be met.

On receipt of the replies, the Office will prepare a second report summarising them and suggesting the main points the Conference may wish to consider.

In accordance with the provisions of article 39 (1) of the Standing Orders of the Conference, the present preliminary report must be communicated to governments at least twelve months before the opening of the 57th (1972) Session of the Conference. In order that the Office may have time to study the replies to the questionnaire and prepare the second report, which, in accordance with the provisions of article 39 (3) of the Standing Orders of the Conference, must be communicated to governments at least four months before the opening of the 57th Session of the Conference, governments are invited to send their replies so as to reach the International Labour Office in Geneva by 30 September 1971 at the latest.

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CHAPTER I

INTERNATIONAL STANDARDS

The abolition of child labour, one of the aims for which the International Labour Organisation was created, and the promotion of the well-being of children in the fields within the ILO's competence have been the focal points of much of the Organisation's work throughout its existence. A major part of that work has been the adoption by the International Labour Conference of a series of Conventions, Recommendations and resolutions dealing with the employment of children.

On the subject with which this report is directly concerned—minimum age for admission to employment—ten Conventions have been adopted. Seven of these, including three revising Conventions, cover major sectors of economic activity; the other three apply only to limited categories of work. Two Conventions, both in the latter group, were adopted fairly recently, while the rest date from the first two decades of the Organisation's existence.

The earliest of the ten, the Minimum Age (Industry) Convention, 1919 (No. 5), fixed a minimum age of 14 years for employment or work in industrial undertakings. This did not apply to work in technical schools, on condition that the work was approved and supervised by public authority, or to undertakings in which only members of the same family were employed. No other exceptions were allowed, and the term “industrial undertaking” was defined in great detail to cover a wide range of activities. The Convention did, however, contain special provisions for India (a minimum age of 12 and a narrower scope) and Japan (a minimum age of 12, subject to completion of the elementary-school course).

This Convention was partially revised by the Minimum Age (Industry) Convention (Revised), 1937 (No. 59). Three important changes were made: first, the minimum age was raised to 15; second, rather than completely excluding family undertakings—now defined as undertakings in which only members of the employer’s family were employed—the Convention allowed national laws or regulations to permit the employment of children under 15 in them, but only on condition that no danger to life, health or morals was involved; and, third, in respect of employment that did involve such a danger, national laws were required either to prescribe a minimum age higher than 15 or to empower an appropriate authority to do so. Again, special provisions were adopted for certain countries, this time including China as well as India and Japan.

The Minimum Age (Sea) Convention, 1920 (No. 7), contained provisions analogous to those of Convention No. 5. It fixed a minimum age of 14 for employment or work on vessels engaged in maritime navigation (not including warships), with the
exception of vessels on which only members of the same family were employed and of
work on school ships or training ships on condition that such work was approved and
supervised by public authority. The Minimum Age (Sea) Convention (Revised), 1936
(No. 58), raised the minimum age to 15. It allowed, however, the issue of certificates
permitting the employment of children at least 14 years old in cases where the
appropriate authority was satisfied that the employment would be beneficial to them.

In the Minimum Age (Agriculture) Convention, 1921 (No. 10), a rather different
approach was employed. As stated in the preamble, it was directed against “the
employment of children in agriculture during compulsory school hours”. Its main
substantive clause provided that children under the age of 14 could not work or be
employed in any agricultural undertaking (approved and supervised work in technical
schools again being excepted) “save outside the hours fixed for school attendance”. If
they were to be employed outside those hours, the employment was not to be such as
to prejudice their attendance at school. For purposes of vocational training, however,
school attendance periods and hours could be so arranged as to permit the employ­
ment of children on light agricultural work, particularly in connection with the harvest
on condition that the total annual period of school attendance was not thereby reduced
to less than eight months. This Convention has not so far been revised, and no other
Convention on minimum age in agriculture has been adopted.

All employment not dealt with in the instruments concerning industry, maritime
navigation and agriculture, except employment in sea-fishing, was covered by the
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33). A more
complex instrument than the others, this Convention provided that children under
the age of 14, or over 14 but still required to attend primary school, could not be
employed in any employment covered by it. The Convention did not apply to work
done in technical and professional schools, on condition that the work was essentially
of an educative character, was not intended for commercial profit and was restricted,
approved and supervised by a public authority. In addition, the competent authority
in each country could exempt from the application of the Convention employment in
establishments in which only members of the employer’s family were employed, on
condition that it was not prejudicial to school attendance or otherwise harmful or
dangerous, and domestic work in the family performed by members of that family.
The Convention also allowed for a general exception to its basic minimum-age
prescription: children aged over 12 could be employed outside the hours fixed for
school attendance on light work which was not harmful to them and which would not
be prejudicial to their schooling. Such work was to be prohibited at night (defined as a
period of at least twelve consecutive hours including the interval between 8 p.m. and
8 a.m.) and on Sundays and legal public holidays. It was to be limited to two hours a
day on school days or holidays, and the total number of hours at school and on such
work was not to exceed seven a day (where no provision existed for compulsory
education, hours on light work were to be limited to four-and-a-half a day). National
laws or regulations were required to specify the forms of employment which would be
regarded as light work and the conditions under which children could be employed
on it. They could also determine the work to be allowed and the hours to be worked
during the holidays of children over 14 years but still required to attend primary school and therefore covered by the main provision of the Convention. A further exception, in this case to all the minimum-age prescriptions of the Convention, allowed the granting, in the interests of art, science or education, of individual permits to enable children to appear in films or public entertainments. This exception, too, was subject to a number of conditions aimed at the protection of the health, morals and well-being of the children concerned. The remaining substantive provisions of general application required the establishment of a higher minimum age for employment involving danger to life, health or morals and also, where necessary, for itinerant trading in streets or public places, employment at stalls outside shops, or employment in itinerant occupations. Finally, the Convention contained special provisions, including a basic minimum age of 10 years, that were to apply to India until the enactment there of legislation making school attendance compulsory until the age of 14.

This Convention was partially revised by the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60). The minimum age was raised to 15 (again, children above this age but still required to attend school were included), the minimum age for light work was raised to 13 and the provisions concerning the hours that might be spent on light work were further refined. New special provisions for India were also included.

This was the seventh and last minimum-age Convention of wide scope adopted by the Conference. The Conference has, however, adopted three other Conventions covering more limited categories of employment. One dealt with fishermen, a category specifically excluded from the scope of the Conventions concerning non-industrial employment and considered to be excluded from the scope of the maritime Conventions. This instrument, the Minimum Age (Fishermen) Convention, 1959 (No. 112), prescribed a minimum age of 15 for work on vessels engaged in maritime fishing in salt waters. Some exceptions were permitted but were made subject to various safeguards. The two remaining Conventions dealt with types of work clearly hazardous for young persons: the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15), and the Minimum Age (Underground Work) Convention, 1965 (No. 123). The former prohibited, with a few exceptions, the employment of persons under 18 years of age as trimmers and stokers on vessels engaged in maritime navigation (this provision was repeated in respect of fishing vessels in Convention No. 112). Convention No. 123, which admitted of no exception, combined an absolute minimum standard with a provision enabling that standard to be raised wherever possible; specifically, it both prescribed a lower limit of 16 for the minimum age to be fixed for employment or work underground in mines and allowed ratifying States to assume, either at the time of ratification or subsequently, an obligation to prescribe a minimum age higher than 16.

Two Conventions dealing primarily with other subjects but containing provisions concerning minimum age have also been adopted: the White Lead (Painting) Convention, 1921 (No. 13), which prohibited the employment of males under 18 and of all females in painting work of an industrial character involving the use of white lead or sulphate of lead or other products containing those pigments, and the
Radiation Protection Convention, 1960 (No. 115), which prohibited the employment of persons under 16 in work involving ionising radiations.

In addition to these Conventions, the Conference has adopted four minimum-age Recommendations as such and two others containing specific minimum-age clauses.

The Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41), was designed to provide guidelines for Members on the application of the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33), with the object of ensuring as uniform application as possible. Its provisions included examples of jobs that might be regarded as light work for the purposes of exceptions; suggestions for safeguards that might be required for the employment of children on light work or in public entertainments; examples of dangerous occupations; a suggestion that the employment of children by unsuitable persons should be prohibited; and suggestions for enforcement measures.

The Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52), which was adopted as a supplement to the Minimum Age (Industry) Convention (Revised), 1937 (No. 59), called on Members to make every effort to apply their minimum-age legislation to all industrial undertakings, including family undertakings.

Both of the other minimum-age Recommendations concerned underground work in mines. The Minimum Age (Coal Mines) Recommendation, 1953 (No. 96), provided that employment underground in coal mines should be prohibited up to the age of 16 and restricted between the ages of 16 and 18. The Minimum Age (Underground Work) Recommendation, 1965 (No. 124), called for measures to raise progressively the minimum age for employment or work underground in all mines and quarries to 18 and for urgent measures to raise it to 16 where it was below that level. In addition the Recommendation contained provisions dealing with education and vocational training, special protection against hazardous work and measures to meet the needs of young persons over school-leaving age but below the minimum age for employment underground.

Of the two remaining Recommendations, the first, the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), called for the exclusion of women and young persons under 18 years of age from employment in certain processes and the restriction of their employment in certain others. The second, the Unemployment (Young Persons) Recommendation, 1935 (No. 45), which was one of the instruments adopted in response to the economic depression in the 1930s, suggested, among many other measures, fixing the minimum school-leaving age and the minimum age for admission to employment at not lower than 15 years as soon as circumstances permitted.

Finally, the Conference has adopted a number of resolutions on questions relating to children and young workers. One of these was especially important: the resolution concerning the protection of children and young workers adopted in 1945. This was a wide-ranging text in which the Conference drew attention to the inter-relationship of various problems connected with the maintenance, health, education, employment, protection and general welfare of children and young persons and outlined a comprehensive policy for attacking these problems. With regard to minimum
age, the resolution made three particularly significant points: first, it established as objectives a minimum age of 16 years for employment in general and of at least 18 for hazardous occupations; second, it stressed the importance of avoiding any gaps between the school-leaving age and the minimum age for employment; and, third, it urged that the minimum age should be fixed at the same level for different types of employment in order to prevent children from drifting into work in branches of activity which were inadequately regulated.
CHAPTER II

NATIONAL REGULATION

The Influence of International Standards

International standards have unquestionably exerted a powerful influence towards the suppression of many of the worst abuses connected with child labour. In terms of formal acceptance, the minimum-age Conventions have had varying degrees of success. As the following table shows, they have been ratified by countries ranging in number from ten to about half the membership of the ILO:

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<td>No. 59</td>
<td>Minimum Age (Industry) (Revised), 1937</td>
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<td>No. 7</td>
<td>Minimum Age (Sea), 1920</td>
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<tr>
<td>No. 38</td>
<td>Minimum Age (Sea) (Revised), 1936</td>
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<td>No. 10</td>
<td>Minimum Age (Agriculture), 1921</td>
</tr>
<tr>
<td>No. 33</td>
<td>Minimum Age (Non-Industrial Employment), 1932</td>
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<tr>
<td></td>
<td>(This Convention is closed to further ratification.)</td>
</tr>
<tr>
<td>No. 60</td>
<td>Minimum Age (Non-Industrial Employment) (Revised), 1937</td>
</tr>
<tr>
<td>No. 112</td>
<td>Minimum Age (Fishermen), 1959</td>
</tr>
<tr>
<td>No. 15</td>
<td>Minimum Age (Trimmers and Stokers), 1921</td>
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<tr>
<td>No. 123</td>
<td>Minimum Age (Underground Work), 1965</td>
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But the number of ratifications of the instruments in question is by no means the sole measure of their influence. Their provisions have clearly served as models for those of the legislation of many countries, and, in a more general way, the adoption of international standards has been a major force in bringing about wider recognition of the need to regulate the employment of children and in providing the impulse for legislative action to this end.

