Report IV (2)

Minimum Age for Admission to Employment

Fourth Item on the Agenda
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

At its 181st Session (November 1970) the Governing Body of the International Labour Office decided to place on the agenda of the 57th (1972) Session of the International Labour Conference an item entitled “Minimum Age for Admission to Employment”.

In accordance with article 39 of the Standing Orders of the Conference, concerning the preparatory stages in the double-discussion procedure, the Office prepared a preliminary report intended to serve as a basis for the first discussion of the question. That report, after giving a summary of the antecedents to the Governing Body’s action, examined the relevant law and practice concerning this subject in different countries. It was accompanied by a questionnaire and was communicated to the governments of the States Members of the ILO, which were asked to send their replies so as to reach the Office not later than 30 September 1971.

When the present report was prepared, the Office had received replies from the Governments of the following sixty-nine member States: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burundi, Byelorussian SSR, Canada, Central African Republic, Chile, Colombia, Czechoslovakia, Egypt, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Guyana, Hungary, India, Indonesia, Iran, Ireland, Italy, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Poland, Romania, Senegal, Sierra Leone, Singapore, Spain, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Uganda, USSR, United Kingdom, United States, Upper Volta, Venezuela, Republic of Viet-Nam, Yugoslavia and Zambia.

The present report has been prepared on the basis of the replies received, the substance of which is reproduced, together with brief commentaries, in the following section; the Proposed Conclusions are given at the end of the report.

If the Conference considers it advisable to adopt one or more international instruments concerning the minimum age for admission to employment, the Office will prepare, on the basis of the Conclusions as approved by the Conference, one or more draft instruments, as the case may be, which will be submitted to governments. It will then be for the Conference to take a final decision in the matter at a future session.


2 To meet the wishes of the Conference an effort has been made to present the replies as concisely as possible.
REPLIES FROM GOVERNMENTS
AND COMMENTARIES

This section gives the substance of first the general observations and then the observations on the questions to which governments were asked to reply; each question is reproduced and followed by a list indicating the governments which replied to it and the nature of the reply. Asterisks denote those governments which made observations the substance of which is reproduced; observations that may be regarded as equivalent to a simple affirmative or negative reply to a question or part of a question are not reproduced. Where a government deals with several questions in one reply, the substance of its reply is given under the first of these questions and is referred to in footnotes to the other questions covered by the same reply. The replies are followed by short Office commentaries summing up the main elements of the observations and referring to the corresponding Point or Points of the Proposed Conclusions at the end of the report.

Of the sixty-nine governments that sent replies to the Office, four (Guatemala, Nicaragua, Niger and Yugoslavia) did not reply in detail to the questionnaire. The substance of their replies has been included under General Observations. Some governments gave information about their national law and practice in their replies. This information, which is very useful for the work of the Office, has been reproduced only where essential to an understanding of the reply. Furthermore, several governments included in their replies, or supplied separately, information regarding the views expressed by employers’ and workers’ organisations on certain questions. This information has not been reproduced.

General Observations

Byelorussian SSR. After describing national policy and legislation concerning the protection of children and young persons, the Government states that it is in favour of the further improvement of international standards relating to minimum age and that it supports the adoption of a Convention supplemented by a Recommendation. New international instruments in this field should guide countries towards the adoption of progressive legislation providing for a higher minimum age as compared with the existing Conventions. On that ground, and also taking into consideration recent trends in ILO standard-setting activities in this field, the minimum age of 14 proposed in the questionnaire is completely unjustified. The minimum ages prescribed in the new instruments should be not less than 15 years and, for arduous and hazardous work, 18 years.

Canada. Since the subject-matter of the questionnaire falls within both federal and provincial jurisdiction, the provinces were consulted before the replies were finalised.

The Government agrees that it would be timely for the Conference to consider the adoption of two new instruments on minimum age. Such instruments could find a useful
place within the framework of an ILO programme aimed at eliminating child labour and improving the conditions of young workers. It would have been helpful if Report IV (1) had sketched the outline of an ILO programme, incorporating a statement of objectives; a list of activities, including research, publications, correspondence and technical co-operation; and an indication of means of assessing progress. It would be useful to show how a new and modern ILO Convention supplemented by a Recommendation could help in the furtherance of the objectives of this programme.

The Government welcomes the suggestion in question 3 that the new instrument would gradually replace the existing more limited ones. It believes that far too many international labour Conventions have been permitted to continue beyond their term of useful existence and that the elimination of those that are out of date or otherwise ineffective would create a simpler situation, would strengthen interest in the International Labour Code and would lead to a greater effort on the part of governments, together with employers' and workers' organisations, to secure the implementation of ILO standards. In this spirit, it would be desirable to eliminate the ten existing Conventions on minimum age and substitute a single Convention which would command wide support and serve as a more effective stimulant to social progress. The Government suggests that after the adoption of the new instruments the old ones might be phased out over a specified period of time, perhaps five years. This should prove a sufficient period for member States to decide whether to accept the obligations in the instrument, thus making it possible for the old ones to be eliminated. A practical approach might be to include an Article providing that ratification of the new Convention would ipso facto involve denunciation of earlier minimum age instruments. The proviso could perhaps be made that in ratifying the new instrument the Member would specify a minimum age not less than the age accepted under a previous Convention, at least in respect of the economic sector covered by that Convention.

The Government is in general support of the approach taken in the report and questionnaire. It endorses the obligation envisaged in question 4, to "declare and pursue a national policy", aimed at pursuing objectives by various methods, some of which are outlined in the Recommendation. The Government welcomes the degree of flexibility contemplated for the new instruments. It would suggest for consideration certain further principles, which are set out under questions 3, 6 and 11.

Czechoslovakia. The Government favours the adoption of minimum age instruments of general character designed to replace certain existing instruments applying only to limited sectors. The restriction of child labour represents one of the basic objectives of social policy. Child labour is harmful to the physical and mental development of the child. If tolerated, it leads to grave consequences. Irresponsible parents tend to place too much emphasis on economic interests and neglect the interests of the child. Private employers are sometimes tempted not to respect fully the rights of workers.

After describing national legislation on the subject, the Government states that it welcomes the preparation of new instruments which will generalise, increase and intensify the protection of children in this respect. It would find it useful, however, to adhere to certain principles found in existing Conventions. The new Convention should specify at least certain branches of economic activity which are hazardous and for which the minimum age should be higher than the general minimum. The Convention should also determine the minimum age for admission to employment in accordance with the Conventions previously adopted. Otherwise, the new Convention could be a step backward to a certain extent.

Egypt. The question of minimum age for admission to employment has social and economic implications, especially for developing countries, because it is closely linked with compulsory education. Developing countries are not yet able to ensure a place to all children reaching the age for compulsory education as well as those who completed compulsory education at an early age and did not have the possibility of continuing their education. In such cases, the employment of a child leads to: (a) filling his leisure time and keeping him away from delinquency; (b) helping to raise the material standards of his family; and (c) easing the economic burdens, since young workers can produce certain manufactured goods and thus save adult manpower for other more important economic activities.
Therefore, the establishment of a minimum age should be done flexibly, in accordance with the social and economic conditions prevailing in the developing countries. This would require careful step-by-step measures for raising the minimum age.

**Finland.** The question is many-sided and far-reaching. The main problem is evidently how to protect a young person from work which is too heavy. However, to fix a minimum age for admission to employment is not at all a detached objective. In a large number of countries children perform gainful work in order to support themselves or their families. On the other hand, the use of child labour is very common because it is so cheap. A condition for the fixing of a minimum age is therefore that a compensation, a family allowance, be paid to families with children. Another aspect which seems to be important in this connection is the organisation of basic education for all children. Since this does not lie within the competence of the ILO, it would be appropriate to invite the ILO to co-operate with the organisations concerned (UNESCO and possibly WHO). As the organisation of basic education is closely connected with the minimum age question, it would be desirable for the Office to give an account of the results of the proposed co-operation at the 1972 Conference.

**Guatemala.** The Government would consider it very useful to adopt new instruments on minimum age to supplement the existing ones. These new instruments could take the form of a Convention supplemented by a Recommendation which would elaborate on the subject and would facilitate application in different countries.

**Japan.** The Government considers it timely for the Conference to examine the abolition of child labour and the promotion of child welfare, which constitute one of the aims for which the ILO was founded, and to adopt a new instrument on minimum age from the standpoint of affording better protection to children while taking into account recent changes in social and economic conditions.

After giving an account of national law and practice in this regard, the Government notes that the Minimum Age (Industry) Convention, 1919, and the Minimum Age (Industry) Convention (Revised), 1937 (Nos. 5 and 59), contain special provisions for Japan. It states that Japan no longer needs such provisions. Japan intends to make further efforts to promote child welfare and in so doing will give due consideration to the standards adopted by the ILO. The Government therefore desires that an appropriate and meaningful instrument on minimum age should be adopted. At the same time it hopes that the ILO will obtain a full picture of the conditions of child labour in member States and make further efforts for the improvement of child welfare through its technical co-operation and other activities.

With regard to seafarers, different measures from those for workers on land have so far been taken in view of the special nature of maritime work. Thus the Minimum Age (Sea) Convention, 1920, and the Minimum Age (Sea) Convention (Revised), 1936 (Nos. 7 and 58), which fix the minimum age for admission to employment at sea, have both been adopted by maritime sessions of the Conference. Since no changes have taken place which would necessitate the alteration of existing practice, it would be appropriate to exclude seafarers from the scope of the new instrument.

Moreover, while it would be useful for the promotion of child welfare to extend the coverage of the minimum age, it does not seem appropriate to extend it to work done in private homes and to carry out inspection there.

**Khmer Republic.** The adoption of new instruments along the lines suggested in the questionnaire would create no practical problems for the Khmer Republic, with the possible exception of those specified under question 32. Draft legislation now under consideration is practically in conformity with the objective envisaged.

**Libyan Arab Republic.** The Government reserves the right to re-examine the proposed Convention and Recommendation after they are finalised in order to take a decision on ratification or acceptance.
It points out that the age of 12 years given in Report IV (1) has been changed by new legislation to 15 years for non-agricultural employment. Compulsory education has been provided up to preparatory level, that is for the age group 6 to 14 years.

Nicaragua. The Government would prefer the adoption of a new Convention only. This should refer in its Preamble to the existing Conventions and should be of a general character. Such an instrument would lay down requirements and suggest measures aimed at gradually achieving the total abolition of child labour and, where this is not possible, progressively raising the minimum age for admission to employment, taking into account the economic and social conditions in each country.

After giving detailed information on national law and practice in this matter, the Government states that it would be desirable for the new Convention to be flexible so as to take account of the special circumstances of developing countries. Ratification would then be possible without the danger that a country unable to give full practical effect to the Convention through positive legislation would become liable to technical criticism or sanctions. This observation is based on a recognition of the fact that many governments have ratified Conventions to give support to the ILO, while in a position of expectation as to making their provisions reality, and upon submitting their reports have been criticised for not being able, given their internal circumstances, to implement the requirements of the Convention.

Niger. The adoption of new instruments on minimum age would be superfluous; the existing ones are clear and adequate. Ten Conventions dealing with this subject, though covering different sectors, have already been adopted. The number of ratifications varies but in no case exceeds half the membership of the ILO. In these circumstances, what would be the prospects of a new Convention which would have the additional handicap of attempting to cover by the same regulations sectors in which the conditions of work are completely different? Efforts should concentrate, instead, on encouraging States to ratify the existing Conventions. Niger has ratified the Minimum Age (Industry) Convention, 1919, and the Minimum Age (Non-Industrial Employment) Convention, 1932 (Nos. 5 and 33); it has not ratified those concerning maritime navigation, fishing and underground work because they are irrelevant for it. Like most developing countries, it has a young population.

Taking into account the low level of school attendance and the high drop-out rate, the Government considers it reasonable to maintain the minimum age at 14 years. To raise it to 16 would be to condemn numerous young people who cannot continue their studies to the street and thus to vagrancy and delinquency. Moreover, since primary school ends at 12 years, school leavers would remain idle until they reached 16 and would lose the little education they had acquired.

Peru. The Government suggests that the Convention should provide that national legislation should guarantee a minimum living wage to young workers. Such a provision would contribute much towards overcoming the illegal use of child labour described in the report.

Poland. The Government describes in detail national legislation on minimum age and the protection of children and young persons.

Sweden. As there is a close relation between the question of minimum age and the question of compulsory education and the possibility for children of attending school, the Government emphasises the importance of the Office's initiating direct contact with UNESCO prior to the preparation of the second report on the subject for the 1972 Conference. The Office should also, if this is considered appropriate, contact the WHO and other international organisations which might have an interest in the matter. An account of the result of these contacts should be rendered in the second report. These comments reflect the joint view of the Government and the most representative organisations of employers and workers, as expressed in the tripartite Swedish ILO Committee.

USSR. After describing national policy and legislation on the protection of children and young persons, the Government states that it continues to press for further improve-
ment of international labour standards on minimum age and therefore welcomes the inclusion of the subject in the agenda of the 57th Session of the Conference with a view to the adoption of new instruments. In expressing its support for the adoption of a Convention supplemented by a Recommendation, the Government considers that the new instruments should not only have a wider scope but should also contain more progressive standards providing for a higher minimum age as compared with previous Conventions or, at the very least, maintain previous standards.

All the more recent Conventions on the minimum age for industry, non-industrial employment, sea-going navigation and fishing, which have already been ratified by a large number of countries, provide for a minimum age of 15 years. A number of Conventions dealing with especially hazardous occupations prescribe a minimum age of 16 years (underground work, work with ionising radiations) or 18 years (stokers and trimmers on sea-going and fishing vessels, work involving the use of white lead). With regard to agriculture, the only Convention at present in force lays down the age of 14, but this instrument was adopted in 1921 and, unlike the Conventions concerning industry, non-industrial employment and sea-going navigation, has not been revised.

In these circumstances it is quite unjustified for new instruments of a general character to provide for a minimum age of 14, which would obviously be a step backward. New instruments on this subject should guide countries towards the adoption of progressive legislation: this is the only justification for drawing them up. Consequently the replies to the questionnaire propose that the minimum age should be not less than 15 years and for arduous or hazardous work 18 years.

Yugoslavia. The Government supports ILO action aimed at solving the problem of the minimum age for admission to employment in view of the necessity of abolishing child labour and raising the minimum age progressively in accordance with conditions created by technological development and the development of education. It considers of particular interest the adoption of a Convention which would apply to all activities, though it does not exclude the adoption of a supplementary Recommendation. Under present legislation, the implementation of a new Convention of general scope would not create any difficulties for Yugoslavia.

However, owing to recent constitutional changes which have established a new procedure for consultation between the federation and the republics with regard to proposed international agreements on matters within the competence of the republics, the Government is not yet in a position to give detailed replies to the questionnaire. It reserves the right to express its views at the Conference and shares the expectation that the Conference will not only establish more systematic and more up-to-date international standards but also provide an incentive for appropriate practical action against the basic causes of the problem.

I. Form of International Action

Qu. 1

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

Total number of replies: 65.


* Substance of observations reproduced below.
Qu. 1 MINIMUM AGE FOR ADMISSION TO EMPLOYMENT


Negative: 3. India *, Malawi *, Pakistan *.

Algeria. Yes, taking into account the facts that in some countries the population is very young and education is far from universal.

Australia. Yes, with reservations as indicated in reply to later questions.

Austria. Yes. The existing instruments are not flexible enough to satisfy present-day requirements. New instruments should therefore be drawn up with clearer, more systematic and more modern standards which cover the subject-matter comprehensively but do not exclude the possibility of ratification by the largest possible number of member States.

Brazil. Yes. The stress of modern times and technological progress make it essential to adopt new instruments in tune with the realities of today.

Bulgaria. Yes, since the existing instruments do not reflect the changes that have taken place in the economic and social development of different countries. They are incomplete and have been surpassed by the legislation of many countries. The new instruments should aim at the abolition of child labour and the extension and strengthening of the protection given to children as regards admission to employment.

Burundi. The existing instruments are in part obsolete, particularly in their scope and in the degree of protection they offer. The new ones should contribute to greater uniformity among national laws on the subject.

Chile. Yes, if the new instruments are given a flexible character, by the establishment of margins rather than fixed ages, so as to enable each ratifying State to select the age that best suits its requirements.

 Colombia. Yes. The new instruments should establish as an aim a minimum age of 16 for employment in general and 18 in dangerous work; they should aim at having the primary-school-leaving age fixed at the same level as the minimum age and at having one minimum age laid down for the various types of employment.

Czechoslovakia. Yes. New instruments should replace the existing ones which specify—sometimes differently—minimum ages only for restricted branches of economic activity.

Greece. Yes. In drafting them, regard should be had to the nature of the work, compulsory education, the duration of training courses, economic and social conditions and national development programmes.

Guyana. Yes, even if the new instruments are intended to consolidate and replace the existing ones.

India. The present Conventions on the subject relate to separate sectors. This has the advantage that a country which is not able to enact legislation for the unorganised or rural sector, e.g. agriculture, and cannot ratify a comprehensive Convention, might still be able to ratify the Convention applicable to industry or non-industrial undertakings. If the proposed instrument replacing the existing Conventions is adopted, ratification would become more difficult. The Government considers that such an instrument need not be adopted. If an instrument is adopted, it should take the form of a Recommendation.

Italy. The existing instruments are capable, taken in conjunction, of ensuring that children are adequately protected as regards the minimum age for admission to employment.

* Substance of observations reproduced below.

8
However, it is advisable to adopt a single comprehensive instrument to regulate the subject, especially in the light of social developments.

**Khmer Republic.** Yes. Technological development and increasing labour productivity should contribute to freeing young children from all work incompatible with their moral and physical development. Children in every country should receive the rigorous protection that would permit such development. New instruments should therefore be adopted to supplement the older ones and to improve the social conditions of children.

**Libyan Arab Republic.** Yes, because of the multiplicity of Conventions on this subject, which are still not adequate.

**Malawi.** No. Adequate protection is already afforded to children and young persons in Malawi, and new instruments on minimum age are not considered desirable at the present stage of the country’s economic development.

**Mali.** The adoption of a new Convention supplemented by a Recommendation would constitute an advance in the protection of children and young persons.

**Malta.** Yes. A new instrument could serve as a useful guide.

**Nigeria.** Yes. Child labour is a social evil whose eradication requires firm action through an obligatory instrument.

**Pakistan.** No. Pakistan has already ratified the Minimum Age (Trimmers and Stokers) Convention, 1921, and the Minimum Age (Industry) Convention (Revised), 1937 (Nos. 15 and 59), accepted the Minimum Age (Coal Mines) Recommendation, 1953 (No. 96), and implemented them. The adoption of a new instrument is therefore not favoured for the present.

**Panama.** A matter so closely related to educational, economic, social and political conditions should be regulated by dynamic instruments allowing for adjustment in the light of these factors.

**Peru.** Yes, especially in view of the time that has passed since the adoption of the existing Conventions and the social and economic development that has taken place. The progress made should be translated into the gradual abolition of child labour. Peruvian legislation is in some respects more advanced than international standards.

**Poland.** Yes. It is advisable to adopt new instruments which would create a basis for a general obligation to respect the minimum age and to raise it progressively. The Conventions adopted so far cover only some sectors of economic activity.

**Singapore.** Yes, in order to review and update the existing instruments and bring them into line with present developments.

**Spain.** Yes. The existing instruments should be revised and consolidated.

**Switzerland.** Yes, if the new instruments are more flexible than the existing ones as regards exceptions.

**Uganda.** Yes. The care and protection of the mental and physical growth, health, safety and welfare of children are among the determining factors for the greatness of a nation. In Uganda automation is not extensively employed. The country is striving to industrialise rapidly by vigorously pursuing all possible economic activities in order to attain economic as well as political independence. For a long time to come, however, the human factor will remain decisive. In view of the large number of children, the increasing population, the lack of knowledge and reliability of birth records and dates, the low income per head and the absence of compulsory education, children and young persons are bound to look for and get illegal employment in various economic sectors. Since occupations are bound to grow not only in number but also in sophistication (let alone their concomitant occupational risks) it is imperative that new instruments be adopted relating to the minimum age for admission to employment.

**United States.** Yes. The lack of a standard of general application and the age of the present limited standards argue in favour of a new instrument.
Qu. 1, 2  MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

Venezuela. Since the existing Conventions cannot effectively prevent child labour, the ILO must persist in its determination to eradicate or at least reduce substantially, in both industrialised and developing countries, the employment of children on work detrimental to their health, safety or morals and to prevent abuses in connection with child labour.

Zambia. Yes. The adoption of new instruments with the flexibility envisaged would make it possible for a great majority of member States to ratify them without being inhibited either by a low level of economic development or by the particularities of national legislation concerning this matter. The progressive raising of the minimum age will go a long way towards the eventual abolition of child labour.

Since the great majority of replies were affirmative, the Proposed Conclusions presented at the end of this report have been drafted with a view to the adoption of new instruments on the subject.

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

Total number of replies: 63.


Convention only: 1. Switzerland*.

Recommendation only: 3. India¹, Malaysia*, New Zealand*.

Other: 1. United States*.

Algeria. Yes, to permit progressive implementation.

Australia. Yes, if new instruments are to be adopted.

Belgium. Yes. The Convention should contain the basic provisions dealing with principles and the Recommendation details and methods of application.

Brazil. Yes. But since many interests are at stake and since national legislation, adapted to take account of such interests, will vary from country to country, the instruments should be flexible so as to be acceptable to all.

Bulgaria. Yes. The Convention should contain provisions relating to principles; the Recommendation should develop these provisions and deal in greater detail with problems concerning minimum age.

* Substance of observations reproduced below.
¹ See under question 1.
Replies from Governments and Commentaries

Burundi. Yes. The Convention should contain all the provisions now scattered among several Conventions. The Recommendation should contain provisions which, having regard to the progress that has taken place, go beyond these older ones.

Central African Republic. Yes, in view of the importance of this question.

Chile. Yes, since measures which cannot be formally prescribed in a Convention because of their controversial nature but which constitute aims of the ILO can be set out in a Recommendation.

Colombia. The importance of adopting a new instrument in the form of a Convention is obvious. The Convention, which would be aimed at suppressing child labour, should be supplemented by a Recommendation calling for concrete measures to eradicate the dismal consequences of child labour.

Czechoslovakia. Yes. The main principles should be laid down in the Convention and the details in the Recommendation.

France. Yes. The Convention should lay down basic principles, and the Recommendation should deal with the application of these principles.

Guyana. If the provisions are generally acceptable and can be widely applied, then such an instrument should take the form of a Convention. However, in view of the exceptional problems of implementation faced by many countries it would be appropriate to supplement the Convention by a Recommendation.

Italy. In view of the need to ensure that children are properly protected, a Convention would be a more suitable instrument. It might well be supplemented, however, by a Recommendation.

Luxembourg. The Convention should lay down basic principles while the Recommendation should deal with the methods of application of these principles.

Malaysia. It should be in the form of a Recommendation so as to provide general guidance for acceptance based on practicability of application.

New Zealand. A Convention along the lines suggested by the questionnaire would be too restrictive as far as New Zealand is concerned. A Recommendation solely is the desirable form of instrument in this field, where national practice varies widely.

Peru. For the reason given in reply to question 1, the instrument should have the force of a Convention. The Recommendation should, in addition, provide guidelines for Members unable to ratify the Convention.

Poland. Yes. The adoption of a Recommendation supplementing the Convention will make possible further improvement in the conditions of work of young persons, the protection of their health and their education.

Singapore. Yes, so that member countries which are unable to ratify the Convention may be guided by the Recommendation in drafting their national legislation.

Spain. Yes, since there are some points which are more appropriate for a Recommendation.

Switzerland. A Convention is indispensable because of its legal force, but it would be desirable to wait until the first results of the Convention were known before drawing up a Recommendation.

Syrian Arab Republic. Yes, since a Recommendation could contain detailed provisions which would facilitate the application of the standards laid down in the Convention.

Uganda. Yes. Since many member States have ratified the previous Conventions on this subject, there will not be much difficulty in ratifying the new Convention supplemented by a Recommendation, provided the former is rendered sufficiently flexible. There is no other easy way of effectively ratifying the proposed Convention except by following it up.
Qu. 2, 3

MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

(after ratification and inclusion of its principles in the main substance of the law) with the guidelines of a Recommendation.

United States. In the light of its response to question 32, the Government takes no position on the form of the instrument.

Venezuela. A Convention should be adopted; it should be supplemented and reinforced by a Recommendation in order to make its provisions more effective.

Zambia. Yes. There must be a definite commitment on the part of the ratifying countries to abolish child labour in consonance with one of the aims for which the ILO was created. The Recommendation should merely provide guidelines for the implementation of the provisions of the Convention.

Since the great majority of governments were in favour of a Convention supplemented by a Recommendation, the Point of the Proposed Conclusions corresponding to this question has been drafted accordingly (Point 1).

