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

On 26 June 1972 the International Labour Conference, meeting in Geneva at its 57th Session, adopted the following resolution:

The General Conference of the International Labour Organisation,

Having adopted the report of the committee appointed to consider the fourth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention and a Recommendation concerning minimum age for admission to employment;

Decides that an item entitled "Minimum Age for Admission to Employment" should be included in the agenda of its next ordinary session for a second discussion, with a view to the adoption of a Convention and a Recommendation.

By virtue of this resolution and in accordance with article 39, paragraph 6, of the Standing Orders of the Conference, the Office is required to prepare, on the basis of the first discussion by the Conference, the texts of a proposed Convention and a proposed Recommendation and to communicate them to governments so as to reach them not later than two months from the closing of the 57th Session of the Conference, asking them to state within three months whether they have any amendments to suggest or comment to make.

The purpose of the present report is to transmit to governments the proposed texts, which are based on the Conclusions adopted by the Conference at its 57th Session. Governments are requested, in accordance with the Standing Orders of the Conference, to submit any amendments or comments with regard to the proposed texts as soon as possible, and in any case so as to reach the Office in Geneva by 30 November 1972 at the latest. Governments which have no amendments or comments to put forward are requested to inform the Office by the same date whether they consider the proposed texts to be a satisfactory basis for discussion by the Conference at its 58th Session.
CHAPTER I

THE PROCEEDINGS OF THE 57th SESSION OF THE CONFERENCE RELATING TO MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

Extracts from the Report of the Conference Committee

1. The Committee on Minimum Age, set up by the Conference at its third sitting, on 8 June 1972, consisted originally of 143 members (65 Government members, 36 Employers' members and 42 Workers' members). To achieve equality of voting strength, each Government member had 252 votes, each Employers' member 455 and each Workers' member 390. The composition of the Committee was changed four times. The membership after each change and the number of votes consequently allotted to each member are shown below:

(a) 144 members (66 Government members with 42 votes each, 36 Employers' members with 77 votes each, 42 Workers' members with 66 votes each);
(b) 143 members (66 Government members with 35 votes each, 35 Employers' members with 66 votes each, 42 Workers' members with 55 votes each);
(c) 142 members (66 Government members with 119 votes each, 34 Employers' members with 231 votes each, 42 Workers' members with 187 votes each);
(d) 119 members (67 Government members with 306 votes each, 34 Employers' members with 603 votes each, 18 Workers' members with 1,139 votes each).

2. The Committee elected the following officers:

Chairman : Mr. Gargoum, Government member, Libyan Arab Republic.
Vice-Chairmen : Mr. Abate, Employers' member, Ethiopia, and Mr. Narayanan, Workers' member, Malaysia.

Reporter : Mr. Eldering, Government member, Netherlands.

4. The Committee had before it two reports—Reports IV (1) and IV (2)—prepared by the Office on the fourth item on the agenda—minimum age for admission to employment—for a first discussion by the Conference. The Proposed Conclusions prepared by the Office were included in Report IV (2).
Statement by the Representative of the Secretary-General

6. The representative of the Secretary-General recalled that the Conference had dealt with the question of minimum age on several occasions in the past, and that the Conventions and Recommendations already adopted had been influential in bringing about the progress made so far. In returning to this question, the Conference would seek to stimulate further progress towards the elimination of child labour where it still existed and the better protection of children everywhere. The Proposed Conclusions before the Committee were aimed at providing the basis for a new Convention which would be valid in its main provisions for countries at different stages of development; flexible on details and thus as effective as possible in practice. These proposals were accompanied by proposals for a new Recommendation which would supplement the Convention by giving further guidance on minimum age regulation and on related measures to make minimum age regulation fully effective.

General Discussion

7. Members from all three sides recognised the importance of abolishing child labour and welcomed the renewed consideration of the question of minimum age by the Conference.

8. The Workers' members argued that the employment of children was often characterised by low wages and other abuses. Where unemployment was heavy, the use of child labour tended to deprive adult workers of job opportunities. At the same time, by depriving children of opportunities for education and training, it condemned them to remaining unskilled, and thus perpetuated the poverty and backwardness of a society. The Workers' members therefore stressed the need for raising the minimum age for admission to employment and the school leaving age, promoting vocational training and workers' education for young workers, preventing wage discrimination against them, enabling them to join trade unions at the same age as that fixed for admission to employment, and generally ensuring the protection of young persons. They supported the adoption of a new Convention supplemented by a Recommendation. In their view, the new Convention should cover all economic sectors and should be extremely strict with regard to exceptions. Above all, it should represent clear progress over existing standards rather than merely re-establishing the minimum age of 14 years which had first been adopted in 1919.

9. Several of the Government members who took part in the general discussion also favoured the adoption of a new Convention which would mark clear progress over existing ones and thus stimulate member States to raise national standards. They considered that the Convention should cover all sectors, should not allow too many exceptions and should prescribe minimum ages of 15 for general
employment and 18 for hazardous work. Some Government members placed special stress on the need for strict controls over hazardous work, and a suggestion was made that the Convention itself should specify at least certain activities to be regarded as hazardous. A further suggestion was that consideration might be given to providing for measures concerning health, safety and social security as well as minimum age.

10. Other Government members, however, emphasised the need for flexibility in order to make the Convention as widely applicable as possible and thus to enable the greatest possible number of countries to ratify it. Drawing attention, in particular, to the problems of developing countries, they argued that such countries would find a minimum age fixed at a very high level impossible to apply. The question of minimum age was closely linked with that of compulsory education, which in turn depended on the availability of facilities for education and training. In most developing countries, owing to lack of resources, the facilities necessary for effective compulsory education could only be established progressively. If the minimum age for employment were too high and no alternatives in the form of education or training were available, there would be a danger of increased delinquency, begging and illegal employment. An additional problem was that in many countries children were traditionally expected to contribute to the family income, especially in the agricultural and handicraft sectors, and their contribution was often indispensable for poor families. Moreover, developing countries often lacked the administrative resources to enforce a minimum age in all sectors throughout their territory. One Government member suggested that account should also be taken, first, of the differences in the age at which children reached maturity in different regions, and, secondly, of the labour-intensive nature of most developing economies as opposed to the capital-intensive nature of most developed ones.

11. A number of Government members referred in more general terms to the relationship between education and minimum age, stressing in this connection the importance of co-operation between the ILO and UNESCO. One Government member noted the problem of possible loss of income by families as a result of the prevention of child labour, and the consequent need for compensatory measures such as family allowances.

12. Various Government members raised questions concerning particular items in the Proposed Conclusions. It was pointed out that the manner in which existing Conventions could be replaced required clarification. The expression “the fullest physical and mental development of all young persons” was criticised by some Government members as too vague to be a usable criterion. The terms “child” and “young person”, it was suggested, might themselves require definition. With regard to the minimum ages to be fixed, one Government member hoped that the Committee would search for an optimum solution, and cautioned against reaching a consensus purely on the basis of bargaining or voting.
13. The Employers' members, supporting the adoption of a new Convention and Recommendation, called for flexibility and realism to allow for the diversity of needs and possibilities among member States. They maintained that the new Convention should prescribe general but essential rules, and should be capable of receiving a large number of ratifications. It should take special account of conditions in developing countries. These conditions included low incomes, short life expectancy, the frequent early loss of the family breadwinner and severe deficiencies in the educational infrastructure. Other characteristics of many developing countries were a high proportion of children and young persons in the population, the relatively early maturity of children in tropical areas, the absence of birth registration systems through which ages could be readily verified, falling rural incomes coupled with rising living costs and social problems arising from rural-urban migration; all of these made effective enforcement of a high minimum age impossible. One Employers' member, however, argued that the Convention should prescribe strict standards, including minimum ages of 15 for general employment and 18 for hazardous work, in order to prevent any possible abuses. Another Employers' member considered that the employment of children was not necessarily undesirable in all cases and in all circumstances. At the same time, he stressed that whatever standards were adopted should be applied equally, without discrimination based on sex. Finally, an Employers' member drew attention to the importance of expanding and improving educational facilities, adapting the syllabus more closely to the needs of real life and giving high priority to the nutrition and health of children and young persons.

