Report IV (2)

Minimum Age for Admission to Employment

Fourth Item on the Agenda
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INTRODUCTION

The first discussion of the question of minimum age for admission to employment took place at the 57th (1972) Session of the International Labour Conference. Following that discussion, and in accordance with article 39 of the Standing Orders of the Conference, the International Labour Office prepared and communicated to the governments of member States a report containing a proposed Convention and Recommendation based on the Conclusions adopted by the Conference at its 57th Session.

Governments were asked to send any amendments or comments they might wish to make so as to reach the Office by 30 November 1972 or to inform the Office by the same date whether they considered the proposed text to be a satisfactory basis for discussion by the Conference at its 58th Session in 1973.

At the time the present report was prepared replies had been received from the Governments of the following 42 member States: Algeria, Australia, Austria, Bulgaria, Byelorussian SSR, Canada, Central African Republic, Cyprus, Denmark, Egypt, Finland, France, Federal Republic of Germany, Ghana, Greece, Hungary, India, Iran, Ireland, Japan, Khmer Republic, Malawi, Malaysia, Malta, Morocco, Netherlands, Norway, Pakistan, Poland, Portugal, Romania, Sierra Leone, Spain, Sri Lanka, Sweden, Switzerland, Tunisia, Ukrainian SSR, USSR, United Kingdom, Uruguay, Yugoslavia.

The first part of this report, which has been drawn up on the basis of the replies from the governments, contains the essential points of their observations either of a general nature or relating directly to the provisions of the texts submitted to them for examination in Report IV (1); it also contains commentaries on those observations.

The second part contains the English and French versions of the proposed Convention and Recommendation as amended in the light of the observations made by governments and for the reasons set out in the Office commentary. Some minor drafting changes which appeared desirable have also been made. If the Conference so decides, this text will serve as a basis for the second discussion, at the 58th Session, of the question of minimum age for admission to employment.

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The substance of the replies received from the governments of member States with regard to the proposed Convention and Recommendation concerning minimum age for admission to employment is given below: these replies are followed, where appropriate, by a brief commentary.

The Governments of the following 19 countries stated that for the moment they had no observations to put forward or that the proposed texts constituted a satisfactory basis for discussion at the 58th Session of the Conference: Algeria, Bulgaria, Egypt, Ghana, Greece, Iran, Khmer Republic, Malawi, Malaysia, Malta, Morocco, Poland, Portugal, Romania, Sierra Leone, Sri Lanka, Tunisia, United Kingdom, Uruguay.

The Governments of the remaining 23 countries (Australia, Austria, Byelorussian SSR, Canada, Central African Republic, Cyprus, Denmark, Finland, France, Federal Republic of Germany, Hungary, India, Ireland, Japan, Netherlands, Norway, Pakistan, Spain, Sweden, Switzerland, Ukrainian SSR, USSR, Yugoslavia) made observations, the substance of which is given in the present report.

With their replies, the Governments of Austria, Denmark, Finland, the Netherlands, Norway, Sweden and the United Kingdom transmitted the views of employers’ and/or workers’ organisations on the texts or on particular provisions; these are not included in the present report. In addition, the Government of Poland stated that the employers’ and workers’ organisations had been consulted.

General Observations

Byelorussian SSR

Particular attention is paid in the Byelorussian SSR to the protection of the lives and health of young persons. The employment of children and young persons under 16 years of age is prohibited. Persons who have reached the age of 15 may be admitted to employment in exceptional cases, subject to the agreement of the trade union works, factory or local committee.

The Byelorussian SSR is in favour of improving international labour standards and adopting new international instruments to protect the work and lives of children and young persons by including more progressive provisions than those contained in the earlier Conventions. In any event the new standards should not be lower than those already laid down in the later Conventions.

The proposed Convention and Recommendation contain a number of provisions allowing young persons under 14 years of age to be employed, and the minimum age
for admission to employment is lower than the 15-year limit fixed in a number of Conventions. This will not help to achieve the goal of a total abolition of child labour or to ensure normal conditions for the physical and mental development of children and young persons.

**NORWAY**

The Government is of the opinion that the question of provisions including seafarers must first be dealt with by the Joint Maritime Commission. It points out that the questions of exempting young seafarers from the proposed Recommendation and of holding a comprehensive discussion on young seafarers' problems were raised by the Seafarers' members at the 21st Session of the Joint Maritime Commission.\(^1\) The Government has no comments to make with regard to this action taken by the Seafarers' members.

**SWEDEN**

The present proposed Convention and Recommendation can largely be accepted. In the case of the Convention, however, the Government would like to propose changes in certain essential respects. As regards the Recommendation, the Government considers it too comprehensive and detailed in its present form. It should be possible to reduce and simplify the text at the Conference. The Government would also underline the importance of both instruments covering in principle all categories of workers.

**SWITZERLAND**

The proposed Convention is aimed, in the first instance, at abolishing child labour as a source of cheap manpower. Hence, it should be adapted to the circumstances prevailing in countries where child labour still exists. The minimum age should not be too high to permit ratification by the largest number of countries possible. In fixing the minimum age, particular account should be taken of compulsory education, which differs from country to country, and of the possibilities for ensuring compliance with it. It would be a mistake to believe that the establishment of a minimum age as high as possible would suffice to eliminate child labour.

The proposed Recommendation goes far beyond the objectives contained in the Convention and touches, in fact, upon areas regulated by other international Conventions and Recommendations. The draft constitutes a vast programme of social policy which is justified as an objective to be attained in the distant future.

**UKRAINIAN SSR**

The Government is in favour of prescribing in the Convention and Recommendation 15 years as the minimum age for admission to employment and not 14 years or even less, as in the proposed texts.

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\(^1\) In this connection, see the Office commentary below on Paragraph 14 of the proposed Recommendation.
Taking into account the physiological and biological features of the organism of children and young persons, the legislation in force in the Ukrainian SSR prohibits the employment of persons under 16 years of age. Persons who have reached the age of 15 may be admitted to employment only in exceptional cases, subject to the agreement of the trade union works, factory or local committees.

The Government considers that international labour standards should issue from the interests of protection of the lives and health of young persons under 18 and should contain provisions aimed at every possible limitation of child labour. Since some existing Conventions provide for 15 years as the minimum age, prescribing 14 in new international standards would be a retrograde step.

USSR

With a view to the need to protect the health and lives of young persons, the employment of children and adolescents under the age of 16 is prohibited in the USSR. It is only in exceptional cases that, with the agreement of the factory, works or local trade union committee, the employment of persons 15 years of age is permitted.

The Government is in favour of further improvement of international labour standards in the field of protection of health and lives of children and adolescents and considers that new international instruments should contain more advanced provisions as compared with the standards which have been fixed by the Conventions adopted earlier or, in any case, should prescribe standards not less favourable than those fixed by recent Conventions.

The proposed texts, however, contain a number of permissive clauses with respect to the employment of children under 14 in certain occupations and prescribe a lower minimum age than that provided for in a number of existing Conventions, which fix it at 15. These standards will not contribute to achieving the total abolition of child labour and ensuring normal conditions of physical and mental development of all young persons.

YUGOSLAVIA

While the proposed texts are a satisfactory basis for discussion, the Government considers that certain modifications and additions should be made to the text of the Convention in order to make its provisions more consistent with the objectives defined in the fifth paragraph of the Preamble and in Article 1.

Observations on the Proposed Convention concerning Minimum Age for Admission to Employment

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

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1 The observations are preceded by the text of the relevant Article as given in the proposed Convention set forth in Report IV (1). Provisions on which no observations were made have not been reproduced.
minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of all young persons.

Observations on Article 1.

Australia. This proposed provision needs to be reviewed so that the obligations imposed on ratifying governments are made clear. The requirement "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", if interpreted literally, would be nonsense in practice (see the observation of the Austrian Government on page 17 of Report IV (2) for the 57th Session of the Conference). This is aside from the questioning in a number of countries of the merits of raising the compulsory school-leaving age for "all" persons beyond a certain point and from the consideration being given to the concept of "lifelong education". Moreover, it is not clear whether this proposed provision raises obligations additional to those arising from the rest of the proposed Convention. Does it require ratifying Governments to undertake to give effect to a principle similar to that set down in Paragraph 7 (1) of the proposed Recommendation or could it be that even the age specified there is not a sufficiently advanced age to represent "a level consistent with the fullest physical and mental development of all young persons"? However, since proposed Article 2 (2) is not worded in a mandatory form it would appear that there is no obligation on ratifying governments to specify a minimum age higher than that required by proposed Article 2 (3).

In the light of this confusion, the most appropriate course of action would be to delete this proposed provision. There would be no objection to inserting an appropriate similar reference in the Preamble. If it is to be retained it might be amended to read: "Each Member... national policy designed to raise progressively the minimum age for admission to employment or work, in accordance with the provisions of this Convention, to ensure the effective abolition of child labour."

Austria. The idea of achieving the "fullest development" of all young persons goes too far; in practice it cannot be achieved in all cases (e.g. persons suffering from mental illness). The word "all" should therefore be deleted.

A new Article to be inserted after Article 1 should contain a definition of "child" and "child labour".

Canada. Article 1 of the Convention should contain a definition of "employment or work" and a definition of "child labour". The purpose of such definition would be to clarify that not all economic activities below the age of 12 years (Article 7) are detrimental and should be prohibited. This would apply to economic activities when undertaken for an hour or two after school, or during part of the school holiday season, such as newspaper delivery-boy, package-wrapper in a grocery store, babysitter, etc.

Sweden. With the present vague wording, application of this provision—against which the Government has no objection as such—would seem difficult to ensure. In the Government's view, it would be better to transfer it to the Preamble.
Office Commentary.