II. Convention

Qu. 3

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?

Total number of replies: 65.


Negative: 1. India *.


Algeria. The Convention should list the sectors in which a minimum age would be required, having regard to the physical or moral dangers found in them. It should fix the ages: for example, 16 and 18 years.

* Substance of observations reproduced below.
Australia. Yes, but there should not be a reference to the Convention's providing a basis for the general and progressive raising of the minimum age for admission to employment. The Convention should be precise in setting a minimum age. If the minimum age is raised progressively it will reach an unrealistic level in many countries, having regard to educational facilities, employment opportunities, etc. Moreover, in some countries the age at which social and political rights and obligations become operative is being lowered.

Austria. The Preamble should state that experience proves that there is no longer any justification for maintaining the differences due to the existence of Conventions for limited economic sectors and that the question of establishing a minimum age for admission to employment should be dealt with in a general instrument.

Brazil. Yes. The ideal would be the total abolition of child labour, so that no child's schooling should suffer. However, this ideal is virtually unattainable in the immediate future, due to the unequal economic development of different countries. What has already been done in the various sectors of the economy, is evidence of the efforts made to attain this ideal. The abolition of child labour can be achieved, however, only if the member country makes progress in other sectors of the economy in general, so as to permit optimum distribution of efforts and the rational utilisation of human resources in the appropriate fields of activity.

Bulgaria. Yes. This would allow the character, scope and aims of the new instrument to be clearly defined.

Burundi. Yes, since the existing instruments have in fact become outdated.

Canada. The new instrument should gradually replace the existing more limited ones: the old ones might be phased out over a specified period of time, perhaps five years. This should prove a sufficient period for member States to accept the obligations in the new instrument. The terms "child labour" and "employment" need to be carefully defined so as to make it clear that all economic activity by persons below a specified age is not forbidden. It needs to be recognised that employment can in some instances have positive as well as negative aspects for young workers where the work is light and the hours short, and where there is no conflict with schooling. Examples are such activities, undertaken for an hour or two after school or during part of the school holidays, as newspaper delivery, wrapping up packages in a grocery store or baby-sitting. The progressive raising of the minimum age above existing international standards is not necessarily a goal in itself. An early introduction to economic life can be useful educationally and the instrument should take account of the over-all development needs of young persons, many of whom may advantageously alternate periods of employment with periods of education and training until their career interests are clearly evident.

Chile. Yes, although in many countries present social and economic conditions make the total abolition of child labour impossible.

Finland. Yes, but how the gradual replacement could take place should be examined. The aim should be a Convention of a general nature which replaces, so far as possible, the existing Conventions applicable to limited sectors only. The Convention should also seek to abolish child labour, which is still common in many countries.

France. The Preamble should refer to the existing Conventions of limited scope and should then define the double aim that is being sought: the total abolition of child labour and the general and progressive raising of the minimum age.

Greece. Yes. In any event, the abolition of child labour and the general raising of the minimum age should be undertaken in accordance with the economic and social conditions in each country.

Guyana. Yes to the first part of the question; as regards the second part, general aims might be attempted.

India. The Government is not in favour of the adoption of a Convention replacing all the existing Conventions on the question of minimum age for admission to employment. It
has therefore not replied in detail to this part of the questionnaire. If, however, a Convention is to be adopted, the competent authority in a country should be allowed to exclude such categories of employment as, in its opinion, call for exclusion, and not limited categories as in question 7 (1). In the case of insufficiently developed economies it should be open to a member country to limit the branches of economic activity to which it will apply the proposed Convention (question 8).

**Ireland.** Yes. It is, of course, desirable to maintain in operation Conventions which impose a higher minimum age in particularly dangerous employments.

**Japan.** Yes. However, seafarers should be excluded from the scope of the instrument.

**Khmer Republic.** Since the object of the new Convention is the protection of all children, reference must be made to the existing texts in order to bring out their inadequacy. The new Convention should replace the latter progressively and in a reasonable way with a view to the abolition of the labour of children and young persons below a specified age.

**Malawi.** While it is necessary to consolidate Conventions in order to achieve the total abolition of child labour, there may be very few ratifications by less developed countries.

**Mali.** The Convention should be aimed at progressively replacing the existing instruments of limited scope.

**Nigeria.** Yes. Such a reference would serve as a reminder of the action already taken and would throw considerable light on what should constitute an acceptable basis for the progressive raising of the minimum age. The total abolition of child labour in all economic sectors is not recommended. The instruments should continue to provide exceptions in limited cases. The degree of unemployment, the stage and nature of economic activity and tradition and culture are very important factors in this regard for developing countries.

**New Zealand.** This should be referred to in the Recommendation.

**Norway.** Yes. As an aim and on the condition that due regard is had to the extension of compulsory schooling supplemented by practical vocational training in various occupations.

**Pakistan.** There is no objection if such measures are deemed necessary to benefit other member States and in the general interest of children. However, owing to the current economic conditions in Pakistan, the total abolition of child labour, that is a ban on the employment of children over 12 years of age, might create handicaps for those who supplement their small income by offering their children for employment.

**Panama.** The new Convention should refer to the minimum age for admission to employment, with special emphasis on the primary and tertiary sectors, in which the problem is most evident.

**Sweden.** The Convention should take the form of a general instrument and should, if possible, allow for implementation by stages, like the Holidays with Pay Convention (Revised), 1970 (No. 132), in order to stimulate a progressive raising of the standard. With a view to facilitating a replacement of the older Conventions, the lowest stage in the new Convention should roughly correspond to the levels established in them. The replacement of the more limited Conventions is desirable, but there is no reason for including a general statement to this effect in the text of the new Convention. The question to be solved is how this replacement should be achieved. This problem has unfortunately not been discussed in Report IV (1). Conventions which by now are half a century old cannot be allowed to remain valid any length of time because this would run counter to the essential aim of the Convention system, namely progress. The Office should prepare a basis for future action in this respect.

**Switzerland.** With a view to simplification, the new Convention should gradually replace the older ones of more limited scope. However, while restricting child labour and before abolishing it completely, it should allow as a transitional measure relatively wide possibilities of exceptions.

**Uganda.** The older Conventions should be mentioned, but only in order to facilitate the discussion of the question. However, in view of the conditions found in developing
countries (for example, a lack of compulsory education, a lack of family planning education and facilities, the high degree of poverty in certain developing countries or a lack of enough government personnel to enforce the provisions of the Convention), the second and third parts of the question should be transferred to the Recommendation, to which, because a general raising of the minimum age is proposed, they rightly belong.

United Kingdom. Yes. Perhaps there should be added at the end "or to work in any occupation".

United States. Yes. A consolidation of the present limited Conventions within the new instrument is desirable.

Upper Volta. A general Convention should replace all the existing ones on minimum age.

Venezuela. Yes, but the new Convention should fix a minimum age for all sectors as a point of departure so that member States may progressively adopt higher ages, such as those fixed by the Conventions covering particular economic sectors.

Zambia. Yes. The spirit and intention of the new instruments should be clearly set out in the Preamble so as to place the new Convention in its proper perspective vis-à-vis the existing Conventions.

In view of the objections or reservations expressed by a number of governments, and in view of the more specific statement of aims envisaged in question 4, the second part of the text originally proposed for the Preamble has been deleted. The Preamble would now simply refer to the existing Conventions and indicate the desirability of a general instrument which will gradually replace them (Point 2).

This drafting was retained after careful consideration had been given to the suggestion made by the Government of Canada in its general observations, namely to provide for the formal revision of the existing Conventions. Such revision normally means that the coming into force of the new Convention closes the old ones to further ratification and that ratification of the former involves the automatic denunciation of the latter. In the present case, however, there are several technical difficulties. The four oldest minimum-age Conventions—the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921 (Nos. 5, 7, 10 and 15)—do not contain final Articles providing for these effects of revision: they cannot be closed to ratification and are not automatically denounced when a revising Convention comes into force. A fifth Convention, the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33), which does contain such final Articles, has already been revised and is now closed to ratification. Thus revision would have little practical effect on five of the ten existing Conventions. It could affect the five others, but again there are difficulties. Under the flexible provisions envisaged for the new Convention, the obligations it would create would not necessarily coincide, either in respect of scope or in respect of the principal aim, with those created by the five Conventions. In other words, a ratifying State could specify a minimum age lower than that prescribed in one or other of the five or limit the scope of its application to an area narrower than that covered by the existing instruments. A revision clause would therefore have to be drafted in an extremely
complicated way if continuity of obligations is to be preserved. This is one argument against revision. Another, suggested by certain governments, is that the existing Conventions of limited scope might still be useful for some countries and could well be left open to ratification.

For these reasons, it was decided not to propose the formal revision of the older Conventions but, instead, to indicate clearly the intention of gradually replacing them. How this process of gradual replacement will eventually develop will, of course, depend largely on the outcome of the more general consideration by the Organisation of the problem of instruments that become obsolescent.

Qu. 4

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?

Total number of replies: 64.


Other: 2. Austria *, Peru *.

Australia. No. If child labour is not a major problem in a particular country there is no need to declare and pursue a national policy to ensure its abolition, especially if admission to employment is regulated effectively through the legislation requiring compulsory attendance at school up to a specified age. This sort of provision presents real problems to federal States where the matters are dealt with, for the most part, through the legislation of the constituent states. Rather than requiring that a national policy be declared and pursued, the Convention should set standards to be applied by ratifying countries.

As regards raising progressively the minimum age for admission to employment, see the reply to question 3. In addition, it is not at all clear what is meant by "to a level consistent with the fullest physical and mental development of all young persons". Attempting to

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* Substance of observations reproduced below.

1 See under questions 1 and 3.
REPLIES FROM GOVERNMENTS AND COMMENTARIES

Qu. 4

declare and pursue a policy based on this principle would be difficult having regard to differences in the rates of physical and mental development of young persons.

Austria. The instrument should require the progressive improvement of national laws and regulations in countries where child labour has not yet been abolished. The Government supports the principle that the minimum age for admission to employment should be further raised. It is not appropriate, however, to relate admission to employment to the physical and mental development of young persons, because too many subjective elements would be involved. It is generally possible to find medical criteria for physical development but this is far more difficult for mental development. Moreover, if reference were to be made to the fullest physical and mental development of all young persons, this would mean setting the minimum at the age at which the last young person among those born in a particular year reaches the corresponding stage of development. In any case a raising of the age limit would entail the extension of compulsory schooling or the reform of vocational training systems. It does not really seem possible to provide the appropriate school facilities for all young persons up to the probable age of full physical and mental development, nor does it seem necessary to lay down special training regulations for every occupation. For all these reasons it would be preferable to omit the criterion of "the fullest physical and mental development" and simply to require a policy of progress by stages.

Brazil. Yes, so long as the instrument provides for efforts to bring about abolition by stages, without excessively short time limits, through measures adapted to conditions in each country. The aim of such measures should be to enable young persons to reach full physical and mental development unhampered by the obligation to work. There is nothing to be gained by laying down a Utopian international standard impossible to apply in view of the social and economic circumstances of each country. The ideal cannot be achieved merely by enacting legislation, but rather as the result of a general adjustment, primarily of an economic nature; that is why the instrument should be flexible enough to be consistent with the real situation of member States.

The ideal minimum age would be 14 years, to avoid hindrance to the child’s development, not only in the physical and mental sense but also in the psycho-social sense, but regard must be had to the circumstances of the developing countries, which cannot allow young people whose cultural formation is still prejudiced by the need to contribute to an inadequate family budget to remain idle or without resources.

Bulgaria. Yes. Such a provision would specify the aims of the new instruments and would serve as a complementary guarantee for the protection of children.

Canada. Yes, subject to the considerations raised under General Observations and in reply to question 3.

Colombia. The Convention should provide that the Government and the legislative institutions of a ratifying State should draw up a national policy aimed at the total abolition of child labour and the fixing of a minimum age, promoting the physical and mental development of young persons through educational measures.

Egypt. Yes, on condition that the criterion for the effective abolition of child labour is the age indicated in the proposed Convention.

Finland. Naturally, the Convention should provide that each member State which ratifies it should apply its provisions.

Greece. Yes. National programmes should also aim at prohibiting the admission of children to certain occupations in which children not attending school frequently engage: the purpose would be to increase the duration of compulsory education.

Khmer Republic. Yes. If economic and financial circumstances are favourable to such a policy, the country concerned might agree to carry it out under ILO supervision.

Malawi. Yes. Each Member should declare and pursue a national policy leading to the abolition of child labour.
Mali. If, as proposed in question 3, the Convention states that its aim is the total abolition of child labour, a provision requiring such a policy seems unnecessary and might delay ratification by some States. It should be included in the Recommendation instead.

Nigeria. Yes. But in view of the arguments advanced in the reply to question 3 this double obligation should be made an "ultimate aim of national policy". This would ensure flexibility and make for more ratifications.

Panama. This should be the goal for all Members and should be introduced as a fundamental element of national labour policy.

Peru. The reason for including this point is not clear. It is an obligation upon a ratifying State to apply the provisions of a Convention.

Poland. Yes. However, the wording should take into consideration the fact that in some member States the minimum age at the time of ratification will correspond to or be higher than that required by the Convention. States whose legislation does not provide for such a minimum age at the moment of ratification should state the period of time within which it will be introduced.

Spain. Obviously, since the Convention should stimulate the progressive improvement of standards and involve the formulation of a coherent policy binding upon ratifying States.

Sweden. While the Government supports the principle behind this question, it wonders whether a provision of this imprecise and uncontrollable nature should not rather be included in the Recommendation.

Switzerland. This seems superfluous since, by ratifying the Convention, a member State will imply that it intends to protect children as well as it can.

Syrian Arab Republic. Yes, provided that the economic and social conditions of the various countries are taken into consideration.

United States. Yes. These are the basic reasons for adopting the instrument.

Republic of Viet-Nam. Yes. But the drafting should be flexible enough not to prevent ratification by developing countries. Such countries still have to use children in certain sectors—especially agriculture—which can offer employment suitable to the mental and physical development of children.

Zambia. Yes. Although in most developing countries this aim would be realised only after a long period and only after the expansion of educational facilities allowing for compulsory school attendance to a stipulated age, the Government sees nothing wrong in a ratifying country's declaring that it will pursue a national policy aimed at the effective abolition of child labour since the declaration is one of intention.

The provision suggested in this question would be a statement of the aims of the Convention made with a view to having these aims accepted as a matter of national policy. It should be read in conjunction with the other provisions. Thus the abolition of child labour and the raising of the minimum age are defined in concrete terms by the principal provisions and are circumscribed by the provisions relating to exceptions and exclusions. Since the great majority of replies to the question were affirmative, a corresponding Point has been included in the Proposed Conclusions; the words "declare and" have been deleted to avoid any possible confusion with the formal declarations envisaged in later questions (Point 3).
Qu. 5  
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?

Total number of replies: 64.


Negative: 1. Indonesia.  

Other: 3. Brazil *, Mali *, Uganda *.  

Algeria.  (2) If the Convention fixes strict age limits from the beginning, this would be superfluous.  

Argentina. (1) Yes. This would allow the legislation of each State to be adapted to its economic reality.  

Australia. (2) Yes, provided that there is no obligation to make such a declaration as seems to be implied by questions 3 and 4.  

Austria. Yes. In paragraph (2) it would be valuable for the principle of further development if the obligation to communicate any later decision to establish a higher minimum age were specified here. The new Convention should also contain a definition of “child labour” which would itself cover what is to be understood by the term “child”.  

Belgium. (3) The minimum age should not be lower than the school-leaving age and in any case should not be less than 14.

* Substance of observations reproduced below.  
1 Negative to (2).  
2 Negative to (3).  
3 See under question 11 (3).  
4 See under question 4.
**Bulgaria.** The proposed machinery aimed at the gradual raising of standards is interesting and deserves attention. However, a minimum of 15 rather than 14 should be considered.

**Burundi.** (2) Yes. In view of the undertaking provided for in question 4, each ratifying Member should be obliged to inform the Director-General, by a further declaration, of each increase in the minimum age specified at the time of ratification. This provision would meet the needs of many countries which, for various reasons, cannot immediately apply a minimum higher than 14.

**Byelorussian SSR.** (3) The minimum age should not be less than 15.

**Canada.** (1) The expression "employment" requires definition. If it refers to full-time employment, the Government agrees, subject to the consideration raised under question 3.

**Chile.** (3) No. A margin of choice should be left to each country so that it can select age limits appropriate to its circumstances.

**France.** (3) Yes. A minimum of 14 may be useful for some member States, though as far as France is concerned it could be 16.

**Federal Republic of Germany.** (3) Yes. This should be supplemented as follows: "the minimum age should not be lower than the age for completion of compulsory education".

**Greece.** (1) Yes, subject to the provisions envisaged in questions 7 to 10.

**Guyana.** (1) Yes, but the developing countries might experience difficulty in setting the age above 14.

(2) This would seem to be a useful procedure that could easily be accepted by any country improving on the age limit.

**Hungary.** (3) Yes. The Government agrees that the minimum should not be less than 14 years in order to ensure the physical and mental development of teenagers. It disapproves of overstraining them with work at a younger age. Where the school age is higher than 14, the new Convention should not permit anyone under this higher age to work or be employed.

**Libyan Arab Republic.** (1) Yes, subject to the observations made under (3).

(3) Yes, in principle, but the Convention should be flexible enough to enable developing countries to bring themselves up to the level and get exemptions under the Convention temporarily allowing a minimum age of less than 14 years in certain sectors of their economy and raising the age progressively thereafter.

**Luxembourg.** (3) The minimum age should not be lower than the school-leaving age and in any case should not be less than 15.

**Malaysia.** (3) No. As stated in reply to question 1, there should not be a new Convention on this subject. If, however, a new Convention specifying a minimum age of 14 is adopted, then exceptions should be made in respect of light work in a family undertaking, public entertainment, employment in an approved apprentice scheme and work in any school sponsored by the Government.

**Mali.** No child under 14 should be admitted to employment, even as an apprentice.

**Malta.** (3) Yes, provided that children under 14 but over 12 may be permitted, in accordance with national laws and regulations, to undertake work or training for a limited number of hours, when not required to attend school, in places which, in the opinion of the competent authority, do not present health, safety or moral hazards to them.

**Mexico.** (2) Yes. This would encourage progress in legislation.

**Netherlands.** (1) Yes. However, the words "within its territory" should not be used, having regard to occupations which are often or mainly pursued outside the territory, such as those of truck drivers or seafarers.

**New Zealand.** (3) No. Although 14 may be a suitable minimum age for admission to permanent employment, it is too high to be of general application. There is no reason why
older schoolchildren who wish to work outside school hours or during the school holidays should be prevented from doing so.

Nigeria. (1) Yes, but subject to limited exceptions as suggested in the reply to question 3.

Norway. Yes, though in Norway at present children over 12 may be employed in certain activities if such employment is compatible with their health, school attendance and morals.

Pakistan. (3) Yes. The minimum age for admission to employment may be 14 years in general, but special provisions should be introduced empowering the competent authority in each country to lay down a minimum age of 12.

Panama. (1) Yes, so that both management and labour shall know the standard, the infringement of which would be penalised.

(2) This would provide the necessary flexibility to enable each Member to adapt the Convention to national conditions.

Peru. (1) and (2) This would guarantee that legislation would make steady progress.

(3) Yes, except where individual permits are issued by the competent authority.

Poland. (1) Yes, in close connection with the requirement to raise the minimum age for admission to employment progressively.

(3) Yes. However, young persons aged 14 to 16 could be employed on light and temporary work with shorter working hours and longer periods of leave and in accordance with the provisions of the Convention. Young persons aged 16 to 18 could be employed at any work other than that prohibited for persons under 18 as being too hard or harmful to health.

Singapore. (3) Yes. This would be in accordance with the earlier Conventions which prohibit the employment of children below 14 years in industrial undertakings, in agriculture and at sea.

Spain. (1) Yes, since the application of this Convention should be dynamic and progressive and since there are States which can establish a minimum age higher than the general standard.

(2) Yes, since this is a normal requirement in Conventions of this nature.

(3) Yes, since the minimum fixed by almost all national laws is 14 or 15.

Sweden. Yes. It should be possible to implement the Convention by stages. From a Swedish point of view there are no objections to a general minimum age of 14 constituting the lowest stage. See also the reply to question 10.

Syrian Arab Republic. (2) Yes, in order to permit the member State to amend the minimum age gradually in the light of any new circumstances.

(3) The minimum age proposed does not take into consideration the developing countries and their economic capabilities.

Uganda. (1) Yes, but there should be provision for specific exceptions. Also, the words “in any occupation” must be clarified.

(2) Yes, but this should be covered in the Recommendation. See also the replies to questions 1, 3 and 5 (1).

(3) Probably. But for purposes of flexibility this should be related to the primary school-leaving age, dropouts, income per head, the prevailing economic activities of the country, etc. A final decision should be left to each State. All or part of question 5 should therefore be transferred to the Recommendation.

USSR. (3) The minimum age should not be less than 15 years.
Qu. 5, 6  MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

United States. (3) This is an essential goal. However, it may not be possible for all ratifying Members to achieve it immediately.

Venezuela. (2) Yes. This would facilitate ratification since different States would be able to establish in the future a higher minimum age than that obtaining at the time of ratification.

Republic of Viet-Nam. (3) Yes, except in agriculture for the reasons given under question 4.

Zambia. (1) Yes. This is important since many countries apply varying minimum ages. Such a declaration should provide a reasonable minimum age for entry to employment, which should be used as a base from which further improvement could be made by progressively raising the standards.

(2) Yes. This would be in conformity with the spirit and intention of the new Convention.

This question covers one of the principal provisions of the new Convention. Under its terms, each ratifying Member would, at the time of ratification, make a declaration specifying a minimum age of 14 or above. At any later time, that Member would be able voluntarily to make another declaration by which it would accept an obligation to apply a higher standard. One change has been made in the drafting as a result of the observation of the Netherlands Government concerning occupations pursued outside the territory of a Member: the words "and on means of transport registered in its territory" have been added to make it clear that such occupations are covered as well. With this change, a Point corresponding to the question, which received a large majority of affirmative replies, has been included in the Proposed Conclusions (Point 4).

Qu. 6 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?

Total number of replies: 64

NEGATIVE TO (2) 1: 1. Algeria*.

NEGATIVE TO (2) AND (3) 1: 1. Republic of Viet-Nam*.


NEGATIVE TO (4) 1: 1. Sweden*.

OTHER: 2. Australia*, Mali*.

Algeria. (1) Yes, subject to the State’s having carried out a study on this question.
(2) If the ages are fixed from the beginning, this obligation is unnecessary.
(3) The new Convention should fix the age at 16.

Argentina. (4) Yes. It would be useful to include a list of activities in the Convention.

Australia. (1) No person, whatever his age, should be admitted to employment likely to jeopardise his health or safety. The aim should be to remove the hazards for all workers. It might be preferable to deal with this question in the Recommendation, recognising that other Conventions already set minimum ages for admission to employment causing special hazards and that the application of the three criteria mentioned in this question might justify different minimum ages.
(2) See the reply to question 5 (2).
(3) See the reply to (1). Different minima might be applicable in respect of health and safety on the one hand and morals on the other.
(4) This is a matter for national determination. In Australia it is covered in some instances by arbitration awards and it would be preferable to leave it for determination by the competent authority after consultation with employers’ and workers’ organisations.

Austria. (1) Yes, but restrictions should be allowed to relate not just to occupations but also to specified activities within such occupations. Moreover, instead of establishing a higher minimum age, a minimum lapse of time after reaching the general minimum age should be fixed, taking into consideration the need for occupational experience. This is suggested because as a rule only some and not all activities in a particular occupation are dangerous. Such a provision would permit more flexible application.
(2) If the minimum age is subsequently raised in any country, a declaration to this effect should be made mandatory.
(3) As suggested in reply to (1), a minimum lapse of time after reaching the minimum age should be stipulated rather than a specified age.

* Substance of observations reproduced below.
1 Affirmative to the other paragraphs.
(4) National laws and regulations should determine not only the occupations but also the individual activities to which the proposed provisions should apply.

Belgium. (4) Yes, but the term "occupation" is not suitable and should be replaced by "work".

Brazil. (3) The purposes of the instrument would be better served by flexibility.

(4) Yes. Each country has its particular characteristics, which should be taken into account whenever measures of a general nature are proposed.

Bulgaria. Yes. This would constitute a major step forward from the provisions of existing instruments and would strengthen safety at work for children and young persons. Paragraph (2) would make the instrument more flexible and would allow countries to fix a higher minimum age, taking into account national conditions. In view of the need for greater differentiation in the protection of young workers, it would be preferable to provide for two categories of hazardous work, one applying to those aged 15 and 16 and the other to those aged 17 and 18.