14. The relationship between minimum age regulation and education, and hence between the work of the ILO and that of UNESCO, was noted by several speakers during the general discussion. In this connection, the Committee heard a statement by a representative of UNESCO informing it of the interest of that Organisation in the present effort to consolidate and modernise existing minimum age instruments. Recalling that compulsory education was the goal of educational policy in all member States and that where compulsory education had been achieved the school-leaving age and the minimum age for admission to employment were usually closely related, the representative of UNESCO pointed out that many developing countries had so far been unable to establish the facilities necessary for providing compulsory education to all their children. He also pointed out that in both developed and developing countries there were strong trends towards relating formal education more closely to life—for example, by safeguarding and indeed encouraging the possibility of work experience for educational purposes and under the supervision of the educational authorities—and towards challenging the idea of automatic prolongation of compulsory schooling in favour of the provision of opportunities for regular learning throughout life.

15. Following the general discussion, the Committee proceeded to an examination of the Proposed Conclusions set out in Report IV (2).
Examination of the Proposed Conclusions in Report IV (2)

I. FORM OF INTERNATIONAL ACTION

Point 1

16. Point 1 was adopted unanimously without discussion.

II. CONVENTION

Point 2

17. Point 2 of the Proposed Conclusions suggested that the preamble of the new Convention should indicate the desirability of a general instrument which would gradually replace the existing Conventions of more limited scope. In considering this point, the Committee noted that it had two aspects: first, the question of replacing the existing Conventions—or, more precisely, the legal relationship of the new Convention to the old ones—and, secondly, the text of the preamble itself.

18. The Employers' members and several Government members having asked for clarification of the first aspect, the Assistant Legal Adviser was consulted and, at her suggestion, it was decided to postpone further discussion until the main elements of the Convention had been determined and a document had been circulated giving a detailed explanation of the policy issues, as well as of the legal considerations involved. Once decisions had been taken on the basic provisions to be included in the new Convention, a second document would be circulated suggesting certain policy conclusions for the Committee's approval and containing for indicative purposes a draft Article, the detailed text of which could be left for examination at the second discussion. The suggested policy conclusions of this document were as follows:

(a) The procedure of revision would be followed. In addition there would be provision for the denunciation of such of the existing Conventions as were not automatically affected by revision, and those Conventions would be closed to further ratification as and when all parties thereto had consented to such closure by ratification of the new Convention.

(b) Ratification of the new Convention would involve automatic denunciation of the old only to the extent that scope and minimum age level obligations were equivalent.

(c) The existing Conventions providing for a minimum age higher than 14 would be left open for further ratification.

19. After the members had studied these documents, the Committee decided that the best course would be to take note of them and to accept the Office text of point 2 (as modified by the Workers' members' amendment described below) as a basis for further consideration of the question of replacement next year.
20. The second aspect of this point—namely the text of the preamble—was discussed in connection with two amendments. An amendment proposed by the Workers' members to add at the end of the text the phrase "with a view to achieving the total abolition of child labour" was supported by the Employers' members and adopted unanimously. An amendment was proposed by the Austrian Government member indicating that the reason why it was desirable to replace the old Conventions of limited scope by a more general instrument was that "everyday life experience has proved that there is no longer any justification for maintaining the hitherto existing differentiation". This amendment was not pressed by the author in view of the decision of the Committee to accept for the time being the Office text of point 2 as modified by the amendment of the Workers' members.

Suggested New Point

21. An amendment was proposed by the United Kingdom Government member to add after the preamble an Article defining for the purposes of the Convention the term "employment" as including "all work done for someone's profit". This would entail consequential amendments to delete the words "or work" from point 4 (1) and various other provisions of the Proposed Conclusions. The author of the amendment argued that such a definition would give a more precise indication of the scope of the Convention and would remove any ambiguity arising from the word "work", which had a very wide meaning. The Assistant Legal Adviser said that the words "employment" and "work" had been used together here, as in previous Conventions on minimum age, in order to cover all economic activity regardless of the formal employment status of the person concerned. The Employers' members proposed a sub-amendment which, after modification at the suggestion of the Government member of the Philippines, changed the words "done for someone's profit" to "done for commercial profit". The amendment as sub-amended was supported by the Employers' members and certain Government members, and opposed by the Workers' members and certain other Government members. It was rejected by 2,716 votes in favour and 4,073 against, with 77 abstentions.

Point 3

22. Amendments to point 3 submitted by the Employers' members and the Australian Government member had in common a proposal to transfer the text to the preamble. In support of the proposal, it was argued that the provision suggested was drafted in very general terms, that it imposed no precise obligations and that supervision of its application would be impossible. It was therefore more appropriate to the preamble than to the body of the Convention. The opponents of the proposal, including the Workers' members, maintained that the text defined the objectives both of the Convention and of national policy, that it introduced an important element of dynamism and that to transfer it to the preamble would be
to weaken it. The proposal for transfer was rejected by 2,392 votes in favour and 2,758 against, with 280 abstentions.

23. The Australian Government member's amendment also proposed the replacement of the phrase "to raise progressively the minimum age for admission for employment to a level consistent with the fullest physical and mental development of all young persons" by the phrase "to fix the minimum age for admission to employment in accordance with the requirements of this Convention". The author considered that the term "fullest physical and mental development" was vague and that an obligation to raise progressively the minimum age would be difficult to apply. The proposal was supported by the Employers' members and opposed by the Workers' members. It was rejected by 2,322 votes in favour and 3,237 against, with 521 abstentions. In their own amendment, the Employers' members had proposed the deletion from this point of the phrase "ensure the effective abolition of child labour", which they thought superfluous in view of the inclusion of a similar phrase in point 2, and of the words "fullest" and "all" from the phrase "fullest mental and physical development of all young persons", a concept they regarded as difficult to define precisely. After some discussion these proposals were withdrawn.

24. All the amendments having failed or been withdrawn, point 3 was adopted without modification.

**Point 4**

25. Several amendments were submitted to paragraph (3) of this point, which in the Office text set a lower limit of 14 for the age member States could specify as the minimum age for admission to employment. An amendment submitted by the Government member of Cuba proposed changing 14 to 15. This was withdrawn in favour of an amendment submitted by the Workers' members suggesting that the minimum age "should not be lower than the age fixed for the completion of compulsory education and in any case should not be less than 15 years". The Government members of Belgium, France, the Federal Republic of Germany, Italy and the Netherlands (subsequently referred to as the "Common Market" countries) suggested the following text: the minimum age "should not be less than the age of completion of compulsory schooling nor, in any case, less than 15 years". Having noted that the phrase "age of completion of compulsory schooling" would be more widely acceptable than the phrase "age fixed for the completion" to countries in which the length of compulsory education was fixed in terms of a given number of years rather than in terms of age, the Workers' members withdrew their amendment in favour of the drafting of the Common Market amendment but proposed at the same time a sub-amendment to the latter amendment, changing the minimum age from 14 to 15. In the discussion on the age to be prescribed, the Employers' members and a number of Government members argued that 14 would be more suitable to the needs of developing countries and would permit the Convention to be much more widely applied. The Workers' members and a number
of other Government members maintained that the Convention should represent an advance over existing standards and should contribute to the improvement of the legal protection and the educational opportunities offered to children everywhere.