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1 Ten States have ratified both the original and the revising Conventions. The total number of States bound by one or other or both of these instruments is thus seventy-six.

2 Twenty-two States have ratified both the original and the revising Conventions. The total number of States bound by one or other or both of these instruments is thus sixty-five.

3 Two States have ratified both the original and the revising Conventions, and one State has denounced the latter. The total number of States bound by one or other or both of these instruments is thus thirty.
THE PATTERN OF NATIONAL REGULATION

Legislative provisions concerning minimum age for admission to employment—once the subject of intense controversy in some countries—are now practically universal. The pattern of regulation, however, is far from uniform. In extent of coverage and degree of protection, as well as in subsidiary matters, there is wide divergence among national standards. Two basic approaches are employed. The first is to prescribe, either in a general text such as a Labour Code or in special legislation, a single minimum age applicable in principle to all employment, though subject to derogations or higher standards, as appropriate, in respect of specified occupations or types of work. The second, which is becoming somewhat less common, is to establish minimum ages for particular sectors or branches of economic activity, fixing them at different levels for different categories.

Industry

The most widely covered and most strictly regulated sector is industry. Fifty-four of the member States for which information is available have fixed the minimum age for industrial employment at 14. A higher age—15 or 16—is the general rule in another forty-five and a lower one—12 or 13—in just over a dozen.

A minimum age higher than 14 years has been adopted in the majority of European countries: Austria, Bulgaria, Byelorussia, Czechoslovakia, Finland, France, Federal Republic of Germany (most Länder), Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Sweden, Switzerland, Ukraine, USSR, United Kingdom and Yugoslavia. It is also fairly common in Africa, where relatively advanced standards concerning minimum age were often established as a matter of policy—in some cases, as a direct result of the adoption of international labour Conventions—in the early stages of industrialisation. At present the legal minimum is above 14 years in Burundi, Congo (Brazzaville), Congo (Kinshasa), Gabon, Ghana, Kenya, Mauritius, Nigeria, Sierra Leone, Somalia, Tanzania, Tunisia, Uganda and Zambia. In the other regions such a standard is less common. In the Americas it has been established only in Canada (most provinces), Cuba, Jamaica, Peru and, to a large extent, the United States; in Asia, the Middle East and the Pacific such a standard applies only in Afghanistan, Australia (to some extent), Iraq, Japan, New Zealand, the Philippines and Singapore.

The standard in most of the above-mentioned countries is 15 years, but in a fair number it is as high as 16: Bulgaria, Burundi, Byelorussia, Canada (some provinces), Congo (Brazzaville), Congo (Kinshasa), France, Gabon, Kenya, Philippines, Singapore, Uganda, Ukraine, USSR, United States (in districts under federal jurisdiction and in many states) and Zambia.

A minimum age below 14 is still applicable to industrial employment in several countries in the Middle East and North Africa: for instance, it is 13 in Algeria, Jordan and Lebanon and 12 in Iran, Libya, Morocco, Sudan, the Syrian Arab Republic and the United Arab Republic. Only a handful of countries in the other
regions have a standard below 14: Burma, in which it is 13, and Brazil, Costa Rica, Portugal and Turkey, in all of which it is 12.

This summary is, of course, extremely simplified and does not reflect the diversity and complexity of national laws and regulations. In all countries the basic minimum-age provisions are subject to a certain number of exceptions or exclusions, and, in some, to important limitations in scope or other qualifications.

First, in some federal States gaps in coverage or variations in standards are of constitutional origin and arise from the fact that the regulation of minimum age lies within the competence of the constituent units or is shared between the federation and the constituent units.

Thus, in Australia there is no federal legislation prescribing a general minimum age for industrial employment. Under state legislation the principal means of preventing the employment of children is not minimum-age regulation as such but compulsory education. This normally extends to the age of 16 in Tasmania and 15 in the other states and territories. Employment outside school hours is not specifically subject to a minimum age as regards all industrial undertakings within the meaning of Conventions Nos. 5 and 59, but three states prohibit the employment of children outside school hours if it is likely to be prejudicial to their school work and all states have prescribed minimum ages for employment in factories (variously defined) and mines.

In Canada federal legislation, which has exclusive jurisdiction over certain industries and undertakings, does not lay down an absolute minimum age but imposes strict conditions on the employment of persons under 17 years of age. The most important of these is a prohibition on the employment of any such person who is required to be in attendance at school under the law of the province. Since the school-leaving age is 15 in five provinces and two territories and 16 in the other five provinces (14 in the rural areas of one of these), and since under prescribed conditions exemptions can be granted in some provinces, the effect of the federal legislation can differ considerably from province to province. Under provincial legislation and territorial ordinances, which have jurisdiction over most industrial employment, minimum ages as such have been fixed, but there are wide variations both in scope and in the levels prescribed. Taking employment in factories or manufacturing as the basis, the standard is 14 years in two provinces, 15 in four, 16 in four others, and 17, except in specified occupations, in the two territories.

In the Federal Republic of Germany admission to industrial employment is subject, under federal legislation, both to a minimum age of 14 and to the completion of compulsory schooling. Since compulsory education in all Länder but one extends over nine years, the effective minimum age is normally 15 except in that one Land, where it can still be 14.

In the United States federal legislation is applicable to employment in inter-state and foreign commerce, in the production of goods for such commerce and in enterprises engaged in it or in the production of goods for it. The basic minimum age prescribed is 16. Where only state laws apply, however, the age can be lower: for employment in manufacturing, it is 16 years in twenty states, 15 in one, 14 in twenty-
eight states and in the District of Columbia and Puerto Rico and 12 in one state. This last state, and a few of the states with a minimum of 14 years, have a normal standard of 16 for employment during school hours. On the other hand, five of the states with a minimum of 14 have a lower minimum for employment outside school hours and during vacations, while two others have no minimum at all for such employment.

In a number of countries the legislation does not specifically cover all the activities that are included in the very extensive definition of "industrial undertaking" given in Conventions Nos. 5 and 59. This is true, for example, of several countries in which the different branches of industrial activity—such as manufacturing, mining, construction and various kinds of transport—are dealt with in separate laws or regulations. In such countries construction and transport, in particular, tend to be less comprehensively regulated than manufacturing and mining. Such limitations in scope are to be found in the legislation of Burma, China (Taiwan), India and Pakistan and in most of the state and provincial legislation of Australia, Canada and the United States.

Other broad limitations of scope result, in a few countries, from the exclusion, under the definitions contained in their legislation, of undertakings smaller than a specified size or of a specified nature. Thus, in China (Taiwan), the Factories Act applies only to factories employing thirty or more workers and using mechanical power and the Mines Act only to mines employing fifty or more workers; in Ethiopia the Labour Standards Proclamation defines "industrial enterprise" as only undertakings using electrical, steam, water or other mechanical power; in India the Factories Act applies only to factories working with power and employing more than ten persons and those working without power but employing more than twenty persons (additional legislation, however, fills some of the gaps left open by this Act); in Iran workplaces employing less than ten persons may be exempted from certain provisions of the Labour Act; in Kuwait the legislation excludes small workshops not using mechanical power and employing less than five persons; in Lebanon the minimum age of 13 applies only to work in connection with machinery and to certain specified occupations (the general minimum age is 8); in Nigeria the definition of "industrial undertaking" given in the Labour Code does not cover, for minimum-age purposes, home industries or industries using only simple forms of power such as hand or foot power; in East Pakistan the Factories Act defines the term "factory" to cover only manufacturing plants with ten or more workers; and in Turkey the Labour Act does not apply to handicraft undertakings employing not more than three workers.

Exclusions of a more limited nature are provided for in the legislation of many countries. One type of employment which is wholly or partly excluded from the scope of minimum-age provisions in the great majority of countries is employment in family undertakings. In most cases the exclusion is limited to undertakings in which only members of the same family are employed (as provided in Convention No. 5) or to those in which only members of the employer's family are employed (as provided in Convention No. 59). There are, however, a few countries in which all employment of members of the employer's family, regardless of whether or not other persons are employed in the undertaking, is excluded. It should be added that in a substantial
number of countries where the basic minimum age does not apply to employment in family undertakings, however defined, such employment is nevertheless subject to certain safeguards. These often include, particularly in countries that have ratified Convention No. 59, the application to family undertakings of provisions laying down higher minimum ages for employment which is likely to be dangerous or unhealthy for children and young persons. A second category which is excluded, implicitly or explicitly, from the scope of legislation in several countries is home work or other work performed in such circumstances that the principal employer is not responsible for its supervision or arrangement. Occasionally, the categories excluded are very limited indeed: for instance, the child labour provisions of the United States Fair Labor Standards Act do not apply to homeworkers engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens.

Apart from such limitations in scope, the laws and regulations on minimum age are frequently qualified by provision for exceptions of various kinds.

A very common exception—permitted by Conventions Nos. 5 and 59—is for approved and supervised work in technical schools. Several countries go further and permit exceptions, subject to specified conditions which generally include a lower age limit, for purposes of vocational training. This is the case, for example, in the Canadian province of Alberta, where children under 15 years can be excused from school attendance in order to obtain vocational training through employment; the labour administration authorities work closely with the educational authorities in making and supervising such arrangements. Two other examples are Poland, where young persons between 14 and 16 years may be employed for vocational training or for serving their preliminary period of employment, and Sweden, where the normal minimum age of 15 can be lowered by one year for vocational training. A still wider exception of this sort permitted in over a dozen countries relates to apprenticeship. Again, various safeguards are usually prescribed, including lower age limits, restrictions on hazardous employment and requirements concerning the provision of instruction.

Exceptions of a different nature are permitted in the Philippines and in several Latin American countries (including Costa Rica, Ecuador, El Salvador, Guatemala, Honduras and Uruguay). For reasons of family poverty, work permits may be granted to children below the basic minimum age, subject to such conditions as the completion or the continuation of primary schooling, a lower age limit (12 in some cases), and restrictions on the types of work that may be performed.

General exceptions for light work, such as running errands or carrying messages, or work of a non-industrial character, even in or in connection with an industrial undertaking, are provided for in the legislation of a number of countries, including Burundi, Congo (Brazzaville), Congo (Kinshasa), Denmark, Paraguay, the Philippines, Sweden, Switzerland, Tanzania, Thailand and Uganda. These exceptions, too, are usually subject to conditions, relating in particular to the nature of the work, to hours of work and to school attendance. In some countries the possibility of exceptions other than those specifically provided for is left open by means of provisions enabling the competent minister or government service to permit them by order. Provisions to this effect are found, for example, in the legislation of most of the
French-speaking African countries (these powers do not, however, appear to have been used to permit employment in industry).