Burundi. (3) Yes. This implies that a country in which the general minimum is 16 will not be required to prescribe a higher minimum for such occupations.

Byelorussian SSR. (3) The minimum should not be less than 18.

Canada. (1) Yes. But since certain of these occupations are more hazardous than others it may be appropriate for countries to consider a scale of minimum ages. The problem of the working day and the working week is also significant in that some occupations may become more hazardous when the worker is subject to fatigue.

(3) Yes, but various occupations present varying degrees of danger and some of them may require a higher minimum.

(4) Yes. It may be desirable for the Recommendation to include an indicative list of hazards that may particularly affect youth (e.g. respiratory diseases, weight lifting, radiation) and of hazardous occupations or industries.

Chile. (1) Yes, since in all cases the safety and morals of young persons should be protected.

Czechoslovakia. (1) Yes. The Convention itself should specify on the basis of earlier Conventions particular occupations which should always be considered harmful to the life, health or morals of young workers and should not leave this specification to be made solely by national legislation. The harmfulness of such occupations to the child has been objectively proved.

(4) Yes, but only in respect of occupations which are not specified as hazardous by the Convention itself.

Finland. (1) Yes. However, it would be appropriate to specify the risk factors which are connected with, for example, the use of dangerous machines and other tools and substances.

(4) The Office should define hazardous work. This definition should be included in the proposed Convention and national authorities should determine the occupations considered to be hazardous. The following types of work should be included in the definition: (a) work involving a special risk of accident or occupational illness; (b) physically heavy work; (c) work where workers are exposed to dangerous chemical substances, ionising radiations or loud noises or strong vibrations.

France. (3) Yes, taking into account the reply to question 5 (3).

Federal Republic of Germany. (3) Yes, but exceptions for vocational training under the supervision of experts should be authorised.

(4) It would be more appropriate to take as the criterion the degree of danger posed by certain materials and tools than to make distinctions on the basis of occupations. Thus the occupation of laboratory technician is not in itself dangerous but some of the work it includes may be.
**Ghana.** (4) Yes, but guidance by the Convention itself would be desirable.

**Greece.** (4) Yes, so that it shall be possible to expand or narrow the scope of legislation to adapt it to economic and technological change.

**Guyana.** (3) The developing countries might find it difficult to agree to this.

**Hungary.** (3) No. The age should be 18.

**Italy.** (3) The Recommendation should specify the nature of such dangerous occupations together with any exceptions which might be allowed to the general prohibition.

(4) If it is left to national legislation, standards would vary too much; it would therefore be preferable for this matter to be dealt with in the Recommendation.

**Japan.** Yes, subject to the following reservations. It is not clear whether the term "occupation" in (1) is synonymous with the term "work" in Article 6 (3) of the Minimum Age (Industry) Convention (Revised), 1937 (No. 59), or has a different meaning—for instance, is it equivalent to "employment" in Article 5 of the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33), or to "occupation" as used in the International Standard Classification of Occupations. From the standpoint of the protection of minors, it would seem more effective to regulate the employment of children in the former sense (namely "work").

When vocational training is undertaken by employers, etc., to impart the necessary skills to persons who have completed the compulsory course of education, it may sometimes be necessary to let them do dangerous or harmful work as part of the practical training in order to achieve the purpose of the training. Thus it is necessary to provide for exceptions from the minimum age for dangerous or harmful work within the limits defined by laws or regulations.

The question of defining the types of work in which exceptions should apply should be left to the judgment of each member State, since the situation of vocational training and vocational trainees varies from country to country.

**Kuwait.** (3) The Government would prefer 17 or 18 years.

**Libyan Arab Republic.** (4) Yes, but it would be better if a list of occupations to be covered were attached to give guidance to governments.

**Luxembourg.** (4) Yes. The term "occupation" should be replaced by the more suitable term "work".

**Malawi.** (1) Any action to prevent children from being exposed to dangerous situations which would in any way jeopardise their well-being is supported.

(3) Yes, in consultation with employers' and workers' organisations.

**Malaysia.** (3) No. This should be left to the member country to decide.

**Mali.** To ensure the more effective protection of young persons, a higher minimum should be adopted for such work. This age should be either fixed at 18 or left to governments. It would be regrettable if children of 16 years of age were permitted to undertake hazardous work, even if the Convention allowed governments to prescribe an age higher than that fixed by the instrument.

**Mexico.** (3) Yes. Sixteen seems advisable since it could be accepted without difficulty by the majority of countries.

(4) Yes, although a restrictive, as opposed to indicative, list would not be desirable.

**Netherlands.** (1) Yes. See also the reply to 5 (1).

(4) Yes. The word "occupations" should be replaced by "activities" or "employments" (see Article 5 of the Minimum Age (Industry) Convention (Revised), 1937, and the Minimum Age (Non-Industrial Employment) Convention, 1937, (Nos. 59 and 60)).

**New Zealand.** (1) The Government supports the principle that the employment of young persons on work likely to jeopardise their health, safety or morals should be prohibited.
Qu. 6

MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

(3) If this provision is to be included in a Convention, then the appropriate age would be "not less than 15 years".

Nigeria. (4) Yes, in order to take account of national conditions in determining the occupations to be covered.

Norway. (4) As far as possible, the occupations should be specified in the Convention itself or in an annex attached to the Convention.

Pakistan. (2) Yes. It is essential to make the instrument flexible.
(3) No. The minimum age should not be less than 12 years.

Panama. (1) The fixing of a minimum age should be a basic aim in this matter, with a view to protecting health, safety and morals.
(2) and (3) This would give the necessary flexibility. However the age should be 14.
(4) This would be the best procedure. National legislation should in the future make efforts to extend the minimum age to a large number of occupations.

Peru. (1) and (2) The declarations would provide an international guarantee of progress in national legislation.
(3) The age should be 18.
(4) The Convention should list the main occupations considered hazardous and leave it to national legislations to determine other hazardous activities.

Poland. (1) Yes. The Convention should indicate generally the kinds of work prohibited to young persons under 18. Moreover each Member which ratifies the Convention should specify in the declaration appended to its ratification a list of jobs covering various sectors of economic activity prohibited to young persons under 18.
(3) No. The minimum age should not be less than 18.

Romania. (1) Yes, with the addition of "or affect their health and development".

Senegal. (3) No: 15 years.

Singapore. (3) Yes, in order to protect the health, safety and welfare of those below 16 years of age.
(4) Yes, since the position in each country varies and the country is the best judge of the occupations to which the provisions envisaged in this question should apply.

Spain. (1) Yes. It is clear that work that is hazardous or can have a bad effect on morals requires a minimum age higher than the general minimum.
(2) Yes, since the application of the Convention, in respect of all its standards, should be dynamic and progressive.
(3) Yes, and it could also be provided that, while for specified types of work the age should be 16, for truly dangerous work it should be 18.
(4) Yes, since dangerous work can be very varied and will depend on the type of industry.

Sweden. (1) Yes. The word "health" must be understood to mean both psychical and physical health. The word "morals" could therefore be deleted.
(4) No. It is not appropriate to leave it entirely to national legislation to define such occupations. The most exposed occupations should be listed in the Convention.

Switzerland. (1) Yes, since without such a commitment the Convention would not be sufficiently effective.
(4) Yes, since this would contribute much towards giving the Convention the desired flexibility.

Syrian Arab Republic. (2) Yes. This would be in accordance with the spirit and aims of the Convention.
(3) In the Syrian Arab Republic the minimum is 17.

(4) For the sake of clarity the Convention should specify the occupations.

_Uganda._ (1) Yes. One of the purposes of existing minimum-age Conventions is to safeguard the health, safety, welfare and morals of children and young persons. This provision should also apply to children who under prescribed conditions may be employed on particular types of light work in particular places.

(2) Yes, but for some of the reasons already stated in previous answers, this provision would be more appropriate in the Recommendation.

(3) Probably. If the Convention is for the protection of the health, safety, morals and welfare of employed non-adult workers, it is only right that this provision should apply to all ages at which these non-adult workers may be allowed employment. While with the present knowledge of science and technology the age suggested may be considered ideal, this may not be so in future: a provision should therefore be included whereby member countries should take note of the advance of science and technology and, from time to time, fix minimum ages accordingly.

(4) Yes. This is the best, if not the only effective, way.

_USSR._ (3) The minimum age should not be less than 18. According to modern scientific information the active formation of the young organism continues at least until that age, and any harmful effect on the health occurring during the period of formation may be irreversible.

_U.K.._ (3) Yes, subject to (4).

(4) Yes, provided that they are not required to designate entire occupations. For example, some activities in agriculture are dangerous, but this would not justify restriction of all work in agriculture to those over 16.

_United States._ (3) While this is an essential goal, it may not be possible for all ratifying Members to achieve it immediately.

(4) Yes. This provision allows a degree of flexibility to ratifying Members in adopting occupational coverage best suited to their circumstances.

_Venezuela._ (3) No. This should not be determined by the Convention but by the Government, which will be best informed on how child labour is employed in its territory.

_Republic of Viet-Nam._ (2) and (3) These provisions are too rigid and might impede ratification by the developing countries, especially those in which the proportion of the population that is economically active is still small.

_Zambia._ (2) Yes. Such action would be in conformity with the spirit and purpose of the Convention.

(4) Yes. This would give the Convention the necessary flexibility. However, the prescribing and determination of such occupations should be done with the fullest consultation of the representatives of employers and employees.

This question covers the other principal provision envisaged for the Convention. Again, it combines an obligation to apply a minimum standard—in this case, 16 years—with an option to accept, either at the time of ratification or afterwards, a higher standard. Governments would, of course, remain free to require an age higher than that formally specified under this provision for admission to particularly dangerous work. The drafting change described under question 5 has been made here also. A second change derives from the observation by a number of governments that the term "occupation" is unsuitable in this provision since it is not necessarily an entire occupation which is hazardous but possibly just certain activities within it. For
greater precision, the term "type of employment or work" has been used instead of "occupation" in this and all related provisions.

An indication of what might be covered by this provision, in the form of a reference to relevant international labour standards, is envisaged for the Recommendation (see question 23). A more specific enumeration was not considered desirable, in either the Convention or the Recommendation, because it would inevitably be both incomplete and rigid from the start and would rapidly become out of date.

This question, too, received a large majority of affirmative replies, and a corresponding provision, with the changes discussed above, has been included in the Proposed Conclusions (Point 5).

Qu. 7

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?

Total number of replies: 65.

Affirmative: 48. Algeria (negative to (2)) *, Australia, Austria *, Brazil (negative to (2)) *, Burundi *, Canada *, Central African Republic, Chile *, Egypt, Finland, France, Federal Republic of Germany, Ghana *, Greece, Guyana, Iran, Ireland, Italy *, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg *, Madagascar, Malawi *, Malaysia *, Malta, Mexico *, Morocco, Netherlands, Nigeria *, Norway *, Pakistan, Romania, Senegal, Sierra Leone, Singapore, Spain *, Switzerland (negative to (2)) *, Syrian Arab Republic, Tunisia, Turkey, United Kingdom, United States *, Upper Volta, Venezuela *, Republic of Viet-Nam, Zambia *.


* Substance of observations reproduced below.
REPLIES FROM GOVERNMENTS AND COMMENTARIES


Algeria. (1) In contrast with the reply to question 6 (4), that national legislation could establish lists of branches or types of employment in which it would be objectively impossible to apply these minimum-age provisions.

(2) Such an obligation should not be included, given the complexity of its application and the present lack, or inadequacy, of means in the countries concerned.

Austria. (1) In order to allow for economic circumstances and family requirements, the competent authorities should be permitted to exclude specified categories of employment.

(2) Yes. The report should also state the number of persons affected by the exclusion and their proportion in relation to other workers covered by the Convention as well as any action proposed with a view to bringing the excluded areas within the scope of application of the Convention.

Belgium. (1) No, so far as this relates to employment such as that listed on page 33 of Report IV (1). In Belgium the prohibition is virtually absolute: only such activities as household chores or work in schools, youth organisations or other educational or training establishments or associations are excluded. The sole exception is for participation in cultural events, films, television or radio programmes or fashion shows on the basis of individual permits that are granted subject to prescribed conditions.

(2) Yes, to the extent that the Convention provides for exclusions as envisaged above.

Brazil. (1) Yes, bearing in mind the need for skilled labour and aiming, through such exemptions, at providing opportunities for the more adequate training of such workers.

(2) No. The Convention should allow an ample interim period to enable countries to comply. Later, it would be admissible to review progress achieved. The subject is a complex one, and regular demands for the rendering of an account would have the effect of causing the majority of countries to seek to release themselves from any obligation by adopting measures in isolation, as appropriate to their own interests and convenience.

Bulgaria. The exclusion of specified categories should be done after careful examination and after consultation with the developing countries.

Burundi. (1) Since the problem of minimum age is a general one, it should, as far as possible, be dealt with as a whole without any discrimination by occupational branch. However, each country should be left considerable latitude, subject to certain conditions, in establishing exceptions, so that standards could be adapted to national circumstances. Such exceptions should not extend to work in occupations which are hazardous to the life, safety and morals of young persons.

Byelorussian SSR (1) The new Convention should provide for a uniform minimum age for admission to employment without exceptions.

Canada. (1) Yes, subject to appropriate safeguards.

Chile. Yes, since the problems that certain jobs now present can be eliminated through scientific and technical progress.

Colombia. (1) This would detract from the spirit of the Convention. Although excessive rigidity in Conventions can defeat their ends it is better to seek a certain rigidity than to try to give the Convention a flexibility which, in the course of time, could become a means of evading its obligations.

Czechoslovakia. No. The notion “limited categories of employment in respect of which special and substantial problems of application arise” is too vague and could enable

* Substance of observations reproduced below.

1 See under question 3.
ratifying Members to exclude certain categories to a greater extent than is allowed by the earlier Conventions on minimum age which have been ratified by these countries. Exceptions should be made only for developing countries, as provided in question 8.

Ghana. (1) Yes, but examples of such occupations in the instrument would be helpful.

Hungary. No. The minimum age for admission to employment is justified for the protection of the health of young persons, and the Government therefore disapproves of any exception or limitation to it.

Italy. (1) Being, in principle, opposed to any exception, the Government considers that if any is allowed, it should be kept to a minimum and should be specified in the Recommendation. The right of the competent authority to exclude certain categories should, however, also relate to other situations which may not come under the heading of "limited categories of employment". This question concerns Italy in respect of minors who are relatives of the employer and workers in his family business. Italian labour legislation is normally designed to protect cases where a dependent employment relation exists: it does not normally apply to cases such as those just referred to in which the worker is not in a dependent relation.

Luxembourg. (1) Yes. Consultation should include that carried out through elected occupational chambers.

Malawi. (1) Yes. The consultation with the organisations of employers and workers will ensure that reasonable decisions are made.

(2) Yes. The normal reporting procedure should be followed.

Malaysia. (1) Yes. If the minimum age for admission to employment is agreed upon, the employers' and workers' organisations may be consulted on the exclusion from the application of the Convention of limited categories of employment, e.g. entertainment.

Mali. (1) The Convention should be of general application to ensure the most complete and most effective protection as regards the employment of children.

(2) However, the legislation of each country should be authorised to provide for certain limited exceptions. Each ratifying State should indicate in its first report the types of employment excluded but should specify an age limit for such employment.

Mexico. (1) Yes, but, as the question states, only in cases where it is necessary.

New Zealand. If the aim is to replace existing minimum-age instruments applicable to limited economic sectors, there is no justification for the exclusion of any categories of employment.

Nigeria. (1) Yes, in recognition of the wide diversity in national circumstances and to avoid unnecessary rigidity.

(2) Yes, to ensure that undue liberty is not taken of the suggested provision of paragraph 1 to defeat the aim of the Convention.

Norway. Yes. The Government stresses the importance of making exact specifications of the categories of employment to be excluded from the application of the Convention. In this connection, it points out that it is necessary to work out as objective a criterion as possible for exceptions.

Panama. (1) The competent authorities in each country should, in agreement with employers and workers, raise the minimum age for admission to employment without occupational differentials.

(2) The first report should contain the relevant legal provisions, including the special conditions for exclusion in specified occupational categories.

Peru. (1) Such an exclusion would give the Convention more flexibility. However, it should relate not to "limited categories of employment in respect of which special and substantial problems of application arise" but to special cases in which the young person
has to work, for example, in order to support himself. This suggestion is based on the consideration that the fundamental aim of the ILO is the protection of human beings.

(2) National legislation could be allowed to specify the cases in which the competent authority could permit the employment of children below the minimum age.

Poland. (1) Yes, but the exclusion must be only for specified periods of time.

(2) No, because of the special protection which should be enjoyed by young persons. If a different view should prevail, the report should include information on the reasons for any exclusion and the date of this termination.

Spain. (1) Yes, in order to facilitate the application of the Convention, though the exclusions should be very limited.

(2) Yes, since, as stated above, the exclusions should be few and well justified.

Sweden. It is desirable that as few exceptions as possible be made to the application of the Convention. The provisions in the Holiday with Pay Convention (Revised), 1970 (No. 132), could perhaps serve as a guide for a more restrictive formulation in this respect.

Switzerland. (1) Yes, for the reasons given in the reply to question 6 (4).

(2) The statement of “reasons for such exclusion” could constitute a negative report which would always be difficult, and might sometimes even be impossible, to draw up. It would be better not to require such a statement.

Uganda. (1) No. In Uganda, since the employment of children under 12 is not permitted, they have no representation. In any matters connected with the safeguarding of the life or health of a worker, the question of consultation by the Government with employers’ or workers’ representatives must be approached very cautiously, since there may be a possibility of malpractice by workers’ representatives if these are employed by the undertaking.

(2) Yes. This provision should also apply to, and preferably be transferred to, the Recommendation.

USSR. The new Convention should lay down a uniform minimum age for admission to all categories of employment without exception.

United States. (1) Yes. The power to make limited exemptions from the Convention’s provisions is essential to its effectiveness and over-all acceptability to all Members.

Venezuela. (1) In order to secure the abolition of child labour, those directly responsible for it, namely employers and workers, must take part. Consultation should therefore be mandatory when exceptions to the Convention are established.

(2) Yes, so that the scope of application of the provisions of the Convention shall be definitely stated.

Zambia. (1) Yes. The enforcement of minimum-age legislation is a practical impossibility in certain forms of employment. Although the ratifying country would be given a large measure of discretion in the matter, this is subject to a series of safeguards which are sufficient to prevent abuses.

(2) Yes. The Government considers that this is an important provision in view of the large measure of discretion accorded to a ratifying country in respect of the exclusion of limited categories.

The provisions envisaged in this question, which were, in fact, modelled on the corresponding provisions of the Holidays with Pay Convention (Revised), 1970 (No. 132), are intended to allow countries to exclude from the formal application of the Convention particular categories—family undertakings are perhaps the most obvious—to which application is not feasible for such reasons as legal difficulties or difficulties of enforcement. Although a few governments opposed the authorisation of
such exclusions and a few others opposed the reporting requirements envisaged in paragraph (2), the large majority agreed that both the limited flexibility provided by paragraph (1) and the special safeguards provided by paragraph (2) were desirable. Corresponding provisions have therefore been included in the Proposed Conclusions (Point 6).

Qu. 7, 8 MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

Qu. 8 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?

Total number of replies: 65.

Affirmative: 56. Argentina (negative to (1)), Australia, Austria *, Belgium *, Burundi *, Canada, Central African Republic, Chile, Colombia *, Czechoslovakia ¹, Egypt, France, Federal Republic of Germany *, Ghana, Greece, Guyana, Hungary *, India ², Indonesia (negative to (1)), Iran, Ireland, Italy *, Japan, Khmer Republic *, Kuwait *, Libyan Arab Republic *, Luxembourg *, Madagascar, Malawi (negative to (3)) *, Malaysia *, Mali, Malta *, Mexico *, Morocco, Netherlands *, Nigeria *, Norway *, Pakistan, Panama *, Peru *, Poland *, Romania, Senegal, Sierra Leone (negative to (3)) *, Singapore *, Spain *, Sweden *, Switzerland (negative to (4) (a)) *.

* Substance of observations reproduced below.
¹ See under question 7. ² See under question 3.
Syrian Arab Republic, Tunisia, Turkey, United Kingdom*, United States*, Venezuela*, Republic of Viet-Nam (negative to (2)), Zambia*.

**Negative:** 3. Brazil (affirmative to (1))* , Byelorussian SSR*, USSR*.

**Other:** 6. Algeria*, Bulgaria1, Finland*, New Zealand*, Uganda*, Upper Volta*.

**Algeria.** (1) In view of the number of young persons available who fulfil the conditions, such a provision seems useless if the ages are fixed from the beginning.

(2) Yes, for the reasons given in the reply to question 6 (1).

(3) The Convention should certainly be applied to mining and quarrying, manufacturing, construction, electricity and gas.

(4) No, for the reasons given in the reply to question 7 (2).

**Austria.** Yes. The reports should also specify any action proposed with a view to bringing the excluded areas within the scope of application of the Convention.

**Belgium.** Yes, since the exception proposed in paragraph (1) is substantially limited by the conditions provided for in the other paragraphs.

**Brazil.** (1) Yes. International provisions cannot be rigid, or they would be Utopian and unworkable. Inflexibility is unrealistic, the more so in view of the obvious disparity in the levels reached by the various countries of the world. The great majority of member States will be unable to adopt a Convention fixing a strict age limit for admission. Each country has to consider its own development and its own possibilities before accepting or adopting particular rules.

(2) No. Each country should merely indicate what it is trying to do to achieve the ideal.

(3) and (4) No. The Convention should not place immediate restrictions upon any activity.

**Burundi.** (1) Yes, subject to the reservation made in the reply to question 7 (2). Such a provision would contribute towards reconciling two fundamental requirements: on the one hand, the establishment of a Convention of general scope and, on the other, the establishment of effective, even though limited, minimum-age rules in developing countries.

(3) Yes, though the Government would have no objection to adding agriculture to the list.

**Byelorussian SSR.** The new Convention should not provide that the application of its clauses shall depend on the level of development of the economy and the administrative facilities. All Members should discharge their obligations under the Convention in regard to all branches of economic activity without exception.

**Colombia.** (1) Yes, the limitation might apply, in particular, to non-industrial activities, such as agriculture.

(4) Yes. This provision would permit a Convention of general scope while taking into account the need to establish in developing countries effective, though limited, minimum-age regulations.

**Finland.** A procedure including different degrees of ratification may have both good and bad aspects. In no case should it cause the abuse of child labour. As it is not yet known how categorical and exacting the standards would be, it is not possible to form a definite view at this stage. On the other hand, it may be expected that economic and administrative difficulties and defects would delay or make difficult the application of a Convention, at least to some extent.

* Substance of observations reproduced below.

1 See under question 7.
**Federal Republic of Germany.**  Yes, and a time limit should be prescribed.

**Hungary.**  (1) The Government has no comment on limitations of this nature in respect of the developing countries, but it would deem it advisable that: (a) even in such exceptional cases the minimum age for admission to employment should not be lower than the school-leaving age, and that (b) before employment, the employees should be submitted to a medical examination and that this examination should be repeated at regular intervals.

**Italy.**  (1) Yes, subject to adequate precautions. It would be advisable to place a time limit on “initially”.

**Khmer Republic.**  (1) Yes. This provision is intended to encourage developing countries to ratify the new Convention. But such countries should also undertake to extend the scope of application progressively as economic and administrative conditions permit.

**Kuwait.**  (1) Yes. When the economy and the administrative facilities improve, the State may widen the scope of application.

(3) Yes. At the same time, the Government observes that not all work in these activities jeopardises the health, etc., of young persons.

**Libyan Arab Republic.**  (1) Yes. This provision is very necessary as a help to insufficiently developed countries.

**Luxembourg.**  Yes, since the exception provided for in paragraph (1) is limited substantially by the conditions set out in the other paragraphs.

**Malawi.**  (3) No. The Convention should not limit the extent to which any country ratifying it can make exclusions.

**Malaysia.**  (1) Yes. It should be able to limit the scope to certain areas only.

**Malta.**  (3) Yes, but in the case of employment in certain manufacturing undertakings it should be open to the competent authority to permit the employment of children who have attained the age of 14 years and are not required to attend school in work which by its nature is not dangerous to the life, health or morals of the persons employed.

**Mexico.**  (1) Yes, but it should be stipulated that such a limitation must remain within certain boundaries so as not to vitiate the Convention.

(2) Yes, since this will allow the branches to which the Convention will be applied—that is, the extent of the obligation accepted by the country concerned—to be known from the beginning.

**Netherlands.**  (1) Yes, in the light of the Preamble and the observation on page 31 of Report IV (1) that the instrument envisaged is designed to replace, in the course of time, the existing minimum-age Conventions.

(3) This provision seems indispensable since without such a list, which corresponds closely to the definition in Article 1 of the Minimum Age (Industry) Convention, 1919 (No. 5), the new Convention would be a step backward.