26. A record vote was held on the sub-amendment of the Workers' members changing 14 to 15 in the Common Market amendment, and the sub-amendment was rejected by 3,037 votes in favour and 3,053 against, with 315 abstentions. The Common Market amendment was then adopted in its original form by 2,948 votes to 572, with 2,570 abstentions. The Workers' members stated that they had abstained in this vote because they could only be responsible for including the age of 15, and not 14, in the new Convention. As a consequence of the vote, an amendment submitted by the Government members of Egypt, Ghana and Jordan to prescribe 15 years but allow developing countries to specify the age of completion of compulsory education was withdrawn by the authors.

27. Point 4 was adopted with paragraph (3) modified in accordance with the Common Market amendment.

Point 5

28. Identical amendments were submitted by the Government members of Cuba and Spain to change to 18 the lower limit of 16 suggested in paragraph (3) for hazardous work. This proposal was discussed in conjunction with an amendment submitted by the Workers' members to replace the entire Office text of this point by the following:

"5. (1) The minimum age for admission 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 should not be less than 18 years.

(2) National laws or regulations should determine the types of employment or work to which this point applies."

Several sub-amendments were submitted to this amendment. The Government members of the Common Market countries represented on the Committee proposed the addition to paragraph (1) of a second sentence to the effect that national legislation could, after consultation with any employers' and workers' organisations concerned, allow the granting of individual authorisations for the performance of such work by young persons over 16 who had received vocational training from the relevant branch. This sub-amendment was accepted by the Workers' members after the authors had agreed to certain modifications, notably changing 16 to 17. Another sub-amendment, proposed by the Government member of Canada, sought to change 18 in the amendment of the Workers' members to 16 and thus combine the age of 16 with the Workers' members redrafting of the whole point. A third sub-amendment, proposed by the Government members of Denmark, Finland, Norway and Sweden, was to add to the first paragraph of the amendment of the Workers' members a sentence to the effect that exemptions might be allowed for types of employment or work where the hazards were of
such a character that a minimum age of 16 was adequate. Finally, the USSR Government member proposed a sub-amendment to substitute 18 for 16 in the Canadian Government member’s amendment.

29. After a prolonged procedural discussion on the receivability of these texts and the order in which votes should be taken, consultations were held with the participation of the Assistant Legal Adviser. It was decided that the Committee was faced with a substantive choice, in the first instance, between the age of 18 as proposed by the USSR Government member, and, on the one hand, the age of 16 as proposed by the Canadian Government member or, on the other hand, the age of 18 with a conditional exception for 17-year-olds as proposed in the amendment of the Workers’ members modified by the Common Market sub-amendment. The USSR Government member’s proposal was therefore put to a vote and was adopted by 9,516 votes to 8,715, with 1,785 abstentions. After this vote, there remained outstanding the proposal of the Government members of the Nordic countries to allow conditional exemptions from the general rule of 18 for persons over 16. This was rejected by 10,136 votes in favour and 10,383 against, with 357 abstentions. Finally, the Committee voted on the amendment of the Workers’ members which as a result of these votes had returned to its original form. This was adopted by 10,553 votes to 8,470, with 952 abstentions.

30. Two further amendments were proposed to point 5: the first, submitted by the United States Government member, aimed at enabling the competent authority as well as national laws or regulations to determine the types of employment or work to which the point applied; the second, submitted by the Workers’ members, provided for consultation for this purpose with any employers’ and workers’ organisations concerned. Both were adopted unanimously, the former having been modified by the substitution of “The appropriate” for “National”.

31. Point 5 as amended in accordance with the above decisions was adopted.

Point 6

32. Identical amendments proposing the deletion of point 6 were proposed by the Government member of Cuba and the Workers’ members. The Workers’ members argued that if there were too many exceptions the Convention would be gravely weakened, and that such a general provision allowing exclusions from the scope of the Convention was particularly undesirable. The Employers’ members, opposing the amendment, considered that the Office text provided an element of flexibility which was important for the practical effectiveness of the Convention. The Government member of the Netherlands noted that while care should be taken to avoid any possibility of abuse, the Convention would be difficult to ratify if no exclusions from its scope were permitted. On his own behalf and on that of the Government members of France, the Federal Republic of Germany and Italy, he proposed a sub-amendment to the amendment of the Workers’ members limiting the possibility of exclusion to family undertakings in respect
of which the application of the Convention would give rise to special and substantial difficulties; this possibility of exclusion would not, however, extend to hazardous work. The sub-amendment failed for lack of a quorum. The amendment of the Workers’ members was then voted on and rejected by 25,380 votes in favour and 26,946 against, with 3,366 abstentions. After this vote, the Workers’ members stated that they would abstain on the Office text because the possibility of exclusions it opened up would be detrimental to the achievement of the objectives of the Convention. This statement having been noted, point 6 was adopted without modification.

Point 7

33. An amendment submitted by the Workers’ members to insert in paragraph (1) of point 7 a provision calling for consultation with any employers’ and workers’ organisations concerned was supported by the Employers’ members and adopted unanimously. A further amendment submitted by the Workers’ members added to the list contained in paragraph (3) “plantations or other agricultural undertaking mainly producing for commercial purposes”. This was opposed by the Employers’ members. Put to a vote, it was adopted by 28,143 votes to 21,735, with 3,978 abstentions. Point 7 as amended was then adopted.

Point 8

34. Again, an amendment submitted by the Workers’ members to provide for consultation was supported by the Employers’ members and adopted unanimously. The Workers’ members also submitted an amendment to replace in clause (b) the words “mainly or entirely” by the words “run by”, a change which in their view would make the text clearer and more precise. In the view of the Employers’ members and one Government member, however, the change would make the text ambiguous and thus might create difficulties in the operation of certain training programmes. The amendment was rejected by 22,383 votes in favour and 28,152 against, with 2,754 abstentions. Point 8 as amended was then adopted.

Point 9

35. A number of amendments were submitted to point 9. The Workers’ members proposed the deletion of the entire point on the grounds that it provided for a major exception to the prohibition of child labour which, taken together with the other exceptions already admitted, would drastically reduce the significance of the Convention. Moreover, the term “light work” was not defined and the number of hours during which it could be allowed was not specified. Even if the deletion of this point might raise difficulties of application for certain Governments, the principle at stake was so important that the Convention should seek to raise standards in this respect rather than merely recognise existing practices. Several Government members supported the deletion of this point. Other
Government members argued in favour of retaining it, as did the Employers' members. The position of the developing countries, in most of which compulsory education either had not been achieved or did not extend to the age of 14, was stressed in this connection. Even in the more developed countries, the performance of light work by children below the basic minimum age—for example part-time work during school holidays—was a normal practice. The Office text provided for a number of safeguards, and as long as such safeguards were applied all work by children under 14 could not be regarded as harmful. The amendment to delete the point was rejected by 24,777 votes in favour and 26,325 against, with 1,836 abstentions.

36. Two other amendments—one to raise the minimum age for light work to 13, submitted by the Government member of Cuba, and one to delete the specification in the Office text of a minimum age of 12, submitted by the Employers' members of Ghana, Mali and Tunisia—were first voted on against each other. The former was retained for further consideration by 26,613 votes to 21,123, but was then itself rejected by 3,366 votes in favour and 24,489 against, with 23,859 abstentions. An amendment submitted by the Government member of France to limit this exception to light work in agriculture and an amendment submitted by the Government members of the Federal Republic of Germany and the Netherlands to limit it to "occasional" light work were both withdrawn after some discussion. An amendment submitted by the Government member of Sweden to replace in paragraph (1) (a) the phrase "not likely to be harmful to their health or development" by "not involving risks to their health or development" was referred to the Drafting Committee, which subsequently decided to maintain the original text.

37. The Workers' members stated that they would abstain on point 9 out of opposition as a matter of principle to allowing exceptions for light work. This statement having been noted, and all the amendments having failed or been withdrawn, point 9 was adopted without modification.