Individual exemptions to meet special needs are also provided for in a number of countries, but their extent is generally very limited. Thus, in Australia some state legislation empowers the competent authority to grant children over 14 years exemption from school attendance (which is normally compulsory until 15 or 16) or to permit them to be employed under specified conditions. Similarly, in Canada most provincial legislation contains some provision for the issue of work permits or for temporary exemption from school attendance. In the United States such provisions are less widespread, though they are found in the laws of a few states. Other countries with legislation providing for limited individual exemptions include Bulgaria, Byelorussia, Ukraine and the USSR, in all of which the normal minimum age of 16 can be lowered by one year in exceptional cases. In Bulgaria the permission of the labour inspectorate, and in the others the consent of the factory, works or local branch trade union committee, is required. The legislation of two other countries—Peru and Singapore—provides for somewhat wider exemptions. In Peru, where the minimum age for industrial employment is 15, children of 13 or over who can read, write and are physically fit can obtain permits enabling them to work in industry, subject to restrictions on hours of work and to the prohibition of hazardous jobs. Finally, in Singapore, where the minimum age for industry is 16, permits can be issued to children over 12 who are physically fit for the work they propose to undertake; hardly any such permits, however, are actually applied for or granted.

A rather different kind of divergence from the general standard that occurs in practice in a few countries derives from the direct link established by their legislation between the end of compulsory education and admission to industrial employment. To cite four examples, in Austria, Finland, most Länder of the Federal Republic of Germany and the United Kingdom admission to industrial employment before the age of 15 is not legally possible as a rule because the completion of compulsory education, which is a condition for it, normally does not take place before that age. There are, nevertheless, a number of children—in Austria between 10,000 and 13,000 each year—who, because they entered school early or because their birthdays fall during a certain part of the year, can leave school and enter employment before actually reaching the age of 15. Moreover, in Austria some children who enter the country for only a short stay and are therefore not subject to school attendance laws can also take up employment at the age of 14.

At the other end of the scale from these limitations in scope, exclusions, exceptions and other gaps in coverage are the stricter requirements generally imposed for admission to certain types of employment. Whatever its form, minimum-age legislation almost invariably prescribes, or enables the competent authority to prescribe, higher ages for occupations or undertakings, broadly or narrowly defined, in which the employment of children and young persons is considered to be particularly undesirable.

With regard to industry, provisions of this nature most commonly relate to dangerous, unhealthy or excessively arduous work or hazardous working conditions,
although in a few cases they also cover work involving risks to morals (for example the production of indecent publications). Some laws contain detailed lists of work prohibited to young persons below various ages but the majority specify only a few, if any, such cases, and leave enumeration to subsidiary legislation or ministerial orders. Certain kinds of work for which special international labour standards concerning children and young persons have been adopted—underground work in mines and quarries, the lifting of heavy weights, industrial painting involving the use of white lead and work involving exposure to ionising radiations—are among the categories most frequently covered by such provisions. Underground work, in particular, is almost always subject to a minimum age higher than that prescribed for industrial employment in general. A few of the many other types of work that often come within the scope of provisions dealing with hazardous employment are the following: work involving explosives, toxic materials or substantial quantities of potentially harmful dust, smoke or gas; the cleaning or greasing of machinery in motion; the use of power saws, drills, pile drivers, mangles, crushers or other similar tools or machines; work on scaffoldings; work in slaughterhouses; and work with or in proximity to blast furnaces, high-tension electrical equipment, various kinds of generators, high-pressure equipment or inadequately guarded machinery.

The age below which hazardous employment in general is prohibited is usually 16. A number of countries, however, have fixed it at 18, and most have prescribed 18 for especially unsuitable types of work (underground work is often included among these). In certain countries a slight relaxation of some of the standards concerning hazardous employment is permitted, under specified conditions, for purposes of vocational training. For example, in the United States the non-agricultural hazardous occupations orders issued under the Fair Labor Standards Act, which specify the occupations prohibited to persons below 18 years of age, sometimes provide for exemptions for apprentices and student-learners. These are subject to stringent conditions relating to training, supervision and safety instruction. A trend towards allowing a limited flexibility of this kind with the object of promoting job opportunities for young persons has also appeared in some recent state legislation.

Non-Industrial Employment

Non-industrial employment within the meaning of Conventions Nos. 33 and 60 is all employment in all branches of activity other than industry (as defined in Conventions Nos. 5 and 59), agriculture, maritime navigation and sea-fishing. National laws and regulations covering such a wide field are naturally extremely diverse. In a number of countries the legal position is especially complicated because the regulation of minimum age outside industry involves several different enactments, including those dealing with compulsory education as well as those dealing with minimum age as such. For these reasons it is difficult to arrive at an accurate over-all assessment. It does seem clear, however, that laws and regulations concerning non-industrial employment tend, in comparison with those concerning industry, to be less comprehensive in their coverage and more permissive in their effect.
While the majority of countries have, in principle, a uniform minimum age of 14, 15 or 16 years for all employment (disregarding agriculture for the moment), over thirty prescribe lower ages (and a few prescribe no minimum age at all) for some or all types of non-industrial employment. Thus, of the forty-five countries in which a minimum age higher than 14 is the general rule for industry, only twenty-nine have fixed a similar age for most non-industrial employment. In the others the standard is 14 years or lower. To give a few examples: the minimum is 14 for non-industrial employment, or at least for major categories of non-industrial work, in Peru, the Philippines, Singapore, Sweden, the United States (where federal legislation applies) and Zambia; it is under 14 in Kenya, Mauritius, Nigeria and Tanzania; while in all these countries the minimum age for industrial employment is 15 or 16. Several countries with a minimum age of 14 for industry also have a lower standard for some or all non-industrial employment: for example Ceylon, Cyprus, India (some state legislation), Malawi, Nicaragua and Pakistan.

The protection of children in some of these countries and in various others rests largely on the requirements concerning compulsory education. This is notably the case in Australia, where state legislation provides for only limited restrictions on the employment of children outside school hours or during vacations. In Ceylon the minimum age is 14 for employment in shops and offices and for street trading but 12 for other non-industrial employment; all employment of children under 14, however, is prohibited before the close of school hours on days when they are required to attend school. In Chile, where 14 is the normal minimum age for all employment, children aged from 12 to 14 may be employed outside industry if they have completed compulsory schooling. In Sweden the minimum age is 14 rather than 15 for most non-industrial employment, but it is supplemented by the condition, as regards employment other than during school holidays, that the child must have completed elementary schooling or must possess equivalent knowledge and accomplishments or must have obtained permission to leave elementary school. In the United Kingdom the general prohibition of the employment of children outside industry extends only up to the age of 13, but the employment of children between that age and the minimum school-leaving age of 15 is permitted only after the close of school hours on days when they are required to attend school (although local by-laws may allow them to be employed for up to one hour before school hours); moreover, further restrictions concerning children aged from 13 to 15, including a minimum age higher than 13 or the prohibition of specified occupations, may be imposed by local education authorities. In the United States under federal legislation the employment of children aged from 14 to 16, where it is not completely prohibited, is allowed only outside school hours. And in both Canada and the United States provincial and state legislation is often fairly permissive in respect of non-industrial employment outside school hours but quite strict in respect of any employment during school hours.

Apart from prescribing lower standards in many cases, national laws and regulations concerning non-industrial employment are often relatively limited in scope, particularly in comparison with the provisions of Conventions Nos. 33 and 60. Legislation in a number of countries applies only to specified categories, widely or
narrowly defined, such as commerce, shops, offices, banks, service stations, hospitals, hotels and restaurants; countries with this type of legislation include Australia (certain states), Canada (certain provinces), India (certain states), Japan, Lesotho, Pakistan, Switzerland and the United States (certain states). It is true that in some of these countries the categories covered by various legislative texts, if not by a single law, are wide enough to encompass the bulk of non-industrial employment, but some types of work are generally still omitted (for example domestic service, miscellaneous personal services, street occupations). It is also not uncommon for legislation, even legislation of very general scope, to exclude or exempt particular categories (the only exclusions permitted by the Conventions are establishments in which only members of the employers’ family are employed, except in respect of the provisions concerning hazardous work; domestic work in the family by members of that family; and, under certain conditions, work in technical or professional schools). Two categories frequently excluded are family undertakings—often defined less restrictively than in the Conventions and often without the condition relating to hazardous work—and domestic service in private households.

Among the most important differences between legislative provisions concerning industry and those concerning non-industrial employment is that in the great majority of countries the latter admit of much wider exceptions.

In particular, exceptions for light work are much more commonly provided for in respect of non-industrial employment. The types of work regarded as light for purposes of exceptions are often, though by no means always, limited to those specified either in the legislation itself or in subsidiary regulations—a few examples are: selling or delivering newspapers; running errands; sales or delivery work in stores; messenger work; shining shoes, domestic service (assuming that this is not altogether excluded); gardening; picking flowers and drying fish. Such exceptions are usually subject to the conditions that the health, well-being and morals of the children concerned must not be jeopardised and that their attendance at school and their capacity to benefit from school instruction must not be prejudiced. Moreover, a substantial number of countries prescribe a lower age limit below which even light work is not allowed—this is 12 years in most cases and 13 in a few—and impose severe restrictions on the times and hours during which light work is permitted.

Another kind of exception provided for in most countries relates to public entertainments. This is generally applied by means of individual permits, valid for particular occasions or for limited periods, allowing children to appear in plays, films or other artistic representations. Such exceptions, too, are usually subject to safeguards concerning the health, well-being, morals and education of the children involved.

Other kinds of exceptions—for vocational training, apprenticeship, family poverty, work in particular occupations, individual exemptions—are provided for to varying degrees. In this respect national laws and regulations are often considerably more permissive in respect of non-industrial employment than in respect of industry. Moreover, the application in practice of legislative provisions relating to exceptions—for example the actual granting of individual exemptions—also tends to be more permissive where non-industrial work is concerned.
Finally, whereas laws and regulations are often relatively permissive about some kinds of non-industrial employment, many of them do nevertheless contain strict provisions for the protection of children against work which might endanger their life, health or morals. Higher ages for such work are applicable in most countries as regards both non-industrial and industrial employment. Among the establishments and occupations that are frequently prohibited to older as well as younger children are bars, saloons, night clubs, cabarets, dance halls, acrobatic displays, hazardous turns in circuses, the operation of elevators, the sale or distribution of indecent publications and the retail sale of alcoholic beverages. Regulations concerning one important category, street trades and itinerant occupations, are remarkably diverse: some countries impose higher minimum ages or other strict conditions, others have no special provisions and still others relax normal minimum-age requirements.

Agriculture

The sector in respect of which minimum-age regulation has made the least progress is agriculture. This is not, of course, uniformly true: agriculture is in principle covered by the same minimum-age provisions as industry in about fifty countries and by provisions setting a lower minimum age in about twenty others. But there remains a substantial number of countries in which, as regards minimum age, agriculture is regulated to a very limited degree, covered only partially or excluded altogether.

From the information available to the Office, it appears that only eighteen countries have a minimum age for agricultural employment higher than 14 years: Bulgaria, Burundi, Byelorussia, Congo (Brazzaville), Congo (Kinshasa), Cuba, Czechoslovakia, Gabon, Federal Republic of Germany, Ghana, Iraq, Japan, Luxembourg, Netherlands, Somalia, Ukraine, USSR and Yugoslavia. Thirty-two countries have a minimum age of 14 and twenty a minimum age lower than 14.