**New Zealand.**  (1) and (2). No. The comment applying to question 7 also applies here.

(3) If the Convention is to allow the exclusion of branches of economic activity from its application, then it should be applicable as a minimum to the activities quoted.

(4) If the instrument is to allow for limiting the scope of application, this provision should be included.

**Nigeria.**  (1) Yes, in order to increase the flexibility of the instrument.

(3) Yes, because of the pronounced hazardous nature of the fields of economic activity enumerated. But land and water transport should be dropped from the list because it is not very arduous and, in developing countries, provides work for a large number of young persons who would otherwise remain unemployed.
Norway. (3) Yes. The Government recommends that the scope of the Convention should be determined by the competent authority of the individual country after consultation with the organisations of employers and workers concerned, where such exist.

Panama. (1) This initial limitation is necessary in countries in which adequate administrative services are still being built up and cannot carry out all the enforcement measures that such provisions would require. However, this question should not be regulated by the Convention.

(3) The branches listed are the minimum at which Members should aim.

Peru. Yes, for certain young workers, for the reason given in the reply to question 7.

Poland. (1) Yes, since this will allow certain Members to ratify the Convention and to introduce the best possible standards under given circumstances.

(3) The branches listed are the minimum at which Members should aim.

Sierra Leone. (3) This may not be necessary in view of the considerations envisaged in paragraphs (1) and (2).

Singapore. (3) Yes, since these would be the minimum branches of economic activity.

Spain. (1) Yes, again with a view to facilitating the application of the Convention, but these limitations should be applied only in respect of sectors where there are important reasons for doing so.

(2) Yes, but giving an exact statement of the scope of application in each country and specifying the reasons.

(3) Yes, since the application should be as wide as possible and the branches listed are the most appropriate as a minimum.

(4) Yes, since the limitations should be small, justifiable at any moment and capable of revision.

Sweden. (1) Yes. It should, however, be stressed that insufficient development of a country’s economy may constitute an acceptable reason for limiting the scope of application of the Convention only where it results in young persons being forced to take a job to earn their own living or perhaps that of their families. On the other hand, it should not be acceptable for undertakings to use it as a reason for exploiting cheap child labour.

(3) A specification of branches of economic activity might lead to certain inadequacies since within these branches there might exist light as well as heavy work. Light work of the kind mentioned in question 10 below should therefore not be covered even if it relates to the branches of economic activity listed here.

Switzerland. (1) Such a concession seems judicious.

(3) Yes, since these are the branches in respect of which protective legislation is most highly developed.

(4) (a) The utility of such a requirement is not apparent;

(b) There is no objection to this.

Uganda. (1) No. In its permissive tone this provision would fit well in a Recommendation.

(2) No. Again, for reasons given in questions 1, 3 and 8 (1) above, this provision should be in the Recommendation.

(3) Yes. A provision should be added permitting the member State to add to or subtract from the list as it deems necessary for the limitation of employment, safeguarding the health and safety of the children or young persons to be employed therein.

(4) Probably. It is feared that all this plus some of the provisions suggested in questions 7 (1) and 8 (1) above might render the Convention too permissive, in which case it would be more appropriate to hold discussions on a Recommendation rather than on a Convention.
USSR. (1) The new Convention should provide that each Member, irrespective of the level of development of its economy and its administrative facilities, should discharge its obligations under the Convention in regard to all branches of economic activity without any exception.

United Kingdom. (3) The Government can envisage difficulties of enforcement in respect of transport, storage and communication. It would be regrettable if these difficulties prevented ratifications which would give protection in the more important fields such as mining and quarrying.

United States. (1) Yes. This provision is necessary to assure the participation of developing nations in the Convention.

(3) Yes. The Government would accept this as a general rule.

Upper Volta. (1) By reducing considerably the scope of the Convention, this provision would make it lose its general character.

(2) No, for the reason given above.

(3) Yes, if the scope is to be limited.

(4) See the reply already given on this.

Venezuela. (1) Naturally, since the State must prepare its services to be able to try to apply fully the provisions of the new Convention.

(3) Yes, but only for indicative purposes.

(4) (a) Yes, so that the ILO shall be kept informed of the progress achieved in each member State.

Zambia. (1) Yes. This provision would make it possible for developing countries whose economies and administrative facilities are not sufficiently developed to ratify the Convention. The Government agrees that, while the regulation of the minimum age should ideally extend with a reasonable degree of uniformity to all sectors, many developing countries are not in a position to apply the minimum standards prescribed in the Convention immediately and comprehensively to every major sector in the economy, agriculture and other non-industrial activities in particular presenting difficulties.

(2) Yes. To facilitate international supervision, it is necessary for a ratifying country to specify in a declaration the branches of economic activity to which it will apply the provisions of the Convention.

(4) (a) Yes, so that the Office can be kept informed of the progress made towards realising all the aims of the Convention.

Since the majority of governments, with very few exceptions, agreed both with the facility offered to developing countries by paragraph (1) and the minimum requirement prescribed by paragraph (3), as well as with the other paragraphs, corresponding provisions have been included in the Proposed Conclusions (Point 7).

Qu. 9 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 of a line of training?

Total number of replies: 64.


Negative: 2. Brazil *, Indonesia.


Algeria. Yes, since such work is strictly supervised by other means.

Austria. Yes. Work performed in the circumstances described is for the purpose of learning and not earning.


Bulgaria. Yes, so far as such work is connected with vocational training.

Burundi. Yes. The list should include work done in orphanages or other charitable or welfare establishments, where such work is approved by the competent authority and is carried out in accordance with the prescriptions and under the supervision of that authority.

Byelorussian SSR. Yes. The Convention should provide for appropriate limitations in the number of hours during which such work is permitted.

Central African Republic. The Convention should not cover work done in technical or vocational schools or in other vocational training institutions when the training is carried out under their responsibility.

Chile. Yes. Work in technical, vocational or general schools arises out of programmes established by experts who are capable of determining the kind of work a pupil can perform, having regard to his age and knowledge.

Colombia. The Convention should exclude work done in general, technical or vocational schools in accordance with the different forms of practical education and vocational orientation and training found in member States, subject to two conditions: the work must be carried out in accordance with conditions prescribed by the competent authority and it must be an integral part of a course of education or vocational training.

Czechoslovakia. Yes. Such exceptions are reasonable and necessary on pedagogic grounds.

Finland. Yes, but adequate attention should be paid to labour protection and its supervision.

* Substance of observations reproduced below.
**Libyan Arab Republic.** Yes, provided that measures are taken to avoid the exploitation of children and young persons under the guise of “training.” The new Convention should not apply to general youth schemes either.

**Malawi.** If all technical education is to continue, then the institutions concerned should be excluded from the application of the Convention.

**Mali.** The Convention should not apply to work done by children and young persons in technical or vocational schools.

**Mexico.** Yes, since this relates not to the performance of a job but to education, which constitutes something very different from an employment relation.

**Netherlands.** The principle of this exclusion seems natural.

**New Zealand.** Yes. It would seem impracticable to do otherwise.

**Pakistan.** (a) Yes, as has been provided in the earlier Conventions.

**Panama.** Such work, which is for purposes of education and guidance, should be not only permitted but also encouraged by the Convention.

**Peru.** Yes. Such an exclusion would be helpful for vocational training.

**Poland.** Yes. The Convention need not apply to work done as part of practical vocational training in schools and training institutions, since such work is done in conditions different from those prevailing in undertakings. However, the Convention should refer to work done by young persons during practical vocational training and training for semi-skilled work in undertakings.

**Romania.** (b) Yes. Upon the advice of the Ministry of Education.

**Spain.** Yes, since such work has an educational rather than an occupational character.

**Sweden.** It should be possible to make exceptions for vocational education or orientation, provided the standard of protection in the training institution is adequate and the young persons are placed under satisfactory supervision. No other exceptions from an absolute minimum age should be permitted in this context.

**Switzerland.** There is no reason for the Convention to cover work done by pupils in schools which are subject to regulations established by public authority.

**Syrian Arab Republic.** Yes. This provision would enable young persons to complete their education.

**Tunisia.** The Convention should not cover work done for purposes of apprenticeship or vocational orientation or training where the work is approved and supervised by the competent authority. The children concerned are not engaged in productive activity and are under the supervision of instructors and masters.

**Uganda.** Yes, but such a provision should apply to Government-aided schools or training institutions since there may be a possibility of the abuse of this privilege. This is likely in developing countries, where private undertakings may, with external assistance, start or run such programmes for ulterior motives.

**USSR.** Yes, but these provisions should be combined with limitations on the number of hours that may be devoted to such work.

**United States.** Yes. Adequate safeguards should be provided, however, to ensure that the students are not subjected to situations which would unduly endanger their health and safety and interfere with their education.

Since almost all the replies to this question were affirmative, a corresponding provision has been included in the Proposed Conclusions (Point 8). A new clause (b)
has been inserted between the two original clauses so as to complete the text by bringing within its scope approved training programmes in undertakings.

Qu. 10

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?

Total number of replies: 64

Affirmative: 37. Argentina, Austria*, Burundi*, Central African Republic, Chile, Colombia, Czechoslovakia*, Egypt, Finland, Federal Republic of Germany*, Ghana, Greece (to (1), (2) and (3) only)*, Guyana, Indonesia, Iran, Ireland, Japan, Kmer Republic*, Madagascar, Malaysia*, Mali (to (1) and (2) only)*, Malta*, Mexico*, Morocco, Nigeria*, Norway (to (2), (3) and (4) only)*, Pakistan, Peru (to (1), (2) and (3) only)*, Senegal, Singapore*, Spain*, Sweden*, Switzerland*, Syrian Arab Republic*, Turkey, Republic of Viet-Nam*, Zambia*.

Negative to (1) and (2) 1: 9. Algeria*, Belgium, Byelorussian SSR, France*, Hungary*, Luxembourg, Poland*, Romania*, USSR.

Negative to (1), (2) and (4) 1: 1. Brazil*.

* Substance of observations reproduced below.
1 Affirmative to the other paragraphs.
Qu. 10  MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

Negative to (2) 1: 10. Italy *, Kuwait *, Libyan Arab Republic *, Malawi *, New Zealand *, Sierra Leone *, Uganda *, United States *, Upper Volta *, Venezuela *.

Negative to (2) and (4) 1: 2. Australia *, Canada *.

Negative to (4) 1: 2. Netherlands *, United Kingdom *.

Other: 3. Bulgaria *, Panama *, Tunisia *.

Algeria. (1) and (2) Such exceptions should not be provided for if the minimum age is fixed at 16.

(3) Artistic representations could be the subject of limited exceptions, having regard to the time at which they take place.

(4) Yes, in relation to (3).

Australia. (1) A provision on these lines should be included in the Convention, but the criteria for exemptions will require careful consideration. See the answer to question 32.

(2) Setting this sort of minimum age can present difficulties. For example, state legislation in Australia does not prevent young children from assisting occasionally in a shop of which a parent of the child is the proprietor and which is attached to the parents' residence. Moreover, provided that there is a system of licences for employment granted on the basis of strict criteria concerning the health, education and moral and material welfare of young children, and depending on the fitness of the children for the employment proposed, there seems no good reason for setting a minimum age of 12 years.

(4) It seems unnecessary to go into such detail, particularly in relation to prescribing the hours during which young children may work. This can be regulated by applying criteria such as those mentioned in question 10 (1) (a) and (b), having regard to the hours for compulsory school attendance. It also seems unnecessary to specify the activities in which employment or work may be permitted. It may be preferable to prohibit employment or work in certain activities.

Austria. (1) Yes. Children like to prove their worth through productive work.

(2) The limit should be fixed in general at 12 years. It might, however, be considered whether a somewhat lower limit could be fixed for agriculture.

(3) Yes. "Artistic representations" should, however, be mentioned only as an example because the need for exceptions also exists, for instance, in regard to the use of children as crossing wardens or in fashion displays.

Brazil. (4) The Government is against any form of immediate limitation.

Bulgaria. The exceptions envisaged in (1) should be re-examined. They seem to detract from the principle established in question 5 (3) and, in spite of the additional conditions prescribed, involve the risk that they might provide a channel through which child labour would become possible. This would be inadmissible.

Burundi. (1) Yes. Certain of the existing Conventions (in particular, the two covering industry, which permit no exceptions, and the two covering non-industrial employment, which prescribe a series of precise, detailed and complex conditions) have shown themselves to be too rigid in this respect.

(4) Yes. These are elementary guarantees which should be maintained.

Canada. (2) It is not clear whether the expression "employment or work" in this context would exclude children under 12 from any sort of gainful activity. If so, it goes too far.

* Substance of observations reproduced below.

1 Affirmative to the other paragraphs.
(4) It would be impracticable to attempt to specify in law permitted employment, and to prescribe in detail hours and other conditions of employment for young persons. Given the guidelines stated in question 10 (1), it would seem that the granting of permits in individual cases could be left to administrative discretion.

Czechoslovakia. (1) Yes, but only in countries where the economic and social situation justifies such exceptions from the standpoint of common interest, subject to the guarantees mentioned in question 7 (1) and the consent of the authorities responsible for the protection of children and their development.

France. (1) and (2) If the minimum age is fixed at 14, as envisaged in question 5, it would not seem desirable to leave open the possibility of authorising the employment of persons below that age, even for light work under prescribed conditions, because of the abuses to which such a situation could lead. Moreover, it should be remembered that “light” work is difficult, if not impossible, to define with precision: a job which is theoretically light can become arduous if performed under certain conditions or at a certain pace. In addition, supervision would give rise to numerous disputes without any assurance of its effectiveness.

(4) If the argument developed under (1) and (2) is not accepted, yes.

Federal Republic of Germany. (1) Yes. For example, in respect of occasional small jobs or the employment of children on light work by their parents or guardians.

Greece. (1) Yes. More specifically, in Greece the problem of the gap between the completion of primary education, at the age of 12, and the age for admission to employment, 14, could be attacked.

Hungary. (3) Yes. In such cases appropriate regulations must ensure that the mental, physical and moral development of the young persons is not jeopardised.

(4) Yes, subject to the conditions stated under (3).

Italy. (1) The Recommendation should specify what is meant by light work.

(2) A minimum age of 12 for the employment of children on light work is unduly low. It would be advisable to consider whether, in the light of the situation in member States, it is not possible to set that age at 13.

(3) For participation in artistic representations it is, of course, impossible to set a minimum age; strict supervision to ensure that the children concerned are adequately protected is therefore essential.

Khmer Republic. (3) A distinction should be made between artistic representations which involve risk to life, health or morals and those which do not. For the former, no exceptions should be permitted. For the latter, individual exceptions could be allowed subject to strict guarantees to protect the health, physical development and morals of children and to assure them good treatment, sufficient rest and continued education. Such exceptions should not permit work after midnight.

Kuwait. (2) The Government would prefer the age to be 14.

Libyan Arab Republic. (2) No. This should be left to the judgment of the individual country.

Malawi. (2) This is not necessary in countries such as Malawi, where compulsory education has not yet been introduced.

(4) Any regulations or laws made in this respect should be capable of being enforced, so that they shall not fall into disrepute.

Malaysia. (3) Yes. This should include entertainment.

(4) Yes. This should include periodical medical examination.

Mali. (1) and (2) Yes, for such light work as domestic chores, picking, gathering and sorting. The Convention should specify that the work should not exceed a certain number of hours, perhaps five, a day. It should also provide that all work, including light work, should be prohibited at night and on Sundays and legal public holidays.
Malta. (1) Yes, but see reply to question 5.

Mexico. (1) Yes, on condition that the work is not prejudicial to the child's education and development and that the working day is short enough to permit him to spend enough time on recreation. (3) Yes, as a sole and exceptional case.

Netherlands. (1) Yes. Such a provision would be useful and would contribute to the flexibility of the Convention. (2) For the Netherlands this limit is acceptable. (3) Yes. However, the limitation of such exceptions to artistic representations constitutes an undesirable element of rigidity. It is rather the individual character of the exception that should be a safeguard for effective protection. A supplementary guarantee could be provided through the insertion of provisions such as those in Article 4 (2) of the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60). See also Article 2 (3) of the Minimum Age (Fishermen) Convention, 1959 (No. 112). (4) No. A restrictive list of activities could never meet the needs of practice in different countries. Hours and other conditions of work should also be left to the discretion of the competent authority issuing the individual permit.

New Zealand. (2) No. This is unduly restrictive. It would prevent younger children from engaging in minor employment such as selling or delivering newspapers. If a minimum age for this type of employment is to be established, then that age must be lower than 12 years. It should be 10 years. (3) Yes, provided that some indication of the meaning of "artistic representations" is included in the instrument so as to clarify the position in regard to young persons involved in activities associated with advertising. (4) Yes. The broad categories of activities should be specified, although difficulties may be encountered in trying to provide for too much detail.

Nigeria. (2) Yes, except in respect of employment in family undertakings, where a lower age than 12 may be allowed.

Norway. (1) The exceptions should be further specified.

Panama. (2) The age should be 14. (3) In such cases, national laws or regulations should have full powers as regards the granting of permits. (4) The hours and conditions of work should form part of the texts controlling these activities.

Peru. (1) and (2) Yes. The Convention might provide that such employment should be subject to special permission granted by the competent authority. (3) Yes, but it should be added that such participation should not extend beyond 10 or 11 p.m. (4) The Convention should prescribe maximum hours of work.

Poland. (1) and (2) No: the minimum age should be 14 years. (3) Yes, though under strict control with regard to the implementation of the conditions specified under (1). (4) In accordance with the answers to (1), (2) and (3) above.

Romania. (1) No. In the first place, this could lead to abuses. In the second place, work in conditions which are not harmful is not always work in especially easy conditions: more often, it is work in normal conditions. (2) See (1). The opinion of the Ministry of Education will also be sought.

Sierra Leone. (2) Provision should be made so that each Member may specify the age limit according to prevailing conditions.
Singapore. (1) Yes, as long as the interests of those below 14 years are properly safeguarded and the work is suited to their capacity.
(4) Yes, in order to safeguard the interests of these persons.

Spain. Yes, since some exceptions must inevitably be allowed, but these should be in very restrictive form.

Sweden. (1) Yes, provided the conditions under (a) and (b) are simultaneously complied with. Furthermore, it should be provided that, except in cases of temporary work, e.g. during school vacations, young persons should undergo a medical examination before entering employment.

Switzerland. (1) Yes, since it would not be desirable to ban children from all economic activity.

Syrian Arab Republic. (1) and (2) If 14 is agreed upon as the minimum age for admission to employment, persons under the minimum should be permitted to undertake light occupations, provided they are not under the age of 12 and the work is not likely to be harmful to their health or prejudicial to their attendance at school or their participation in vocational orientation or training programmes approved by the competent authority.

Tunisia. The new Convention should provide for the possibility of exceptions for light work, but such exceptions should be adapted to the national context and should be subject to the condition that the work is not prejudicial to the health, development, education or vocational training of the children.

Uganda. (2) Probably. This will depend upon the educational system of the member State and the various points referred to in questions 1, 3 and 5. It should be left to the discretion of the competent authority.

United Kingdom. (2) Yes. A distinction should perhaps be drawn between unpaid help to parents in a family enterprise (such as farming) and other work as defined in (1). A lower age for the former could be justified and would make ratifications easier.
(4) The Government agrees that national laws, etc., should cover hours and conditions of work, but would prefer that they should specify only the activities not permitted.

United States. (2) No. The extent of the exemption should be left to the individual Members. However, the Government would accept this as a goal towards which the Members should be encouraged to strive.
(4) Yes. Such a provision is necessary to assure the health, safety and educational opportunities of the children involved.

Upper Volta. (2) Determination of the age should be left to national legislation.

Venezuela. (2) No. The age should be fixed by national legislation. If the age of 12 is adopted, a Member applying a different age limit to such work should be allowed to maintain it until the necessary steps have been taken to conform to the Convention.

Republic of Viet-Nam. (1) to (3) Yes. The flexibility of this principle is excellent.
(4) Yes. It would be desirable to leave details to national legislation and the competent authorities.

Zambia. (3) Yes. This is regarded as beneficial to the young persons concerned since the earlier they take part in artistic representations the greater are their opportunities to develop into great artists.
(4) Yes. This is necessary since the uncontrolled employment of young persons in artistic representations could very seriously endanger their morals and health.

For greater clarity and ease of discussion at the Conference, the questions concerning light work and participation in artistic representations have been divided into two separate Points of the Proposed Conclusions (Point 9 and Point 10).
The question of exceptions for light work gave rise to considerable disagreement on all three of its components: first, whether such exceptions should be allowed; second, whether light work should be subject to a lower age limit and, if so, what that limit should be; and, third, whether the Convention should require national laws and regulations to specify the activities permitted and prescribe hours and other conditions of work. Some governments opposed leaving room for exceptions for light work while others not only favoured allowing such exceptions but also suggested greater flexibility in their application. Since these views are so divergent and since the majority of governments did, in any case, reply affirmatively, it has not been considered appropriate to make any major changes at this stage. Two small changes have been made, however. One—the insertion, in Point 9 (1), of "and" between clauses (a) and (b)—is purely a drafting change designed to make it clear that both conditions must be fulfilled if light work is to be permitted. The other—the substitution of "the competent authority should determine" for "National laws and regulations should specify" in Point 9 (2), which corresponds to question 10 (4)—is designed to increase the flexibility of the provision in recognition of the practical difficulty of having permitted activities specified by national laws or regulations.

The provisions suggested in respect of artistic representations were generally accepted, though some governments expressed reservations about the term. It should be pointed out that the expression used in Point 10 (1) is "for such purposes as participation in artistic representations". This is intended to provide an indication of the sort of activity envisaged and yet preserve a considerable degree of flexibility. In Point 10 (2), which also corresponds to question 10 (4), "the competent authority" has again been substituted for "national laws and regulations".

Qu. 10, 11 MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

Qu. 11

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?

Total number of replies: 64

Negative to (1) and (2) 1: 1. Singapore *.

Negative to (2) 1: 3. Khmer Republic, Senegal, Switzerland *.

Negative to (3) 1: 6. Algeria *, Canada *, Iran *, Malawi *, Sierra Leone *, United Kingdom *.

Algeria. (1) Yes, to ensure the proper application of the Convention.
(2) The Convention should specify the persons responsible for its application.
(3) No. This would increase the burden on everyone, particularly since it covers persons who fulfil minimum age requirements.

Austria. (2) The words "and authorities" should be added after "persons".

Brazil. (2) Yes. It is logical to suppose that much of what is proposed is already law as regards some branches of activity in a number of countries. It is likewise obvious that means exist of ensuring compliance with national legislation.
(3) Yes. The answer given to (2) applies equally here.

Bulgaria. Yes. Such measures would assure the effective application of the Convention.

Burundi. Yes. National legislation should specify the authority responsible for enforcing the application of these provisions. The rules governing the preparation of the relevant documents will have to be prescribed. The employer should also keep records of the names and dates of birth of all persons less than two years older than the age specified under 10 (2).

Byelorussian SSR. (2) The new Convention should provide that national laws and regulations shall define the competent authorities or persons responsible for compliance with its provisions.

Canada. (3) The requirement to keep records of the age of young employees is acceptable. It seems to be going unnecessarily far to require the employer to keep records of the actual "date of birth" of young persons since this will not always be necessary as an enforcement measure. It will, however, be desirable for an employer to require proof of age where there is doubt in the employer's mind or in that of the inspector. In Canada minimum age legislation has developed successfully without the requirement of specifying the actual date of birth, which after all seems to be only one means to an end rather than an end in itself.

Central African Republic. (3) Yes. Such records are needed by the competent authority for the strict supervision of the application of the provisions of the new Convention.

* Substance of observations reproduced below.
1 Affirmative to the other paragraphs
Qu. II  MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

Chile. (1) Yes. It is logical that for every legal requirement there should be a corresponding provision laying down penalties for its infraction.

Colombia. (2) Add after “persons” the words “or the public authorities”.

Czechoslovakia. Yes. Such a provision is necessary to ensure the effective enforcement of legislation and correction of faults.

Finland. It is clear that sufficient supervision is necessary to ensure the appropriate and effective enforcement of the proposed Convention. The Finnish legislation concerning young workers pays attention both to supervision and to penalties designed to make the supervision more effective.

Federal Republic of Germany. (2) Yes, but “authorities” rather than “persons”.

(3) Yes, except for those employed under an individual permit or by their parents or guardians.

Iran. (2) The determination of the persons or authorities responsible for ensuring the application of its provisions should be left to national legislation.

(3) The application of this idea should be left to national legislation, which, having regard to what is possible and on the basis of such characteristics as the number of workers and the nature of the work, could contain appropriate prescriptions to ensure gradual application.

Italy. (2) The term “authority” should replace “persons”.