**Point 10**

38. An amendment submitted by the Workers' members to insert in point 10 a provision for consultation with any employers' and workers' organisations concerned was supported by the Employers' members and adopted unanimously. Amendments to paragraph (2) changing "prescribe the number of hours" to "limit the number of hours" and changing "the competent authority" to "permits so granted ", submitted respectively by the Common Market Government members and the Workers' members, were combined and were also adopted unanimously. Point 10 as amended was then adopted.

**Point 11**

39. An amendment was submitted by the United Kingdom Government member to insert in paragraph (1) "the maintenance of an inspection service" and to
delete paragraph (3), a provision for record keeping which he regarded as unnecessary once proper enforcement machinery was in operation. This was rejected by 20,826 votes in favour and 25,695 against, with 3,366 abstentions. An amendment submitted by the Austrian Government member to add the words “or authorities” after “persons” in paragraph (2) was referred to the Drafting Committee. The Drafting Committee pointed out that this paragraph related to persons—such as employers—who were required to respect legal provisions, as distinct from enforcement services, and that the addition of the word “authorities” would hence be inappropriate. In no circumstances would the word “persons” require the names of particular persons to be specified by law. For greater clarity, the Drafting Committee did change “the provisions of the Convention” to “the provisions giving effect to the Convention”. It also asked the Office to re-examine the text of this provision in languages other than English with a view to removing any possible ambiguity. As regards paragraph (3), amendments to change “The employer should keep...records” to “National laws or regulations should require that the employers...” and to add “or other documents” after “records”, submitted respectively by the United States Government member and the Common Market Government members, were adopted unanimously. A last amendment, submitted by the Government member of Spain, to add a paragraph concerning medical fitness certificates was rejected. Point 11 as amended was then adopted.

III. RECOMMENDATION

Point 12

40. Point 12 was adopted without modification.

Point 13

41. An amendment to delete the phrase “to the greatest extent possible” was submitted by the Workers’ members, who considered the flexibility of the phrase to be excessive and inconsistent with the provision concerning national policy adopted as point 12. The Employers’ members preferred to retain the Office text, noting that several Governments had stated in their replies to the original questionnaire that certain of the measures listed were not feasible at present. The amendment was adopted by 27,518 votes to 21,141, with 4,887 abstentions.

42. Two other amendments proposed by the Workers’ members were supported by the Employers’ members and adopted unanimously. The first redrafted the opening part of clause (b) to read as follows: “the progressive extension of other social measures to alleviate poverty wherever it exists”. The second added the phrase “without any discrimination” to clause (c). Point 13 as amended was then adopted.
43. Two amendments to point 14 were also adopted unanimously: the first, submitted by the United States Government member, added a reference to migrant children, and the second, submitted by the Worker's members, suggested scholarships and vocational training as a means of meeting the needs of the children covered by this provision. Point 14 as amended was then adopted.

44. An amendment proposed by the Workers' members to delete the phrase "to the greatest extent possible" was adopted by 27,522 votes to 3,566, with 22,968 abstentions. After the representative of the Secretary-General had confirmed that the term "full-time" referred to the normal hours of school attendance in the locality concerned, point 15 as amended was adopted.

45. Points 16 and 17 were adopted without modification.

46. An amendment was proposed by the Government member of Japan to add at the end of paragraph (1) the phrase "taking account of the age of completion of compulsory schooling". This was supported by the Employers' members and by certain Government members, who attached great importance to the principle—already recognised in point 4—of linking the minimum age for employment to the school-leaving age. The Workers' members opposed the amendment, recalling that compulsory education was of short duration or even non-existent in many countries and arguing that the amendment would empty the provision of its substance. The amendment was rejected by 23,283 votes in favour and 26,298 against, with 3,969 abstentions. Amendments submitted by the Government member of Cuba and the Workers' members to change 14 to 15 in paragraph (2) were withdrawn by the authors, and point 18 was adopted without modification.

47. Amendments proposing the deletion of this point were submitted by the Government member of Cuba and the Workers' members. The deletion of the point was regarded by them as consequential upon the inclusion, within the minimum scope of the Convention (point 7), of plantations and other agricultural undertakings mainly producing for commercial purposes. The proposal for deletion was rejected by 23,868 votes in favour and 23,886 against, with 5,490 abstentions. Point 19 was then adopted without modification.

48. An amendment was submitted by the Workers' members to replace this entire point by a single paragraph calling for immediate steps to raise the minimum
age for hazardous work to 18 where it was still below that level. A similar amendment submitted by the Government member of Cuba was withdrawn in its favour. The amendment was opposed by a Government member who argued that fixing the age at too high a level might deprive young persons of employment opportunities and that a better approach would be to remove the hazards themselves, thus offering protection to all workers. Other Government members, however, supported the amendment, recalling that the age of 18 had already been included in point 5. The amendment was adopted by 28,746 votes to 2,142, with 23,886 abstentions, and point 20 as amended was then adopted.

**Point 21**

49. Point 21 was adopted without modification.

**Point 22**

50. An amendment to delete the words "such as agriculture" after "sectors of economic activity", submitted by the Workers' members, was supported by the Employers' members and adopted unanimously. Point 22 as amended was then adopted.

**Point 23**

51. Point 23 was adopted without modification.

**Point 24**

52. Amendments were submitted by the Government member of Cuba and the Workers' members to change the age of 16 to 18 in paragraph (1). They regarded this proposal as consequential upon the adoption of 18 as the minimum age for hazardous work. The Employers' members reiterated their opposition to a standard of 18. The proposal was adopted by 30,582 votes to 1,530, with 24,192 abstentions, and point 24 as amended was then adopted.

**Point 25**

53. The Workers' members submitted an amendment to the effect that the measures listed in point 25 would bear not only on points 24 and 9 (2) but also on point 6, which allowed the exclusion of limited categories from the application of the Convention. At the suggestion of the Common Market Government members, point 25 was divided into two paragraphs and the reference to point 6 was included in the second paragraph. The amendment as so modified was unanimously adopted.

54. An amendment to clause (a) aimed at preventing any wage discrimination against young persons was submitted by the Workers' members, who considered the Office text vague and susceptible of varying interpretations. After some discussion on the most suitable way of expressing the idea behind this proposal,
a suggestion by the Common Market Government members to add at the end of the Office text the phrase “bearing in mind the principle of equal pay for equal work” was accepted by the Workers’ members and supported by the Employers’ members. The amendment as modified was unanimously adopted.

55. In respect of clause (b), an amendment submitted by the Workers’ members to insert after “enough time for education or training” the phrase “including the time needed for homework related thereto” was unanimously adopted. Another amendment submitted by the Workers’ members called for the prohibition of overtime. In the view of the Workers’ members, overtime was undesirable for workers in general, and especially undesirable for young workers because of the risks it involved to their health and development. Several Government members endorsed this view. The Employers’ members and several other Government members could not accept an absolute prohibition of overtime, particularly since this provision now applied to young persons up to the age of 18. After various suggestions for compromise—the prohibition of unreasonable overtime, or of compulsory overtime, or of overtime for young persons under 16, or of overtime prejudicial to the health, morals or development of young persons—had been attempted, the amendment of the Workers’ members was voted upon and adopted by 29,358 votes to 22,671, with 3,157 abstentions.

56. An amendment to clause (c) submitted by the Workers’ members specified that the night rest called for in the clause should be of at least 12 consecutive hours. The amendment was adopted by 32,112 votes to 0, with 21,438 abstentions.

57. As regards clause (d), an amendment was submitted by the Workers’ members to specify that the holiday granted to young persons should be at least 50 per cent longer than that granted to adults. The object of this proposal was to protect the health of young persons and to afford them greater leisure for such purposes as training; the term “adequate annual holidays” used in the Office text was too vague. The Employers’ members could not accept the principle of longer holidays for young workers, and opposed the amendment. Certain Government members suggested that the text should be based on the latest ILO instruments concerning annual holidays, and one of them recalled that in the course of the discussion preceding the adoption of the Holidays with Pay Convention (Revised), 1970 (No. 132), the idea of a longer holiday for young workers had been rejected. Finally, a suggestion by the Common Market Government members to replace the text of the amendment by the phrase “an annual holiday with pay of at least four weeks” was accepted by the Workers’ members. The amendment as modified was adopted by 29,664 votes to 20,250, with 4,248 abstentions.