Article 1 is designed to show that the proposed Convention is a dynamic instrument aimed not only at setting a basic standard but also at promoting the progressive improvement of standards. This dynamism is expressed in terms of two objectives: the abolition of child labour and the raising of the minimum age to a level consistent with the fullest mental and physical development of young persons. As the Government of Australia has noted, Article 1 does not impose an obligation to take any specific measures beyond those prescribed in the subsequent provisions. What it does require is that ratifying governments orient their policies towards the eventual achievement of these objectives. The implications of these policies for each country will necessarily be conditioned by national circumstances, and the relevance of this dynamic aspect of the instrument for a given country will depend upon the level which standards in that country have already reached. Thus, it will clearly be more relevant for countries in which the minimum age is 14 or in which protection extends only to limited sectors than for those in which a high standard is fixed from the start. A target of 16 years is suggested in the proposed Recommendation, and it is unlikely that the continuance of the national policy would be expected beyond this minimum age level.

A further question raised by the Governments of Australia and Austria is the difficulty that a literal interpretation of the phrase “all young persons” would cause, for example, in respect of certain groups to whom the phrase “fullest physical and mental development” would not be applicable. To overcome this difficulty, the Office has, at the suggestion of the Government of Austria, deleted the word “all”.

Finally, as regards the observation by the Government of Canada the question of definitions is essentially a matter of scope. As presently conceived, and as approved by the Conference Committee last year, the Convention will have a very wide scope. Subject to the special facility provided for developing countries, the Convention will cover all economic sectors and will apply, in principle, to all employment or work. To meet the needs of governments for which the full application of the Convention would cause great legal or practical difficulty in respect of one category or another, Article 4 allows limited exclusions after due consultation and subject to a series of safeguards. The specific observation made by the Government of Canada concerns an important substantive element in Article 7—the establishment of a limit of 12 years even for light work—and might further be considered in connection with that Article.

The proposal by the Government of Sweden would represent a fundamental modification of the instrument and has therefore not been adopted.

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.

Observations on Article 2.

Australia. (Paragraph 3). In Australia it is compulsory for young persons to attend school up to the age of 15 years (16 years in Tasmania). However, the competent authority may grant exemption from compulsory attendance at school to young persons of 14 years (15 in Tasmania) in accordance with prescribed conditions. It is assumed in such circumstances that if a government were to specify a minimum age for admission to employment of 14 years it would meet the requirements of this Article.

Austria. (Paragraph 3). A gap between the completion of compulsory schooling and the commencement of employment would not normally have a favourable effect on a young person’s training; in consequence, the minimum age for the commencement of employment should coincide with the age for the completion of compulsory schooling. This paragraph should accordingly be amended to read: “The minimum age specified in pursuance of paragraph 1 of this Article should, if possible, correspond to the school-leaving age and shall not be less than 14 years”.

Byelorussian SSR. (Paragraph 1). To restrict the exceptions to the Convention, the second phrase in the fourth line should be amended to read: “subject to Article 6 of this Convention”.

(Paragraph 3). In order to raise the minimum age from 14 to 15 years, the figure “14” should be replaced by the figure “15”.

Denmark. (Paragraph 3). It should be noted that in Denmark the minimum age is 14 years, except for agriculture, forestry and horticulture. An increase in that age is not contemplated; the Government would, nevertheless, be favourable to an increase (if any) of the minimum age set out in this paragraph to 15 years.

As regards the relationship between the minimum age and the completion of compulsory schooling, it should be noted that, following the extension of the length of compulsory schooling in Denmark from seven to nine years, a bill to amend the legislation will be introduced, enabling young persons gradually to obtain admission to paid employment in the course of the last two years of schooling.

Finland. (Paragraph 3). The Government proposes that the figure “14” be changed to “15”.

Hungary. (Paragraph 3). The Government reserves its position on this paragraph.

India. A uniform minimum age of 14 years for all sectors need not be prescribed in the Convention itself. It should be left to the competent authority in each country to determine the minimum age for each sector in the light of the conditions prevailing in the country.
Norway. (Paragraph 3). In Norway the minimum age is, with certain exceptions, 15 years. A provision prohibiting the employment of young persons above this age but liable to compulsory school attendance was repealed in 1968. In agriculture there is no prohibition against work being performed by children, except for a provision that young persons under 18 must not be admitted to hazardous work. The length of compulsory school attendance has been extended to nine years, so that most children must attend school until they are 16 years old. The employment of schoolchildren is very limited in extent. To arrange working hours in such a manner that they represent any impediment to the pupil's school attendance or home work is prohibited. The employment of pupils therefore occurs mainly during the school holidays. It seems to have become gradually more common for young persons of school age to work during the school holidays. There is, nevertheless, a prohibition against keeping children and young persons at work in such a manner that they fail to have an annual holiday of at least four weeks, of which at least two are in the summer holiday period.

In these circumstances the Government would prefer to delete from this paragraph the words: "shall not be less than the age of completion of compulsory schooling and, in any case ".

As regards the question of determining a minimum age, the Government understands that it is intended that the proposed instrument will be applied by as many countries as possible. A minimum age of as low as 14 years has therefore been proposed in order to secure the adherence of the developing countries, while countries at a higher level of development can commit themselves to a higher age limit (see page 32 of Report IV (I) for the first discussion). In view of this, the Government would accept that the Convention should fix the minimum age, in principle, at 14 years but might agree to a limit of 15 years if the opportunities for modifications were sufficiently flexible.

Spain. (Paragraph 3). The minimum age has already been fixed at 15 years in the Minimum Age (Sea) Convention (Revised), 1936 (No. 58), and the Minimum Age (Industry) Convention (Revised), 1937 (No. 59). It does not seem appropriate that a Convention drafted in 1973 should be retrograde as compared with others adopted more than 30 years ago. Accordingly, the minimum age should be fixed at 15 years.

Sweden. The Government considers that in the new instrument an attempt should be made to aim at a higher standard than that set in previous minimum age Conventions. It approves of the principle set out in paragraph 3 that the prescribed minimum age shall not be less than the age of completion of compulsory schooling. At the same time, the Government proposes that a minor should not under any circumstances be admitted to employment or work before the calendar year in which he or she reaches the age of 15. In this respect, it thus recommends a departure from the proposed Convention, which places the absolute limit at the date on which the person becomes 14. By relating the age limit to the calendar year rather than the birthday, it would be possible to avoid a situation in which a number of minors experience a period of enforced unemployment immediately on completion of their schooling.
In the preparatory work on the text, conditions in the developing countries were quoted as reasons why the minimum age should be set at 14. Among other things, the often inadequate educational resources of these countries lead to a situation in which a large number of minors are without an occupation if job opportunities cannot be offered. Excessively strict requirements in respect of minimum age would increase the scale of these problems. The Government is aware of the difficulties prevailing in developing countries in this respect; the Conventions already existing in this field have, however, been ratified to a not inconsiderable extent by developing countries.

**Switzerland.** The Government can, on the whole, accept this provision. Since national legislation does not yet prescribe a minimum age in all cases, compulsory schooling represents, as a rule, a sufficient guarantee against possible abuses.

**Ukrainian SSR.** (Paragraph 1). The second phrase in the fourth line of this paragraph should be amended to read: "subject to Article 6 of this Convention".

(Paragraph 3). The figure "14" should be replaced by the figure "15".

**USSR.** (Paragraph 1). The second phrase in the fourth line should be amended to read: "subject to Article 6 of this Convention", this with a view to reducing the exceptions allowed.

(Paragraph 3). The figure "14" should be replaced by the figure "15", with a view to raising the minimum age from 14 to 15.

**Yugoslavia.** (Paragraph 3). The figure "14" should be changed to "15".

The Government proposes the addition of a new paragraph 4, as follows: "A Member whose economy and administrative facilities are insufficiently developed may, during a transitional stage, apply the provisions of the Convention if the minimum age for admission to employment fixed in virtue of paragraph 1 of this Article is not less than 14 years".

As regards these proposed modifications, the Government points out that a minimum age of 15 permits young persons to carry out their duties under the general conditions prescribed without endangering their health and their mental and physical development. Moreover, admission to permanent employment or to any other work assigned on another basis implies that each worker must possess the capacity to take decisions independently. Account must be taken of this in fixing the minimum age at 15. In Yugoslavia the minimum age prescribed by legislation is 15 and is a general condition for admission to employment.

However, the Government considers that account must be taken of the difficulties which may be faced by developing countries, given different aspects of their insufficient development and in particular the efforts they are making to speed up their economic and social development. This is why it proposes that these countries be afforded the possibility of applying, during a transitional stage, the provisions of the Convention with a minimum age of not less than 14.

**Office Commentary.**

With regard to the changes proposed in a number of the foregoing observations by governments, the Office would point out that paragraph 3 of this Article contains the
basic minimum standard to be prescribed by the new Convention, and the formulation used in the proposed text, linking the minimum age to compulsory schooling but fixing a lower limit of 14, is that adopted by the Conference Committee in 1972. The Office feels, therefore, that it cannot act on the proposals made.

With regard to the question raised by the Government of Australia, the Office shares the Government's view that, in the circumstances outlined, the age of 14 could be specified. In the understanding of the Office, the age of completion of compulsory schooling in countries where there is a national power to grant exemptions to persons below the usual age, would be, for the purposes of the Convention, the age below which exemptions cannot be granted, and a government could discharge its international obligations under the Convention by specifying that age. In no case, of course, could the age be lower than 14.

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.

Observations on Article 3.

Australia. A different approach would be preferable. The minimum age specified should be not less that 16 years but it should be open to a ratifying government to specify a higher minimum age in a declaration, either generally or for certain occupations. This would eliminate the need to specify minimum ages below 18 years for occupations which require a certain maturity but are not so hazardous as to require a minimum age of as high as 18 years (see page 32 of Report IV (1)).