Malawi. (3) Detailed application of this may not be possible.

Malaysia. (1) Yes. There must be effective enforcement of its provisions.

(3) Yes. This is very necessary for enforcement purposes.

Mali. (3) The phrase “duly certified wherever possible” is too vague. It is for the employer to offer proof of the exact age of the young worker. He should therefore be able to present upon the demand of the competent authority an extract from the birth certificate or other document attesting the age of the child. Moreover, the employment of young workers should be subject to the written consent of the parent or guardian and to a medical examination.

Netherlands. (2) Yes. It would be logical and in conformity with the spirit of the Labour Inspection Convention, 1947, and the Labour Inspection (Agriculture) Convention, 1969 (Nos. 81 and 129), to entrust this duty to the labour inspectorate (see also the reply to question 29).

Pakistan. (1) Yes. This is a must for effective enforcement.

(2) Yes. This is necessary.

Poland. Yes. The Convention should provide that all necessary measures are to be taken by the competent authority not only to ensure the effective enforcement of its provisions but also to ensure the effective control of the implementation of the provisions.

Sierra Leone. (2) Yes, but only in cases where exceptions are allowed. Otherwise, in view of the intention to abolish child labour gradually, provision should be made for general legal application.

(3) Where the economic or administrative facilities for an effective system of inspection are either insufficient or non-existent, provision may be made for application, initially, to industrial activities liable to labour inspection. This scope could gradually be increased in relation to the improvement or the provision of the facilities mentioned.

Singapore. (1) It would be best to leave the question of providing appropriate penalties to ensure the effective enforcement of the provisions of this new Convention to the discretion of each Member country.

(2) This would not be appropriate since national laws relating to this subject are not confined to one agency alone.
(3) Yes. This would provide a means to keep track of such persons employed in undertakings.

Sweden. (3) Yes. Consideration might also be given to introducing an obligation for employers to report the employment of young persons to the appropriate workers' protection authority.

Switzerland. (1) Yes. Otherwise, there would be a risk of the Convention's being ineffective.

(2) No. See the reply to question 12.

(3) Yes. This is indispensable for enabling the enforcement authorities to carry out their duties.

Syrian Arab Republic. (1) Naturally, effective enforcement of the provisions of the Convention should be appropriately laid down.

(3) Yes, in order to permit better enforcement of the Convention.

Uganda. (2) Yes. This is the case in Uganda and involved in it are the Labour, Health, Education, Administrative, Mines and other ministries.

(3) Preferably. While this is considered ideal, it is likely to prove difficult in developing countries where birth records are not adequately kept. It should also be noted that in rural areas the services of a medical person to determine the ages may not be readily available. However, as far as possible, the provisions of this question should be observed and should be included in any country's development plans.

USSR. (2) The new Convention should provide that national laws and regulations should define the competent authorities or persons responsible for compliance with its provisions.

United Kingdom. (3) No. This is not necessary where the minimum age for entry into employment is linked to the age up to which schooling is compulsory; and elsewhere the difficulty of enforcement may lead to fewer ratifications than would otherwise be possible.

United States. Yes. The instrument will be effective only if a strong enforcement and record-keeping provision is included.

Venezuela. (2) The persons responsible for supervising compliance with the provisions of the Convention should be the officials of the labour inspectorate.

(3) Yes, and there should be appropriate penalties for violations in this respect.

Zambia. (1) Yes. Unless penalties are provided for to ensure the effective enforcement of the provisions of this Convention, the spirit and intention of the proposed instruments cannot be fully realised.

(2) Yes. It is common practice in law for certain persons to be specifically appointed to enforce the provisions of the law.

Paragraphs (1) and (3) received affirmative replies from the great majority of governments. With regard to paragraph (2), which also received generally favourable replies, there seems to have been some misunderstanding on the part of the governments which suggested using the term "authorities" in addition to, or instead of, "persons". In fact, this paragraph is not intended to cover inspection or other enforcement action by the competent authority, which is dealt with in paragraph (1), but to provide for the clear designation of the persons who will be considered responsible by that authority for observing minimum age regulations.

A provision corresponding to this question has been included in the Proposed Conclusions (Point 11).
Qu. 12  
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?

*Federal action:* Argentina *, Brazil, Byelorussian SSR, Czechoslovakia, Malaysia, Nigeria *, Switzerland, USSR.

*Action by the constituent units:* No country.

*Both:* Australia, Canada, Mexico *, United States.

Argentina. Legislation is national, but enforcement is left to the provincial authorities.

Mexico. Basic measures should be federal, but the adoption of regulations taking into account the particular conditions in each region could be left to the local authorities.

Nigeria. As a result of an agreement between the Federal and the State Governments, labour matters are now appropriate for federal action only, although under the Constitution they are on the Concurrent Legislative List, which implies action by both Federal and State Governments.

This question was addressed to federal States only and was asked merely in order to obtain factual information for the Conference.

III. Recommendation

A. NATIONAL POLICY

Qu. 13  
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?

*Total number of replies: 63.*


* Substance of observations reproduced below.

1 See under question 14. 2 See under question 4.
REPLIES FROM GOVERNMENTS AND COMMENTARIES

Syrian Arab Republic *, Turkey, Uganda *, USSR, United Kingdom, United States *, Upper Volta, Venezuela, Republic of Viet-Nam, Zambia *.

Negative : 2 India *, Switzerland 1.

Other : 2 Nigeria *, Tunisia *.

Algeria. Yes, to ensure the harmonious physical and mental growth of children and young persons.

Brazil. Yes. Such measures, if effective, will be the best means of securing the social well-being of young people by assuring them a healthy development and an adequate adjustment to society—the only way in which the common good can be achieved.

Bulgaria. Yes. For the success of the national policy, greater attention should be paid to the needs of children and young persons within the framework of national programmes.

Chile. Yes. Priority should be given to measures having a bearing on child labour.

Czechoslovakia. Yes. Such a provision is necessary to achieve the aims set out in question 4.

Finland. It is natural to ensure everywhere in the world the best possible conditions of physical and mental growth for children and young persons in respect of both basic education and occupational life. With a view to such favourable development, it is necessary to adopt a Recommendation to complete the relevant Convention. As a Recommendation does not bind member States in the same way as a Convention, the Government considers that it would, at least in the primary phase, promote more efficiently at the international level the improvement of the conditions of employment of children and young persons and their status in occupational life. In addition, national planning and programming based on such planning are the best ways to pursue national policy in this important field.

India. The national policy designed to ensure the effective abolition of child labour has to take account of the economic conditions in the country concerned. It need not be so rigidly laid down as is proposed in the Recommendation. When large-scale unemployment and underemployment prevail in a developing country like India, a firm national commitment to full employment, however desirable in itself in the long run, has no relevance in the immediate future since it is not a feasible policy. Employment-oriented development is, of course, desirable and is part of the policy being adopted in India.

Malawi. Any country ratifying the Convention should make the necessary provision to meet the needs of children and young persons in its development policies and programmes.

Malaysia. Yes. This is so in developing countries, especially with Asia's population growth. However, it should be left for determination by national laws and regulations, having regard to local conditions.

Mali. The provisions envisaged in questions 13 to 18 would permit the orientation of national policy towards the abolition of child labour and should be included in the Recommendation.

New Zealand. Yes. Such a commitment should be central to the thinking of Members.

Nigeria. The degree of priority to be given should depend on the effect of the Convention on children and young persons, and this itself depends on the social and economic conditions in the country.

Pakistan. Yes. But this should be left for the member States, which should initiate action according to their economic priorities and requirements.

* Substance of observations reproduced below.

1 See under question 32.
Panama. This should have priority in the formulation of a national employment policy.

Sierra Leone. Yes, but taking into consideration the views expressed on questions relating to the Convention (this reply covers questions 13 to 31).

Spain. Yes. This is a principle which fits perfectly in a Recommendation with a view to strengthening the application of the Convention.

Sweden. Yes. The close connection between this question and school policy should, however, be clearly expressed in the first Paragraph of the Recommendation.

Syrian Arab Republic. Yes, because these young persons are the instruments of the future of the country and on them rests its development and prosperity.

Tunisia. While this should have priority, care should be taken to avoid uprooting a child from his job, and any measures adopted should aim at his training for integration into society. It would be useful to create an infrastructure that would permit the progressive raising of the minimum age with a view to the more complete physical and mental growth of the child, but its remains true that a child who relies upon himself has a greater awareness of his responsibilities and is better prepared for his future career as a man.

Uganda. Yes. This should be the ideal goal. Insistence should be placed on progressive development policies and programmes. In that light, and because of the fact that many countries have ratified the existing Conventions and incorporated in their legislation provisions of related Conventions and Recommendations, the national policy referred to in question 4 should not present much difficulty in the long run.

United States. The Government generally agrees with the ideas covered in this section (question 13 to 18). Child labour standards alone will not ensure the best opportunity for the mental and physical development of young persons.

The Government is concerned, however, lest the Conference should not be able to give adequate consideration to such a national policy for youth. Sometimes Conference committees pass to a Recommendation only after completing the debate on the Convention, usually on the last day or two of the Conference. This would not permit adequate consideration for this section and might, in addition, detract from consideration of the remaining points in the Recommendation. The Government suggests, therefore, that this section be restricted to a general statement, as is implied in question 13. The remaining points could then, perhaps, be considered separately and more fully at a later date.

Zambia. Yes. Only when this is done can there be any progress towards the eventual elimination of child labour.

Since almost all the replies to this question were affirmative, a corresponding provision has been included in the Proposed Conclusions (Point 12).

Qu. 14 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?

Total number of replies: 63.


Negative: 3. India 1, Malawi *, Switzerland 2.


Algeria. Yes, with a view to social progress, raising living standards and social protection.

Australia. Such a list might be included.

Brazil. (a) There is no doubt that an employment policy should be the aim of every government with a concern for social well-being.

(b) Yes, since this would pave the way for the ideal in this area.

(c) Yes. This would be a general preoccupation.

(d) Yes. Modern society makes it imperative for education to be geared to employment.

(e) Yes. The whole country should be concerned in the development of such welfare arrangements, and guidance needs to be given to the tremendous effort that is being made by specialised services with a view to the improvement of the institutions which dedicate themselves to this task.

Bulgaria. Yes. The fields listed and the corresponding measures cover the most important aspects of social policy and are capable of contributing substantially to the abolition of child labour.

Burundi. Yes. The raising of the minimum age is part of a general policy for social progress. Progress in this field is possible only if certain conditions exist. First, the prolongation of schooling should be accompanied by the adaptation of education to the

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* Substance of observations reproduced below.
1 See under question 13. * See under question 32.
national situation—that is, in Burundi and many other developing countries, the improve­ment of methods of agricultural and vocational instruction, school construction, teacher training and the adaptation of programmes. Second, account must be taken of the loss of earnings which the maintenance of children in school for a longer period represents for low-income families. It would be fair to give them some compensation, if possible and if desirable in other respects, through family allowances and, especially, through more scholarships, which are essential for the democratisation of education.

Canada. Yes, as appropriate to national circumstances.

Central African Republic. Yes. Each member State should attach particular importance to these fields.

Chile. Yes. All these measures, which are aimed at freeing children and young persons from the need to work, should receive the approval and sponsorship of the public authorities.

Czechoslovakia. Yes. There can be no objection to these aims of planning and policy at the national level. It should be considered, however, whether these aims are not more extensive and more basic than the aims of the Convention and hence whether it is suitable to cite them as means of achieving the latter.

Egypt. (a) Yes, according to national conditions.
(c) Yes, except as regards pay increases for minors because these may induce citizens to lose interest in birth control. The Arab Republic of Egypt, like the majority of developing countries, suffers from population pressures.

Finland. (a) The Recommendation should pay primary attention to measures, covering both urban and rural areas, to ensure employment, the right to work and an adequate living standard.
(b) It should be possible to ensure a reasonable living standard for families without the gainful employment of children.
(c) By social security and family welfare measures it should be ensured that children can grow and develop, both physically and mentally, in the best possible conditions.
(d) For the future it is particularly important that basic education and vocational training be based on the knowledge and skills required by modern society.

Hungary. Yes. The measures included in this question constitute essential elements of modern employment and social policy.

Iran. (c) Yes, but this measure should not undermine family planning programmes.

Malawi. (a) and (b) Not practicable in Malawi at present, since agriculture is the only major source of employment.
(c) to (e) Social security services can be provided only to the extent that the economy of the country can afford.

Malaysia. (c) No. This may not be possible in developing countries like Malaysia.

Malta. Yes. All these measures are necessary.

Nigeria. Subject to the qualification suggested in question 13: (a) to (c) Yes, as an aim of policy; (d) and (e) Yes.

Pakistan. (c) Some of these measures mean a target and not immediate action.

Panama. All these items should constitute aims of national employment policy with respect to minimum age.

Singapore. (b) Yes, since this would be a desirable aim.
(c) Such social security and family welfare measures are laudable but developing countries would need time before they could adopt them.

Spain. Yes. These are all interesting and suitable measures.
Sweden. This paragraph should be drafted in a considerably shorter and more concise way.

Syrian Arab Republic. (a) Yes, because the aim of preventing the employment of young persons is to allow them to receive proper education and training.

(e) Yes, since the development of such facilities would be of help in enforcing the above standards.

Tunisia. All Members should undertake to apply a policy aimed at raising progressively the minimum age with a view to ensuring the more complete physical and mental development of children. This is why national development programmes should provide for measures responding to the needs of children and young persons. Economic programmes should be focused on full employment. Each government should adopt the measures necessary to promote, in rural as well as urban areas, employment-oriented development. As regards skilled workers, the problem is to direct them towards sectors needing them. Account should be taken of the size and structure of the available manpower, and young persons should be given vocational training on the basis of the needs of the country as well as their own needs.

Uganda. (b) Probably. In the traditional social structure of Uganda, children are expected to provide for unfortunate or old parents and relatives. This is likely to continue for some time. No government should impose a hard and fast ruling on this purely voluntary practice. If employment and social security measures are vigorously pursued, there is every likelihood of ensuring family living standards, income and savings without depending on the child’s economic activity. Again, the gradually changing attitude of urban workers clearly shows that the problem will solve itself without any government interference.

(c) Yes, as a guide. It would be necessary, at least during the discussion, to define clearly family welfare measures as referred to in this question. Social security in Uganda covers only some undertakings and, so far, there is no legal provision for children’s allowances. It is therefore felt that this question should, for the time being, be left to national laws.

(e) Yes. This is well tied up with (d) above.

Republic of Viet-Nam. Yes, but the drafting should be flexible in order to take account of the economic and social realities of countries which will not be able to reach full employment in the near future.

While the majority of governments replied affirmatively to this question as a whole, several pointed out that certain of the measures listed were not feasible in their present circumstances. The phrase “to the greatest extent possible” has therefore been inserted in the corresponding provision of the Proposed Conclusions (Point 13).

Qu. 15 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?

Total number of replies: 63.

Affirmative: 57. Algeria *, Australia, Austria, Belgium, Brazil *, Bulgaria *, Burundi *, Byelorussian SSR *, Canada *, Central African Republic, Chile, Egypt,

* Substance of observations reproduced below.
Qu. 15 MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

Finland *, France, Federal Republic of Germany, Ghana, Greece, Guyana, Hungary *, India, Indonesia, Iran, Ireland, Italy, Japan, Khmer Republic *, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Malawi *, Mali 1, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria *, Norway, Pakistan, Poland, Romania, Senegal, Sierra Leone 1, Singapore, Spain *, Sweden, Syrian Arab Republic *, Tunisia, Turkey, Uganda *, USSR *, United Kingdom, Upper Volta, Venezuela *, Republic of Viet-Nam *, Zambia *.

Negative: 3. Argentina, Malaysia *, Switzerland 2.

Other: 3. Czechoslovakia 3, Panama *, United States 1.

Algeria. Provisions on this point should go together with those under question 14.

Brazil. Yes. These children are more in need of such protection than anyone else.

Bulgaria. Yes. This would underline the need to ensure special protection to such children.

Burundi. Yes, in view of the very real risk of exploitation of such children, especially in urban areas.

Byelorussian SSR. Yes. This should be implemented by means of grants, scholarships and other facilities for their education and vocational training.

Canada. While a distinction may not be feasible between orphans and children with families as regards minimum age, it is nevertheless true that the circumstances of orphans in a general way require special attention.

Finland. It might be appropriate to include special provisions in the document for such cases.

Hungary. Yes. This is an essential condition for ensuring equality of opportunity for all young persons.

Khmer Republic. Such children should have the same benefits as others. Consequently with a view to promoting their mental and physical growth, account should be taken, as necessary, of their needs.

Malawi. Yes, if it is known that such children can create problems in a country.

Malaysia. No. This would be a difficult task.

Nigeria. Yes, because of the particular handicap of loss of parents or separation from parents.

Panama. Where necessary, such cases should be dealt with through more extensive action within the framework of social welfare programmes.

Spain. Yes, since the situation of such children is distressing and society should provide them with special protection.

Syrian Arab Republic. Yes, for humanitarian and social reasons.

Uganda. Yes, but consideration should be given to the general economy of the country. It is known that, while some children do not live with their own families because of genuine poverty, others do not do so because of such conditions as broken homes, mental defects, or neglect. Therefore, in considering this provision, Members should be advised to investigate the number of such children and analyse the reasons why they do not have or do not live with their own families.

* Substance of observations reproduced below.

1 See under question 13. 2 See under question 32. 3 See under question 14.
USSR. Yes, by means of grants, scholarships and other facilities for their education and vocational training.

Venezuela. Yes. All child labour deserves protection, but this category requires greater protection since it represents a large proportion of exploited young persons and is subject to greater abuses.

Republic of Viet-Nam. Yes. These provisions are necessary for countries in which the problem of abandoned children is acute.

Zambia. Yes. In more ways than one, such children and young persons have special problems and needs which require special attention.

Since almost all the replies were affirmative, a provision corresponding to this question has been included in the Proposed Conclusions (Point 14).

Qu. 16 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?

Total number of replies: 64.


Negative: 2. Malaysia, Switzerland 2.

Other: 2. Republic of Viet-Nam *, United States 1.

Algeria. Such provisions could only have a positive effect.

Australia. Yes. This is perhaps the most important factor.

Austria. Yes, because otherwise there would be a danger of inadequate provision, leading to unfavourable consequences for the development of young persons. The meaning of the expression "full-time attendance" should be clarified, however.

Belgium. Yes, but the reply is linked to that given under question 5.

1 Substance of observations reproduced below.

1 See under question 13. 2 See under question 32.
Brazil. Yes. But merely making education compulsory will not resolve the problem: the creation of conditions whereby attendance can be effectively ensured is necessary.

Bulgaria. The problem of children who finish their compulsory education before reaching the minimum age for admission to employment is an important and complex one for each country. The Recommendation should therefore provide for measures to fill the possible gap.

Burundi. Yes, since the question of minimum age is closely linked to that of the school-leaving age and since it is clearly desirable to avoid any gap. Such obstacles as the shortage of teachers or schools will probably prevent the attainment of this aim for some time.

Canada. Yes. The minimum age for admission to employment and the school-leaving age should be co-ordinated.

France. Yes, especially if the minimum age is fixed at 14.

India. Yes, in principle, but the magnitude of the problem and the resources required to tackle it would present difficulties in some of the developing countries.

Italy. The Government attaches the highest importance to the principle that the age at which children complete their compulsory schooling or vocational training should coincide with the age for admission to employment.

Malawi. Yes, if a country's economy can afford this (see the replies to question 14 (c), (d) and (e) above).

Malta. To the greatest possible extent, there should be effective co-ordination between compulsory school attendance and vocational training programmes, on the one hand, and the statutory minimum age for admission to employment, on the other. The adaptation of one to the other should be determined in accordance with national policy and needs.

Nigeria. Yes, as an aim of policy only, because in developing countries neither the resources nor the facilities exist for all children of school age to be kept in institutions of learning or vocational training.

Norway. Yes. There ought to be a correspondence between the school-leaving age and the minimum age for employment.

Panama. The minimum age should be directly correlated with the period of primary education or co-ordinated with vocational orientation or training programmes.

Singapore. Yes, as far as possible.

Spain. Yes, although this is a matter which is perhaps more suitable for legislation dealing with education.

Tunisia. It would be desirable to assure to all children below the minimum age for admission to employment the possibility of education or vocational orientation or training by making school attendance or participation in appropriate programmes obligatory. This can be done only progressively in developing countries, where it should form part of the economic and social development programme.

Republic of Viet-Nam. These are logical and ideal measures, but they are difficult to carry out in developing countries, which do not always have sufficient means to assure compulsory general and, especially, technical education up to a specified age.

Zambia. Yes. The Government firmly believes that unless there is a tie-up between the minimum age as envisaged in question 5 and the age before which children and young persons are not allowed to leave school or approved vocational orientation or training programmes, the minimum age regulation will be unfair to the large numbers of children and young persons who drop out at an early age and cannot be admitted to employment.

Since almost all the replies to this question were affirmative, a corresponding provision has been included in the Proposed Conclusions (Point 15).
Qu. 17 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?

Total number of replies: 64.

Affirmative: 60. Algeria, Argentina, Australia, Austria *, Belgium, Brazil, Bulgaria 1, Burundi *, Byelorussian SSR, Canada *, Central African Republic *, Chile, Colombia, Czechoslovakia, Egypt, Finland *, France, Ghana, Greece, Guyana, Hungary, India 1, Indonesia, Iran, Ireland, Italy, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Malawi 1, Malaysia, Mali 2, Malta *, Mexico, Morocco, Netherlands, New Zealand, Nigeria *, Norway, Pakistan *, Panama *, Poland, Romania, Senegal, Sierra Leone 2, Singapore, Spain *, Sweden, Syrian Arab Republic *, Tunisia *, Turkey, Uganda *, USSR, United Kingdom, Upper Volta, Venezuela, Zambia.

Negative: 2. Switzerland 3, Republic of Viet-Nam *.

Other: 2. Federal Republic of Germany 4, United States 2.

Austria. Yes, because this can contribute to a better solution of the problem of recruitment for hazardous occupations.

Burundi. Yes, on condition that the text is at least as flexibly drafted as that of question 16.

Canada. Yes. Pre-employment training is especially important in the case of hazardous occupations.

Central African Republic. Yes. Such preparatory training seems necessary.

Finland. Yes. More detailed arrangements might depend, however, on national legislation and practice.

Malta. Yes. This may be necessary.

Nigeria. Yes, but worthwhile pre-employment training should include necessary hazards and could be given under question 9.

Pakistan. Yes. This is a remedial measure.

Panama. Complementary education for work would seem to constitute the best measure in cases where the school-leaving age does not coincide exactly with the minimum age for admission to employment.

Spain. Yes, although this has more to do with vocational training than with labour.

Syrian Arab Republic. Yes, taking into consideration the conditions of developing countries in this respect.

* Substance of observations reproduced below.
1 See under question 16. 2 See under question 13. 3 See under question 32. 4 See under question 6 (3).
Tunisia. Provisions should be adopted to raise the minimum age for hazardous work. When that age is higher than the school-leaving age, preparatory vocational training for such work can be given to young persons.

Uganda. Yes, but in Uganda there is no compulsory education system. Even if there were, it would be necessary to differentiate between primary and secondary education.

Republic of Viet-Nam. It would be difficult for developing countries to accept a firm obligation in this sense, for the reasons given above. The drafting should be flexible enough to leave to national authorities a certain discretion in determining methods of application.

Since almost all the replies to this question were affirmative, a corresponding provision has been included in the Proposed Conclusions (Point 16 (1)).

Qu. 18 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?

Total number of replies: 63.

Affirmative: 56. Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria 1, Burundi 2, Byelorussian SSR, Canada *, Central African Republic, Chile, Colombia, Czechoslovakia, Egypt, Finland 2, France, Ghana, Greece, Guyana, India 1, Indonesia, Iran, Ireland, Italy, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Malawi 1, Mali 3, Malta *, Mexico, Morocco, Netherlands, New Zealand *, Nigeria *, Norway, Pakistan, Panama 2, Poland, Romania, Senegal, Sierra Leone 3, Singapore, Sweden, Syrian Arab Republic, Tunisia, Turkey, Uganda 2, USSR, United Kingdom, Upper Volta, Zambia.


Canada. Yes. In professional occupations, preparatory training and full-time schooling are generally required.

Federal Republic of Germany. This is still under examination.

Malaysia. No. There is no compulsory education in Malaysia.

Malta. Yes. This may also be necessary.

New Zealand. Yes. Wherever possible, pre-entry or induction training should be encouraged.

Nigeria. Yes, subject to the qualification made in question 17.

Spain. Again, this is a desirable aim but it is not a matter for labour law.

* Substance of observations reproduced below.
1 See under question 16. 2 See under question 17. 3 See under question 13. 4 See under question 32. 5 See under question 6 (3).
Almost all the replies to this question were affirmative. Since it is closely related to the previous question, the corresponding provision has been drafted as a second paragraph of the same Point (Point 16 (2)).