58. A last amendment to point 25, submitted by the United States Government member, suggested the addition of a new clause calling for the “provision of workmen’s compensation benefits regardless of whether the minor is legally or illegally employed”. The object of this amendment was to ensure that in case of
employment injury to a young person who was illegally employed, the fact that he was illegally employed should not deprive him of entitlement to benefits. The Workers’ members did not disagree with this principle, but they were against any reference in the text to illegal employment. They therefore suggested amending the text to provide for entitlement to all employment injury benefits regardless of the conditions of work or employment of the young person concerned. The Common Market Government members, agreeing that reference to illegal employment should be avoided, suggested that this clause should be widened to cover risks other than employment injuries, such as ordinary sickness, by providing simply for the guarantee of social security. Several Government members stated that in some countries employment injury benefits did not necessarily come under social security. The Government member of Spain suggested providing for benefits in respect of both ordinary sickness and employment injury. After some further discussion, the matter was referred to the Drafting Committee. The Drafting Committee agreed upon the following text: “coverage by social security schemes, including employment injury, medical care and sickness benefit schemes.” While taking note of the observations of the United States Government member concerning illegal employment and of the suggestion of the Workers’ members, the Drafting Committee stressed the difficulty of covering all situations and trusted that the above text would provide a basis for general agreement. [The Committee subsequently accepted the text with the addition of the words “whatever the conditions of employment or work may be.”]

59. With regard to point 25 as a whole, the Employers’ members expressed reservations on the adoption of detailed provisions which in their view went far beyond the question of minimum age. These reservations having been noted, point 25 as amended was adopted.

Point 26

60. An amendment submitted by the Workers’ members to specify that the Recommendation applied to industrial home work and domestic service was withdrawn in favour of a suggestion by the Common Market Government members to delete point 26 altogether. This point, it was argued, had undoubtedly been intended to give some protection to categories which should be excluded from the application of the Convention under point 6; since a reference to point 6 had now been added to point 25, a separate provision relating to such categories was superfluous. After some discussion, the suggestion was agreed to by the Employers’ members, and the Committee unanimously decided to delete point 26.

Point 27 (now Point 26)

61. An amendment was submitted by the United Kingdom Government member to delete paragraph (1) (b) and, as a consequence, the reference in paragraph (3) to inspection of training in undertakings. This suggestion was based on the fact that the United Kingdom, and perhaps other countries, did not have
services for the inspection of training in undertakings, inspection which in the present text presumably related to supervision of the quality of training as well as the conditions of work of the trainees. The amendment was opposed by the Workers’ members and a number of Government members. It was withdrawn by the author, subject to the recording of his Government’s reservations on this matter. Point 27 was then adopted without modification.

**Point 28 (now Point 27)**

62. Point 28 was adopted without modification.

**Point 29 (now Point 28)**

63. An amendment submitted by the Employers’ members to add after the word “records” in clause (b) the words “or other documents” was supported by the Workers’ members and adopted unanimously. Point 29 as amended was then adopted.

**Adoption of the Report, Proposed Conclusions, and Resolution to Place on the Agenda of the Next Ordinary Session of the Conference an Item Entitled “Minimum Age for Admission to Employment”**

64. The Committee examined its report at its thirteenth sitting, and decided to make certain changes as proposed by members during the discussion.

65. Several members expressed reservations concerning particular items in the Proposed Conclusions. The Government member of Algeria stated that legislation in his country was in many respects more advanced than the proposed text. The Government member of Australia hoped that the final text adopted after the second discussion would be more realistic and flexible. The following Government members expressed reservations on the points indicated, and hoped that the Conference would adopt more advanced standards next year: Byelorussian SSR—4 (3), 6, 9 and 12; Cuba—4 (3); Czechoslovakia—4 (3), 6 and 9; Hungary—4 (3), 6, 9 and 19; and the USSR—4 (3), 6 and 9. The Government member of Egypt expressed reservations on the age of 18 for hazardous work. The Government member of Japan expressed reservations on points 5, 18, 23 and 25. The Government member of the United States supported the conclusions proposed for the Convention but expressed reservations concerning certain provisions envisaged for the Recommendation, notably the provisions of point 25 calling for the prohibition of overtime and the granting of four weeks’ holidays, both of which he thought would be detrimental to employment opportunities for young persons. Finally, the Employers’ members reserved their position on the policy conclusions suggested by the Office in connection with point 2 and reiterated their opposition to the age of 18 for hazardous work and to the detailed provisions of point 25.

66. These reservations having been noted, the Committee adopted the report, the Proposed Conclusions and a resolution to place on the agenda of the next
ordinary session of the Conference, for a second discussion, an item entitled “Minimum Age for Admission to Employment”.

Proposed Conclusions with a View to the Adoption of a Convention Supplemented by a Recommendation concerning the Minimum Age for Admission to Employment, Submitted by the Committee

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 with a view to achieving the total abolition of child labour.

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 the age of completion of compulsory schooling nor, in any case, be less than 14 years.

5. (1) The minimum age for admission 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 should not be less than 18 years.

   (2) The appropriate laws or regulations or the competent authority should determine the types of employment or work to which this point applies, after
consultation with the organisations of employers and workers concerned, where such exist.

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, after consultation with the organisations of employers and workers concerned, where such exist, 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; transport, storage and communication; and plantations or other agricultural undertakings mainly producing for commercial purposes.

(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, after consultation with the organisations of employers and workers concerned, where such exist, 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) After consultation with the organisations of employers and workers concerned, where such exist, 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 performances.

(2) Permits so granted should limit the number of hours during which and prescribe the conditions in which employment or work 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 giving effect to the Convention.

(3) National laws or regulations should require that the employer keep, and make available to the competent authority, records or other documents 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 interrelated 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 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 social measures to alleviate poverty wherever it exists 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, without any discrimination;

(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, as necessary, be taken by such measures as the provision of fellowships and vocational training, of the needs of children and young persons who do not have families or do not live with their own families and of migrant children who live and travel with their own families.

15. 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 or work.

(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. Where the minimum age for admission to types of employment or work to which point 5 applies is still below 18 years, immediate 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, 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 18 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. (1) 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, bearing in mind the principle of equal pay for equal work;

(b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training, including the time needed for homework related thereto, for rest during the day and for leisure activities;

(c) the granting, without possibility of exception, of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days;

(d) the granting of an annual holiday with pay of at least four weeks;

(e) the general protection and supervision of the health, development and morals of those concerned;

(f) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be.

(2) Paragraph (1) should also apply to the categories of employment referred to in point 6.

E. ENFORCEMENT

26. (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.

27. 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.

28. The following measures should be taken to facilitate the verification of ages:
The public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates;

Employers should be required to keep, and make available to the competent authority, records or other documents 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;

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 with licences or other documents indicating their eligibility for such work.

Discussion by the Conference in Plenary Sitting

The report of the Committee on Minimum Age and its Proposed Conclusions were discussed by the Conference in plenary sitting on 26 June 1972.

In presenting the report, Mr. Eldering (Government adviser, Netherlands; Reporter of the Committee) recalled that a number of instruments on minimum age applicable to specific branches of activity had been adopted in the past. The Committee had agreed unanimously on the desirability of adopting a new Convention supplemented by a Recommendation. On certain of the major points relating to the proposed Convention, however, there had been a divergence of opinion. These included the lower limit for the general minimum age to be prescribed in the Convention. The majority had accepted the level of 14 suggested in the Office text, leaving member States the possibility of specifying a higher age by means of a declaration at the time of ratification or a subsequent declaration. This, it was argued, would permit ratification by a large number of countries, both developed and developing. A large minority, on the other hand, considered that a minimum age of 14 years would be a backward step since Conventions prescribing 15 had been adopted as long ago as 1937. A second object of controversy was the minimum age for hazardous work: the majority had favoured a standard of 18 as opposed to that of 16, with the possibility for member States to specify a higher limit, suggested in the Office text. The third major question on which the Committee had been divided was the degree of flexibility to be allowed in respect of exceptions: the Office text on the relevant points had ultimately been adopted.