It has to be kept in mind that no person of any age should have to work in conditions likely to jeopardise his health, safety or morals. The objective should be to remove hazards from the employment or work. There are, however, some occupations which require some maturity and in respect of which the setting of a higher minimum age than the one generally applicable could be justified with a view to protecting young persons and those with whom they would have to work. It would be helpful to know whether this proposed Article would require general legislation to prohibit such employment or work and to determine the types of employment in accordance with paragraph 2, or whether reliance could be placed on existing or future action to set minimum ages for hazardous occupations without a general legislative provision.

A further issue relates to the inclusion of the maritime industry within the scope of these instruments. The Office comments in relation to this Article (page 32 of Report IV (1)) indicate that this industry is to be covered. The tradition in the ILO has been to deal with the maritime industry separately and this should be continued.
Indeed, at its most recent Session the Joint Maritime Commission considered an item on the protection of young seafarers.\(^1\)

**Austria.** (Paragraph 1). The figure “18” should be changed to “16”. In sectors where the work is dangerous, there is a correspondingly greater need for thorough vocational training over a period of several years; it is therefore too late to leave the opportunity of receiving such training until the age of 18 years. A further consideration might be that child labour is still extremely common, particularly in the developing countries (involving a total of 46 million children), and the minimum age for admission to dangerous work should therefore not be fixed so high from the outset, because to do so would inevitably prevent ratification by countries making extensive use of child labour. It should further be borne in mind that children in many parts of the world (for instance, in the tropics) mature at an earlier age and often have to contribute towards the meagre family income. A final point is that to delay the beginning of training in such occupations until the age of 18 years would make the problem of meeting future manpower needs more difficult to solve.

**Canada.** The setting at 18 years of the minimum age for admission to dangerous employment is too rigid, considering that some occupations are more dangerous than others. The proposed provision, for instance, would not cover certain types of employment which, because of the danger involved, may require either a higher or a lower minimum age than 18 years.

The Government proposes that the minimum age for various types of employment or work shall be determined in the light of the degree of hazard by national laws or regulations or by the competent authority after consultation with the organisations of employers and workers concerned, where such exist, and shall in no case be less than 16 years.

Further, the relevant provision should stress the importance of adequate safety measures to make the employment less hazardous regardless of the age limit.

**Denmark.** (Paragraph 1). In principle, the Government can accept a minimum age of 18 years for employment on dangerous work. In this connection, it wishes to stress the desirability of including provision for exceptions on the lines of the amendment proposed by the Nordic countries at the 1972 Session of the Conference: “Exceptions may be allowed for types of employment or work where the hazards are of such a character that a minimum age of 16 years is adequate”.

**Finland.** (Paragraph 1). A minimum age of not less than 18 years to be applied in general to admission to hazardous employment or work is acceptable. However, the Government considers that a provision should be added to paragraph 1 which would allow exemptions for less hazardous types of employment or work, such as those where a lower minimum age of 16 years is adequate. In this connection the Government refers to the position taken by the Government members of Denmark, Finland, Norway and Sweden, at the Committee on Minimum Age at the 1972 Session of the Conference.

\(^1\)In this connection, see the Office commentary below on Paragraph 14 of the proposed Recommendation.
France. It would be desirable to include provision for the possibility of fixing, in respect of certain occupations which are not so hazardous that access to them can justifiably be prohibited up to the age of 18 but which nevertheless require a certain maturity, a minimum age higher than the general minimum prescribed in Article 2 (3) but lower than the 18 years prescribed in Article 3 (1). To this end, the addition of the following paragraph to Article 3 might be proposed: “3. However, governments may fix an intermediate age between that prescribed in Article 2, paragraph 3, and that prescribed in paragraph 1 of this Article, according to the nature of the work, the aptitudes it requires and the risk it may involve.”

Federal Republic of Germany. The following paragraphs should be added to Article 3:

“3. In so far as is compatible with the protection of the young persons concerned, a minimum age of less than 18 years, but not less than 16 years, may be determined by national laws or regulations or the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, for young persons undergoing education or training who are under adequate technical supervision.

“4. A minimum age of less than 18 years, but not less than 17 years, may be permitted by national laws or regulations or the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, for young persons who have completed their vocational training.”

This suggestion is based on the following considerations: Young persons are not always working in schools (Article 6 (a) of the proposed Convention) or engaged in a training programme (Article 6 (b) of the proposed Convention) in which the performance of dangerous work is or can be regulated. The proposed addition of a new paragraph 3 to this Article seems necessary to enable young persons to receive training involving activities that are deemed to be dangerous under paragraph 1. The new paragraph 3 would then correspond to paragraph 2 of Article 11 of the Benzene Convention, 1971 (No. 136).

There are also recognised occupations for which formal training may be completed in two years. Articles 3 and 6, as at present worded in the proposed Convention, would in such cases prevent young persons under 18 years of age from engaging in such occupations. The persons concerned must consequently be afforded the possibility of engaging in these occupations even before they are 18 years of age—hence the Government’s proposal for a new paragraph 4.

India. In the case of hazardous jobs it should be left to the competent authority in each country to determine the minimum age for admission to such employment.

Ireland. The proposed text is regarded as satisfactory. The Government would, however, support any proposal for an additional provision in this Article which would enable member countries to specify a minimum age, above the general minimum but below 18 years, in respect of occupations which the competent authority might not regard as being truly hazardous but may nevertheless require a certain maturity for safe performance.
As regards paragraph 2, the Government has noted the explanation given on page 33 of Report IV (1) but would nevertheless favour a text on the lines customarily used in international labour Conventions as follows: “The types of employment or work to which this Article applies shall be determined by national laws or regulations or in any other manner consistent with national practice, after consultation with the organisations of employers and workers concerned, where such exist”.

**Japan.** Even in the case of employment or work which is likely to jeopardise the health or safety of young persons, the Government considers that it would be appropriate to add to this Article a statement to the effect that special provision may be made by national law as regards young persons who have completed vocational training, conducted in accordance with the provisions of national law, in the employment or work concerned.

Since the purpose of vocational training is to impart to workers knowledge of and skill in a job and to develop their critical faculties in relation to that job, those who have completed the relevant vocational training may be said to be prepared for the employment or work concerned. Generally speaking, therefore, among the various types of employment or work which are likely to jeopardise the health or safety of young persons, there are some types in respect of which the minimum age for admission of young persons who have completed vocational training may be fixed, subject to certain conditions, at an age lower than that envisaged in paragraph 1 of this Article.

Considering, further, that engaging in such employment or work is permitted during the period of training by virtue of Article 6, it is unreasonable completely to debar young persons, after they have completed such training, from being admitted to such employment or work until they have reached the minimum age specified in this Article.

**Netherlands.** With regard to the questions raised by the Office (Report IV (1), page 32) concerning Article 3, the Government notes, first, that the present text does not prevent a member State from fixing a minimum age between 14 and 18 for certain types of employment or work, such as maritime navigation or fishing. The inclusion of a provision as suggested by the Office may open the possibility of going back on a decision taken by the Committee during the first discussion.

**Norway.** The Government considers that the minimum age for really dangerous work should be 18 years. Exceptions should, however, be allowed for types of employment or work where the hazards are of such a character that a minimum age of 16 years would be adequate (reference is made to pages 10 and 11 of Report IV (1) concerning the sub-amendment proposed by the Government members of Denmark, Finland, Norway and Sweden). The Nordic countries are collaborating in listing types of work which should be covered by a minimum age of 16 years or by a minimum age of 18 years. If 18 years is fixed as the limit for hazardous working operations, this would deprive Members of the possibility of covering extensive fields where 16 years would be natural. Therefore 16 years should be the lowest limit, with 18 years as a limit for definitely more hazardous types of work.
Spain. The Government agrees with the establishment, as a general rule, of the minimum age of 18 for hazardous work. At the same time, it seems desirable that, as regards certain types of work which are not extremely dangerous, employment should be permitted from the age of 16, subject to individual authorisations granted by the competent authority, provided that the objective is to obtain vocational training in a particular occupation and that the cultural and physical development of the young person is not prejudiced.

Sweden. When this Article was discussed at the 57th Session of the Conference, the representatives of the Nordic governments presented a proposal, the gist of which was that a minimum age of 18 should be applied as the general rule for admission to hazardous work, but that there should be provision for making exceptions in respect of types of employment or work where the hazards were of such a character that a minimum age of 16 was adequate. The Government proposes that the Article be formulated in agreement with the Nordic proposal, which is reproduced on pages 10 to 11 of Report IV (1).

In the view of the Government the Convention should not leave it entirely to national legislation to determine the sort of employment or work to which the Article should apply: such employment or work should, at least to some extent, be explicitly specified in the Convention. If it is found difficult to adapt the proposed Convention to this requirement, it nevertheless remains urgent for the instrument to incorporate a provision requiring the countries ratifying it to report to the ILO the types of employment or work which in this context are designated as hazardous. Such an obligation is all the more necessary if the Article provides for the possibility of exemptions.

Switzerland. Provision should be made for exceptions and for fixing the minimum age at 16 for certain types of work which are liable to jeopardise, not the life but, to a limited degree, the health of children.

Office Commentary.

The two paragraphs of Article 3 as adopted by the Conference Committee last year have been included in the proposed text without any modification. They would require, first, that a determination be made, after consultation with the employers' and workers' organisations concerned, of the types of employment or work which are likely to jeopardise the life, health or morals of young persons and, second, that a minimum age of at least 18 be prescribed for such types of employment or work.