B. MINIMUM AGE

Qu. 19 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?

Total number of replies: 64.


Other: 2. Algeria *, Finland *.

Algeria. The Government has proposed two minimum ages—16 and 18—to be applied on the basis of branch of activity and nature of work.

Australia. Yes, if this refers to the minimum age as defined in question 5. For practical reasons the age of entry to some occupations, e.g. those requiring tertiary level qualifications, is higher than for others.

Austria. Yes. Deviation from the uniform minimum age should be avoided as far as possible, in order to avoid inter-occupational rivalry.

Brazil. Yes. The Government is opposed to the fixing of general age limits, bearing in mind the particularities of each country, but, since this is a Recommendation, that principle loses most of its significance in view of the greater freedom allowed to countries in making adjustments. However, while a minimum age has to be fixed, it is logical and obvious that sectors involving dangerous or unhealthy work should have a higher age of admission.

Bulgaria. Yes. The interests of children and young workers would thus be better protected.

Burundi. Yes. This provision would create no problems for Burundi.

* Substance of observations reproduced below.
1 See also under question 5 (3). 2 See under question 13. 3 See under question 32.
Byelorussian SSR. The new Recommendation should provide that the minimum age should be fixed at the same level for all sectors of economic activity.

Canada. No. The requirements in this matter of the various sectors of the economy differ to an extent that makes it difficult to accept this provision. Provided a basic minimum is set for all occupations, higher levels may reasonably be set in certain situations.

Finland. It should be considered whether such a solution is appropriate.

Ghana. No. Some sectors of economic activity may require a higher minimum age than others.

Greece. Yes, although each sector has its own conditions of work.

Hungary. Yes, because this is a precondition to putting an end to all kinds of discrimination.

India. No. It would be advantageous to leave it to the competent authority in each country to determine the level of minimum age for each sector in the light of conditions prevailing in the country.

Italy. In principle the same age for admission to employment should be set for all sectors of economic activity, provided that this age is the same as that set under question 16.

Malawi. No. The minimum age should be determined by the nature of the occupation.

Malaysia. No. The Recommendation should provide that persons under a specified age shall not be employed and that each Member shall be allowed to specify the economic activities that are exempted.

Mali. Yes. This would have the advantage of facilitating supervision and promoting a degree of uniformity in the conditions of employment of such workers.

Mexico. No. This would be undesirable because the intrinsic differences among sectors necessitate special treatment. Moreover, it would create the danger that, where it is not possible to fix a high minimum age for certain activities, the general minimum age chosen would be that pertaining to the activities with a low minimum and not those with a high one.

Nigeria. No, because this would not take account of the varying degrees of occupational hazards involved in the different economic sectors. See also under question 3.

Norway. Yes, on the assumption that general exceptions may be made based on considerations relating to the protection of children.

Pakistan. No. It should depend upon the professional exigencies of a particular occupation.

Panama. This should be the goal for each country within the possibilities of its labour market.

Poland. Yes, but having regard to work prohibited to young persons.

Romania. No. The minimum age for certain activities should be higher than that for sectors having ordinary conditions.

Singapore. No. There should be some degree of flexibility to suit varying conditions in different countries.

Syrian Arab Republic. Yes. The aim would be to ensure a minimum physical and mental education for children and young persons.

Uganda. No. In view of the economic situation of various countries, the income differentials within countries, and the different ages at which children and young persons complete school, it would not be wise to fix the minimum age at the same level for all sectors of economic activity. Uganda has set 12, 14, 16 and 18 years as the minimum ages for entrance to various kinds of employment and this has so far worked well, though there is some feeling that because of drop-outs and the large number of children failing to gain
admission to secondary schools, the age for admission to industrial undertakings needs to be reviewed and if necessary slightly lowered to allow children of 15 and 16 to get regulated and specific employment therein.

USSR. The new Recommendation should provide that the minimum age should be fixed at the same level for all sectors of economic activity.

United Kingdom. Yes. Care will be necessary to avoid confusion with the sectors covered in the Convention by the provisions of question 6.

Republic of Viet-Nam. No. Physical and mental requirements vary widely among economic sectors as well as among occupations within the same sector.

Zambia. Yes, as a long-term objective.

The provision suggested in this question was intended to prevent, as far as possible, situations in which children ineligible for employment in a well regulated sector are employed in sectors covered by lower standards with the result that child labour is merely transferred rather than reduced or abolished. It should be stressed that this refers to economic sectors and to the normal minimum age: it does not preclude in any way the fixing of higher ages for particular occupations or activities, as provided for elsewhere in the Proposed Conclusions, because of their hazardous nature or because of their professional requirements.

While the majority of governments replied affirmatively to the question, a substantial number argued that different minimum ages might be appropriate for different sectors, that conditions in a particular country might be more favourable to sector-by-sector treatment and that greater flexibility in this respect would be desirable.

In view of this divergence in opinions, it has been considered better to leave the text unchanged at this stage, pending further examination of the problem at the Conference. A provision corresponding to the question has accordingly been included in the Proposed Conclusions (Point 17).

Qu. 20

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?

Total number of replies: 64.

Affirmative: 45. Algeria *, Argentina, Belgium *, Bulgaria ¹, Burundi, Canada *, Central African Republic *, Chile, Colombia, Czechoslovakia, Egypt *, Finland *,

* Substance of observations reproduced below.

¹ See under question 19.
Qu. 20 MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

France *, Federal Republic of Germany *, Ghana, Hungary, India, Indonesia, Iran *, Ireland, Italy *, Japan (to (2) only) *, Khmer Republic, Kuwait, Libyan Arab Republic, Madagascar, Mali *, Morocco, Netherlands, Nigeria *, Norway, Poland *, Romania, Sierra Leone 1, Spain *, Sweden, Syrian Arab Republic *, Tunisia, Turkey, Uganda *, United Kingdom, United States *, Venezuela, Republic of Viet-Nam, Zambia.


Negative to (1) 3: 10. Australia *, Austria *, Greece, Guyana *, Luxembourg, Malaysia *, Malta *, New Zealand *, Senegal *, Singapore *.

Negative to (2) 3: 2. Mexico *, Pakistan *.

Other: 4. Byelorussian SSR *, Panama *, USSR *, Upper Volta *.

Algeria. (1) Yes, if it is found that in some countries it is absolutely impossible to fix the age at 16 in the first place.

(2) Yes, but only as a first step towards a minimum age of 16.

Australia. (1) Not unless there is increased flexibility for allowing exemptions and the conditions referred to in questions 13 to 16 are such as to make this feasible. What is meant by “at least 16 years”?

(2) Yes, if the circumstances in respect of the matters referred to in questions 13 to 16 enable this to be done.

Austria. (1) No. Question 14 shows what action is entailed in abolishing child labour; this is only one part of the complex social aspects calling for co-ordination. The manpower potential is also of essential importance in this connection, so that it is not appropriate for the Recommendation to make any such provision.

(2) Yes, if existing exceptions are not affected.

Belgium. (1) Yes, in principle.

Brazil. No. To do so would be Utopian. The diversity in the situation from one country to another precludes the establishment of a criterion of this nature. The problem of imposing an age limit for a particular activity should, generally speaking, continue to be dealt with as appropriate to national circumstances, and proposals which cannot be put into practice because of the material impossibility of overcoming difficulties of development which need time for their solution are to be avoided.

Byelorussian SSR. (1) Members should fix the minimum age for admission to employment at 16 years, and in exceptional cases at 15 years.

(2) Where the minimum age is still below 15 years, urgent steps should be taken to raise it to 16 years and, in exceptional cases, to 15 years.

Canada. (1) Yes, if the school-leaving age is raised to the same level, and work continues to be allowed at an earlier age with appropriate safeguards and under permit as suggested in question 10.

(2) Yes, if adequate educational and training facilities are provided.

Central African Republic. (1) Yes, subject to the exceptions provided for in the Convention as regards hazardous work, for which the age may be higher than that prescribed for light work.

* Substance of observations reproduced below.

1 See under question 13. 2 See under question 32. 3 Affirmative to other paragraph.
Egypt. (1) Yes, taking into consideration the conditions prevailing in developing countries.

Finland. (1) When basic education and preparation for work continue up to 16 years.

France. (1) Yes, if the fixing of the age at 16 envisaged in question 6 (3) is not retained.

Federal Republic of Germany. (2) Yes. This should not apply to small occasional services rendered as a favour or to the employment of children by their parents or guardians when that employment is occasional or of short duration and is suitable for children.

Guyana. (1) No. This could best be determined by individual Members. In fact, any raising of the minimum age beyond 14 years should be at the discretion of Members.

Iran. (2) Yes, as far as possible.

Italy. (1) Yes, provided that this age is the same as that specified under question 16.

(2) This principle is of the utmost importance.

Japan. (1) To raise the minimum age will pose the problem of extending the term of compulsory education. Since the question of fixing the age at which compulsory education terminates needs to be examined carefully, taking into account differences in national conditions, the Government reserves its position on this paragraph.

(2) Yes, since the minimum age of 14 to 15 fixed by ILO Conventions is an appropriate standard for the abolition of child labour. This minimum age roughly corresponds to the age for leaving compulsory education, at least in advanced industrialised countries.

Malawi. (1) This is not essential, especially in countries where compulsory education has not yet been introduced.

Malaysia. (1) No. It should provide for the progressive raising of the minimum age. However, member States should be allowed to work within the limits of their possibilities, taking into account the development of educational facilities, the minimum school-leaving age, etc.

(2) Yes. It should provide further that it should be left to the competent authority in each country to draw up a list of exempted occupations specifying the conditions of work and the appropriate age.

Mali. (1) Although it would be difficult to reach in the near future, this standard can be accepted for progressive attainment by member States.

(2) Yes. The minimum age should in no case be less than 14. However, this should not cover employment in exclusively family undertakings on condition that such employment is not unhealthy or dangerous.

Malta. (1) A minimum age of 16 for admission to any employment may not always be practicable. The age of 14 is more realistic.

(2) Where the minimum age is still below 14, steps should be taken to raise it to that level.

Mexico. (1) Yes. Given the state of development reached by the countries which form the world community, 16 seems suitable.

(2) Reference should not be made to "urgent" steps, since this would amount to putting pressure on governments, with all the risks that precipitate action would involve. Instead, governments should be called upon to examine their national situation carefully and to raise the minimum age to 14 as soon as that situation permits.

New Zealand. (1) No. This is too arbitrary. Although 16 is an appropriate minimum age for some occupations, there are always children who will not benefit from further schooling and who should be able to find gainful and productive employment in the economic system. The age of 15 would be a more appropriate minimum.

(2) Yes, on the understanding that this refers to full-time employment.

Nigeria. (1) Yes, subject to social and economic conditions.
(2) Yes, but social and economic conditions should determine the degree of urgency.

Pakistan. (2) No. This should be a progressive process.

Panama. (1) All Members should be called upon to raise progressively the minimum age, with special emphasis on a target of 16.
(2) Where the minimum age is below 14, the new Recommendation should encourage the raising of that age to 16.

Poland. (2) Yes. The raising of the minimum age to 14 years should be programmed in the declaration appended to the ratification.

Senegal. (1) No: 15 years.

Singapore. (1) No, since it would reduce the effectiveness of the Recommendation if only a few countries could achieve this objective.

Spain. Yes, as an aim, though at present 15 seems a reasonable general minimum age for a large number of countries.

Syrian Arab Republic. (1) Yes, but taking into consideration the conditions and potentialities of developing countries.

Uganda. Probably, since these questions are closely linked with questions 5 and 19.

USSR. (1) Members should fix the minimum age at 16 years, and in exceptional cases at 15 years.
(2) Where the minimum age is still below 15 years, urgent steps should be taken to raise it to the level indicated in paragraph (1).

United States. (1) Yes. There should be adequate provision for the employment of 14 and 15 year olds under special hours and occupational limitations.

Upper Volta. The minimum age should correspond to the end of compulsory schooling.

Since the great majority of governments accept 16 years as a desirable aim and 14 years as a more urgent one, a provision corresponding to this question, with the words "at least" deleted from the first paragraph, has been included in the Proposed Conclusions (Point 18).

Qu. 21

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?

Total number of replies: 60.


* Substance of observations reproduced below.
Poland *, Romania, Sierra Leone¹, Tunisia, Turkey, Uganda, United Kingdom, United States, Venezuela, Republic of Viet-Nam, Zambia.


**Other**: 4. Belgium *, France *, Luxembourg *, Upper Volta *.

Algeria. The same objective—a minimum age of 16—should be fixed for agriculture, though its attainment might be progressive. There should be no distinction based on whether the activity is purely agricultural or carried on for commercial purposes (processing of agricultural products).

Australia. Yes, but consideration might be given to excluding family undertakings.

Belgium. The Government reserves its position.

Bulgaria. The provisions of the instruments should apply equally to agricultural work and to mixed activities in rural areas.

Burundi. Yes. This transitional provision would suitably qualify that suggested in question 19.

Byelorussian SSR. The minimum age proposed under question 20 should apply to all employment in agriculture and any related activities in rural areas.

Central African Republic. Yes. In the first instance, a minimum age should be fixed for agricultural undertakings producing for commercial purposes; a minimum age for family or non-commercial undertakings would be fixed at an appropriate time.

France. This question is under examination.

Federal Republic of Germany. Yes, but this should not apply to the activities listed in the reply to question 20 (2).

Ghana. Yes. Where education is not compulsory, this would compel young persons to finish their schooling.

Iran. Yes. However, in view of the special characteristics of agricultural activities, the fixing of such a minimum age should be left to national legislation.

Libyan Arab Republic. Yes, in principle.

Luxembourg. The Government entertains some doubt on this point.

Malawi. No. There is no abuse of any humanitarian principles in commercial agricultural undertakings in Malawi.

Mali. No distinction should be made as regards minimum age between agricultural undertakings, other than family ones, and undertakings in other sectors.

Malta. Yes, but this should not apply where the agricultural undertaking is run by members of the same family.

Mexico. No. There seems to be no valid reason for making a distinction between young persons working in plantations, agricultural undertakings or the countryside generally and those working in other branches of economic activity. If, however, agricultural work does receive different treatment, this proposal should be accepted.

Norway. Yes. Such provisions should, however, be supplemented by special provisions laying down that children under 16 shall not be employed in any agricultural occupation

* Substance of observations reproduced below.  
¹ See under question 13.  
² See under question 20.  
³ See under question 32.
which may jeopardise the health and safety of young persons. It would be preferable if the Recommendation itself specified the particular activities considered to be dangerous.

Panama. The new Recommendation should provide for the fixing of a minimum age for this activity similar to that provided for in question 20 (1).

Poland. Yes, and that the minimum of 18 should be respected with regard to arduous or hazardous occupations.

Spain. This seems dangerous. It would be more reasonable to permit, in some circumstances, agricultural work at an age lower than the general minimum—for example 12 years—but only in justifiable cases and in a manner compatible with attendance at school.

Sweden. The Government has some doubts whether special rules should be formulated for certain branches of economic activity. In principle, such rules should be connected with the equipment or substances being used in the specific case.

USSR. A minimum age should be fixed for all employment in agriculture and any related activities in rural areas in accordance with the provisions envisaged in question 20.

Upper Volta. Such a suggestion would not take account of the economic and social realities in certain countries. The minimum age should not apply to employment in family undertakings.

This question was designed to suggest at least partial regulation of agriculture where fuller regulation was not possible. No special mention was made of family undertakings because of the possibility of exclusion provided for under question 7 (Point 6) and further referred to in question 25 (Point 23).

Since the great majority of replies were affirmative, a corresponding provision has been included in the Proposed Conclusions (Point 19).

C. Hazardous Occupations

Qu. 22 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?

Total number of replies: 64.

Affirmative: 43. Algeria, Argentina, Belgium, Canada *, Central African Republic, Chile, Colombia, Czechoslovakia, Egypt, France, Federal Republic of Germany *, Ghana *, Greece (negative to (2)), Guyana, Hungary, India (negative to (1)) *, Indonesia, Iran, Ireland, Italy *, Khmer Republic *, Kuwait, Libyan Arab Republic,

* Substance of observations reproduced below.
Luxembourg, Madagascar, Malawi *, Malta *, Mexico, Morocco, Nigeria *, Norway, Poland *, Romania (no reply to (2)) *, Senegal, Sierra Leone 1, Singapore (negative to (1)), Sweden, Tunisia, Turkey, Uganda *, Upper Volta, Venezuela, Zambia.


**Australia.** See under question 6. If this approach is to be adopted, it would be preferable to transfer provisions based on question 6 to the Recommendation.

**Austria.** (1) Members should take as their objective the raising to 18 of the minimum age not only for hazardous occupations but for hazardous activities as well. The provisions should, however, be more sharply differentiated according to the degree of hazard involved. In view of the steady improvement of occupational protection and the tendency towards the establishment of a lower age of majority, it does not seem essential to press for an increase beyond 18 years.

(2) No. No firm age limit should be fixed for employment involving hazardous work. As stated in the Government's reply to question 6, instead of fixing a minimum age for admission to hazardous occupations or activities a minimum lapse of time after the general minimum age is reached should be laid down, during which it would not be permissible to employ children or young persons in hazardous occupations or activities. It should be left to national laws and regulations to determine this minimum lapse of time.

**Brazil.** The imposing of age limits depends upon social and economic conditions and upon the relevant legislation. A minimum age of 18 for certain occupations, while the rule in some countries, can be contemplated only in the light of the situation in each country individually. While the proposal involves a criterion of safety, which is perfectly acceptable, the raising of the age limit might create problems in connection with vocational training and employment, particularly in the developing countries, where the demand for skilled manpower is constantly increasing.

In many cases this is not merely a problem of the age of admission: it involves the whole question of the protection to be afforded the worker. Thus, safety calls for compliance with rules that should be applicable uniformly to all workers and not only to young workers. Since Brazilian legislation deals fully with this problem, the Government is well placed to agree that an attempt should be made to introduce realistic safety rules providing for generalised protection. But, again, it would be of little use to provide for Utopian solutions that, although they may be socially desirable, would not be workable in conditions of underdevelopment.

**Bulgaria.** Members should be called upon to take all necessary measures to fix at 18 the minimum age for occupations to which the provisions suggested in question 6 apply.

**Burundi.** Yes, to the first part of paragraph (1) and to paragraph (2); no, to the second part of paragraph (1).

**Byelorussian SSR.** (1) Members should fix at 18 years the minimum age for such occupations and the standard should be higher for occupations in which the risks are especially serious.

(2) Where the minimum age is still below 18 years, urgent steps should be taken to raise it to that level.

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* Substance of observations reproduced below.
1 See under question 13. 2 See under question 32.
Canada. (1) The Government would agree that for certain hazardous occupations the minimum age should be 18. Where the degree of hazard is more or less severe, the age should perhaps be higher or lower.

Finland. (1) The age of 18 might be an appropriate minimum for hazardous occupations. If work involves particularly serious risks the raising of the minimum age alone does not help. Improved labour protection, the selection of workers and possibly other arrangements might be the only measures to be taken in such cases.

Federal Republic of Germany. (1) Yes, but exceptions should be permitted for vocational training under the supervision of an expert.

(2) Yes, especially as regards serious hazards (for example those arising from the handling of X-ray machines).

Ghana. (1) Yes, where the educational system makes this practicable.

(2) Yes, depending upon the educational system.

India. (1) The age limit of 18 is too high for developing countries under the existing conditions.

Italy. Yes. The nature of these serious risks should be specified.

Japan. The minimum age for admission to dangerous or harmful occupations should be higher than the general minimum, and 18 may be an appropriate level. However, the Government has some doubt as to the necessity of fixing a still higher minimum age "for occupations in which the risks are especially serious". Instead, measures such as the realignment and improvement of safety and health facilities or the adoption of a system of qualification and licences should be taken on the basis of the judgment of each member State (see also under question 6).

Khmer Republic. (1) Yes. Members should make every effort to attain this objective as soon as possible. Effective supervision by the ILO should also be provided for with a view to helping Members to follow these recommendations when conditions permit.

Malawi. Yes. The Government would support the raising of the minimum age to at least 18 years only if it was practicable to do so.

Malaysia. (1) No. The raising to at least 18 years of the minimum age for admission to employment in developing countries is not feasible.

(2) No. This may be provided for only when the health, safety or morals of young persons are involved.

Mali. In all undertakings of any kind in which dangerous or potentially hazardous work or work exceeding the strength of young persons is carried on, the minimum age should be 18.

Malta. (1) The raising of the minimum age to at least 18 years for such occupations would require a drastic change in local legislation. However, the Government agrees that this is a desirable objective.

(2) Where urgent steps are not possible, gradual steps could be taken.

Netherlands. Yes, to the first part of paragraph (1) and to paragraph (2); no, to the second part of paragraph (1).

New Zealand. (1) A minimum age of 18 is too high. The appropriate age is 16, although there should be provision for a higher standard in the case of occupations in which the risks are especially serious.

(2) This should be the ultimate objective, but it may not be possible in the short term. The word "urgent" should therefore be omitted; alternatively, the word "urgent" could be retained if the age of 15 is substituted for 16.

Nigeria. (1) Yes, to reduce the incidence of occupational injuries in hazardous occupations. It must be recognised, however, that in developing countries this laudable objective cannot be reached quickly.
(2) Yes, but social and economic conditions should determine the degree of urgency.

Pakistan. (1) No, the limit should be 15 years, as in mines and transport, etc.
(2) Steps may be taken, restricted to the limit stated in the reply to paragraph (1).

Panama. Effective safety programmes would permit the maintenance of the age for such occupations at 16.

Poland. (1) Yes. The minimum age for hazardous occupations should not be less than 18 years and it should be fixed on the basis of the actual technical position and the conditions of health and safety existing in the individual States and undertakings, evaluated according to uniform criteria and requirements.

Romania. (1) Yes, not only for occupations in which the work involves serious risks but also for those which can prejudice the health of the person concerned or which are carried on under harmful working conditions.

Spain. For truly dangerous work, the age should be 18. But there are other, less dangerous types of work for which 16 would suffice. This, however, should be the minimum.

Syrian Arab Republic. Conditions in developing countries would not permit the raising of the minimum age for such occupations beyond 17.

Uganda. Yes, unconditionally. Since the aim of the instrument is to protect the life, health and safety of young workers, and since every country aims at having and maintaining a healthy and contented labour force which should be economically productive up to the sixth and seventh decade of life, it is necessary to adopt an instrument that will protect this life right from the time of admission to employment, particularly in occupations in which the risks are especially serious.

USSR. (1) Members should fix at 18 years the minimum age for such occupations, and the standard should be higher for occupations in which the risks are especially serious.
(2) Where the minimum age is still below 18 years, urgent steps should be taken to raise it to that level.

United Kingdom. (1) Yes, as regards raising the age to 18 (subject to the Government’s comment on question 6 (4)); no, to a higher age for any occupation. Many countries, including the United Kingdom, treat 18-year-olds as full adults.

United States. (1) The minimum age for engaging in hazardous occupations should generally be 18. However, as 18 is the age at which persons become adults and are expected to assume a productive place in society, a minimum age above 18 for entry into employment is not justified.
(2) Yes. There should, of course, be adequate provision for justified exceptions.

Republic of Viet-Nam. The Recommendation should not go into too much rigid detail, since the physical and mental make-up of young persons differs from one country to another. In the developing countries, it should be noted, economic and industrial development varies from one sector to another.

While the majority of governments replied affirmatively to this question, a substantial number objected to the second part of paragraph (1), that is, the suggestion of a minimum age higher than 18 for especially hazardous activities. Two arguments were advanced: first, that 18 years was often, and increasingly, regarded as the age of adulthood and, second, that protection against such serious hazards was less a matter of minimum age than of safety precautions and other measures applicable to all workers. In view of these objections, the words “at least” before “18 years” and the entire second part of the sentence have been deleted. The remainder of the text has been retained as Point 20.
Qu. 23  MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

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?

Total number of replies: 64.

Affirmative: 61. Algeria, Argentina, Australia *, Austria *, Belgium, Bulgaria, Burundi *, Byelorussian SSR, Canada *, Central African Republic *, Chile, Colombia, Czechoslovakia, Egypt, Finland *, France, Federal Republic of Germany, Ghana, Greece, Guyana, Hungary *, India, Indonesia, Iran, Ireland, Italy, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Malawi 1, Malaysia, Mali (to (1) only) *, Malta, Mexico, Morocco, Netherlands *, New Zealand, Nigeria *, Norway *, Pakistan, Panama *, Poland, Romania, Senegal, Sierra Leone 2, Singapore, Spain *, Sweden, Syrian Arab Republic, Tunisia, Turkey, Uganda *, USSR, United Kingdom, United States, Upper Volta, Venezuela, Zambia.