Mr. Gargoum (Government delegate, Libyan Arab Republic; Chairman of the Committee) thanked the members of the Committee, and in particular the Vice-Chairmen and the Reporter, for their co-operation. He believed the Committee had laid the foundations for social progress: for that reason, he commended its report for adoption by the Conference.

Mr. Abate (Employers’ delegate, Ethiopia; Vice-Chairman of the Committee) noted that a major part of the ILO’s work had been devoted to the well-being of children and the abolition of child labour. The Committee had looked into the
possible action that could be taken to abolish child labour, which still existed in many countries. Child labour could not be abolished merely through international instruments containing standards without any bearing on reality. The Employers' members had pleaded for flexibility and realism, and the Office text had provided elements to this end. It was not their aim to have a Convention which could be ratified only by a few developed countries fortunate enough to be able to set a higher minimum age, which in many cases was also the age at which compulsory education ended. Their objective was to fix standards that could be effectively applied in the largest possible number of countries. At the same time, they had tried to include provisions that would be relevant to developed countries or others with a higher minimum age. The present exercise had the further goal of updating the International Labour Code. This included the gradual phasing out of the existing Conventions. The policy question at issue affected obsolete instruments on other subjects as well, and the Governing Body should make further efforts to overcome the legal and technical difficulties involved. The Employers' members had reserved their position on the Office suggestions on this point because they were opposed to leaving any of the existing instruments open to ratification even though some of them prescribed higher standards. The new Convention would be satisfactory since ratifying States could specify a higher minimum age than that prescribed in the Convention itself. A specific point in the Proposed Conclusions to which the Employers' members were opposed was the minimum of 18 for hazardous work: 16 would have been more realistic. It would have been more appropriate to take as a criterion the degree of danger and, in many instances, to prescribe stringent safety measures, rather than prescribe a higher age limit. Moreover, the Office text would have enabled governments to specify a higher age than that prescribed in the Convention. It was unfortunate that the flexibility and realism of the Office text had been lost. With regard to the proposed Recommendation, the Employers' members had also striven for flexibility and realism. Many of the provisions included—particularly point 25—constituted a vast programme of social, economic and educational legislation going far beyond the scope of the proposed instrument. This was especially obvious since that point applied to persons under 18 rather than 16. The prohibition of overtime and the provision calling for an annual holiday with pay of at least four weeks were among the unrealistic features on which the Employers' members had reservations. Subject to the above reservations, the Employers' members accepted the text proposed by the Committee.

Mr. Narayanan (Workers' adviser, Malaysia; Vice-Chairman of the Committee) emphasised that numerous children aged 14 or less were economically active and stated that in some countries children aged 6 to 10 were still being exploited for commercial purposes. National legislation against child labour did exist in most countries, but its effectiveness in practice was limited. The tragedy was that the worst exploitation of child labour took place in developing countries, where there was growing chronic unemployment. Families with many children to support naturally fell victim to the exploitation of child labour. The abolition of child
labour could not be achieved until the consciences of member States were aroused and until social reformers, including trade unionists, agitated vigorously and created a movement for the liberation of child labour in all countries. The Workers' members supported the Proposed Conclusions subject to reservations on points 4 (3), 6 and 9. Their objectives were to abolish child labour completely and to fix a minimum age such that children could develop mentally and physically and could have proper general education and vocational training. They hoped to improve next year on the Proposed Conclusions now before the Conference. The most depressing experience for them had been the opposition of the Government members from some developing countries to raising the minimum age from 14—a standard fixed in 1919—to at least 15. They had also been surprised that some members from the ex-colonial Powers had shared this attitude. The Workers’ members believed that only through social evolution in developing countries could radical changes be brought about. One bold step could be an immediate raising of the school-leaving age which would draw a large number of children from the employment market. Instead of spending money on prestige projects, developing countries should concentrate on building schools of all kinds and on providing financial help to enable families to send their children to school. The ILO should be a pace-setter: rather than merely confirming existing practice, it should set standards. Implementation of these standards was a matter of conscience for each member country.

Mr. Gerbov (Government adviser, USSR) generally supported the Proposed Conclusions. He considered, however, that the Committee had not fully coped with the task of establishing a higher standard on minimum age. The standard of 14 years of age, which had already been established in 1919, did not correspond to the spirit of the times. In fact, it represented a step backwards from a number of Conventions which prescribe 15. The various possibilities of exceptions also weakened the text. The Soviet delegation therefore reserved its position on Points 4 (3), 6 and 9. It hoped that next year the Conference would establish a higher minimum age and thus contribute to the full abolition of child labour. In the Soviet Union great attention was devoted to the protection of the health and life of young persons and to the provision of favourable conditions for their physical and mental development. The statistics in Report IV (1), purporting to show that in the USSR there were a considerable number of economically active children aged 14 or less, were unfounded and did not correspond to reality.

Mr. Ortiz Rodriguez (Government adviser, Cuba) argued that the majority of the Conventions on this subject relating to important sectors of the economy were obsolete. Moreover, there was no universal standard prescribing uniform rules for all sectors. This was unjust in terms of the principle that all children had the same right to a happy childhood and to education and training. His Government considered that no child should work for wages and that the work of children was acceptable only in the framework of education and training. The standards in the Proposed Conclusions were too weak: the minimum age should be 15 years. Moreover, the exemptions allowed for developing countries and for certain
branches of the economy were unacceptable. Development efforts must not exploit the work of children. On the contrary, a serious development effort would not accept such work: children must be given education and training so that they can eventually take a full part in scientific research and the new technology of production. This was one of the ways of fighting underdevelopment and avoiding its perpetuation through ignorance and incompetence.

Mr. Gustafsson (Workers' adviser, Sweden) stressed that the first minimum age Convention, adopted 53 years ago and prescribing an age of 14, had ceased to have any relationship with reality. A new Convention was extremely important. With regard to the minimum age to be prescribed, the Workers' members had suggested that it should not be lower than the age fixed for completion of compulsory education and in any case not less than 15. The proposal to change 14 to 15 had been rejected by a narrow margin. This decision was regrettable. The objective should be to establish standards which would improve the conditions of life of children. Incredible technological innovations had taken place in the past five decades, and the process would be even faster in the future. In order to go forward using ILO machinery, it was necessary to develop talent and efforts, to promote innovation and readiness for change and to give a lead. The danger in conforming to established practices was that the standard was set by the least progressive. The Conference was not there to endorse the past; it was there to say that it was wrong that more than 45 million children in the world aged 14 or less were economically active. If international labour Conventions were not kept in line with developments, they might become a hindrance to fulfilment of the purpose for which they were drafted. ILO instruments should be a stimulus to further progress. It was not the Conference's job to produce Conventions containing standards that most countries could immediately ratify; its job was to improve standards and to set standards for at least the next twenty years.

Mr. Kefalov (Workers' adviser, Bulgaria) shared the views expressed by Mr. Narayanan. The abolition of child labour and the protection of young persons at work had always been among the ILO's major preoccupations. His delegation supported the ILO's standard-setting activities in this connection and approved of the report before the Conference. The Proposed Conclusions were not, however, adequate to ensure fully the abolition of child labour and the protection of young persons in employment. This was particularly true of points 4, 6 and 9. In the legislation of his country these problems were settled in an effective and progressive manner. His delegation would strive to improve upon the proposed texts during the second discussion.