As the observations of a number of governments suggest, this Article as at present worded reveals a shortcoming in that no provision is made for types of employment or work which are not covered by the determination referred to above but which may still require a minimum age higher than the general minimum. The Office has therefore drafted a new paragraph 3, modelled roughly on the proposals of the Governments of France and Ireland, under which national laws or regulations or the competent authority may further determine, after consultation with the employers' and workers' organisations concerned, that a minimum age between the general
minimum and 18 would be appropriate for certain types of employment or work which are not covered by paragraph 1, and may prescribe such an age. It should be stressed that this paragraph would apply to types of employment or work which are not covered by paragraph 1 and that the standard of 18 years would still apply to those which are determined to be hazardous within the meaning of paragraph 1.

Thus, the new paragraph does not respond to the observations of the Governments of Austria, the Federal Republic of Germany, Japan and Spain. It might be considered, however, that as far as vocational training itself is concerned, Article 6 would be the relevant provision, subject to the safeguards prescribed in that Article.

Finally, the Government of Sweden has made a new suggestion which the Conference Committee may wish to consider in relation to the normal reporting requirement under article 22 of the Constitution.

**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.

**Observations on Article 4.**

**Australia.** The Government supports the adoption of this Article as it provides flexibility and could facilitate ratification in countries where there are special problems in respect of limited categories of employment. Clarification is needed, however, as to whether Article 3 would apply to categories excluded under this Article. See the Government’s observations on Paragraphs 11 and 12 of the proposed Recommendation.

**Byelorussian SSR.** This Article should be deleted since it restricts the scope of the Convention and does not contribute to the total abolition of child labour.

**Ireland.** In Articles 4 and 8 the words “in a country” after “competent authority” appear to be unnecessary and it is suggested that they be omitted.

**Norway.** The Government refers to its observations on Article 2 regarding children employed in agriculture. The Norwegian law on work in agriculture contains no general age limit for admission to employment in agriculture, with the exception of dangerous work. In Norwegian agriculture children are, as a rule, not engaged as proper permanently employed farm workers, but on family farms, of which there are many, the children certainly share in the farm work. Otherwise schoolchildren only
perform agricultural work as a job in the school holidays or on days when there is no school. It would hardly be possible, in Norway, to enforce a minimum age in respect of family farm work.

The Convention should not apply to family undertakings in agriculture and should allow governments to make limited exclusions subject to a number of safeguards.

_Sweden._ In the opinion of the Government, it is inappropriate that a member State ratifying the Convention should be able arbitrarily to restrict the field of application. Such a possibility weakens the Convention. Instead, the text should indicate what types of work can conceivably be excluded. It can be mentioned in this context that the Swedish occupational health and safety legislation excludes certain work that is difficult to supervise, e.g. work performed in the worker’s home and work performed by members of the worker’s family.

_Switzerland._ It would be desirable for family undertakings, in particular, to be excluded from the scope of the Convention.

_Ukrainian SSR._ This Article should be deleted.

_USSR._ This Article should be deleted, as it limits the scope of the Convention and does not favour the achievement of the total abolition of child labour.

_Yugoslavia._ This Article should be deleted. Paragraph 1 is too flexible. It could be interpreted in different ways and could result in the authorisation of child labour. Moreover, the application of this provision could create particular difficulties for the ILO bodies responsible for supervising the application of the provision of the Convention.

_Office Commentary._

As the commentary on Article 1 has emphasised, there is a close relationship between the wide scope of the Convention and the possibility for governments to make limited exclusions provided for in Article 4. This Article is designed to allow for the legal or practical obstacles existing in many countries to the application of the provisions of the Convention in respect of particular categories, which may vary from country to country. Under its terms, none of the other Articles of the Convention would apply, as formal international obligations, to the categories excluded, but Paragraph 12 of the proposed Recommendation urges that types of employment or work which are hazardous for young persons should be covered by minimum age provisions. As for the categories which might be excluded, Article 4 avoids any prior restriction on the scope of the Convention; instead, it requires that employers’ and workers’ organisations must be consulted before any measures for exclusion are taken, that the categories must be limited, that there must be special and substantial problems of application in respect of such categories and that reports on the application of the Convention must explain the reason for any exclusions and the position of national law and practice in respect of the categories excluded. These are all safeguards against a loose interpretation.
The drafting change suggested by the Government of Ireland has been made in this Article and also in Article 8.

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.

Observations on Article 5.

Australia. A provision of this kind adds flexibility and should be of assistance to developing countries in ratifying the Convention. As regards the point made on page 33 of Report IV (1) concerning agricultural undertakings, one solution might be to include only undertakings employing more than a specified number of workers, say ten. See also the observations on Paragraphs 11 and 12 of the proposed Recommendation.

Hungary. The Government reserves its position on this Article.

India. (Paragraph 3). The sectors of the economy to which the provisions of the Convention shall be applicable as a minimum should not be specified in the Convention itself. It is desirable to leave such determination to the competent authority in each country.

Netherlands. The Government, while not affected by this Article, shares the concern expressed by the Office in Report IV (1).

Sweden. (Paragraph 3). The Government agrees with the Office that a more exact definition is needed regarding the plantations or other agricultural undertakings to which the Convention is to be applied.

In addition, the Government would underline the importance—if it proves impossible at the next session of the Conference to reach agreement on the Government’s proposal presented under Article 2 (3) that a minor should not be admitted to employment or work before the calendar year in which he reaches the
age of 15—of at least introducing this rule in respect of the occupational sectors listed in Article 5 (3).

Office Commentary.

With regard to paragraph 3, the Office had pointed out in Report IV (1) that the phrase "mainly producing for commercial purposes" after "other agricultural undertakings" did not constitute a suitable criterion for determining which undertakings were to be covered as a minimum and did not appear to convey the meaning intended by the Committee. Three governments have noted this difficulty in their observations. Since Article 5 as a whole is intended to meet the needs of developing countries (from which a relatively small number of replies to Report IV (1) had been received by the time the present report was prepared), the purpose of this paragraph is to define the area in which even those countries would be able to apply minimum age regulations effectively. The amendment adopted last year adding this final item to the original Office list was clearly meant to ensure that, in the agricultural sector, coverage would extend at least to plantations and undertakings comparable to them in nature or size. To express this meaning more accurately, the Office has considered it advisable to propose modifying the text to read "plantations and other comparable agricultural undertakings".

**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.

**Observations on Article 7.**

Australia. As a number of governments have pointed out, this provision needs to be amended to provide more flexibility in granting exemptions from the general rule. Otherwise, they will be unable to ratify since many quite harmless activities undertaken by children, even those under 12 years, outside school hours or during school holidays would be in conflict with its requirements. For example, it would seem that "bob-a-job" arrangements whereby young persons such as Boy Scouts perform token services in return for a donation would contravene the Convention if persons under the age of 12 years were involved, or if the "work" were not regulated in accordance with this Article in the case of those over 12 years of age.

As regards proposed paragraph 2, it may be noted that other arrangements may provide protection which is at least as effective as that proposed. For example, it may
be preferable to determine activities in which employment or work is not permitted; to prescribe hours during which such employment or work may not be undertaken, or to prescribe conditions for the issue of permits or licences for employment which, taken in conjunction with legislative requirements regarding compulsory school attendance, render the specification of a minimum age of 12 years, the provisions of paragraph 2 and the proposed Article 8 unnecessary.

Byelorussian SSR. This Article should be deleted since it restricts the scope of the Convention and does not contribute to the total abolition of child labour.

Central African Republic. It would be highly desirable to include a definition, even an approximate one, of the term “light work”, as otherwise the way would be open to numerous abuses.

Cyprus. The Government expresses its reservation with regard to the Article. These provisions might lead to abuse because in practice it will be difficult to determine which type of work is not harmful to the health or development of children under the minimum age specified or is not prejudicial to their school attendance, etc.

Denmark. The Government considers it important to maintain the exception provided for in this Article concerning permission for 12-year-olds to undertake certain types of light work.

Hungary. The Government reserves its position on this Article.

Ukrainian SSR. This Article should be deleted.

USSR. This Article should be deleted, as it limits the scope of the Convention and does not favour the achievement of the total abolition of child labour.

Yugoslavia. In paragraph 1, after the words “national laws or regulations may permit”, the following phrase should be added: “where necessary for justifiable reasons of an economic and social character”.

In paragraph 2, the final phrase should be amended to read as follows: “and shall prescribe the most favourable conditions of work, and especially hours of work”.

A new paragraph should be added, as follows: “Member States shall specify, in their first report, the reasons which necessitated the application of the exemption provided for in paragraph 1 of this Article and the activities to which this exemption is applied and shall state in subsequent reports the position of their law and practice and the measures taken to give effect to the provisions of the Convention, that is to say, the conditions created with a view to suppressing this exemption.” In the view of the Government, this would allow limits, which are indispensable, to be placed on the application of this exemption and would give greater precision to the obligations of member States in this respect.

Office Commentary.

The observations on this Article, including the observation made by the Government of Canada under Article 1, reflect the divergence of views in the Conference Committee during the first discussion. The Article attempts to combine the measure of flexibility necessary to permit the wide application of the Convention,
especially in view of its general scope, with the restrictions necessary to ensure adequate protection. Amendments were moved last year to make this provision more flexible, to make it less flexible and to delete it altogether, but the Committee finally adopted it without modification and it has been retained in the proposed text.

It might be added, in connection with the observation made by the Government of Australia, that where there are special and substantial problems of application, as might be the case of token services performed for charitable purposes and not regarded as "work", it would be possible to apply Article 4 to the category concerned after due consultation and subject to the prescribed safeguards.

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.

Observations on Article 8.