In the other countries, which include several whose minimum-age standards as a whole are relatively advanced, such as Austria, Belgium, Canada, Finland, France, Luxembourg, New Zealand, Sweden, Switzerland and the United States, the exact legal position concerning minimum age for agricultural employment is often difficult to determine, but in many of them—certainly in the more prosperous ones—the principal means of restricting the performance of agricultural work by children seems to be the laws concerning compulsory school attendance. In Canada, for example, no absolute minimum age for employment in agriculture has been fixed in any province, but in all of them the employment of school-age children is prohibited during school hours. Even to this rule, however, there are exceptions: thus, some provinces permit the exemption of children from school attendance for parts of the school year precisely in order to enable them to perform certain kinds of agricultural work. Several European countries, New Zealand and the states of Australia similarly prohibit the employment of children only during school hours. In the United States federal legislation, which applies broadly to agricultural undertakings producing directly or indirectly for interstate or foreign commerce, prohibits the employment of children under 16 years,
MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

except on their parents' farms, during the hours in which school is in session in the district where they are living while working. State legislation is extremely complicated: thirteen states and Puerto Rico and the District of Columbia have fixed minimum ages for agricultural employment both during and outside school hours (the ages for employment outside school hours are 14 in ten cases, 12 in four and 10 in one); twenty-one states have fixed them only for employment during school hours; and sixteen states have prescribed no minimum age at all for agricultural employment either during or outside school hours.

Certain countries that do not stipulate a minimum age for agricultural employment in general do specify one for employment in limited but important branches of agricultural activity: India and Pakistan, for example, have adopted a minimum age of 12 for employment on plantations.

In most countries that do lay down a minimum age children can nevertheless be legally employed in agriculture without much difficulty because the exclusions and exceptions provided for are often particularly relevant to agriculture. This is obviously true of the most common exclusion, that concerning family undertakings. Exceptions for light work, another common feature, almost always include, explicitly or implicitly, light agricultural work and are sometimes limited to such work.

As regards greater protection against hazardous work, most countries have at least general provisions covering agriculture as well as other sectors, but the extent to which such provisions have actually been applied to agriculture—for example through the inclusion of various agricultural occupations on lists specifying hazardous work—is very difficult to judge. On the other hand, several countries in which children can apparently be admitted to agricultural employment outside school hours, concentrate much of their regulatory action on this point: such countries include Brazil, Finland, New Zealand, Sweden and the United States. In the United States major advances in this direction have taken place fairly recently. Until 1966 the principal federal legislation did not cover agricultural employment outside school hours at all: since then it has prohibited the employment at any time of children under 16, except on their parents' farms, in occupations declared by the administering authority to be hazardous. Some of the occupations that have been declared hazardous for this purpose are: handling various chemicals; handling explosives; operating large tractors; operating various kinds of power-driven machinery or equipment; and working on a ladder or a scaffold at a height of over 20 feet. As in the case of hazardous occupations outside agriculture, exemptions are allowed for student-learners, under stringent conditions.

*Maritime and Inland Navigation*

To complete this general review of national minimum-age standards, at least a brief reference should be made to two major branches of activity which are sometimes covered by special provisions, namely maritime and inland navigation.

Convention No. 58, which fixes a minimum age of 15 for employment on vessels engaged in maritime navigation, has received an exceptionally large number of ratifications for an instrument with such a high standard, and the great majority of the
principal maritime countries have fixed, through either general or special legislation, a minimum age of 15 or 16 years for such employment. The main inadequacies in the regulation of maritime employment are of two kinds. First, legislation in a number of countries excludes certain categories of vessels: for example small family-manned boats, harbour craft, vessels in the fisheries and coastal trades and, occasionally, vessels below a specified tonnage. Second, and more significant for the future, because of the rapid technological change that is making work on board ships more complex, more responsible and, in some ways, more strenuous, the need to increase the minimum age is being felt more and more widely.

Inland navigation is covered by the Conventions dealing with minimum age in industry, and the pattern of national regulation is largely similar to that relating to industry: in most countries the minimum age is 14, in a few it is 12 and in a substantial number it is 15 or 16. There is a growing tendency, however, to recognise the special nature of employment in inland navigation and to take account of the hazards and the responsibilities it often involves: several countries have fixed higher minimum ages, sometimes by virtue of enabling provisions relating to hazardous occupations, for some, if not all, kinds of work on board vessels operating in inland waterways.

Compulsory Education

At several points in the preceding sections of this chapter, reference has been made to compulsory education. This subject is not directly within the scope of the present report, but it is so important to the effectiveness of minimum-age regulation that it requires some discussion here.

Where the legal minimum age for admission to employment is higher than the age up to which attendance at school or participation in vocational orientation or training programmes is not only required but effectively ensured, the minimum age can have little meaning in practice.

This consideration is clearly reflected in the minimum-age legislation of most industrialised countries. In almost all the countries of Europe the compulsory education laws control in some way admission to employment. Legislation in France, for example, explicitly fixes the minimum age for employment as the school-leaving age. In the United Kingdom the legislation relating to industrial employment does the same, and that relating to employment permitted to children over 13 years limits such employment to outside school hours. In Austria and the Federal Republic of Germany a basic minimum age of 14 is combined with a condition that the child concerned be no longer subject to compulsory schooling, thus making the effective minimum age in most cases 15. Elsewhere in Europe, with only few exceptions, the basic minimum age for admission to employment simply coincides with the normal school-leaving age. The connection between compulsory education and admission to employment is perhaps even more significant in Canada and the United States, where federal and provincial or state minimum-age standards vary widely and where the only stringent controls at both levels that even approach universality are those relating to employment within school hours.
In the developing countries, on the other hand, such a connection is frequently only nominal, if it exists at all. Thus, while most Latin American countries stipulate a minimum age of 14, compulsory education is rarely of more than six years' duration and, even if the full course is completed, can end well before the child reaches 14. Moreover, even though the ideal of universal compulsory education was long ago adopted throughout that region, even though school enrolments have risen dramatically over the past two decades and even though some governments are devoting an exceptionally large part of their resources to education, the percentage of children between 5 and 14 years of age enrolled is below 50 per cent in several countries, the attendance of many who are enrolled tends to be erratic and the drop-out rate is high; in short, the proportion of the children not in school remains large, perhaps as large as a third. Problems of this nature are still more pronounced in Africa and Asia. The majority of African countries have relatively advanced minimum-age standards, some applicable primarily to industry but many covering all employment. Yet compulsory education, even where laws on the subject exist, is scarcely more than a long-term objective. Although during the past few years interest in education has been intense and educational facilities have expanded rapidly, it is unlikely that more than a third of the 5 to 14-year-old children are enrolled (primary-school enrolment as a percentage of total population in that age group in the mid-1960s was over 50 per cent in only ten countries and was below 30 per cent in twenty, dropping to below 10 per cent in five). Again, irregular attendance and high drop-out rates are common. In Asia most countries have enacted some compulsory education laws but only a few have come close to making them universally applicable. As in the other regions, enrolments have been steadily increasing, but at best the children enrolled number about half of those aged between 5 and 14. Drop-out rates in primary schools are frequently above 50 per cent, in some instances reaching 80 per cent, and the number of formally enrolled children who actually attend with any regularity is probably low. In all these regions the children not at school include, in particular, those in rural areas and girls, as might be expected, and also, given the high drop-out rates, those in the 11-to-14 age group, that is, older children who are still below generally accepted standards of minimum age.
CHAPTER III

CHILDREN AT WORK

Under the influence of international standards, under the restraint of minimum-age laws, under the pressure of economic and social transformation, child labour in the classic sense of mass exploitation of children in mines and factories has become an evil of the past. Yet, while its nature and dimensions may have changed, child labour itself remains a widespread and persistent phenomenon.

Some perspective on just how widespread it is may be gained from the following figure: in 1970 the economically active children in the world aged 14 or less are thought to have numbered over 40 million. According to ILO estimates for mid-1960, 5 per cent of the boys in that age group and 3.3 per cent of the girls, or a total of 45,210,000 children, were economically active. Provisional projections for mid-1970 suggest that the number, as well as the percentages, had declined somewhat: 3.9 per cent of the boys, 2.7 per cent of the girls and a total of 43,318,000 children.

More than 90 per cent of these children—a proportion far higher than that of the child population in general—were in the developing regions of the world. In those regions the economically active children numbered 41,125,000, or 5.1 per cent of all the children in the 0–14 age group, in 1960 and 39,975,000, or 4 per cent, in 1970. In the industrialised regions, by contrast, the figures were 4,085,000 (1.4 per cent), and 3,343,000 (1.1 per cent). Geographically, the 1960 and 1970 figures were as follows:

Africa—6,055,000 (5.2 per cent), and 5,992,000 (4 per cent); North America—282,000 (0.5 per cent), and 311,000 (0.5 per cent); Latin America, including the Caribbean—3,159,000 (3.6 per cent), and 3,122,000 (2.6 per cent); East Asia—8,305,000 (2.9 per cent), and 5,830,000 (1.9 per cent); South Asia—23,985,000 (6.8 per cent), and 25,371,000 (5.4 per cent); Europe—2,070,000 (1.9 per cent, and 1,600,000 (1.4 per cent); Oceania, excluding Micronesia and Polynesia—33,000 (0.7 per cent), and 26,000 (0.5 per cent); and the USSR—1,321,000 (2 per cent), and 1,066,000, (1.5 per cent).1

A more detailed picture emerges from the following statistics, drawn from censuses or official estimates, on the economically active population aged under 15 in a few countries of each region.

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1 It must be stressed that these are all estimates or provisional projections. Industrialised regions are defined as Southern Africa, North America, Temperate South America, Japan, Europe, Oceania (excluding Micronesia and Polynesia, which are also excluded from the world wide figures), and the USSR. Developing regions are defined as Africa (excluding Southern Africa), Latin America (excluding Temperate South America) and Asia (excluding Japan). Source: ILO: Year Book of Labour Statistics, 1970 (Geneva), Special Table, pp. 9–20.
Taking Africa first, in Algeria 2 per cent of the boys and 0.5 per cent of the girls under 15, or a total of 73,714 children, were considered economically active in 1966; in the Ivory Coast (1964) 8.2 per cent and 10.4 per cent (total: 150,000); in Liberia (1962) 5 per cent, 3.8 per cent (total: 16,800); in Libya (1964) 3.4 per cent, 1 per cent (total: 14,887); in Morocco (1960) 5.7 per cent, 2.2 per cent (total: 204,935); in Sierra Leone (1963) 6.2 per cent, 3.9 per cent (total: 40,400); and in the United Arab Republic (1960, Egypt only) 12 per cent, 4.2 per cent (total: 914,567).

In the Americas the percentage for girls was 2.1 in Brazil (1960), and less than 2 in all of the other eighteen countries for which statistics were available. For boys, however, the percentage was under 2 only in Jamaica (0.7 per cent in 1960), Peru (1.9 per cent in 1961), Trinidad and Tobago (0.5 per cent in 1960), and the United States (0.7 per cent in 1960). In the other countries the percentages for boys ranged from 2 in Chile (1960) to 11.5 in Guatemala (1964). The percentages for boys and the absolute totals for boys and girls in the largest Latin American countries were as follows: Argentina (1960): 2.3 per cent and 99,945; Brazil (1960): 6.5 per cent and 1,289,277; Colombia (1964): 4.3 per cent and 227,621; and Mexico (1960): 6.2 per cent and 562,229.