Negative: 3. Brazil 1, Switzerland 3, Republic of Viet-Nam 1.

Australia. If this approach is to be adopted, yes.

Austria. Yes, but determination of the occupations, as well as any changes in or additions to the list, should be left to national laws and regulations.

Burundi. (1) Yes, when these standards have been ratified by the government concerned.
(2) Yes, after consultation with the most representative employers' and workers' organisations concerned.

Canada. (1) Yes. It would be appropriate for the Office to draft an indicative list of occupations posing varying degrees of hazard.
(2) Yes, to prevent it from becoming out of date.

Central African Republic. (2) Yes, either at the national level or at the level of the ILO.

Finland. (1) The aspects mentioned in this paragraph are acceptable and are worth developing.

Hungary. Yes. Both questions are of such importance that it would be expedient to transfer this to the Convention.

Mali. (1) Yes, with a view to obtaining a certain harmonisation among different national laws and regulations.

Netherlands. (2) Yes. The Government draws attention, for purposes of information, to Recommendations AP/65/2 and 3, adopted in March 1965 under the auspices of the Council of Europe.

* Substance of observations reproduced below.
1 See under question 22. 2 See under question 13. 3 See under question 32.
Nigeria. (1) Yes, so that the provisions shall not be at cross-purposes with relevant international labour standards, particularly those concerning occupations listed.

Norway. (1) Yes. The Government would prefer these standards to be specified in the Recommendation itself or attached to it in an annex. In this way they would be established as an integral part of the Recommendation.

Panama. (2) Such a revision would permit the adaptation of the Recommendation to technological change.

Spain. Yes. These principles are clearly reasonable.

Uganda. Yes. This is undoubtedly desirable and should be pursued all the time.

After careful consideration, it has been decided to retain the reference to international labour standards in the relatively general form proposed, so that account should be taken not only of existing standards but also of any that are adopted in the future. It may be of interest that since Report IV (1) was drafted a new safety and health Convention containing a minimum age clause has been adopted—the Benzene Convention, 1971 (No. 136)—and a new safety and health item—"Control and prevention of occupational cancer"—has been placed on the agenda of a future session of the Conference.

The provision suggested in the question was generally accepted by governments and has been included in the Proposed Conclusions (Point 21).

Qu. 24 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)?

Total number of replies: 63.

Affirmative: 57. Algeria *, Argentina, Australia, Austria *, Belgium, Bulgaria *, Burundi ¹, Canada, Central African Republic *, Chile, Colombia, Czechoslovakia, Egypt, Finland, France, Federal Republic of Germany, Ghana, Greece, Guyana, Hungary *, India *, Indonesia, Iran *, Ireland, Italy, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia *, Mali *, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama *, Poland *, Romania, Senegal, Sierra Leone ², Singapore, Spain, Tunisia, Turkey, Uganda *, United Kingdom, United States *, Upper Volta, Venezuela, Zambia.

Negative: 4. Brazil ³, Sweden ⁴, Switzerland ⁵, Republic of Viet-Nam ³.

Other: 2. Byelorussian SSR *, USSR *.

¹ Substance of observations reproduced below.
² See also under question 8 (1).
³ See under question 13.
⁴ See under question 22.
⁵ See under question 21.
vi See under question 32.
Algeria. A minimum age, even if it cannot be attained, should be fixed for or should be applicable to hazardous occupations in these sectors.

Austria. Yes, but the appropriate minimum-age provisions should refer not just to hazardous occupations but also to specific hazardous activities within those occupations.

Bulgaria. Yes. This would achieve the purpose of assuring the greatest possible protection for children and young persons against admission to particularly arduous or dangerous employment.

Byelorussian SSR. The new Recommendation should provide that persons who have reached the age of 16 may be employed in agriculture and that the minimum age for employment in hazardous or arduous occupations should be 18.

Central African Republic. The standards concerning hazardous occupations should be applicable to all sectors of the economy.

Hungary. Yes, especially since in many countries agricultural workers represent the great majority of the active population.

India. Yes, although enforcement of such provisions may present some difficulties in practice.

Iran. Yes, as far as possible.

Malaysia. Yes. This appears to be desirable when the health, safety or morals of young persons are concerned.

Mali. All employment of children and young persons on hazardous or unhealthy work should be prohibited, regardless of the nature of the undertaking and even in family undertakings.

Panama. This would be the most acceptable suggestion for countries in which effective means of regulating the work of young persons do not exist.

Poland. Hazardous occupations should be subject to a uniform minimum age regardless of the possible lower general minimum age resulting from the limitation of the application of the Convention.

Uganda. Yes. There should be a clear-cut minimum age for hazardous occupations.

USSR. The Recommendation should provide that persons who have reached the age of 16 may be employed in agriculture and that the minimum age for employment in arduous or hazardous occupations should be 18.

United States. Yes. Hazardous occupations should be provided for regardless of whether the employment generally has been excepted from the minimum-age requirements.

Since the provision suggested in this question was generally accepted by governments, a corresponding provision has been included in the Proposed Conclusions (Point 22).

Qu. 25

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?
Total number of replies: 62.

Affirmative: 50. Argentina, Australia *, Austria, Belgium, Bulgaria 1, Burundi *, Canada, Central African Republic *, Chile, Colombia, Czechoslovakia, Egypt, Finland, France, Federal Republic of Germany, Greece, Guyana, Hungary, Indonesia, Iran, Ireland, Khmer Republic, Kuwait, Libyan Arab Republic *, Luxembourg, Madagascar, Malawi, Mali 1, Malta *, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Poland *, Romania, Senegal, Sierra Leone 2, Singapore *, Spain, Sweden, Syrian Arab Republic, Tunisia, Turkey, Uganda *, United Kingdom, United States *, Upper Volta, Venezuela.


Other: 4. Byelorussian SSR *, Italy *, Malaysia *, USSR *.

Australia. Yes, although enforcement may be difficult.

Burundi. Yes. See also under questions 7 (1) and 24.

Byelorussian SSR. The provisions of the new Recommendation should cover all young persons irrespective of their place of employment.

Central African Republic. The standards concerning hazardous occupations should cover all categories of employment, including employment in family undertakings.

Ghana. There may still be an element of danger in this.

Italy. As stated in reply to question 7, Italian labour legislation does not normally apply to minors who are members of the family owning the business. In other words, any standards concerning the minimum age for hazardous occupations would not automatically apply to them. On the other hand, for any hazardous occupations of this kind, all citizens require special permission in the form of authorisations or permits, which are issued only to persons who have reached a specific age and usually only after aptitude testing as well. The Government considers, therefore, that in the case of minors employed in family businesses there should be special, less comprehensive, regulations than in the case of persons who are parties to a dependent employment relation.

Japan. No. In the categories of employment envisaged in question 7, elements of risk rarely exist. Moreover, the actual situation is that safety arrangements for young workers are made on the basis of family relations, with the result that it is not appropriate to apply minimum-age provisions and thus to extend the system of state inspection.

Libyan Arab Republic. Yes. Employment in family undertakings engaged in hazardous occupations must be regulated by the State.

Malaysia. Members of the family should be able to take care of their young ones.

Malta. Yes, though the application of this provision may not be easy in certain instances.

Nigeria. It should extend because there could be some occupations to which question 6 applies which would qualify for exemption under question 7.

Poland. Yes. The Recommendation should provide that even in family undertakings children under the minimum age should not be admitted to employment involving hazardous occupations.

* Substance of observations reproduced below.

1 See under question 24. 2 See under question 13. 3 See under question 22. 4 See under question 32.
Qu. 25, 26  MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

Singapore.  Yes. This will safeguard the health and welfare of the young persons.

Uganda. Yes. See also the replies to questions 6 (1) and 7.

USSR. The provisions of the new Recommendation should cover all young persons irrespective of their place of employment.

United States. Yes. The health and safety of the child can be endangered regardless of the family nature of the undertaking.

Zambia. The provisions envisaged in question 7 should extend to occupations to which the provisions envisaged in question 6 apply.

Since the great majority of replies were affirmative, a provision corresponding to this question has been included in the Proposed Conclusions (Point 23).

D. CONDITIONS OF EMPLOYMENT

Qu. 26 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?

Total number of replies: 63.


Other: 4. Byelorussian SSR *, Malawi *, USSR *, United Kingdom *.

Algeria. (1) Any work done, for objective reasons and owing to force majeure, by persons below the age of 16, should be subject to strict provisions so that the conditions in which it is performed can be regulated.

* Substance of observations reproduced below.
1 See under question 13.  2 See under question 22.  3 See under question 32.
(2) Yes, with a view to the protection and development of such young persons.

Austria. Yes, but the Government wonders why the conditions of employment should relate only to young persons under the age of 16.

Bulgaria. Assuring favourable working conditions for children and young persons under 16 will permit them to grow up in good physical condition, something which is in the interest of both the individual and society.

Burundi. No. These provisions would be more appropriate in an instrument dealing with conditions of work, either of workers in general or of young workers.

Byelorussian SSR. The age of 16 should be replaced by that of 18.

Canada. Yes, but difficulties involved in supervision would be considerable. Employers and unions should be invited to pay special attention to the conditions under which young persons carry out their activities.

Malawi. (1) Effective supervision would be almost impossible, especially in countries where compulsory education has not been introduced.
(2) Yes, wherever practicable.

Malaysia. (1) No. Measures should be taken to improve the conditions in which children and young persons are employed. The question of supervising the conditions closely is a difficult one in developing countries.

Malta. Yes, where this is found to be necessary.

New Zealand. (1) Yes, but the age of 16 should be replaced by that of 15.

Norway. (1) Yes. Supervision is an important administrative responsibility.

Panama. (1) All measures bearing on the protection of young persons and the improvement of their working conditions should appear in the Recommendation.
(2) The Recommendation should encourage the development of vocational training in undertakings through the improvement and supervision of the conditions in which it is imparted.

Spain. Yes. These are reasonable aims.

Tunisia. Measures should be taken to improve the conditions of employment of children: for example, watching over young persons placed in apprenticeship in undertakings, checking whether the apprenticeship is in an occupation prescribed by law, making sure that the ratio of apprentices to workers in an undertaking is within the prescribed limits, etc.

Uganda. Yes to (1) and probably to (2). This would be desirable, but, because of the cost that would be involved and the inadequacy of the manpower available for enforcement, obstacles to the application of (2) would be inevitable in privately owned employment training institutions. These provisions should, however, be a goal to be aimed at in all governmental employment training institutions.

USSR. The age of 16 should be replaced by that of 18.

United Kingdom. The Government would prefer in both cases the following text: "Measures should be taken to ensure that the conditions ... reach and are maintained at an acceptable standard and are supervised closely". An open-ended commitment to "improvement" is undesirable in an instrument of this nature.

United States. Close supervision of these conditions is needed to ensure the well-being of the young persons involved.

The drafting change suggested by the United Kingdom Government seems appropriate since it would make the text of the provision considerably more precise. It has therefore been adopted in the first paragraph, and an analogous change has been made in the second.
The age of 16 was specified here because that is the minimum age recommended in Point 18 as an objective. This series of provisions was designed to protect children and young persons below that age who perform work, whether because the minimum age is lower or by virtue of exceptions or in activities excluded from coverage.

Since the majority of replies were affirmative, a provision corresponding to this question, revised as stated above, has been included in the Proposed Conclusions (Point 24).

Qu. 27

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?

Total number of replies: 60.

Affirmative: 53. Algeria, Australia, Austria *, Belgium, Bulgaria *, Byelorussian SSR *, Canada, Central African Republic, Chile, Colombia, Czechoslovakia, Egypt, Finland, France, Federal Republic of Germany, Ghana, Greece, Guyana, Hungary, Indonesia, Iran, Ireland, Italy, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia (negative to (b)) *, Mali *, Malta, Mexico, New Zealand *, Nigeria *, Norway, Pakistan, Panama, Poland, Romania, Senegal, Sierra Leone ¹, Singapore, Spain *, Turkey, Uganda *, USSR *, United States *, Upper Volta, Venezuela, Republic of Viet-Nam *, Zambia.

Negative: 4. Brazil ², Burundi ³, India *, Switzerland ⁴.

Other: 3. Sweden *, Tunisia *, United Kingdom *.

Austria. Yes, but it should be considered whether it is necessary and desirable to rule out every possibility of exception.

* Substance of observations reproduced below.
¹ See under question 13. ² See under question 22. ³ See under question 26. ⁴ See under question 32.
Bulgaria. Yes. To the protection outlined here, there should be added special protection in case of dismissal.

(e) Yes. The following supplementary text is proposed to make this provision more concrete: insert after “health” the words “by means of medical examinations before admission to employment, through which health and good physical condition can be certified, having regard to the nature of the employment, and periodic medical examinations thereafter”.

The Government proposes two additional clauses:

(f) the prohibition of arduous or unhealthy work;

(g) the prohibition of overtime.

Byelorussian SSR. (e) It should be specified that no young person under 18 years of age may be employed without appropriate medical authorisation.

India. The Recommendation might provide that special attention should be paid to the provisions relating to hours of work and rest intervals, weekly rest and annual holidays. The provisions on other aspects need not be included.

Malaysia. (a) Yes. The minimum wage for a particular economic activity should be the criterion.

(b) No. Provision for education and training is not possible in developing countries.

Mali. Yes. This should be supplemented by provisions aimed at the prohibition of night work for young persons and at granting them annual holidays longer than those prescribed for adults. In this regard the term “adequate annual holidays” should be made more precise.

New Zealand. Yes, having regard to the qualification expressed in the reply to question 26.

Nigeria. Yes, especially in occupations in which workers’ organisations are not strong enough to guarantee fair wages and conditions of employment.

Spain. Yes, since this is intended for the regulation and improvement of the conditions of work of young persons.

Sweden. (a) It should only be laid down that child labour should not be employed for the purpose of reducing wage costs of undertakings.

Tunisia. Special attention should be given to limiting daily and weekly hours of work so as to leave enough time for training, but the time spent on work may depend on the time spent on training: thus in Tunisia, hours of work for children under 14 are two a day, but the time devoted to light work plus school cannot exceed seven hours.

Uganda. (a) Yes. Employers need to be educated in realising this point. However, the question is again tied up with the manpower available for enforcement. The public—particularly poor parents—also need to be educated or to be sufficiently informed on the legal provisions relating to the remuneration of workers. In cases of extreme hardship such parents will allow or even force their children to accept any unfair remuneration.

(b) Yes. There is a need to dissuade both employers and young employees from placing a high value on overtime remuneration. There is also a need for co-ordinated inter-ministerial action to provide enough leisure activities for youth.

(c) Yes. National public holidays should also be included.

(d) Yes, and employers and workers should be discouraged from granting, asking for and receiving money in lieu of annual holidays.

(e) Yes. Combined efforts on the part of government ministries and employers’ and workers’ organisations should be called for, with a view to the maintenance of the future standards—physical, mental and spiritual—of the nation’s workers.

USSR. (e) It should be specified that no young person under 18 years of age may be employed without appropriate medical authorisation.
Qu. 27, 28

**MINIMUM AGE FOR ADMISSION TO EMPLOYMENT**

*United Kingdom.* The Recommendation should not be so worded as to require countries where these matters are the subject of collective bargaining to impose any statutory controls.

*United States.* (d) A standard vacation period has not been considered an appropriate area for legislation in the United States. However, many states, by limiting the number of hours or days children are permitted to work, guarantee an adequate number of “off hours” and “off days” each week.

*Republic of Viet-Nam.* Yes, as regards the principles; as regards details, it would be better to leave to national authorities the determination of standards and means of implementation.

The great majority of replies to this question, which sets out a list of areas to which special attention should be given in safeguarding the conditions of employment of children and young persons, were affirmative. A corresponding provision has therefore been included in the Proposed Conclusions (*Point 25*).

**Qu. 28**

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?

*Total number of replies: 62.*

**Affirmative:** 46. Australia *, Austria *, Belgium, Canada *, Central African Republic, Chile, Colombia, Czechoslovakia, Egypt, France, Federal Republic of Germany, Ghana, Greece, Guyana, Hungary, Iran, Italy *, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Mali *, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria *, Norway, Pakistan, Panama *, Poland *, Romania, Senegal, Sierra Leone *, Spain, Sweden, Syrian Arab Republic *, Tunisia, Turkey, United States *, Upper Volta, Venezuela, Republic of Viet-Nam *.

**Negative:** 13. Algeria *, Brazil *, Burundi *, Finland *, India, Indonesia, Malawi *, Malaysia *, Singapore *, Switzerland *, Uganda *, United Kingdom *, Zambia.

**Other:** 3. Byelorussian SSR *, Ireland *, USSR *.

*Algeria.* This sector is especially difficult to regulate, and any provision concerning it might remain nothing but a pious wish.

*Australia.* Yes, although it would be difficult to police such regulations.

* Substance of observations reproduced below.
1 See under question 26. 2 See under question 27. 3 See under question 13. 4 See under question 22. 5 See under question 32.
Austria. Yes, although investigating the observance of these regulations is liable to entail considerable difficulty.

Burundi. No. It is unlikely that such measures could be applied where the application of minimum-age provisions is itself impossible.

Byelorussian SSR. The provisions envisaged in the Recommendation should apply to such work as industrial home work and domestic service without any exception.

Finland. It might be appropriate to leave such details to be settled by national legislation and practice.

Ireland. There could be difficulty in applying measures where formal employment status did not exist.

Italy. The Government endorses the principle embodied in this paragraph, namely that industrial home work and domestic service should, because of their distinctive features, be subject to special regulations. It should be ensured, however, that young persons employed in this capacity are given the same degree of protection as other children and young persons.

Malawi. No. Again, to ensure compliance would be extremely difficult.

Malaysia. No. It is rather difficult to regulate such work.

Nigeria. Yes. It should be recognised, however, that such measures applying to private households are not easily enforceable.

Panama. Special measures will be a clear necessity in some occupations.

Poland. Yes. The conditions in which children perform such work should be subject to control. As such control may be very difficult to exercise, the Recommendation should stress the importance of a campaign of information on the hazards arising from the employment of children under the minimum age.

Singapore. While this is desirable, the difficulty lies in ensuring that such measures are complied with.

Syrian Arab Republic. Yes, as regards such work as industrial home work, in order to ensure the protection of children and prevent exploitation.

Uganda. Probably. This would be ideal but its practicability, particularly in rural areas, is difficult to envisage.

USSR. With regard to industrial home work or domestic service, the provisions envisaged in the new Recommendation should be applied without any exception.

United Kingdom. No. The difficulties of supervision and enforcement make such a provision unrealistic for many countries. This indicates the advantage of linking the minimum age for access to employment or work to the school-leaving age where education up to that age is compulsory.

United States. Yes. Members should strive to implement such measures as their capacity for minimum age enforcement develops.

Several governments, including some which replied affirmatively as well as those which replied negatively, pointed to the difficulty of enforcement in respect of such employment. It was in recognition of this difficulty that the question was drafted: the purpose of the suggested provision, which was favourably received by the majority of governments, would be to encourage efforts to give the children concerned at least some protection even if the normal minimum-age provisions cannot be effectively applied. A corresponding provision has accordingly been retained in the Proposed Conclusions (Point 26).
E. Enforcement

Qu. 29 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?

Total number of replies: 63.


Other: 2. Austria *, United Kingdom (affirmative to (1) (a) )*.

Algeria. (1) and (2) Yes, with a view to the proper implementation of the other provisions.

(3) These two services should have a normal co-operative relation without giving it any specific character.

Australia. (1) Yes, but where inspection services are already adequate it is unnecessary to strengthen them.

* Substance of observations reproduced below.
1 See under question 13. 2 See under question 32.
Austria. The primary aim of the Recommendation should be not just to strengthen labour inspection but to establish labour inspection in all countries and to ensure its effective operation. The details of enforcement should be left to national laws and regulations.

Bulgaria. Yes. These measures would contribute to the effective practical application of minimum-age provisions.

Burundi. (1) (a) No. Such special training is not necessary under present conditions in Burundi.

(b) No. These matters can be checked by inspectors in the course of routine inspection visits.

(2) No. In Burundi giving such information and advice is one of the normal tasks of labour inspectors.

Czechoslovakia. (3) Yes. Such an inter-relation would be useful and economical.

Finland. This part of the questionnaire contains well-motivated requirements; the related measures will be necessary when the application of the new Convention and Recommendation becomes topical. Many of them are indispensable and acceptable. As the provisions relate especially to children and young persons, supervision of their observance is extremely important.

India. Details regarding the manner of enforcement should be left to the competent authority in each country to determine in the light of the conditions prevailing.

Japan. Yes. However, since the actual conditions of in-plant training vary from country to country, and the inspection of in-plant training may in some cases be carried out adequately by strengthening general labour inspection machinery, it is desirable to provide for the strengthening of machinery for the inspection of in-plant training in a flexible manner so as to make it possible to take into consideration the judgment of each member State, including its judgment on the necessity of establishing such machinery.

Kuwait. (3) In practice, this would not be easy at this stage for developing countries.

Malawi. Further enforcement measures as envisaged under this provision do not appear desirable at the present stage of development in Malawi. The existing labour inspection services adequately meet the present needs.

Malaysia. (1) (a) No. There are already labour inspectors to cover this aspect of the work.

(b) No. There is not any in-plant training in Malaysia.

(2) This need not be so.

Mali. The measures envisaged would facilitate and improve the application of the provisions of the new instrument. It does not seem necessary, however, to give such special training to inspectors as long as the relevant national legislation is precise and as long as inspections are frequent enough. In Mali labour inspectors can prescribe a medical examination in order to determine whether a particular kind of work is beyond the strength of the young person concerned. It would seem that the proposed instruments have not placed enough emphasis on more frequent periodic medical examinations for young workers than for adults.

Malta. (1) Yes, where this is considered necessary.

New Zealand. (3) It is agreed that labour administration services should work in co-operation with the services concerned with education and guidance of children and young persons wherever such co-operation is necessary for the welfare of those persons.

Pakistan. (1) (a) Yes. This is essential for effectiveness.

Panama. (1) Both measures would be of great value for the effective supervision of the work of young persons.

(3) Effective co-ordination of inspection and vocational training within undertakings would have many beneficial effects and not only that of better enforcement.
Singapore. (1) (b) Generally yes.

(3) This would depend on the nature and functions of the inspection services in member States. Generally speaking, there should be close co-operation.

Spain. All the provisions in this section seem very pertinent; almost all are already incorporated in the Spanish legislation on labour inspection.

Syrian Arab Republic. Yes, since this would help in the enforcement of the provisions of the instruments.

Tunisia. (1) and (2) The new Recommendation should provide for either the strengthening of inspection services or their creation where they do not exist.

(3) Such a measure would be very desirable.

Uganda. (1) Yes, but although this is desirable it may not be easily achieved in developing countries where the inspection force is still limited in both numbers and higher education.

(2) Yes. Uganda is already trying to do so, but sight should not be lost of the fact that some of the employed youth have not attained a standard of education high enough to enable them to understand the various legal provisions involved. This applies equally to certain categories of employment.

(3) Yes. The services mentioned in the question should include the health service.

United Kingdom. (1) (b) No. Inspection of training as such (presumably for quality and content) in addition to the working conditions under which it is carried out, would introduce an entirely new concept, the necessity of which might be a widespread obstacle to acceptance of the instrument.

(2) This provision is not suitable for countries where enforcement is the responsibility of school attendance authorities.

(3) If labour inspection and inspection of in-plant training are carried on side by side, it is important that the relations between these should be of the closest; but see the reply to (1) (b). The Government agrees there should be close co-operation between labour administrative services and those responsible for the education, training, welfare and guidance of children and young persons.

United States. (1) Yes. Vigorous enforcement will be needed if the instrument is to be effectively implemented.

(2) Yes. This will be particularly important in securing widespread voluntary compliance with the law.

Venezuela. Yes, but in addition fines should be prescribed for non-compliance by employers.

Republic of Viet-Nam. Yes. These measures would be useful in ensuring the proper implementation of the instruments.

In view of the observations made by several governments, the words "as necessary" have been inserted in paragraph (1) (a). In paragraph (1) (b), the notion of improvement has been specified to make the meaning of this provision clearer. With these changes plus small drafting changes, a Point corresponding to this question, to which the great majority of replies were affirmative, has been included in the Proposed Conclusions (Point 27).

Qu. 30 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?

Total number of replies: 63.

Affirmative: 60. Algeria*, Australia, Austria1, Belgium, Brazil, Bulgaria2, Burundi*, Byelorussian SSR, Canada, Central African Republic, Chile, Colombia, Czechoslovakia, Egypt, Finland3, France, Federal Republic of Germany, Ghana, Greece, Guyana, Hungary, Indonesia, Iran, Ireland, Italy, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Malawi*, Mali2, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Poland, Romania, Senegal, Sierra Leone3, Singapore, Spain2, Sweden, Syrian Arab Republic, Tunisia, Turkey, Uganda*, USSR, United Kingdom, United States*, Upper Volta, Venezuela, Republic of Viet-Nam, Zambia.