Austria. In paragraph 1 the words "by permits granted in individual cases" should be deleted and in paragraph 2 the words "permits so granted" should be replaced by the words "the measures so taken". In this way the competent authority is given the option of taking such measures either by general regulations or in the form of permits granted in individual cases.

It should be borne in mind in this connection that not all jobs done by children under 14 years of age (and particularly not odd jobs) are harmful. Again, the main distinction to be made is whether the child is to work as a genuine employee, as a trainee who is not regularly employed, or as a member of the family who is not paid for the assistance he provides.

Ireland. See the Government's observation on Article 4.

Switzerland. The Government foresees difficulties as regards the designation of the competent authority for granting permits to young persons not having the status of "workers" within the meaning of national legislation.

Office Commentary.

It may be useful to point out that this Article does not relate to ordinary light work in the sense of odd jobs, which is covered by Article 7 and for which general regulation is envisaged. The requirement of individual permits relates to the special case of exceptions for such purposes as participation in artistic performances and is intended to ensure strict control over the circumstances and conditions in which such participation takes place.

The provision has thus been retained, with the deletion of the words "in a country" as mentioned in the commentary on Article 4.
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.

Observations on Article 9.

Australia. In Australia the persons responsible for compliance with the provisions giving effect to the Convention may be defined in arbitration awards, rather than in laws or regulations. Paragraph 2 might be recast to take this into account.

Paragraph 3 seems unnecessary. If it is to be retained, bearing in mind the comments on page 33 of Report IV (1) regarding the acceptability of awards of arbitration tribunals for determining the types of employment or work to which Article 3 would apply, it would seem necessary to amend it as follows: “The employer shall be required to keep and make available...”. This is the sort of approach adopted in the Minimum Age (Underground Work) Convention, 1965 (No. 123). It may be noted that in this context the competent authority may be the labour or schools inspectorate and not the arbitration tribunal.

Canada. (Paragraph 3). The proposed Convention should not insist on the keeping of the records of dates of birth of all persons who are less than two years older than the minimum age, but should be flexible enough to allow simply the recording of age. This would be in line with Canadian practice.

In the view of the Government, the objective of Article 9 is to secure an adequate enforcement of the proposed Convention. Various means may be used to attain this objective, the indication of dates of birth in the records being one of them. However, Canadian experience has been that the objective can also be adequately secured by keeping records of ages only. In the absence of evidence that keeping a record of dates of birth is a more effective enforcement tool, it is unlikely that the present practice in Canada of keeping a record of ages would be changed.

If the ILO insists on the requirement of keeping the record of dates of birth, such a requirement would be an unnecessary obstacle to ratification by Canada of a Convention with the basic principles of which the Government is in agreement.

Denmark. (Paragraph 3). The Government finds that such an extensive requirement as regards keeping records of young workers will give rise to practical difficulties. A requirement to keep records of persons who are less than two years older than the minimum age set out in Article 2 (3) is deemed sufficient.

Netherlands. The Government makes an observation which concerns only the French text.
Spain. (Paragraph 3). It seems desirable to include here a new obligation for the employer to keep and make available to the competent authority, in respect of persons under 18 years of age, a medical certificate of physical capacity for the work to be undertaken, in those countries where suitable medical facilities exist.

Switzerland. (Paragraph 3). The application of this provision in all sectors will be difficult to carry out in Switzerland.

Office Commentary.

In the light of the observations made by the Government of Australia, the words “or the competent authority” have been inserted in paragraph 2, and the beginning of paragraph 3 has been redrafted. Account has also been taken of the observation made by the Government of Canada through the insertion of the words “or ages” after “dates of birth”.

With regard to the observation made by the Government of Denmark, the reason why paragraph 3 refers to Article 3 as well as Article 2 is to ensure the effective enforcement not only of basic minimum age provisions but also, wherever applicable, of provisions prescribing higher ages for particular types of employment or work.

**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,

(c) 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.

Observations on Article 10.

*Australia*. The approach proposed by the Office is acceptable. As regards the maritime Conventions, see the Government's observations on Article 3.

*Netherlands*. Although, in general, this Article constitutes a very satisfactory basis for discussion, the Government would raise the following point: in paragraph 3 it would perhaps be desirable to substitute for the words "by ratification of this Convention" the following text: "either by ratification of this Convention or by a declaration to that effect communicated to the Director-General of the International Labour Office (and registered by him)". The process of closing to further ratification Conventions Nos. 5, 7, 10 and 15 could thus be facilitated and accelerated.

*Sweden*. If the Convention contains a provision giving a minimum age of 15 for admission to employment or work, then it would seem necessary to redraft this Article, particularly as regards its treatment of the Conventions mentioned in paragraphs 2 and 4.

Office Commentary.

As the Government of the Netherlands points out, the process of closing the older Conventions to further ratification could be expedited by enabling the parties to those Conventions to give their consent by means of a declaration to the Director-
General. The additional phrase suggested by the Government has accordingly been included in paragraph 3.

Observations on the Proposed Recommendation concerning Minimum Age for Admission to Employment

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 inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.

Observations on Paragraph 1.

Australia. This provision would need to be amended in the light of proposed amendments to Article 1 of the Convention.

Pakistan. No reference should be made here to the Minimum Age Convention, 1973.

Office Commentary.

For the reasons given in the Office commentary on Article 1 of the proposed Convention, the provision has been retained without change.

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.

1 The observations are preceded by the text of the relevant Paragraph as given in the proposed Recommendation set forth in Report IV (1). Provisions on which no observations were made are not reproduced.
Observations on Paragraph 2.

**Australia.** The Government has no objection to the adoption of these guidelines but the words "to the greatest extent possible" should be reinserted in the introductory sentence.

**Pakistan.** As regards clause (c), this should be left to be determined by the member States.

**Office Commentary.**

In the absence of further observations, the text as approved by the Conference has been retained without change.

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.


**Australia.** In view of the amendment proposed to Article 2 (3) of the proposed Convention, this provision now seems to be tautological.

**Pakistan.** The Government supports this provision. However, many developing countries may not be in a position to declare universal compulsory schooling as envisaged in Article 2 of the Convention.

**Office Commentary.**

The importance of linking minimum age regulation to compulsory education was stressed throughout the first discussion. While such a link has been established in Article 2 (3) of the proposed Convention, it is still possible under that Article that the minimum age for admission to employment may be higher than the school-leaving age. This would be the case, for example, in countries where compulsory education does not extend to the age of 14, which is the lower limit that may be specified. Paragraph 4 is intended to draw attention to the desirability of compulsory education or vocational orientation or training up to the minimum age for admission to employment.

The provision has therefore been retained without change.

II. MINIMUM AGE

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


**Pakistan.** Keeping in view the hazardous nature of some economic sectors, such as mining, etc., it may not be possible to fix the same minimum age for all sectors of economic activity.
Sweden. Necessary conditions for applying the same minimum age to all sectors of activity are that the end of compulsory schooling coincide with the minimum age applicable for admission to work, and that openings for exemptions exist. This is of practical importance, for instance, for work during school holidays and other time off from school.

Office Commentary.

With regard to the observation made by the Government of Pakistan, it should be stressed that this Paragraph refers to broad sectors of economic activity and to the normal minimum age: it does not preclude in any way the fixing of higher ages for particular occupations or activities, as provided for in the proposed Convention and in subsequent Paragraphs of the proposed Recommendation, because of their hazardous nature or their professional requirements.

Paragraph 6 has been retained without change.

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.

Observations on Paragraph 7.

Australia. The Government is opposed to subparagraph (1). Having regard to the situation in the majority of ILO member States, including some of the more advanced countries, this provision is unrealistic. Moreover, since the minimum age for admission to employment is so closely related to the age up to which attendance at school is compulsory, it is "putting the cart before the horse" to raise the minimum age for admission to employment to a level above the age for compulsory school attendance in most countries. Furthermore, having regard to the consideration being given to the principle of "lifelong education" and to adding greater flexibility to patterns of education and working time, it seems undesirable to adopt such an unnecessarily rigid provision as this. Therefore, the Government favours the deletion of this subparagraph.

Austria. Subparagraph (1) should be replaced by the following: "Members should take as their objective the progressive raising of the minimum age for admission to employment to 15 years, due account being taken of the school-leaving age". Any raising of the age limit for admission to employment would seem pointless unless the period of general compulsory schooling were extended simultaneously and correspondingly. But since it has not even yet been possible to introduce general compulsory schooling in many developing countries, the initial objective should be the more realistic one of simply raising the age for admission to employment to 15.

Japan. The Government proposes that the words "to 16 years" be deleted from subparagraph (1). As the minimum age for admission to employment roughly
corresponds, at least in industrially advanced countries, to the age at which compulsory education ends, the raising of that minimum age, including its relationship to the end of compulsory education, needs to be carefully examined. Thus, the Government has some doubt about the fixing of the target age uniformly at 16. In the Recommendation, therefore, it would be appropriate to permit each member State to raise the minimum age progressively according to its national conditions.

Pakistan. It may not be possible to comply with the provision in subparagraph (1) in the foreseeable future.

Sweden. See the Government’s observation on Paragraph 6.

Office Commentary.

Subparagraph (1) is designed to suggest to member States a target, which for many of them would necessarily be a long-term one. Whether such a target should be indicated, and how it should be formulated, are major substantive questions; the present text is that adopted by the Conference Committee, and is therefore retained without change.

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.

Observations on Paragraph 8.

Hungary. The Government reserves its position on this Paragraph.

Pakistan. This may not be possible in the foreseeable future in the developing countries in view of their special circumstances.

Sweden. As regards the minimum age for work on plantations and other agricultural undertakings mainly producing for commercial purposes, reference is made to the Government’s observations on Article 5 (3) of the proposed Convention, both as to the need for a clearer definition of the plantations or other agricultural undertakings to which the Convention is to be applied, and the minimum age that should apply for the occupational sectors given.