In Asia and the Middle East, among the eleven countries for which statistics were available, the percentage for girls was less than 2 in Ceylon (1963), Jordan (1961), Kuwait (1965) and Pakistan (1961), and over 5 in Cambodia (1962), India (1961) and Thailand (1960), going as high as 10.6 in Thailand. For boys the percentage was less than 3 in Ceylon, Jordan and Kuwait, between 4 and 6 in Cambodia, Indonesia (1961), the Philippines (1960) and the Syrian Arab Republic (1960), and appreciably higher at 9.6 in India, 9.2 in Iran (1966), 11.1 in Pakistan and 8.5 in Thailand. Given these relatively high percentages and the size of some of these countries, the absolute totals for boys and girls were in some instances enormous: over 500,000 in the Philippines, over 750,000 in Iran, over 1 million in Thailand, over 1.5 million in Indonesia, over 2.5 million in Pakistan and over 14 million in India.

By contrast, in the twenty European countries covered, the percentage for girls was below 1 in eleven countries and above 3 only in Cyprus (3.1 in 1960), Greece (5.3 in 1961) and Yugoslavia (3.7 in 1961). For boys it was below 1 in nine countries, between 1 and 3 in six others and above 3 only in Cyprus (3.6 in 1960), Greece (6.6 in 1961), Italy (4.2 in 1961), Portugal (11.1 in 1960) and Spain (3.3 in 1960).¹

These statistics give a rough idea of the extent of child labour and, without implying country-by-country comparisons, of the areas in which the problem seems to be most severe. It should be remembered, however, that the figures are neither strictly comparable internationally—apart from other limitations, the definition of the term "economically active" can vary—nor wholly reliable for individual countries. In all likelihood the figures for many of these countries substantially understate the actual position. Not only is there frequently a statistical bias towards under-enumeration, but certain categories are sometimes not counted as economically active (such as

¹ Source: *Year Book of Labour Statistics, 1970*, op. cit., Table 1, pp. 21–53. Many of the figures given are subject to various qualifications, which are set out in the Introduction and footnotes to the table.
unpaid family workers in agriculture) and, in some countries, only children above a specified age (for example 10 years in several countries) are so counted. Moreover, the percentages relate to the number of economically active children as against the total number under the age of 15: if only the older children, who are the ones most likely to be working, were taken into account, the percentages would obviously be much higher.

It should also be remembered that child labour is a very broad term and that the employment of children does not have the same characteristics everywhere. Such considerations as the formal status of the working child (that is, whether he is a full-fledged employed person as opposed to something like an informal trainee or an unofficial helper to an adult worker or an unpaid family worker or an "adopted child"), the nature, intensity and regularity of the work, the hours of work and other conditions of employment and the effect of work upon schooling are at least as important as numbers in judging the seriousness of the problem in a given situation and determining how to tackle it.

Subject to distinctions of this sort, it does seem clear that in all the regions where child labour is relatively widespread the kinds of work in which children most commonly engage are much the same. Child labour is least apparent in large-scale, reasonably modern industry; more so in small, marginal factories; very common in small-scale and cottage industries, handicraft workshops, industrial home work, small retail shops, hotels, restaurants, services, street trades and domestic service; and most prevalent by far in agriculture.

In all regions children are now rarely employed in the larger and more modern industrial undertakings. Changed management attitudes, the introduction of more sophisticated machinery and rationalised production methods, the increased importance of high productivity, the presence of trade unions, the enactment of minimum-age laws and the strengthening of inspection services have all contributed to the virtual elimination of child labour in such undertakings. Where it does occur, the reason is often a child's misrepresentation of his own age, something that is impossible to verify in the many areas where birth certificates are practically non-existent.

This is not to say that child labour in factories has altogether disappeared. Both government and outside observers, including ILO experts and officials, have frequently noted the employment of appreciable numbers of children clearly below the legal minimum age in small, marginal factories that rely on keeping wages and other costs to a minimum. Such factories are most numerous in Asia and, to a somewhat lesser extent, in Latin America and the Middle East, but they also exist in parts of southern Europe and even in depressed areas of more industrialised regions. From the examples which recur in all these regions, they seem to be particularly concentrated in certain industries: textiles, clothing manufacture, food processing and canning.

A striking illustration of the abuses which occasionally arise in factories of this kind was provided by a survey made in one area of Thailand in 1965 and covering a limited number of factories employing ten or more workers. The factories were engaged in manufacturing or packaging such things as bottles, cigarettes, textiles, sweets, biscuits and seafood. Children, especially girls, were found to con-
stitute a large part of the work force. Many of them between 10 and 15 years old, and some as young as 6, were working eight to fourteen hours a day, seven days a week for derisory wages in overcrowded, poorly lit, badly ventilated and insanitary premises. Whole family groups were commonly at work, with a parent or other older relative alone being listed on wage rolls and receiving payment for the entire group. In a cigarette factory children were being hired as “assistants” by adult workers who gave them only a fraction of what they had actually earned, or paid them piece rates. It was normal for periods of lay-off to alternate with periods of heavy overtime (worked at ordinary rates). Another survey, made two years later and limited to textile factories and workshops in part of the same area, revealed similar conditions and also showed that nearly half of the working children under 16 years of age had never been to school.\(^1\)

Often, the work done by children in factories is relatively light and outside the main production process, such as packaging, pasting, labelling and doing odd jobs, but production work, usually of a type requiring manual dexterity and a capacity for maintaining a monotonous pace rather than strength or responsibility, is also common. In India, for example, it includes filling boxes in match factories, winding in textile factories, stitching in clothing factories, handwrapping in soap factories, and, particularly, cleaning, cutting and rolling in cigarette factories.

Far removed from miscellaneous light work or even regular production work of this kind is the performance by children of work presenting clear risks to their safety and health. Numerous instances have been observed in various countries of the employment of children in dangerous occupations, including the manufacture of fireworks, glass blowing, carrying pieces of incandescent glass, the use of toxic materials in dye houses, work involving exposure to dust and lint in textile mills and to extremes of heat and cold in the manufacture of confectionery, work in foundries and, in all sorts of factories, work near furnaces and unguarded machinery.

Even if such practices are becoming less common, they are none the less disquieting. It is undoubtedly true that child labour in factories is declining—in India, for example, it has been reduced to negligible proportions. But it should not be forgotten that the small number of minimum-age violations often listed in factory inspection reports can be a reflection less of effective regulation than of the difficulties under which inspection services have to work: the insufficiency of their staff and the inadequacy of their transport, the lack of ready means to verify ages and the efforts made by working children themselves to avoid detection.

Industrial work other than in factories is, in any event, a flourishing activity among children throughout Africa, Asia, Latin America and the Middle East. In cities and towns in all these regions, small workshops, cottage industries and handicraft undertakings employing children are easily found. Moreover, many children—in parts of both northern and southern Europe as well as in these regions—are known to perform industrial home work. The jobs they perform include, among a great many

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others, weaving, spinning, sewing, embroidery, metalwork, leather work, woodwork, making pottery and carpets, clothing, shoes, toys, buttons, baskets and fireworks. To a large extent, of course, these are family undertakings in which the children are working and learning a traditional family trade under their parents. But this is not the case as often as it may seem: in one part of Iran, for example, the labour inspection service regards all handicraft workshops as family undertakings and therefore outside the scope of most labour legislation even though, in fact, many of the children working in them are actually wage earners employed by persons other than their parents. Child workers are also frequently represented as apprentices or learners, and many of them undoubtedly are in a sense, but the training they get is often minimal, the work strenuous, the treatment that of servants and the pay far below standard. Lighting, ventilation and sanitary conditions in such workplaces are generally poor. Safety precautions are negligible and children can be seen operating bellows, wielding acetylene torches, using cutting or piercing tools, working near furnaces and performing other hazardous tasks.

A common pattern in activities of this sort is the existence of an indirect relationship between the working children and the principal employer or distributor of work. Children are brought to the workshop by their parents or other adults, sometimes presumed to be their parents; they work as "helpers" under the responsibility of those adults and are paid by them rather than by the proprietor. Thus, a recent inquiry in India found that it was usual for weavers in both handloom and powerloom establishments to be assisted by school-age children, who were not regarded as employees and whose wages, such as they were, were paid only by the weavers themselves. Children were also found to be widely employed in brocade work: in some cases, again, they were paid by adult workers whose own wages were low in the first place. A third occupation in which such arrangements were found to be common was carpet-weaving.¹

The hand-made carpet industry is a large-scale and well-known employer of child labour in other countries as well, and the employment of children in it often follows much the same pattern. In Iran, for example, carpets are customarily made by women with the assistance of girls, often but not always their own daughters and often extremely young. In government-owned workshops, the legal minimum age of 12 is observed and reasonable standards of wages, hours and physical working conditions are maintained. But the bulk of production comes from small, private workshops and, especially, home work. Conditions in such workshops are generally extremely poor and the employment of very young girls is normal. Home work is a still more severe problem. The work is handed out to women by middlemen who have none of the responsibilities of employers and is performed at home by the women with their daughters or girls from other families. The girls are often practically infants and their employment and conditions of work are subject to no controls.

Similar practices are found in many countries in handicraft work. Craftsmen are
given jobs on contract and are paid strictly by results; the payment and conditions of
work of the child “helpers” they commonly employ are their responsibility.

The employment of children and their conditions of work in activities of this
sort as well as in small workshops, family-operated or otherwise, tend to remain
largely uncontrolled because they are often considered to fall outside the scope of
legislation, because the determination of employment relationships is often very
difficult and because, in any event, inspection and enforcement would be an enormous
task. It has frequently been argued that because of this lack of control children are
driven into these and other types of work involving sub-standard conditions when
effective minimum-age regulation prevents them from working in the more modern
sector.

Finally, another branch of industrial activity in which substantial numbers of
children are employed in some countries is construction. As in other activities, child
labour in construction is found throughout most of Asia, Latin America and the
Middle East, but it has also been noticeable to an unusual degree recently in parts of
southern Europe, where large-scale building has been intense. Older boys below the
legal minimum age seem to be widely employed on building sites in these areas as
casual, unregistered labourers to clear debris, carry equipment and do other odd jobs
at low wages; such jobs often involve serious risks of accident and injury.

Turning to non-industrial employment, large numbers of children in all regions
work in small shops, restaurants, hotels, street trades and various service occupations.
In most cities and towns in Africa, Asia, Latin America and the Middle East, children
are commonly employed as waiters and busboys in cafés and restaurants, maids in
hotels, sweepers, shop clerks, garage assistants, barber-shop assistants, errand boys,
shoe-shine boys, would-be automobile guards, street entertainers, street vendors and,
of course, beggars. The street trades, in particular, are certainly the most visible forms
of child labour and, for obvious reasons, among the most difficult to control. The
children engaged in them are often very young, homeless and grossly exploited by
adults. Yet the street trades are sometimes dismissed as light, harmless occupations
that keep children busy and out of trouble: what they really lead to, as a cumulative
effect, is the prejudice to the safety, health, moral welfare and social development of
children that must result from uncontrolled wandering in the streets for long hours,
until late at night, with constant exposure not only to bad weather, dirt, fumes and
traffic but also to the most sordid aspects of city life.