Mr. Ahmad (Workers' delegate, Pakistan), agreeing that child labour should be abolished, drew attention to the link between this problem and the problem of unemployment and underemployment in the developing countries. No parent anywhere willingly sent his children for gainful employment at an early age instead of sending them to school; parents were compelled to do so in developing countries because of the general poverty. The Conference Committee on the Application of Conventions and Recommendations had noted, in its consideration
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of the Employment Policy Convention and Recommendation, 1964 (No. 122), that employment opportunities had not kept pace with population growth and that by 1980 there would be 50 million more unemployed people, most of them in developing countries. Child labour should be eliminated and children should attend school because the future of mankind depended on giving them a proper education and a proper opportunity to develop their natural qualities. The developed countries had a responsibility towards the people of the Third World, but the present international situation, instead of closing the gap between them, was making it wider. The Conference should appeal to the developed countries to take action not only in prescribing standards on child labour but also in entering into a general commitment to abolish mass unemployment and underemployment.

Miss Green (Government delegate, United Kingdom) supported the adoption of the report, welcoming in particular the arrangements for a gradual raising of the minimum age in those developing countries which at present could not go beyond 14. She expressed reservations, however, on the detailed requirements for verifying ages laid down in points 11 and 28. Efficient enforcement was essential, but each country had its own way of organising enforcement. The rigidity of these points was likely to be an obstacle to ratification by some countries, including her own. She hoped that next year the Conference would be able to work out enforcement provisions allowing for variations in national law and practice.

Mrs. Boba (Workers' adviser, Italy) reiterated the view of the Workers' members of the Committee that the minimum age should be raised to 15. They had considered that, since another Committee was dealing with automation, the Committee on Minimum Age should ensure that technology was applied to advance the welfare and development of children and young persons. Hence, they rejected any exceptions to the minimum age, either for family undertakings or for allegedly light work. While they had wished to accommodate the difficulties of developing countries, their attitude had apparently been misunderstood. They considered that the problem of development could not be solved by child labour, which accentuated the unemployment of adults and, by depriving the new generation of education and training, perpetuated the poverty and underdevelopment of society as a whole. It could only be tackled through general social and economic action based on investment priorities, full employment of adults and education of the young. The idea of competing with technology and automation by almost unpaid child labour could not be seriously suggested even by employers who stood to gain from such a supply of cheap and fairly flexible labour. Child labour was, at all times and in all countries, a problem of maximised exploitation. The Workers' members had nevertheless agreed to certain derogations for developing countries to give them a free hand in determining their economic and social policies. It would suffice if the report reflected a sincere desire for progress. They could not therefore understand why governments working for progress had not co-operated with them to prevent the exploitation of child labour, and they hoped that next year would see a change in attitude. In conclusion, she cited the recent death
of a 12-year-old child in a building accident in a developed region of Western Europe.

* * *

The discussion being closed and no objection having been raised, the Conference adopted the Committee's report.

The Conference then adopted the Proposed Conclusions.
CHAPTER II

PROPOSED TEXTS

The texts of the proposed Convention and Recommendation concerning minimum age for admission to employment given at the end of this chapter are based on the Conclusions adopted by the Conference following the first discussion at its 57th Session. A number of drafting changes have been made to ensure greater clarity, internal consistency and full agreement between the different language versions. The most important of these are discussed in the commentary below. The commentary also discusses certain problems that have arisen or may arise in connection with some of the provisions of the proposed texts.

PROPOSED CONVENTION

Article 3

Paragraph 1

The minimum age to be prescribed for hazardous work was perhaps the most difficult of the problems faced by the Committee this year. After an extensive and rather complicated discussion, the Committee decided upon the age of 18. In that discussion a number of Government members, while accepting 18 as the general rule, had argued that some qualification was necessary, and two sub-amendments to this effect had been submitted. Neither of these was ultimately adopted. But the problem has another aspect which should not be overlooked. The minimum age of 18 would apply to types of employment or work which are determined by national laws or regulations or by the competent authority as being truly hazardous. Two examples in current practice are underground work in mines, for which two-thirds of the countries which are parties to Convention No. 123 have specified a minimum age of 18, and work processes involving exposure to benzene, for which the Benzene Convention, 1971 (No. 136), itself prescribes a minimum of 18.

There are, however, other occupations which may not be hazardous in this sense but which may require a certain maturity and for which a minimum age higher than the general minimum would therefore be justified. Possible examples are maritime navigation and fishing. Would it not be desirable to include some provision in the Convention—either in Article 3 or perhaps in Article 2—enabling governments to specify a minimum above the general minimum but below 18 for such occupations? Such a provision may be especially useful in
view of the universal scope of the Convention. Governments are invited to consider this matter and to give the Office some guidance on what, if anything, should be added when the revised texts are prepared.

Paragraph 2

In this paragraph, the term "the appropriate laws or regulations" has been changed to "national laws or regulations". The latter is the standard term used in ILO instruments, and it has always been considered to include laws or regulations established at the central (or federal), provincial and local levels, whichever may be appropriate in the country concerned. The term "national" is used to distinguish such measures from international measures.

A further question about this paragraph was asked by the Government member of Australia, namely whether the types of employment or work to which Article 3 would apply could be determined by the awards of tribunals under that country's arbitration system. In the view of the Office, such tribunals would be the "competent authority" for this purpose and their awards would hence be perfectly acceptable means of giving effect to this provision.

Article 4

In paragraph 1 of this Article, as in a number of other places in the Convention, the words "or work" have been added after "employment". This is purely a drafting change made to ensure consistency with various provisions which already contained both terms, notably Article 2, paragraph 1. The use of the full expression "employment or work", which was endorsed by the Committee, underscores the wide scope of the Convention. The provisions of Article 4, which were also approved by the Committee, are designed to make this wide scope acceptable to the large number of governments for which the application of all the provisions of the Convention would cause great legal or practical difficulty in respect of one category or another. There is thus a close relationship between giving the Convention a very wide scope, rather than circumscribing it at the outset, and allowing governments to make limited exclusions subject to a series of safeguards.

Article 5

In paragraph 3 of this Article, the Committee added to the list defining the minimum scope of the Convention, even for developing countries, "plantations or other agricultural undertakings mainly producing for commercial purposes". The Committee's intention was undoubtedly to prevent the exclusion of agricultural undertakings comparable in importance and character to industrial ones. But the present drafting—in particular, the criterion of "mainly producing for commercial purposes"—goes far beyond this: it would cover all agricultural activity, no matter how small the holding or how petty the operation, other than subsistence farming. This would manifestly defeat the whole purpose of
the facility given to developing countries by Article 5. Governments may therefore wish to indicate how the true meaning of this phrase might best be expressed by suggesting what terms could be used to cover that part of the agricultural sector in respect of which even developing countries would be able to apply minimum age regulations effectively.

**Article 9**

The term “compliance” used in paragraph 2, as distinct from “enforcement”, which is provided for in paragraph 1, has always caused some confusion, especially in languages other than English. “Compliance” relates to those responsible for observing the provisions—that is, employers and perhaps parents—whereas “enforcement” relates to those responsible for making sure the provisions are observed—that is, inspection services. To make the distinction clearer in the French version, the phrase “chargées d’assurer l’exécution des dispositions” has been changed to “tenues de respecter les dispositions”.

**Article 10**

This long and complex Article deals with the problem of replacing the ten existing minimum age Conventions. A draft of the Article was circulated to the Committee along with documents explaining the technical and policy issues to be resolved, but detailed consideration was postponed until the second discussion. Briefly, the main issues are as follows.