Office Commentary.

For the reasons given in the Office commentary on Article 5 (3) of the proposed Convention, the words “mainly producing for commercial purposes” have been deleted and the word “comparable” has been inserted before “agricultural undertakings”.

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.

**Australia.** See the observations on Article 3 of the proposed Convention; the Government is not convinced that this Paragraph is necessary. There is a danger that by fixing a high minimum age for admission to hazardous employment insufficient attention will be paid to taking action to minimise or eliminate the hazards. Moreover, there are some occupations which involve hazards where a minimum age of less than 18 years may not be inappropriate. To raise the age of admission to employment above the minimum level necessary in the light of the hazards of the employment is to reduce employment opportunities for young persons. This Paragraph should be deleted; if deletion is not acceptable it should be amended, for example by adding at the end the words "wherever appropriate".

**Pakistan.** This provision may aggravate the unemployment problem in developing countries.

**Sweden.** As pointed out in its observations on Article 3 of the Convention, the Government considers that an 18-year limit should apply for admission to hazardous work, but that exemptions from this rule should be possible.

**Office Commentary.**

As this provision is of a substantive nature, the Office considers that the foregoing observations afford no grounds for proposing amendments to the text adopted by the Conference Committee, which has thus been retained without change.

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 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.

Observations on Paragraph 10.

**Australia.** Presumably this Paragraph would not prevent the deletion of types of employment or work from the list if, in the light of advancing scientific and technological knowledge, they no longer present serious hazards to young persons.

**Norway.** The types of dangerous work should be set out in a list.

**Sweden.** In view of the rapid changes occurring in working life, with new risks continually arising, it is vital that the relevant international instruments be observed by Members, even when a Member has been unable to ratify the instrument in question. Also, by reason of the rapid development taking place in working life, it is urgent that the current lists of hazardous work be regularly reviewed.
Office Commentary.

In the absence of further observations, Paragraph 10 has been retained without change.

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.

Observation on Paragraph 11.

Australia. (Paragraphs 11 and 12). It is noted that Article 5 (2) of the proposed Convention refers to "the branches of economic activity or types of undertakings", whereas Paragraph 11 refers to "certain sectors of economic activity".

Another point is that it seems necessary to clarify what will be the effect of Article 3 on countries ratifying the Convention which take advantage of Articles 4 or 5. If the principles in these Paragraphs will not apply, the situation seems unsatisfactory.

Office Commentary.

The drafting inconsistency between Paragraph 11 and Article 5 (2) noted by the Government of Australia has been corrected.

As regards the second point made by the Government, the object of Paragraphs 11 and 12 is to recommend to member States that, even where the scope of formal obligations under the Convention has been limited, after due consultation, by reference to Articles 4 or 5, it would be desirable to fix appropriate minimum ages for types of employment or work which present hazards for young persons. With a view to greater clarity, the last phrase in both Paragraphs has been replaced by words to this effect.

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.

Observations on Paragraph 12.

Australia. See the Government’s observations on Paragraph 11.

Byelorussian SSR. This Paragraph should be deleted for the same reasons as have been indicated above in the Government’s observations on Articles 4 and 7 of the proposed Convention.

Ukrainian SSR. This Paragraph should be deleted.

USSR. This Paragraph should be deleted for the reasons mentioned in the observations on Articles 4 and 7 of the proposed Convention.
Office Commentary.

See the Office commentary on Paragraph 11.

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. The 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.

Observation on Paragraph 13.

Canada. The Government has reservations as regards the raising from 16 to 18 years of the age of children and young persons to whom special conditions of employment are applicable. Its objections are consequential to its comments with respect to the minimum age for dangerous employment (Article 3 of the proposed Convention). The Government’s proposal is to revert to the age of 16 instead of 18.

Office Commentary.

In the absence of further observations, Paragraph 13 has been retained without change.

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.


Australia. (Clause (a)). While not objecting to the inclusion of the phrase “bearing in mind the principle of equal pay for equal work”, the Government wonders whether this is what was intended: “equal pay for equal work” is usually
taken to mean something different from "equal remuneration for work of equal value".

(Clause (b)). The requirement under this provision is not at all clear. Presumably "time for education and training (including the time needed for homework related thereto)" does not have to be provided if the young person is not undergoing education or training. To impose a blanket prohibition on overtime seems unnecessary, especially bearing in mind that some countries have lower standard hours of work than others.

(Clause (d)). It would be preferable to refer to "the granting of an annual holiday with pay of at least the duration set down in the Holidays with Pay Convention (Revised), 1970 (No. 132)".

(Clause (e)). This could present difficulties as regards employment injury benefit, where workmen's compensation schemes apply, for certain types of work (as distinct from employment) involving young persons.

(Clause (f)). It would be helpful to have some guidance as to what is meant by "the general protection and supervision of the . . . morals of those concerned" and as to who is to give special attention to this.

Austria. (Clause (c)). The words "without any possibility of exception" should be deleted. The Government is in principle in favour of "the granting of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days", but there should be some possibility of providing for exceptions in cases of emergency.

Canada. (Clause (b)). The Government has no objection to the principle of strict limitation of the hours of work in a day and in a week of children and young persons under a specified age, so as to allow enough time for education (homework), for rest during the day and for leisure activities. Within this context the specific reference to the prohibition of overtime is superfluous and should be deleted.

(Clause (d)). The Government has reservations with respect to the provisions for the granting of an annual holiday with pay of at least four weeks for young workers. These reservations are based on two factors: first, the Holidays with Pay Convention (Revised), 1970, does not make any special provision for young workers and the inclusion of such a provision in the proposed Recommendation would be inconsistent with that Convention; second, there is no basis in Canadian legislation or collective agreements to support such a provision.

Regarding Paragraph 14 in general, the Government has received from the Canadian Chamber of Shipping an opinion that seafarers should be exempted from the application of Paragraph 14 of the proposed Recommendation on the ground that the subject, as it affects seafarers, should be dealt with by the maritime machinery of the ILO. The Government supports this suggestion, particularly considering that the Governing Body placed the subject of protection of young seafarers on the agenda of the 21st Session of the Joint Maritime Commission of the ILO.

Considering that the question of international standards for seafarers is normally dealt with through the ILO maritime machinery, the Government would not oppose
the exclusion of seafarers from the coverage of the proposed Convention and Recommendation.

Ireland. (Clause (b)). The provision for the strict limitation of the hours spent at work in a day or in a week by young persons under the age of 18 years might be regarded as providing adequate protection and, consequently, the Government suggests that it is unnecessary to provide for the prohibition of overtime. Indeed, the total prohibition of overtime could be restrictive and not always in the best interests of the young persons concerned.

Clause (d)). The Government feels that the provision for an annual holiday with pay of at least four weeks for young persons under the age of 18 years could give rise to anomalous situations in so far as such young persons might face a reduction in their annual holiday with pay on reaching the age of 18 years. It is suggested accordingly that this particular provision might be reconsidered.

Japan. (Clauses (c) and (d)). The Government considers that the Office text contained in Report IV (1) to the 57th Session of the International Labour Conference is more appropriate. It would be realistic to let each member State fix the scope of the night period during which work should be prohibited and the length of the annual holiday with pay to be granted, having regard to its national economic and social conditions, etc.

Sweden. (Clause (e)). Under the Swedish Workers’ Protection Act, night rest is to consist of at least 11 consecutive hours, a period that is at present considered adequate.

Office Commentary.

The provisions contained in clauses (a) to (e) of subparagraph (1) of the amended text now proposed by the Office derive from amendments adopted by the Conference Committee last year, and the Office has made no change in them. It is true, however, as the Government of Canada has pointed out, that the Holidays with Pay Convention (Revised), 1970 (No. 132), makes no special provision for young workers, such a provision having been deleted by the Conference Committee on Holidays with Pay after the general minimum had been increased to three working weeks.

Clause (f), which comes from the Proposed Conclusions submitted by the Office in Report IV (2) to the 1972 Session of the Conference, has been redrafted in more precise terms, taking into account not only the observation of the Government of Australia but also the comments made by several governments under other provisions, stressing the importance of safety and health measures. This provision now specifically calls for the maintenance of satisfactory safety and health standards and for instruction and supervision in these matters.

The new subparagraph (2) deals with young seafarers. Reference has been made to the special ILO machinery concerning maritime employment by the Governments of Australia (under Article 3), Canada (under this Paragraph) and Norway (in its
general observations). In this connection, it should be noted that the practice has been to take special action for seafarers on matters in respect of which maritime employment has special characteristics which require separate treatment, but not necessarily otherwise. A number of Conventions and Recommendations, notably the basic human rights instruments, apply to seafarers as to other workers, and one of the objects of the present reconsideration of minimum age is to establish general instruments on the subject.

The Report (document JMC/21/8) adopted by the 21st Session of the Joint Maritime Commission (November-December 1972), records that the Seafarers' members drew attention to Report IV (1) to the 58th Session of the Conference and in particular to Paragraph 14 of the proposed Recommendation, which deals with a number of very specific conditions of employment. The Commission adopted the following proposal:

The Seafarers' members, with a view to safeguarding the interests of young seafarers, proposed that a final subparagraph be added to Paragraph 14 of the proposed Recommendation to read as follows: "These provisions should apply to young seafarers in so far as they are not covered by ILO maritime instruments.", and that this proposal should appear in the report of the present session of the Commission in order that the ILO might take appropriate action. The Seafarers would agree to the exemption of seafarers from Paragraph 14 on the understanding that:

(a) young seafarers' problems would be comprehensively discussed by the next Preparatory Technical and Maritime Session Conferences; and
(b) the Seafarers' action in making their proposals would be taken into account at these conferences.