Another largely uncontrolled and widespread occupation for children, traditional
in many of the developing countries, is domestic service. In countries where servants
are normally found in all households of any means, many of them are bound to be
children. This is very frequently the case in Africa, Asia, Latin America and the
Middle East. Recent ILO studies tend to confirm that in various countries substantial
numbers of children aged under 14 are working as domestic servants (often, it should
be said, quite legally, since the minimum age for domestic service is sometimes 12 or
13 and sometimes no minimum is prescribed). Such employment, apart from general
considerations of minimum age, can have certain particularly objectionable aspects.
In some countries it is common for very young children—mainly girls in Central America, the Middle East and some parts of Asia—to be brought to cities from rural areas by their parents, or purported parents, and virtually sold into domestic service. The children are usually unpaid and the practice is often described, euphemistically, as "adoption". It is generally rationalised by the argument that these children enjoy much better conditions than they had in their previous homes. But, while this may often be true, in the total absence of outside control there is always a potential danger of overwork, neglect, mistreatment and exploitation. This problem has from time to time been drawn to public attention in various countries, but the efforts that have been made to control it through regulatory measures, such as the legal requirement to register domestic servants that is in force in some parts of Ceylon, have had little success.

Non-industrial child labour is also a problem in southern Europe, though different in nature and degree. Children below the legal minimum age are employed fairly widely in shops, cafés and restaurants and to a much lesser extent in markets and street trades. Employment is often combined with school attendance, or at least school enrolment, and provides a supplement to family income.

In the more developed countries this problem sometimes also arises, but again it is of a different nature. Usually the problem is not that large numbers of children below the minimum age are being employed but that children whose employment would not be illegal in itself are being employed under illegal conditions. It is possible in most such countries for children below the basic minimum age to be legally employed subject to certain safeguards (for example that the work must be limited to specified activities, that it must not be carried on early in the morning or at night or during school hours, that the hours of work must not exceed a specified maximum, that the children must not be under a specified lower age limit). Failure to observe these safeguards is probably the most common problem. The question has received considerable attention over the past year in the United Kingdom, where the regulation of the employment of children aged between 13 and 15 in non-industrial activities is in large measure a matter for local by-laws. There have been a number of reports that such by-laws were being violated in certain areas (sometimes inadvertently, since they vary from locality to locality and can be extremely complex). Children were reportedly employed in prohibited activities, particularly during weekends and school holidays, and, more frequently, at prohibited times (for example delivering newspapers or milk over one hour before school started) or for excessively long hours. Many instances of illegal employment came to light only when teachers inquired into the reasons why some children had no time to do their home work or could not stay for after-school activities or were too tired to concentrate on their school work or fell asleep in class.

In the developed countries difficulties of a new and more specialised kind occasionally appear. For instance, in the application of safeguards for child performers, problems have arisen with television publicity films. The head of a prominent children's model agency, again in the United Kingdom, recently pointed out that children are sometimes asked for during school hours and that they can be called to the studio
early in the morning, only to spend the whole day getting bored and tired while waiting to be employed.

The sector in which the bulk of the working children in every region are employed is, of course, agriculture. In India, for example, out of some 14.5 million children under the age of 15 who were considered economically active in 1961, about 10.5 million were engaged in agriculture; and in Pakistan, out of the 2.6 million children between 10 and 14 considered economically active in the same year, about 2.2 million were engaged in agriculture. Traditionally, children begin at an early age to do some work on the land being cultivated by their parents: this is no less true of Europe and North America than of the developing countries. Minor farming jobs, the care of animals and a certain amount of field work are performed by young children almost everywhere. In measuring and evaluating child labour in agriculture a distinction must be made between this sort of farm work and wage-earning employment on plantations or other agricultural undertakings producing mainly for commercial purposes.

In the traditional, mainly subsistence sector of agriculture in the developing countries, the direct regulation of the employment of children is generally not practicable. Until adequate educational facilities become available and until it becomes possible for most families to dispense with the work of their children, there is little chance that child labour by unpaid family workers will be reduced to any significant extent.

Wage-earning employment in commercially oriented agricultural undertakings is a different matter. While such employment is far less extensive among children than unpaid family work, they do engage in it to an appreciable extent in most developing countries. On plantations it often takes the form of work as part of a family group: the parents do the main field work and the children either assist them (for example in plucking tea leaves, picking coffee beans or collecting latex) or do secondary jobs such as weeding, spreading fertilizer or caring for plants. This is a fairly common pattern in some Asian countries, including India and Pakistan; it is also found, but to a much lesser extent, in some African countries, especially during harvest periods. Most countries have at least some legislation regulating the minimum age for admission to employment, but its effectiveness is usually very limited. Even where the legislation is fairly well enforced, as on the tea and rubber estates in Ceylon, appreciable numbers of children work unofficially, when work is available, helping their parents in weeding or other tasks. The use of piece rates or contracts specifying quotas tends to encourage the unofficial employment of children by their parents on plantations. As a rule, light work by children under certain conditions is legally permitted, and, to some extent, child labour is limited to such work in practice. It is by no means uncommon, however, for children to do full-scale agricultural work, including such heavy jobs as ploughing. In Brazil, for example, the planting of cotton, rice and sugar-cane and the harvesting of these crops and of coffee and cocoa are frequently done by both children and adults.

Children can also be employed as wage earners on small farms. This is notably true in the United Arab Republic, where children have long been hired for cotton picking, weeding and other work. A rural employment survey carried out in 1964–65
with the help of the ILO suggested that children aged between 6 and 15 in the areas covered were employed between a third and a half of their time, or about four hours a day on an average taken over a year: their hours represented about 15 per cent of total hours worked. A substantial part of that time was worked outside their own farms, particularly in the case of those coming from the smallest farms. It was common for small farmers to hire children (and women) for work such as weeding and cotton picking on their farms while they themselves hired out for work elsewhere at higher wages than they were paying.

Child labour in agriculture is not by any means confined to the developing countries. In southern Europe children are widely employed as farmhands or in caring for animals, usually at very low wages and sometimes mainly for food and lodging. Many of these children have left school at an early age or attend irregularly. In northern Europe such employment is less widespread and more subordinated to schooling, but it does exist. There are several countries in which employment in agriculture is not subject to a minimum age as long as work is not performed during school hours; children often start work, either on their family farms or on other local farms, early in the morning before school, put in additional work after school and work long hours during vacations.

In the United States interest in the conditions of migratory farm labour has brought into public awareness over the past few years a considerable amount of disquieting information on the employment of children in agriculture generally. Until 1966, it will be recalled, the federal Fair Labor Standards Act contained no provisions whatever regulating child labour in agriculture outside school hours and even now does so only in respect of hazardous occupations; moreover, few state laws contain such provisions. Thus, children of any age can work legally in agriculture at certain times in most states. Large numbers of children do, in fact, engage in at least some wage-earning employment, and a substantial proportion of them are migratory workers. In 1967 about 309,000 children under 14 years did some farm work for wages; about 38,000 of them were migratory. The number of children under the age of 16 found working during school hours in violation of federal law was, in that fiscal year, 4,201. Of these, 2,086 were aged between 10 and 13 and 861 were 9 or younger. Children below school age were also found working, but their employment was not illegal since there were no school hours for them. Of the total number of illegally employed children, 1,131 were migratory. According to several studies carried out in the mid-1960s, many migratory children worked practically full time: some did not stay in one area long enough to come under the local compulsory education law, others travelled on schedules that coincided with "crop vacations" and still others were simply employed in contravention of the law but were not officially detected. Many of those who did get a certain amount of schooling acquired little more than a very rudimentary knowledge of the basic primary-school subjects. The educational level of a large proportion—an overwhelming proportion in the case of the older ones—was well below the normal level for their age. In recent years there seems to have been an appreciable decline in the illegal employment of children in agriculture, at least as measured by detected violations of federal law. Such violations fell from
nearly 8,000 in the fiscal year 1964 to 4,201 in the fiscal year 1967 and then to 1,555 in 1968 and 1,249 (including 72 violations of provisions concerning hazardous occupations) in 1969. To a large extent, the big decrease after the 1967 fiscal year was due to special circumstances—namely a poor cotton crop (the harvesting of cotton being a major occupation of illegally employed children), but it was also attributable to other, more permanent factors, such as increasing mechanisation and the enforcement and informational activities of the labour administration services.

As a final comment concerning children in agricultural employment, it is worth emphasising that, contrary to traditional ideas on the healthful nature of farm work, modern agriculture exposes workers to at least as much physical risk as most other sectors. This is not only a matter of heat, sun, dust and insects or the strains caused by stooping and lifting: the increasing mechanisation of agriculture has made it an especially hazardous occupation. The dangers created by the use of power-driven machinery, such as harvesters, threshers, reapers, tractors, are obviously all the greater for children and young persons. Some countries, like the United States, have made special efforts both to prevent the employment of children in dangerous agricultural work and to train young persons in handling machinery safely. In the United States agriculture is classified after mining and construction as the third most hazardous occupation; of the 14,200 deaths due to work accidents that occurred in that country in 1963, almost one-fourth were in agriculture, though the proportion of the labour force engaged in agriculture was only about one-twentieth. In the state of New York alone, official statistics indicate that during the period 1949-67, forty-seven children aged between 5 and 14 years old died as a result of occupational accidents: forty-two of these were in agriculture.
CHAPTER IV

POSSIBLE INTERNATIONAL ACTION

The discussion of minimum age for admission to employment by the Conference at its 57th Session will provide an opportunity for examining how child labour in the different forms described in the preceding chapter can be effectively suppressed and how the protection of children can be extended and strengthened. It will offer an occasion not only for the adoption of comprehensive new instruments establishing clearer, more systematic and more up-to-date international standards but also for an appeal by the Conference to governments and to the organisations in the United Nations family for vigorous practical action against the basic causes of the problem.

The questionnaire at the end of this report contains proposals for a Convention setting out basic principles concerning minimum age and a Recommendation giving guidelines on the implementation of those principles and covering matters of detail. Governments are asked in the first two questions whether they are in favour of the adoption of new instruments in this form.

Part II of the questionnaire relates to the proposed Convention. It has been drawn up with three objects in view: first, to set minimum standards that can be effectively applied in the great majority of countries, including those in which the problem of child labour is still severe; second, to arrive at a text which would also be relevant for countries that are now able to apply standards higher than the minimum and which would encourage the progressive raising of standards in other countries; and, third, to provide as much flexibility as is consistent with adequate protection in order to ensure that the Convention has the widest possible impact.

The preamble of the Convention, as envisaged in question 3, would place the Convention in context by specifying that it is a general instrument designed to replace, in the course of time, the existing more limited ones and would state its fundamental objectives: the total abolition of child labour, and the general and progressive raising of the minimum age for admission to employment.

Under the provision suggested in question 4, these two objectives would be pursued by ratifying States as a matter of national policy. Such a provision would make it clear from the beginning that the Convention is not intended simply as a static instrument prescribing a fixed minimum standard but as a dynamic one aimed at encouraging the progressive improvement of standards and promoting sustained action to attain the objectives.