The normal procedure for replacing a Convention is that of revision. By virtue of a standard provision included in all Conventions adopted since 1929, the revision of a Convention has two consequences unless the Conference decides otherwise: first, ratification of the revising Convention involves the automatic denunciation of the original Convention once the revising Convention has come into force, and, second, the coming into force of a revising Convention closes the original one to further ratification. The Conventions adopted before 1929, however, do not contain such a provision, and revision does not have these consequences. Four of the minimum age Conventions fall into this category. But, since these Conventions do have a provision under which they are now open to denunciation at any time, it would be possible to include a special provision in the proposed Convention to the effect that ratification of the latter involves the denunciation of the former. On the other hand, since they have no provision under which they could be closed to further ratification, they cannot legally be closed without the formal consent of all the States which are parties to them. A fifth Convention (No. 33) has already been revised and is already closed to further ratification. The five remaining Conventions would be affected by revision in the normal way described above.

This is the legal position. Assuming that the Conference will wish to revise the existing Conventions, two major policy issues must be considered. The first derives from the possibility that obligations in respect of scope and minimum
age accepted under the proposed Convention will not necessarily coincide with those in force under the existing ones. Should ratification of the proposed Convention nevertheless involve the immediate denunciation of the existing ones without qualification or should it do so only to the extent that scope and minimum age obligations are at least equivalent? The second problem derives from the provision for a minimum age higher than 14 found in some of the sectoral Conventions. Should these Conventions be closed to further ratification or should they be left open for the benefit of States which may wish to raise the minimum age progressively on a sectoral basis while aiming at the objective of a relatively high minimum age of general application?

The proposed text of Article 10 is based on the following suggested policy conclusions. First, there will be recourse to the procedure of revision. In addition, there will be provision for the denunciation of such of the existing Conventions as are not automatically affected by revision, and these Conventions will be closed to further ratification as and when all parties thereto have consented to such closure by ratification of the proposed Convention. Second, ratification of the proposed Convention will involve automatic denunciation only to the extent that scope and minimum age level obligations are equivalent. Third, the existing Conventions providing for a minimum age higher than 14 will be left open for further ratification.

PROPOSED RECOMMENDATION

Paragraph 14

Point 25 of the proposed Conclusions, to which this Paragraph corresponds, was divided into two paragraphs; paragraph (2) provided that paragraph (1) should also apply to the categories of employment referred to in what is now Article 4 of the proposed Convention. Upon closer examination it became clear that, since the Recommendation does not provide for any limitations on scope such as those allowed under Article 4 of the proposed Convention, paragraph (1) already applied to such categories by virtue of its reference to the preceding point (now Paragraph 13 of the Recommendation) which relates to the "conditions in which children and young persons under the age of 18 years are employed or work". For this reason, paragraph (2) of point 25 has been omitted from the proposed text. This argument might also be applied to the reference to Article 7, paragraph 2, of the Convention: the reason the reference has been retained is that Article 7 (2) specifically requires the competent authority to prescribe conditions of employment and this paragraph might usefully draw special attention to possible measures for meeting that requirement.

Proposed Convention concerning Minimum Age for Admission to Employment

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and
Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which will gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that this instrument shall take the form of an international Convention,

adopts this day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

\textit{Article 1}

Each Member for which this Convention is in force undertakes 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 or work to a level consistent with the fullest physical and mental development of all young persons.

\textit{Article 2}

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 14 years.

\textit{Article 3}

1. The minimum age for admission 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 shall not be less than 18 years.

2. The types of employment or work to which this Article applies shall be determined by national laws or regulations or the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.
Article 4

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 this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention 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 paragraph 1 of this Article, 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.

Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

2. Each Member to which paragraph 1 of this Article applies shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations or other agricultural undertakings mainly producing for commercial purposes.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article—
   (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.

Article 6

This Convention does 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, after consultation with the organisations of employers and workers concerned, where such exist, 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.
Article 7

1. National laws or regulations may permit the employment or work of persons who are under the minimum age specified in pursuance of Article 2 of this Convention but are 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 shall determine the activities in which employment or work may be permitted under paragraph 1 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

Article 8

1. After consultation with organisations of employers and workers concerned, where such exist, the competent authority in a country may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations shall require that the employer keep and make available to the competent authority records or other documents 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 Article 2 or the minimum age prescribed in Article 3 of this Convention, as appropriate.

Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.
2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. 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, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention.

4. When the obligations of this Convention are accepted—

(a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,

(e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,

(f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment underground in mines, this shall ipso jure involve the immediate denunciation of that Convention,

if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention—

(a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,
in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof, if and when this Convention shall have come into force.

Proposed Recommendation concerning Minimum Age for Admission to Employment

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Recognising that the effective abolition of child labour and the progressive raising of the minimum age for admission to employment constitute only one aspect of the protection and advancement of children and young persons, and

Noting the concern of the whole United Nations system with such protection and advancement, and

Having adopted the Minimum Age Convention, 1973, and

Desirous to define further certain elements of policy which are the concern of the International Labour Organisation, and

Having decided upon the adoption of certain proposals regarding minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Minimum Age Convention, 1973,

adopts this day of June of the year one thousand nine hundred and seventy-three the following Recommendation, which may be cited as the Minimum Age Recommendation, 1973:

I. NATIONAL POLICY

1. To ensure the success of the national policy provided for in Article 1 of the Minimum Age Convention, 1973, 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 interrelated measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.

2. 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 economic and social measures to alleviate poverty wherever it exists and to ensure minimum family living standards and income without recourse to the economic activity of children;
(c) the development and progressive extension, without any discrimination, 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.

3. Particular account should as necessary be taken of the needs of children and young persons who do not have families or do not live with their own families and of migrant children and young persons who live and travel with their families. Measures taken to that end should include the provision of fellowships and vocational training.

4. 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 Article 2 of the Minimum Age Convention, 1973.

5. (1) Consideration should be given to measures such as preparatory training, not involving hazards, for types of employment or work in respect of which the minimum age prescribed in accordance with Article 3 of the Minimum Age Convention, 1973, is higher than the age of completion of compulsory full-time schooling.

(2) Analogous measures should be envisaged where the professional exigencies of a particular occupation include a minimum age for admission which is higher than the age of completion of compulsory full-time schooling.

II. MINIMUM AGE

6. As far as possible, the minimum age should be fixed at the same level for all sectors of economic activity.

7. (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.

8. 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.

III. HAZARDOUS EMPLOYMENT OR WORK

9. Where the minimum age for admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, immediate steps should be taken to raise it to that level.

10. (1) In determining the types of employment or work to which Article 3 of the Minimum Age Convention, 1973, applies, full account should be taken of relevant international labour standards, such as those concerning dangerous sub-
stances, 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.

11. Where, by reference to Article 5 of the Minimum Age Convention, 1973, a minimum age is not immediately fixed for certain sectors of economic activity, appropriate minimum age provisions should be made applicable in these sectors to types of employment or work which are hazardous within the meaning of Article 3 of that Convention.

12. The exclusion of certain categories of employment or work, such as employment or work in family undertakings, from the application of minimum age provisions in accordance with Article 4 of the Minimum Age Convention, 1973, should not extend to types of employment or work to which Article 3 of that Convention applies.

IV. CONDITIONS OF EMPLOYMENT

13. (1) Measures should be taken to ensure that the conditions in which children and young persons under the age of 18 years are employed or work 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.

14. In connection with the application of the preceding Paragraph, as well as in giving effect to Article 7, paragraph 2, of the Minimum Age Convention, 1973, special attention should be given to—

(a) the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work;

(b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities;

(c) the granting, without possibility of exception, of a minimum consecutive period of 12 hours’ night rest, and of customary weekly rest days;

(d) the granting of an annual holiday with pay of at least four weeks;

(e) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be;

(f) the general protection and supervision of the health, development and morals of those concerned.

V. ENFORCEMENT

15. (1) Measures to ensure the effective application of the Minimum Age Convention, 1973, and of this 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 or work 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.

16. 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 or work of children and young persons during the hours when instruction is available.

17. 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 to make available to the competent authority records or other documents 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.