The Shipowners' members agreed to the above conditions of exemption suggested by the Seafarers.

Subparagraph (2) has accordingly been added to the proposed text of Paragraph 14.

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.

Observation on Paragraph 17.

Canada. The Government opposes this requirement for the same reasons as explained in its observations on Article 9 (3) of the proposed Convention.

Office Commentary.

As in Article 9 (3) of the proposed Convention, the words "or ages" have been added after "dates of birth".
PROPOSED TEXTS
PROPOSED TEXTS

(English Version)

The following are the English versions of (A) the proposed Convention concerning minimum age for admission to employment and (B) the proposed Recommendation concerning minimum age for admission to employment, which are submitted as a basis for discussion of the fourth item on the agenda of the 58th Session of the Conference.

A. 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
The following are the French versions of (A) the proposed Convention concerning minimum age for admission to employment and (B) the proposed Recommendation concerning minimum age for admission to employment, which are submitted as a basis for discussion of the fourth item on the agenda of the 58th Session of the Conference.

A. Projet de convention concernant l'âge minimum d'admission à l'emploi

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 6 juin 1973, en sa cinquante-huitième session;
Après avoir décidé d'adopter diverses propositions relatives à l'âge minimum d'admission à l'emploi, question qui constitue le quatrième point à l'ordre du jour de la session;
Notant les termes de la convention sur l'âge minimum (industrie), 1919, de la convention sur l'âge minimum (travail maritime), 1920, de la convention sur l'âge minimum (agriculture), 1921, de la convention sur l'âge minimum (soutiers et chauffeurs), 1921, de la convention sur l'âge minimum (travaux non industriels), 1932, de la convention (révisée) sur l'âge minimum (travail maritime), 1936, de la convention (révisée) de l'âge minimum (industrie), 1937, de la convention (révisée) sur l'âge minimum (travaux non industriels), 1937, de la convention sur l'âge minimum (pêcheurs), 1959, de la convention sur l'âge minimum (travaux souterrains), 1965;
Considérant que le moment est venu d'adopter un instrument général sur ce sujet qui devrait graduellement remplacer les instruments existants applicables à des
MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

38 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:

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 young persons.

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.

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.
secteurs économiques limités, en vue de l’abolition totale du travail des enfants;

Après avoir décidé que cet instrument devrait prendre la forme d’une convention internationale,

adopte ce jour de juin mil neuf cent soixante-treize, la convention ci-après, qui sera dénommée Convention sur l’âge minimum, 1973:

Article 1

Tout Membre pour lequel la présente convention est en vigueur s’engage à poursuivre une politique nationale visant à assurer l’abolition effective du travail des enfants et à élever progressivement l’âge minimum d’admission à l’emploi ou au travail à un niveau permettant aux adolescents d’atteindre le plus complet développement physique et mental.

Article 2

1. Tout Membre qui ratifie la présente convention devra spécifier, dans une déclaration annexée à sa ratification, un âge minimum d’admission à l’emploi ou au travail sur son territoire et dans les moyens de transport immatriculés sur son territoire; sous réserve des dispositions des articles 4 à 8 de la présente convention, aucune personne d’un âge inférieur à ce minimum ne devra être admise à l’emploi ou au travail dans une profession quelconque.

2. Tout Membre ayant ratifié la présente convention pourra, par la suite, informer le Directeur général du Bureau international du Travail, par de nouvelles déclarations, qu’il relève l’âge minimum spécifié précédemment.

3. L’âge minimum spécifié conformément au paragraphe 1 du présent article ne devra pas être inférieur à l’âge auquel cesse la scolarité obligatoire ni en tout cas à quatorze ans.

Article 3

1. L’âge minimum d’admission à tout type d’emploi ou de travail qui, par sa nature ou les conditions dans lesquelles il s’exerce, est susceptible de compromettre la santé, la sécurité ou la moralité des adolescents ne devra pas être inférieur à dix-huit ans.
2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. In the application of this Article, national laws or regulations or the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may further determine that a minimum age higher than that specified in pursuance of Article 2 of this Convention but below 18 years would be appropriate to the risks and exigencies of particular types of employment or work to which paragraph 1 of this Article does not apply and prescribe such an age therefor.

Article 4

1. In so far as necessary, measures may be taken by the competent authority, 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.
2. Les types d'emploi ou de travail visés au paragraphe 1 ci-dessus seront déterminés par la législation nationale ou l'autorité compétente, après consultation des organisations d'employeurs et de travailleurs intéressées, s'il en existe.

3. Aux fins de l'application du présent article, la législation nationale ou l'autorité compétente — après consultation des organisations d'employeurs et de travailleurs intéressées, s'il en existe — pourra, en outre, déterminer qu'un âge minimum plus élevé que l'âge fixé conformément à l'article 2 de la présente convention, mais inférieur à dix-huit ans, correspond aux risques et exigences de types particuliers d'emploi ou de travail non visés au paragraphe 1 ci-dessus, et en conséquence prescrire un tel âge.

Article 4

1. Pour autant que cela soit nécessaire et après avoir consulté les organisations d'employeurs et de travailleurs intéressées, s'il en existe, l'autorité compétente pourra prendre des mesures pour ne pas appliquer la présente convention à des catégories limitées d'emploi ou de travail lorsque l'application du présent instrument à ces catégories soulèverait des difficultés d'exécution spéciales et importantes.

2. Tout Membre qui ratifie la présente convention devra, dans le premier rapport sur l'application de celle-ci qu'il est tenu de présenter au titre de l'article 22 de la Constitution de l'Organisation internationale du Travail, indiquer, avec motifs à l'appui, les catégories d'emploi qui auraient été l'objet d'une exclusion au titre du paragraphe 1 du présent article, et exposer, dans ses rapports ultérieurs, l'état de sa législation et de sa pratique quant à ces catégories, en précisant dans quelle mesure il a été donné effet ou il est proposé de donner effet à la présente convention à l'égard desdites catégories.

Article 5

1. Tout Membre dont l'économie et les services administratifs n'ont pas atteint un développement suffisant pourra, après consultation des organisations d'employeurs et de travailleurs intéressées, s'il en existe, limiter, en une première étape, le champ d'application de la présente convention.

2. Tout Membre auquel s'applique le paragraphe 1 du présent article devra spécifier, dans une déclaration annexée à sa ratification, les branches d'activité économique ou les types d'entreprises auxquels s'appliqueront les dispositions de la présente 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 and other comparable agricultural undertakings.

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
3. Le champ d’application de la présente convention devra comprendre au moins : les industries extractives ; les industries manufacturières ; le bâtiment et les travaux publics ; l’électricité, le gaz et l’eau ; les services sanitaires ; les transports, entrepôts et communications ; les plantations et autres entreprises agricoles comparables.

4. Tout Membre ayant limité le champ d’application de la convention en vertu du présent article :

a) devra indiquer, dans les rapports qu’il est tenu de présenter au titre de l’article 22 de la Constitution de l’Organisation internationale du Travail, tout progrès réalisé en vue d’une plus large application des dispositions de la convention ;

b) pourra, en tout temps, étendre le champ d’application de la convention par une déclaration adressée au Directeur général du Bureau international du Travail.

Article 6

La présente convention ne s’applique pas au travail effectué par des enfants ou des adolescents dans des établissements d’enseignement général, dans des écoles professionnelles ou techniques, dans d’autres institutions de formation professionnelle ou dans des entreprises, lorsque ce travail est accompli conformément aux conditions prescrites par l’autorité compétente après consultation des organisations d’employeurs et de travailleurs intéressées, s’il en existe, et qu’il fait partie intégrante :

a) soit d’un enseignement ou d’une formation professionnelle dont la responsabilité incombe au premier chef à une école ou à une institution de formation professionnelle ;

b) soit d’un programme de formation professionnelle approuvé par l’autorité compétente et exécuté principalement ou entièrement dans une entreprise ;

c) soit d’un programme d’orientation destiné à faciliter le choix d’une profession ou d’un type de formation professionnelle.

Article 7

1. La législation nationale pourra autoriser l’emploi à des travaux légers de personnes n’ayant pas atteint l’âge minimum spécifié conformément à l’article 2 de la présente convention, mais âgées de douze ans au moins, ou l’exécution, par ces personnes, de tels travaux, à condition que ceux-ci :

a) ne soient pas susceptibles de porter préjudice à leur santé ou à leur développement ;
(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 the organisations of employers and workers concerned, where such exist, the competent authority 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 or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. The employer shall be required to keep and make available to the competent authority registers or other documents indicating the names and dates of birth or ages, 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 or in pursuance of 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
b) ne soient pas de nature à porter préjudice à leur assiduité scolaire, à leur participation à des programmes d'orientation ou de formation professionnelles approuvés par l'autorité compétente ou à leur aptitude à bénéficier de l'instruction reçue.

2. L'autorité compétente déterminera les activités dans lesquelles l'emploi ou le travail pourra être autorisé conformément au paragraphe 1 du présent article et prescrira la durée, en heures, et les conditions de l'emploi ou du travail dont il s'agit.

Article 8

1. Après consultation des organisations d'employeurs et de travailleurs intéressées, s'il en existe, l'autorité compétente pourra, en dérogation à l'interdiction d'emploi ou de travail prévue à l'article 2 de la présente convention, autoriser, dans des cas individuels, la participation à des activités telles que des spectacles artistiques.

2. Les autorisations ainsi accordées devront limiter la durée en heures de l'emploi ou du travail autorisé et en prescrire les conditions.

Article 9

1. L'autorité compétente devra prendre toutes les mesures nécessaires, y compris des sanctions appropriées, en vue d'assurer l'application effective des dispositions de la présente convention.