The next two questions, which cover the main substantive provisions of the proposed Convention, seek to establish mechanisms for giving concrete form to the principle of progressive improvement of standards. Question 5 suggests a provision
under which, first, each ratifying State would specify at the time of ratification the minimum age it would apply; second, any such State would subsequently be able to specify a higher minimum age; and, third, the minimum age initially specified could not be less than 14. Thus, while the minimum standard prescribed by the Convention would be 14 years of age, governments would be able to assume, either immediately upon ratification or at a later date, an obligation to apply a standard higher than that minimum. It should be emphasised that the declarations envisaged in paragraphs (1) and (2) of this question are not merely for purposes of obtaining information on the application of the Convention: they are meant to enable and encourage governments to accept binding obligations to establish higher standards. A provision of this kind would have the advantage of corresponding to the needs both of the large number of countries, particularly developing countries, in which economic conditions and the inadequacy of educational facilities preclude the effective application of a minimum age higher than 14 in the near future and of the countries which have been able, or expect shortly to be able, to adopt a minimum age of 15 or 16. It should be possible by this means to achieve a more widespread acceptance of minimum international standards and at the same time to promote acceptance of higher standards. Provisions along these lines have been included in other Conventions—for example the Minimum Age (Underground Work) Convention, 1965 (No. 123), and, most recently, the Holidays with Pay Convention (Revised), 1970 (No. 132). Of the twenty-five countries that have so far ratified the former, fifteen have already specified a standard higher than the minimum prescribed in it.

Question 6 follows the same pattern. The provision envisaged would constitute a major advance on existing Conventions in that it would actually prescribe a minimum age for hazardous employment rather than simply requiring governments to fix an age higher than the normal minimum. Again, while the standard set by the proposed Convention itself—16 years—would be a minimum that can be applied on a reasonably large scale, ratifying States would be able to accept an obligation to establish a higher standard. In view of the large number of possibilities, the great diversity in national conditions and, especially, the likelihood that technological and other developments would rapidly make any specification obsolete and inadequate, it is proposed that the occupations to be regarded as hazardous for this purpose should be determined by national laws or regulations. Naturally, for any occupations considered exceptionally dangerous, governments would be free to require an age higher than that formally specified under the provision suggested in this question.

Questions 7 and 8 deal with a particularly difficult matter—the scope of the proposed Convention. As conceived in the questionnaire, the Convention would in principle be of general application. This approach has been adopted in preference to the fragmented approach used in the past because the employment of children is essentially a single problem that should, wherever possible, be attacked as a whole rather than in its separate aspects if regulation is to be fully effective. Although, as indicated in Chapter II, the legislation of a number of countries, including economically advanced as well as developing ones, still leaves important gaps in coverage, in a substantial number of countries coverage has been extended to all major sectors.
The time therefore seems to have come for a new Convention to be based, at least as a point of departure, on the principle of general application. Yet excessive rigidity in this respect would clearly be self-defeating. One of the main impediments to the ratification and effective implementation of the existing Conventions has been precisely such rigidity, in particular their breadth of scope within the sectors they cover coupled with their failure to provide for any but the most limited exclusions. Questions 7 and 8 attempt to give the proposed Convention the flexibility lacking in the older ones.

Question 7 is designed to allow for the diversity of national practice with regard to the exclusion of particular categories from the scope of minimum-age legislation. As has been pointed out in Chapter II, the legislation of most countries provides for the exclusion of one category or another—for example employment in family undertakings (defined in various ways), domestic service in private households, and home work or other work outside the supervision and control of the employer. Usually, the reason for such exclusions is simply the practical impossibility of effective enforcement. In order to facilitate the adaptation of general provisions to national conditions while avoiding singling out any categories as particularly lending themselves to exclusion, the proposed text would leave the competent authority in each country a large measure of discretion in the matter. This would be subject, however, to a series of safeguards: the categories must be limited; there must be special and substantial problems of application; there must be prior consultation with the appropriate employers' and workers' organisations; the exclusions must be explained in the first reports on the application of the Convention submitted by governments under article 22 of the Constitution of the ILO; and the position in respect of the categories excluded must be reviewed in subsequent reports. The text has been modelled very closely on that of Article 2, paragraphs 2 and 3, of the Holidays with Pay Convention (Revised), 1970 (No. 132), which was drafted by a special tripartite working party of the Conference Committee concerned and was unanimously adopted by the Committee as a means of ensuring an adequate degree of flexibility within the framework of a general Convention.

Question 8 deals with a different and much larger problem. It is clear that, while minimum-age regulation should ideally extend with a reasonable degree of uniformity to all sectors, many developing countries will not immediately be able to apply the minimum standards prescribed in the Convention comprehensively to every major sector, in particular to every branch of agricultural and other non-industrial activity. Rather than make it impossible for these countries to ratify the Convention, and thereby weaken the link of international obligations and reduce the effectiveness of international supervision, it is suggested in this question that countries with insufficiently developed economies and administrative facilities should have the possibility of initially limiting their application of the Convention to specified branches of economic activity. The branches covered would have to include, however, at least those enumerated in paragraph (3) of the question, which are taken from the International Standard Industrial Classification of All Economic Activities. Countries availing themselves of this provision would be required to review in their reports on
the application of the Convention the progress they were making towards wider application and would be able at any time to accept a formal obligation to extend the scope of their application. Such a provision would offer a means of reconciling the basic need for a Convention of general scope with the need to ensure effective, even if limited, minimum-age regulation in developing countries.

Question 9 suggests a provision analogous to those in the existing Conventions, under which they do not apply to work done in technical schools, subject to certain conditions. The proposed text has been drafted in much broader terms so as to take full account of the various forms of practical education and vocational orientation and training found in different countries. Two requirements would be imposed: first, that the work would have to be carried out under conditions prescribed by the competent authority; and secondly, that it would have to be an integral part of either a course of education or training, or a programme of guidance or orientation.

Question 10 deals with another point on which some of the existing Conventions have proved to be too rigid, namely exceptions. The two Conventions concerning minimum age for employment in industry admit of no exceptions whatever for light work and the two concerning non-industrial employment allow light work only subject to an extremely elaborate, complex and precise set of conditions. This complete lack of adaptability to national circumstances has undoubtedly been one of the major obstacles to ratification, especially in the case of the Conventions on non-industrial employment. The text now proposed retains a strong protective element but in much simpler and more flexible form. Children over 12 years of age would be permitted to do light work as long as it was not harmful to their health or development and not prejudicial to education or training. National laws or regulations would be required to specify the activities that were to be regarded as light work for this purpose and to prescribe hours of work and other conditions. Exceptions would also be allowed, but only by means of individual permits, for such purposes as participation in artistic representations (again, the suggested text is a simplified version of corresponding provisions in the Conventions concerning non-industrial employment). The requirement that national laws or regulations specify the activities permitted and prescribe hours and other conditions of work would apply in this connection as well.

Question 11 suggests the inclusion of three basic requirements relating to enforcement: the taking of all necessary enforcement measures, including the provision of appropriate penalties; the designation of the persons responsible for compliance; and the keeping of records.

The last question in Part II is a standard question addressed to federal States only.

Part III of the questionnaire concerns the proposed Recommendation. The text is designed both to supplement the specific provisions of the proposed Convention and to go beyond them by bringing out the importance for effective minimum-age regulation of effective action in certain other areas. Thus, it contains suggestions for concrete measures directed against the social conditions underlying the continued existence of child labour, sets out objectives to be aimed at in raising minimum-age
POSSIBLE INTERNATIONAL ACTION

standards, proposes limited steps to achieve at least some progress where more far-reaching ones are not immediately feasible and offers guidelines on details relating to the practical application of the provisions of the new Convention.

Questions 13 to 18 (section A) focus on the types of action going beyond purely regulatory measures that would be necessary to bring about the conditions under which real effect could be given to the national policy for abolishing child labour and raising the minimum age envisaged in the proposed Convention. The provision suggested in question 13 would affirm as a general principle the importance of giving high priority to the needs of children and young persons, and the provision in question 14 would specify a number of broad areas of social policy having a significant bearing on the prevention of child labour. Question 15 draws attention to a particular, and sometimes very large, category requiring special protection—children without families or living outside their families. Question 16 covers a point of fundamental importance: the need to provide all children under the minimum age for admission to employment with a suitable alternative to employment in the form of compulsory education or vocational orientation or training. The next two questions are intended to complement this by providing for measures to bridge the possible gap between the end of compulsory schooling and eligibility for employment in particular occupations for which a higher minimum age is imposed either because they are hazardous (question 17) or because the work requires a certain degree of maturity (question 18).

The remaining sections of Part III are more concerned with minimum-age regulation proper and are for the most part closely linked to the corresponding provisions of the proposed Convention.

In section B, question 19 covers another extremely important principle: the need to establish a uniform minimum age wherever possible in order to prevent children ineligible for employment in a well-regulated sector from being employed in sectors to which lower standards apply (and in which, as the experience of many countries has shown, conditions of work are likely to be worse). With regard to the minimum age itself, question 20 proposes as an objective a standard of 16 years. This standard, it will be recalled, was first accepted as an objective by the Conference in a resolution adopted as far back as 1945 and has already been reached in several countries. Where, by contrast, the standard is still below the minimum envisaged in the proposed Convention—that is, 14 years—urgent steps would be called for under the provision suggested in the second paragraph of this question to raise it to that level. Question 21 recognises that the establishment and enforcement of a minimum age for agricultural employment may not be practicable for the time being in a number of countries; where this is so, it suggests that, as an interim measure, protection should be extended at least to certain types of agricultural undertakings in which control would be less difficult than in small, widely dispersed holdings primarily of a family and subsistence character.

The provisions suggested in section C are designed to encourage the fullest possible protection of children and young persons against exposure to hazardous work or working conditions, regardless of sector or category of employment. Again, the text would state an objective—in this case a standard of 18 years for admission to
hazardous employment in general and a higher standard for especially hazardous occupations—and would call for urgent steps to raise the standard to the minimum level envisaged in the proposed Convention, 16 years, where it is still below that level (question 22). As regards the determination of the occupations to which such standards would apply, the provision suggested in question 23 would make specific reference to international labour standards and would stress the importance of keeping the list of occupations up to date; those suggested in questions 24 and 25 would urge the extension of coverage to hazardous occupations in any sectors or categories that may not be covered by ordinary minimum-age regulations.

The three questions in section D are aimed at the protection of children and young persons aged under 16 who are working, including those working in accordance with the exceptions envisaged in the proposed Convention, or who are receiving vocational orientation or training in undertakings. Question 26 provides in general terms for the improvement and supervision of the conditions under which such children and young persons are employed or trained; question 27 draws attention to some specific areas of particular importance; and question 28 calls for the protection of any children who are not covered by general minimum-age provisions but who are in fact working even if their employment status is not clear.

Finally, section E deals in some detail with measures to facilitate and strengthen the enforcement of minimum-age provisions.

The questionnaire concludes with the standard question on special problems arising from particularities of national law or practice (Part IV).
QUESTIONNAIRE

In accordance with article 39 of the Standing Orders of the International Labour Conference, governments are requested to send their replies to the following questionnaire, indicating their reasons for each reply, so as to reach the International Labour Office in Geneva by 30 September 1971 at the latest.