Negative: 3. India1, Malaysia*, Switzerland4.

Algeria. Yes, again with a view to the effectiveness and proper implementation of the proposed instrument.

Burundi. (b) The hours devoted to school plus work should not exceed a reasonable limit.

Malawi. (a) Yes, if this is feasible.

(b) Not applicable to Malawi since education is not yet compulsory.

Malaysia. (b) At the moment no formal instruction is available.

Uganda. Yes. The provisions envisaged in these two paragraphs should apply to both compulsory and voluntary education and training.

United States. (a) Yes. Hazardous work poses the greatest threat to the health and safety of young persons.

Since almost all the replies to this question were affirmative, a corresponding provision has been included in the Proposed Conclusions (Point 28).

Qu. 31 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,

* Substance of observations reproduced below.

1 See under question 22. 2 See under question 29. 3 See under question 13. 4 See under question 32.
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?

Total number of replies: 63.

Affirmative: 54. Australia, Austria, Belgium, Brazil *, Bulgaria 1, Burundi *, Byelorussian SSR, Canada *, Central African Republic, Chile, Colombia, Czechoslovakia, Egypt, Finland 1, France, Federal Republic of Germany, Ghana *, Greece, Guyana, Hungary, Indonesia, Iran, Ireland, Italy, Japan, Khmer Republic, Kuwait, Libyan Arab Republic, Luxembourg, Madagascar, Mali 1, Malta, Mexico, Morocco, Nigeria *, Norway, Pakistan, Panama *, Poland *, Romania, Senegal, Sierra Leone 2, Spain 1, Sweden, Syrian Arab Republic *, Tunisia, Turkey, Uganda *, USSR, United Kingdom *, United States *, Upper Volta, Venezuela *, Zambia.

Negative: 3. India *, Switzerland 3, Republic of Viet-Nam *.

Negative to (b) 4: 1. Malawi *.

Negative to (c) 4: 5. Algeria *, Malaysia *, Netherlands *, New Zealand *, Singapore *.

Algeria. (c) For this kind of work, which is very mobile and often illicit, any measure would, at least under present conditions, probably be ineffective.

Brazil. Yes. The keeping of records of employees in general is an essential measure. Ideally, young persons should be prohibited from working in outside stalls, etc., but it should be borne in mind that, as a general rule, they perform work of this kind because their country is underdeveloped and primarily because they have no chance of obtaining a steadier and better-paid job.

Burundi. (a) Yes, since this is the only effective means of supervision. However, other means (such as medical certificates, identity certificates, legal substitutes for birth certificates) should be authorised while an adequate system of birth registration is being established.

Canada. (b) It would appear sufficient for employers to indicate in their records the ages of young persons occupied in their undertakings, subject to requiring certification in cases where stated ages do not appear to correspond to the persons alleging them.

Ghana. Yes, where conditions make it possible for the public authority to enforce these measures.

* Substance of observations reproduced below.
1 See under question 29. 2 See under question 13. 3 See under question 32. 4 Affirmative to the other clauses.
India. The issue of birth certificates in all cases may not be easy in remote rural areas. It would be possible only in municipal areas. Similarly, the issue of licences or similar documents indicating eligibility for work may not be feasible in all cases.

Malawi. (a) and (c) Yes, if the resources at the disposal of the government make this feasible. 
(b) This would not be feasible, especially in developing countries, where at present records of dates of birth are not up to date.

Malaysia. (c) No. This is a very effective way of enforcing the Recommendation but it is not possible in Malaysia.

Netherlands. (c) This provision does not seem necessary in the Netherlands.

New Zealand. (c) No. The Government does not consider that the fact of employment being carried out in streets, in outside stalls or public places makes the checking of records impracticable. It should be sufficient for the person concerned to be on a register or record of some kind which is available to the authorities responsible for enforcement of the applicable provisions.

Nigeria. (a) Yes, but the words "as much as possible" should be inserted after the words "authorities should" in order to make allowance for differences in social and economic conditions.

Panama. All these measures, if they were applied, would be very effective instruments of supervision.

Poland. Yes. In addition to the proposed measures, the Recommendation should provide that the undertaking should keep a register showing the results of the initial and periodic medical examinations checking the fitness of young persons for the work done by them.

Singapore. (c) This is not suitable for inclusion in the Recommendation since its implementation would involve practical and administrative problems.

Syrian Arab Republic. Yes, since these measures would help to facilitate inspection for special problems.

Uganda. (c) Yes, but this would be impracticable, particularly in rural trading centres, and would require a very expensive inspection system and a large number of inspectors.

United Kingdom. (b) This provision should be less mandatory (see also the reply to question 11 (3)).

United States. (b) Yes. The instrument cannot be properly enforced without requiring adequate record-keeping by the employer.

Venezuela. (c) Yes, if the work forms part of a dependent relation.

Republic of Viet-Nam. The verification of the ages of children and young persons can be done without difficulty only in countries where birth registration is compulsory. In other cases, serious supervision in this respect is virtually impossible. It would be preferable to leave the choice of appropriate measures to national authorities.

The majority of governments replied affirmatively to this question, although in some cases reservations were expressed concerning clauses (b) and (c). Though some redrafting may prove necessary, it has been considered advisable to retain the original text pending further examination at the Conference (Point 29).
IV. SPECIAL PROBLEMS

Qu. 32 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?

Total number of replies: 60.

Negative: 21. Argentina, Austria, Bulgaria, Byelorussian SSR, Central African Republic, Colombia, Czechoslovakia, France, Ghana, Iran, Ireland, Kuwait, Madagascar, Malawi, Panama, Poland, Romania, Spain, Sweden, USSR, Zambia.

The substance of the remaining 39 replies is reproduced below.

Algeria. All such particularities have been pointed out in the replies to previous questions.

Australia. See the replies to questions 4 and 6 (4). The legislation in some Australian states adopts a different approach from that envisaged in question 10. For example, the Social Welfare Act of one state makes it an offence for any person to cause, procure or allow any child under 15 years of age to engage in employment or street trading unless the child holds a permit or licence from the Director-General of Social Welfare. Employment and street trading are defined in the Act, and specified activities are excluded from the definition. The Director-General may grant a permit to any child under 15 (including those under 7 if there are special circumstances) to engage in employment, or a licence to children over 12 to engage in street trading, if he is satisfied that (a) the health, education and moral and material welfare of the child will not suffer from such employment or street trading; (b) the child is fit to be so engaged; and (c) that in the course of such employment or street trading the child shall not be subjected to any form of exploitation.

This system appears not to conform to what would be required by a provision based on question 10 since it does not absolutely prohibit the employment of young persons under 12, who may be granted a permit by the Director-General of Social Welfare, though he must be satisfied that there is compliance with the stringent conditions listed above. There would seem to be no good reason for changing this sort of system to comply with a provision based on question 10. Any such provision would need to be worded flexibly.

Belgium. The problem of raising the minimum age might create such difficulties. Only progressive application could overcome this problem.

Brazil. Yes. There are several, including the vast size of the territory, which makes close supervision difficult. Furthermore, it is not uncommon for financial difficulties to force young people to seek employment in a lawful occupation. Prohibition or obstruction would cause them to become indolent and aggressive, and they would finally turn to less lawful activities. Methodical vocational training, attendance at school and systematic educational campaigns using all communications media would alleviate the problems and permit stricter supervision. The ideal would be to increase the size of the staff responsible for supervision, guidance, training, etc., in this field, striving to find a rational and humane solution to the problem, as far as social and economic circumstances permitted.

Burundi. Among the difficulties faced by the authorities in the protection of young workers, underemployment is especially important. It is being aggravated by the rapid growth of the population. This, more than administrative and financial limitations, contributes to the development of certain abuses and, particularly, of certain forms of labour
exploitation to which young workers are more vulnerable than adults. Thus, it is in respect not of purely regulatory measures but of the measures envisaged in questions 13 and 14 that the application of the instruments will encounter the greatest difficulties. Application will require a long-term effort of which the results will appear only slowly and gradually.

Canada. In Canada young persons carry out, for remuneration, certain tasks that cannot properly be termed employment. Examples are the house-to-house distribution of a daily newspaper in residential areas, the clearing of snow from private driveways, babysitting and similar occupations. It would not be in the interest of these young persons to prevent them from carrying out such tasks, which provide them with funds and the chance to assume and develop a sense of responsibility without in any way prejudicing their development.

The instruments are probably not intended to regulate such activities. However, it would be well if this were made clear by a definition of "employment" as intended in the instruments.

Chile. (1) Yes. In Chile persons over 18 can freely contract their services; persons between 14 and 18 need the authorisation of their parents or guardians and must have completed compulsory education; and persons between 12 and 14 who have completed compulsory education can work except in industrial undertakings that are not purely family concerns.

(2) The Government suggests that the Convention should be flexible enough to permit countries to ratify it without detriment to their fundamental interests.

Egypt. (2) The instruments should take account of national conditions, and especially the conditions of developing countries, in the light of the explanations given under previous questions.

Finland. Since it is not clear what the eventual contents of the instruments will be, the Government cannot announce at this stage whether there will be any such difficulties or how they could be met.

Greece. (2) The following should be considered: a distinction between the minimum age for night work and that for daytime work, a distinction between the minimum age for boys and that for girls (both distinctions are made by national legislation) and the fact that in Greece compulsory education ends at the age of 12.

Guyana. (1) It is not easy to anticipate with any degree of certainty the type of difficulties liable to be created. However, meaningful consultation with workers' and employers' organisations and other bodies concerned, together with adequate publicity showing that the standards and supporting social measures are necessary and feasible for social development, should go a long way towards surmounting at least some of the difficulties which are likely to arise.

Hungary. (1) No, if the instruments as adopted do not include provisions conflicting with the replies given by the Government.

India. The adoption of a Convention covering all sectors of economic activity may prevent ratification when compliance with its provisions is possible only in certain sectors. Even if such a Convention is adopted it should be left open to a member country to ratify any of the existing Conventions.

Indonesia. (1) The internal situation of the country, the desire of people to use young workers, and the lack of universal compulsory education.

(2) In rural areas where many young persons are employed by companies, youth centres can be organised, at the employers' expense, to provide general and vocational education for young workers.

Italy. No, apart from the case of minors working in a family business. It is accordingly proposed that relatives of the employer to the third degree should be excluded from the Convention, unless this question is specifically dealt with.

Furthermore, if a careful study of the situation in member countries shows that it is possible to set higher standards than those proposed in this document, the Government
would be in favour of setting a minimum age of 15 (question 5 (3)), provided that children under this age could still be employed on light work (question 10 (1) and (2)) and that the competent authority could exclude certain limited forms of employment from the application of the Convention (question 7 (1)). The minimum age for light work should be raised to at least 13.

Japan. The Labour Standards Law, which lays down the minimum age for admission to employment, applies neither to enterprises or offices employing only relatives living with the employer nor to domestic employees in the home.

With regard to the restriction on the employment of minors on dangerous or harmful work, the essential exemptions are granted for vocational training.

The points raised by this question are covered by an examination of the enforcement of the Labour Standards Law and the problems involved that is being undertaken at present. However, in adopting an international instrument, it is desirable to make flexible provisions concerning such details, so as to facilitate its ratification by the member States.

Khmer Republic. (1) In the present economic context of the country, serious difficulties are likely to arise, particularly because of the disruption of the economic and social infrastructure caused by the current war.

(2) International agencies should make extra efforts to help countries at war to reconstruct their infrastructure where security has been re-established.

Libyan Arab Republic. (1) Yes. The existing Labour Law has a limited application and does not cover agriculture, for example. Moreover, a significant number of children are working in the retail trade. In view of the socio-economic conditions of the country, it will take some time to extend the coverage of the Labour Law to the agricultural sector and to enforce it effectively in the retail trade.

(2) See the reply to question 5 (3).

Malaysia. The legislation applicable in West Malaysia is in general conformity with the proposed provisions, apart from certain limitations and subject to exceptions. It has not been extended to Sarawak and Sabah, where there is corresponding legislation. As labour is a Federal matter, no difficulties are envisaged in extending labour legislation to Sabah and Sarawak. From the standpoint of implementation and applicability under the federal system in Malaysia, it would be preferable for the instrument to be in the form of a Recommendation. However, if there is support for a Convention from other countries, the Government suggests that suitable variations be allowed for certain branches of economic activity; other provisions can be included in a Recommendation.

Malta. (1) Certain provisions would necessitate an amendment to legislation. Other provisions, such as the raising of the minimum age in certain occupations to 18 as proposed in question 22, may create difficulties.

(2) These difficulties could be met by amending present legislation, if necessary, in the light of the instrument as finally approved by the Conference.

Mexico. (2) As regards legislation, there are no difficulties. As regards practice and the low economic levels, an obligation to overcome these obstacles derives from the constitutional requirement of compulsory education and the creation of official agencies for the protection, assistance, education and vocational training of young persons.

Morocco. The Government gives a detailed description of current and proposed legislation and states that, while the latter, which would raise the minimum age from 12 to 13, would still not be compatible with the standards envisaged in the questionnaire, it would be consistent with the spirit of international instruments and would represent a significant step in a process which should eventually permit the ratification of minimum-age Conventions.

Netherlands. No, subject to the reply to question 10 (4).

New Zealand. (1) The instruments take little account of the difference between full-time and part-time employment, and this is likely to create difficulty in their application in
New Zealand. It has long been the practice for young persons to engage in light employment outside school hours or in vacation time. This employment covers fields such as the sale and delivery of newspapers, the delivery of domestic milk supplies, the sale of refreshment at entertainments, and fruit and berry picking. Legislative safeguards exist in respect of the hours during which these activities may be carried on, but generally no prohibition applies to children over the age of 10 years engaging in such employment. While there may be a case for the raising of this age limit, to raise it too high would be to restrict unduly the way in which children and young persons choose to occupy their spare time. In the absence of evidence that this form of minor employment is harmful to the young persons concerned, no reason is seen to restrict it.

(2) The major difficulties for New Zealand would be overcome by (a) the substitution of 10 for 12 in question 10 (2); (b) a clear indication that age limits such as those specified in question 5 (3) apply in respect of full-time employment only; (c) substitution of 15 for 16 in question 20; and (d) substitution of 16 for 18 in question 22 (1) and of 15 for 16 in question 22 (2).

Nigeria. (1) Yes: see the reply to question 5 (3). There is also the problem of unemployment, which the application of the instruments might increase.

(2) The instrument should be made as flexible as possible to accommodate the varying stages of economic development.

Norway. Conventions in general should not contain too many details. By including main principles rather than detailed provisions, Conventions may gain the flexibility necessary to ensure ratification by member States representing quite different systems of labour law. On the other hand, Conventions should not include provisions enabling the competent authority of each member State to determine the content of the national laws by which the main standards established in the Conventions are implemented. In such a case ratification would not have very much effect. Examples of too detailed provisions in existing minimum-age Conventions which have prevented ratification by Norway are Article 7 of the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60), and Article 4 (5) of the Minimum Age (Underground Work) Convention, 1965 (No. 123).

Pakistan. Ample flexibility should be provided to take account of national laws. In Pakistan the employment of children under 12 is totally prohibited in shops and commercial and industrial undertakings. In certain occupations, such as rail transport or the handling of goods in ports and mining, young persons under 15 cannot be employed. Young persons between 15 and 17 are allowed to work, provided they have been granted a certificate of fitness from the competent medical authority. These age limits are in consonance with the special conditions obtaining in the country. For the time being it is not feasible to raise them. This question might be left to member States to decide progressively.

Senegal. Problems would arise in connection with the supervision of the conditions of work of children. The labour administration service is inadequately staffed, and inspectors do not always receive the special training that would enable them to supervise these conditions rigorously.

Sierra Leone. The present legal minimum age of 15 is above the minimum proposed in the Convention. Appropriate legal amendments might be necessary to bring national laws into consonance with the provisions of the proposed Convention, but these could not be envisaged until the final texts are adopted.

Singapore. (1) National laws prescribe a minimum age of 16 only in respect of certain occupations, e.g. in industrial undertakings, and children below this age may be employed in simple, non-strenuous or non-dangerous occupations, provided they are issued with Certificates of Registration. Consequently, instruments applying a minimum age of 14 years or more for admission to all occupations could not be ratified or implemented.
(2) The minimum age should be restricted to certain occupations to permit wider ratification or implementation, taking into account the conditions in each member State.

Switzerland. The Recommendation, as conceived, would constitute a programme of social, educational and even economic legislation, a programme so vast and complex that it would go well beyond the framework of the Convention and require decades to carry out. Rather than establish a Recommendation that would be practically inoperative, it would be better to do nothing for the time being.

Syrian Arab Republic. The labour and agricultural laws prevent the employment of children under 12 years, whereas question 5 suggests a minimum of 14 years.

Turkey. (1) Although certain difficulties do exist, affirmative replies have been given by the Government since these standards coincide with the aims of the country. National legislation prescribes a minimum age of 16 (and in some cases 18) for arduous or hazardous work and thus would be in conformity on this point. As regards the basic minimum of 14 years, however, there would be a divergence since children aged 12 who have completed compulsory education can be employed on light work not prejudicial to their health or development. Moreover, the legislation does not cover domestic service, home work, agriculture, apprenticeship, family undertakings, etc.

(2) It should be possible, as economic and social development progresses, to overcome these difficulties by taking measures to reinforce the social structure through fundamental reforms and by filling the gaps in existing legislation.

Uganda. (1) Yes. Difficulties include the large number of primary-school leavers (11 to 13 years of age), the drop-outs and the rural children not attending school; the absence of a compulsory school attendance system; the concentration of industries in urban areas; the exploiting attitude of employers; the poverty of many families; the high rate of increase in the population; and the lack of sufficient employment opportunities.

(2) As a developing country, Uganda is striving to boost its economy. The Government has undertaken to create more employment opportunities and expand the existing ones. It has also decided to spread its various economic activities to all parts of the country, thereby checking migration to urban areas. It will continue to assist young farmers and introduce more economic crops. It is at present revising its educational system to emphasise employment appropriate to local conditions. The Ministry of Labour will continue to enlarge its inspectorates with university graduates and various specialists. A vocational training institute, run by the Ministry of Labour, is to be opened.

United Kingdom. The Government foresees some difficulty in respect of enforcement. National legislation on the employment of children and young persons restricts their employment only and does not apply to work not amounting to employment.

There will be additional difficulties in territories where there is not universal compulsory education.

United States. The subject-matter of a possible Convention is considered appropriate in whole or in part for action by the constituent states of the United States. Thus, the Convention will not be deemed appropriate for ratification by the United States.

Upper Volta. The problem in this area for the Upper Volta is that only 10 per cent of school-age children are in school.

Venezuela. (1) Yes. While the normal minimum age is 14, children of 10 to 14 may perform work suitable to their age outside school hours and for no more than five hours a day. In rural work, children of 10 to 14 may not be employed during the school year except when there are no educational facilities in the place where they live or when they cannot be sent to schools in another locality. In such cases, they may be authorised by the competent authority to perform work suitable to their age if necessary for their own maintenance or that of the persons on whom they depend. These provisions conflict with the provision envisaged in question 10 (2).
(2) By the substitution of the age of 10 for that of 12 in question 10 (2) or, on the part of the Government, by the modification of the relevant legal provisions.

Republic of Viet-Nam. (1) The Labour Code prohibits the employment of children under 14, except in exclusively family undertakings. The protection of children and young workers is a matter of constant concern to the Government, but in the present circumstances the practical application of instruments that are not sufficiently flexible would be difficult.

(2) The minimum age in Viet-Nam should remain 14. In the future, when circumstances become more favourable, it could be raised to 15 and then to 16, as specified in the proposed instruments.
PROPOSED CONCLUSIONS

The following are the Proposed Conclusions which have been prepared on the basis of the replies from governments summarised and analysed in the preceding section. They have been drafted in the usual form and are intended to serve as a basis for discussion by the Conference of the fourth item on the agenda of its 57th (1972) Session.

I. Form of International Action

1. The Conference should adopt a new Convention and a new Recommendation on minimum age for admission to employment.

II. Convention

2. The Preamble should refer 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.

3. Each Member for which the Convention is in force should undertake to 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.

4. (1) Each Member which ratifies the Convention should specify, in a declaration appended to its ratification, a minimum age for admission to employment within its territory and on means of transport registered in its territory; subject to the other provisions of the Convention, no one under that age should be admitted to employment or work in any occupation.

   (2) Each Member which has ratified the Convention 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) The minimum age specified in pursuance of paragraph (1) of this Point should not be less than 14 years.

5. (1) Each Member which ratifies the Convention should also specify, in the declaration appended to its ratification, a minimum age under which no one within its territory or on means of transport registered in its territory shall be admitted to any type of employment or work 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) Each Member which has ratified the Convention 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) The minimum age specified in pursuance of paragraph (1) of this Point should not be less than 16 years.
PROPOSED CONCLUSIONS

(4) National laws or regulations should determine the types of employment or work to which this Point applies.

6. (1) 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) Each Member which ratifies the Convention should 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 paragraph (1) of this Point, giving the reasons for such exclusion, and should 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.

7. (1) A Member whose economy and administrative facilities are insufficiently developed may initially limit the scope of application of the Convention.

(2) Each Member to which paragraph (1) of this Point applies should specify, in a declaration appended to its ratification, the branches of economic activity to which it will apply the provisions of the Convention.

(3) The provisions of the Convention should 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) Any Member which has limited the scope of application of the Convention in pursuance of this Point—

(a) should 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.

8. The 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—

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

(b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or

(c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

9. (1) National laws or regulations may permit the employment or work of persons who are under the minimum age specified in pursuance of Point 4 but over 12 years of age on light work which is—

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

(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) The competent authority should determine the activities in which employment or work may be permitted under paragraph (1) of this Point and should prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

10. (1) The competent authority in a country may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work envisaged in Point 4, for such purposes as participation in artistic representations.

(2) The competent authority should prescribe the number of hours during which and the conditions in which employment or work under such permits is allowed.

11. (1) All necessary measures, including the provision of appropriate penalties, should be taken by the competent authority to ensure the effective enforcement of the provisions of the Convention.

(2) National laws or regulations should define the persons responsible for compliance with the provisions of the Convention.

(3) The employer should 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 Point 4 or 5, as appropriate.

III. Recommendation

A. NATIONAL POLICY

12. To ensure the success of the national policy referred to in Point 3, 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 provide the best possible conditions of physical and mental growth for children and young persons.

13. In this connection, special attention should be given, to the greatest extent possible, 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.
14. Particular account should be taken, as necessary, of the needs of children and young persons who do not have families or do not live with their own families.

15. 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 Point 4.

16. (1) Where the age specified for admission to particular types of employment or work in accordance with the provisions envisaged in Point 5 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.

(2) Analogous measures should 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

17. As far as possible, the minimum age should be fixed at the same level for all sectors of economic activity.

18. (1) Members should take as their objective the progressive raising of the minimum age for admission to employment to 16 years.

(2) Where the minimum age is still below 14 years, urgent steps should be taken to raise it to that level.

19. 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 EMPLOYMENT OR WORK

20. (1) Members should take as their objective the progressive raising to 18 years of the minimum age for admission to types of employment or work to which Point 5 applies.

(2) Where the minimum age for admission to such employment or work is still below 16 years, urgent steps should be taken to raise it to that level.

21. (1) In determining the types of employment or work to which Point 5 applies, 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) The list of the types of employment or work in question should be re-examined periodically and revised as necessary, *inter alia* in the light of advancing scientific and technological knowledge.

22. Where, by reference to Point 7, 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 types of employment or work which are hazardous within the meaning of Point 5 (1).

23. The exclusion of certain categories of employment, such as employment in family undertakings, from the application of minimum-age provisions in accordance with Point 6 should not extend to types of employment or work to which Point 5 applies.

D. CONDITIONS OF EMPLOYMENT

24. (1) Measures should be taken to ensure that the conditions in which children and young persons under the age of 16 years are employed reach and are maintained at a satisfactory standard. These conditions should be supervised closely.

(2) Measures should likewise be taken to safeguard and supervise the conditions in which children and young persons undergo vocational orientation and training within undertakings and to formulate standards for their protection and development.

25. In connection with the application of Point 24, as well as in giving effect to Point 9 (2), 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.

26. 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

27. (1) Measures to ensure the effective application of the Convention and the Recommendation should include—

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

(2) 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) Labour inspection and inspection of training in undertakings should be closely interrelated, in the interest of the greatest efficiency as well as economy of effort and staff, and, 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.

28. Special attention should be paid—

(a) to the enforcement of provisions concerning employment in hazardous types of employment or work; 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.

29. 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 whenever 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.