I. Form of International Action

1. Do you consider that the Conference should adopt new instruments on minimum age for admission to employment?

2. Do you consider that these instruments should take the form of a Convention supplemented by a Recommendation?

II. Convention

3. Do you consider that the new Convention should refer, in its preamble, to the existing minimum-age Conventions applicable to limited economic sectors, and should indicate the desirability of a general instrument which will gradually replace the more limited ones so as to achieve the total abolition of child labour, and will further provide a basis for the general and progressive raising of the minimum age for admission to employment?

4. Do you consider that the new Convention should provide that each Member for which it is in force undertakes to declare and pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment to a level consistent with the fullest physical and mental development of all young persons?

5. (1) Do you consider that the new Convention should provide that each Member which ratifies it shall specify, in a declaration appended to its ratification, a minimum age for admission to employment within its territory and that, subject to the other provisions of the Convention, no one under that age shall be admitted to employment or work in any occupation?

(2) Do you consider that the new Convention should provide further that each Member which has ratified it may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a minimum age higher than that specified at the time of ratification?
(3) Do you consider that the new Convention should provide that the minimum age specified in pursuance of the provision envisaged in paragraph (1) of this question shall not be less than 14 years?

6. (1) Do you consider that the new Convention should provide that each Member which ratifies it shall also specify, in the declaration appended to its ratification, a minimum age under which no one within its territory shall be admitted to employment or work in any occupation which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons?

(2) Do you consider that the new Convention should provide further that each Member which has ratified it may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a minimum age higher than that specified at the time of ratification?

(3) Do you consider that the new Convention should provide that the minimum age specified in pursuance of the provision envisaged in paragraph (1) of this question shall not be less than 16 years?

(4) Do you consider that the new Convention should provide that national laws or regulations shall determine the occupations to which the provisions envisaged in this question apply?

7. (1) Do you consider that the new Convention should provide that, in so far as necessary, measures may be taken by the competent authority in a country, after consultation with the organisations of employers and workers concerned, where such exist, to exclude from the application of the Convention limited categories of employment in respect of which special and substantial problems of application arise?

(2) Do you consider that the new Convention should provide that each Member which ratifies it shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of the provision envisaged in paragraph (1) of this question, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories?

8. (1) Do you consider that the new Convention should provide that a Member whose economy and administrative facilities are insufficiently developed may initially limit the scope of application of the Convention?

(2) Do you consider that the new Convention should provide that each Member to which the provision envisaged in paragraph (1) of this question applies shall specify, in a declaration appended to its ratification, the branches of economic activity to which it will apply the provisions of the Convention?

(3) Do you consider that the new Convention should provide that its provisions shall be applicable as a minimum to the following branches of economic activity:
mining and quarrying; manufacturing; construction; electricity, gas, water and sanitary services; and transport, storage and communication?

(4) Do you consider that the new Convention should provide that any Member which has limited the scope of application of the Convention in pursuance of the provisions envisaged in this question—

(a) shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation any progress which may have been made towards wider application of the provisions of the Convention;

(b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office?

9. Do you consider that the new Convention should not apply to work done by children and young persons in schools for general, vocational or technical education, in other training institutions or in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authorities and is an integral part of either—

(a) a course of education or training for which a school or training institution is primarily responsible; or

(b) a programme of guidance or orientation designed to facilitate choice of an occupation or a line of training?

10. (1) Do you consider that the new Convention should provide that national laws or regulations may permit the employment or work of persons who are under the minimum age specified in pursuance of the provisions envisaged in question 5 on light work which is—

(a) not likely to be harmful to their health or development;

(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received?

(2) Do you consider that the provision envisaged in paragraph (1) of this question should apply only in respect of persons over 12 years of age?

(3) Do you consider that the new Convention should provide that, in addition, the competent authority in a country may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work envisaged in question 5, for such purposes as participation in artistic representations?

(4) Do you consider that the new Convention should provide that national laws or regulations shall specify the activities in which employment or work may be permitted under the provisions envisaged in this question, and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken?

11. (1) Do you consider that the new Convention should provide that all necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of its provisions?
(2) Do you consider that the new Convention should provide that national laws or regulations shall define the persons responsible for compliance with its provisions?

(3) Do you consider that the new Convention should provide that the employer shall keep, and make available to the competent authority, records indicating the names and dates of birth, duly certified wherever possible, of all persons who are employed by or work for him and who are less than two years older than the minimum age specified in accordance with the provisions envisaged in question 5 or 6, as appropriate?

12. In the case of federal States, do you consider the subject matter of the proposed Convention appropriate for federal action, or wholly or in part for action by the constituent units of the federation?

III. Recommendation

A. National Policy

13. Do you consider that the new Recommendation should provide that, to ensure the success of the national policy referred to in question 4, high priority should be given to planning for and meeting the needs of children and youth in national development policies and programmes and to the progressive extension of the inter-related measures necessary to ensure the best possible conditions of physical and mental growth for children and young persons?

14. Do you consider that the new Recommendation should provide that, in this connection, special attention should be given to such areas of planning and policy as the following:

(a) firm national commitment to full employment, in accordance with the Employment Policy Convention and Recommendation, 1964, and the taking of measures designed to promote employment-oriented development in rural and urban areas;

(b) the progressive extension of other measures to alleviate family poverty and to ensure minimum family living standards and income without recourse to the economic activity of children;

(c) the development and progressive extension of social security and family welfare measures aimed at ensuring child maintenance, including children’s allowances;

(d) the development and progressive extension of adequate facilities for education and vocational orientation and training appropriate in form and content to the needs of the children and young persons concerned;

(e) the development and progressive extension of appropriate facilities for the protection and welfare of children and young persons, including employed young persons, and for the promotion of their development?

15. Do you consider that the new Recommendation should provide that particular account should be taken, as necessary, of the needs of children and young persons who do not have or do not live with their own families?
16. Do you consider that the new Recommendation should provide that, to the greatest extent possible, full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively ensured up to an age at least equal to that specified for admission to employment in accordance with the provisions envisaged in question 5?

17. Do you consider that the new Recommendation should provide that, where the age specified for admission to employment in particular occupations in accordance with the provisions envisaged in question 6 is higher than that fixed for the completion of compulsory full-time schooling, consideration should be given to measures such as preparatory training, not involving hazards, for such employment?

18. Do you consider that the new Recommendation should provide that measures analogous to those envisaged in the preceding question should also be envisaged where the professional exigencies of a particular occupation include a minimum age for admission which is higher than that fixed for the completion of compulsory full-time schooling?

B. MINIMUM AGE

19. Do you consider that the new Recommendation should provide that, as far as possible, the minimum age should be fixed at the same level for all sectors of economic activity?

20. (1) Do you consider that the new Recommendation should provide that Members should take as their objective the progressive raising of the minimum age for admission to employment to at least 16 years?

(2) Do you consider that the new Recommendation should provide that, where the minimum age is still below 14 years, urgent steps should be taken to raise it to that level?

21. Do you consider that the new Recommendation should provide that, where it is not immediately feasible to fix a minimum age for all employment in agriculture and in related activities in rural areas, a minimum age should be fixed at least for employment on plantations and in other agricultural undertakings mainly producing for commercial purposes?

C. HAZARDOUS OCCUPATIONS

22. (1) Do you consider that the new Recommendation should provide that Members should take as their objective the progressive raising to at least 18 years of the minimum age for admission to employment in occupations to which the provisions envisaged in question 6 apply and that the standard should be higher for occupations in which the risks are especially serious?

(2) Do you consider that the new Recommendation should provide that, where the minimum age for admission to employment in such occupations is still below 16 years, urgent steps should be taken to raise it to that level?
23. (1) Do you consider that the new Recommendation should provide that, in determining the occupations to which the provisions envisaged in question 6 apply, full account should be taken of relevant international labour standards, such as those concerning dangerous substances, agents or processes (including ionising radiations), the lifting of heavy weights and underground work?

(2) Do you consider that the new Recommendation should provide that the list of occupations should be re-examined periodically and revised as necessary, inter alia in the light of advancing scientific and technological knowledge?

24. Do you consider that the new Recommendation should provide that, where, by reference to the provisions envisaged in question 8, a minimum age is not immediately fixed for certain sectors of economic activity such as agriculture, appropriate minimum-age provisions should be made applicable in these sectors to occupations which are hazardous in the meaning of question 6 (1)?

25. Do you consider that the new Recommendation should provide that the exclusion of certain categories of employment, such as employment in family undertakings, from the application of minimum-age provisions in accordance with the provisions envisaged in question 7 should not extend to occupations to which the provisions envisaged in question 6 apply?

D. CONDITIONS OF EMPLOYMENT

26. (1) Do you consider that the new Recommendation should provide that measures should be taken to improve the conditions in which children and young persons under the age of 16 years are employed and to supervise these conditions closely?

(2) Do you consider that the new Recommendation should provide that measures should likewise be taken to improve and supervise the conditions in which children and young persons undergo vocational orientation and training for employment within undertakings and to formulate standards for their protection and development?

27. Do you consider that the new Recommendation should provide that, in connection with the application of the provisions envisaged in the preceding question, as well as in giving effect to the provision envisaged in question 10 (4), special attention should be given to—

(a) the provision of fair remuneration and its protection;

(b) the strict limitation of the hours spent at work in a day and in a week so as to allow enough time for education or training, for rest during the day and for leisure activities;

(c) the granting, without possibility of exception, of an adequate period of night rest and of customary weekly rest days;

(d) the granting of adequate annual holidays;

(e) the general protection and supervision of the health, development and morals of those concerned?
28. Do you consider that the new Recommendation should provide that, where the full application of general minimum-age provisions is not feasible as regards such work as industrial home work or domestic service in private households, special measures should be taken to regulate the performance by children of such work, whether or not it constitutes employment in a formal sense?

E. ENFORCEMENT

29. (1) Do you consider that the new Recommendation should provide that measures to ensure its effective application and that of the new Convention should include—

(a) the strengthening of labour inspection and related services, for instance by the special training of inspectors to detect abuses in the employment of young persons and to correct such abuses; and

(b) the strengthening of services for the inspection of in-plant training?

(2) Do you consider that the new Recommendation should provide that emphasis should be placed on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions as well as in securing their enforcement?

(3) Do you consider that the new Recommendation should provide that labour inspection and inspection of in-plant training should be closely inter-related, in the interest of greatest efficiency as well as economy of effort and staff, and that, generally, the labour administration services should work in close co-operation with the services responsible for the education, training, welfare and guidance of children and young persons?

30. Do you consider that the new Recommendation should provide that special attention should be paid—

(a) to the enforcement of provisions concerning employment in hazardous occupations; and

(b) in so far as education or training is compulsory, to the prevention of the employment of children and young persons during the hours when instruction is available?

31. Do you consider that the new Recommendation should provide that the following measures should be taken to facilitate the verification of ages:

(a) the public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates;

(b) employers should be required to keep, and make available to the competent authority, records indicating the names and dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;

(c) children and young persons working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make the checking of
records impracticable should be issued licences or other documents indicating their eligibility for such work?

IV. Special Problems

32. (1) Are there any particularities of national law or practice which in your view are liable to create difficulties in the practical application of the instruments as conceived in this report?

(2) If so, how would you suggest that these difficulties be met?