2. La législation nationale ou l'autorité compétente devra déterminer les personnes tenues de respecter les dispositions donnant effet à la convention.

3. Il sera exigé de l'employeur qu'il tienne à la disposition de l'autorité compétente des registres ou autres documents indiquant le nom et la date de naissance ou l'âge, dûment attestés dans la mesure du possible, de toutes les personnes occupées par lui ou travaillant pour lui et dont l'âge dépasse de moins de deux ans l'âge minimum spécifié conformément à l'article 2 ou l'âge prescrit conformément à l'article 3 de la présente convention, selon le cas.

Article 10

1. La présente convention porte révision de la convention sur l'âge minimum (industrie), 1919, de la convention sur l'âge minimum (travail maritime), 1920, de la
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 or by a declaration communicated to the Director-General of the International Labour Office.

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,
convention sur l'âge minimum (agriculture), 1921, de la convention sur l'âge minimum (soutiers et chauffeurs), 1921, de la convention sur l'âge minimum (travaux non industriels), 1932, de la convention (révisée) sur l'âge minimum (travail maritime), 1936, de la convention (révisée) de l'âge minimum (industrie), 1937, de la convention (révisée) sur l'âge minimum (travaux non industriels), 1937, de la convention sur l'âge minimum (pêcheurs), 1959, et de la convention sur l'âge minimum (travaux souterrains), 1965, dans les conditions fixées ci-après.

2. L'entrée en vigueur de la présente convention ne ferme pas à une ratification ultérieure la convention (révisée) sur l'âge minimum (travail maritime), 1936, la convention (révisée) de l'âge minimum (industrie), 1937, la convention (révisée) sur l'âge minimum (travaux non industriels), 1937, la convention sur l'âge minimum (pêcheurs), 1959, et la convention sur l'âge minimum (travaux souterrains), 1965.

3. La convention sur l'âge minimum (industrie), 1919, la convention sur l'âge minimum (travail maritime), 1920, la convention sur l'âge minimum (agriculture), 1921, et la convention sur l'âge minimum (soutiers et chauffeurs), 1921, seront fermées à toute ratification ultérieure lorsque tous les États Membres parties à ces conventions consentiront à cette fermeture, soit en ratifiant la présente convention, soit par une déclaration communiquée au Directeur général du Bureau international du Travail.

4. Dès l'entrée en vigueur de la présente convention:

a) le fait qu'un Membre partie à la convention (révisée) de l'âge minimum (industrie), 1937, accepte les obligations de la présente convention et fixe, conformément à l'article 2 de la présente convention, un âge minimum d'au moins quinze ans, entraîne de plein droit la dénonciation immédiate de la convention (révisée) de l'âge minimum (industrie), 1937;

b) le fait qu'un Membre partie à la convention sur l'âge minimum (travaux non industriels), 1932, accepte les obligations de la présente convention pour les travaux non industriels au sens de ladite convention entraîne de plein droit la dénonciation immédiate de la convention sur l'âge minimum (travaux non industriels), 1932;

c) le fait qu'un Membre partie à la convention (révisée) sur l'âge minimum (travaux non industriels), 1937, accepte les obligations de la présente convention pour les travaux non industriels au sens de ladite convention et fixe, conformément à l'article 2 de la présente convention, un âge minimum d'au moins quinze ans, entraîne de plein droit la dénonciation immédiate de la convention (révisée) sur l'âge minimum (travaux non industriels), 1937;
(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 such an age applies to employment underground in mines in virtue of Article 3 of this Convention, 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,

(c) 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.

B. 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
d) le fait qu'un Membre partie à la convention (révisée) sur l'âge minimum (travail maritime), 1936, accepte les obligations de la présente convention pour le travail maritime et, soit fixe, conformément à l'article 2 de la présente convention, un âge minimum d'au moins quinze ans, soit précise que l'article 3 de la présente convention s'applique au travail maritime, entraîne de plein droit la dénonciation immédiate de la convention (révisée) sur l'âge minimum (travail maritime), 1936;

e) le fait qu'un Membre partie à la convention sur l'âge minimum (pêcheurs), 1959, accepte les obligations de la présente convention pour la pêche maritime et, soit fixe, conformément à l'article 2 de la présente convention, un âge minimum d'au moins quinze ans, soit précise que l'article 3 de la présente convention s'applique à la pêche maritime, entraîne de plein droit la dénonciation immédiate de la convention sur l'âge minimum (pêcheurs), 1959;

f) le fait qu'un Membre partie à la convention sur l'âge minimum (travaux souterrains), 1965, accepte les obligations de la présente convention et, soit fixe, conformément à l'article 2 de la présente convention, un âge minimum au moins égal à celui qu'il avait spécifié en exécution de la convention de 1965, soit précise qu'un tel âge s'applique, conformément à l'article 3 de la présente convention, aux travaux souterrains, entraîne de plein droit la dénonciation immédiate de la convention sur l'âge minimum (travaux souterrains), 1965.

5. Dès l'entrée en vigueur de la présente convention:

a) l'acceptation des obligations de la présente convention entraîne la dénonciation de la convention sur l'âge minimum (industrie), 1919, en application de son article 12;

b) l'acceptation des obligations de la présente convention pour l'agriculture entraîne la dénonciation de la convention sur l'âge minimum (agriculture), 1921, en application de son article 9;

c) l'acceptation des obligations de la présente convention pour le travail maritime entraîne la dénonciation de la convention sur l'âge minimum (travail maritime), 1920, en application de son article 10, et de la convention sur l'âge minimum (soutiers et chauffeurs), 1921, en application de son article 12.

B. Projet de recommandation concernant l'âge minimum d'admission à l'emploi

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 6 juin 1973, en sa cinquante-huitième session;
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 inter-related 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;
Reconnaissant que l'abolition effective du travail des enfants et le relèvement progressif de l'âge minimum d'admission à l'emploi ne constituent qu'un aspect de la protection et du développement des enfants et des jeunes gens;
Notant le souci de l'ensemble du système des Nations Unies d'assurer cette protection et ce développement;
Après avoir adopté la convention sur l'âge minimum, 1973;
Désireuse de définir davantage certains éléments de politique relevant de l'Organisation internationale du Travail;
Après avoir décidé d'adopter diverses propositions relatives à l'âge minimum d'admission à l'emploi, question qui constitue le quatrième point à l'ordre du jour de la session;
Après avoir décidé que ces propositions prendraient la forme d'une recommandation complétant la convention sur l'âge minimum, 1973;
adopte ce jour de juin mil neuf cent soixante-treize, la recommandation ci-après, qui sera dénommée Recommandation sur l'âge minimum, 1973:

I. Politique nationale

1. Pour atteindre le but visé à l'article 1 de la convention sur l'âge minimum 1973, les politiques et les programmes nationaux de développement devraient accorder une haute priorité aux mesures à prévoir pour tenir compte des besoins des enfants et des adolescents, aux dispositions à prendre pour répondre à ces besoins, ainsi qu'à l'extension progressive de mesures coordonnées nécessaires pour assurer, dans les meilleures conditions, le développement physique et mental des enfants et des adolescents.

2. Dans le cadre de ces programmes et mesures, une attention particulière devrait être accordée à des domaines tels que:

   a) l'engagement ferme de poursuivre une politique nationale de plein emploi, conformément à la convention et à la recommandation sur la politique de l'emploi, 1964, et l’adoption de mesures destinées à promouvoir, dans les zones rurales et urbaines, un développement axé sur l’emploi;

   b) l’extension progressive d’autres mesures économiques et sociales pour réduire la pauvreté, où qu’elle existe, et assurer aux familles un niveau minimum de vie et de revenu, sans recours à une activité économique des enfants;
(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.
c) l'adoption et l'extension progressive de dispositions de sécurité sociale et de mesures de bien-être familial destinées à garantir l'entretien des enfants, y compris l'attribution d'allocations pour enfants, sans aucune discrimination;

d) la création et le développement progressif de moyens suffisants d'éducation, d'une part, d'orientation et de formation professionnelles, d'autre part, adaptés, quant à leur forme et à leur contenu, aux besoins des enfants et des adolescents intéressés;

e) la création et le développement progressif de services appropriés chargés de veiller à la protection et au bien-être des enfants et des adolescents (y compris les adolescents au travail) et de favoriser leur développement.

3. Les besoins des enfants et des adolescents qui n'ont pas de famille ou ne vivent pas avec leur famille, et des enfants et adolescents migrants qui vivent et voyagent avec leur famille, devraient, autant que nécessaire, faire l'objet d'une attention particulière. Les mesures à prendre à cet égard devraient notamment porter sur l'octroi de bourses et la formation professionnelle.

4. La fréquentation à plein temps d'une école ou la participation à plein temps à des programmes approuvés d'orientation ou de formation professionnelles devraient être obligatoires et effectivement assurées jusqu'à un âge au moins égal à l'âge d'admission à l'emploi spécifié conformément à l'article 2 de la convention sur l'âge minimum, 1973.

5. (1) Il y aurait lieu d'envisager des mesures, telles qu'une formation préparatoire, exempte de risques, pour les types d'emploi ou de travail pour lesquels l'âge minimum prescrit, conformément à l'article 3 de la convention sur l'âge minimum, 1973, est supérieur à l'âge de fin de scolarité obligatoire à plein temps.

(2) Des mesures analogues devraient être envisagées lorsque les exigences professionnelles impliquent un âge d'admission à l'emploi supérieur à l'âge de fin de scolarité obligatoire à plein temps.

II. ÂGE MINIMUM

6. L'âge minimum devrait, autant que possible, être fixé au même niveau pour tous les secteurs d'activité économique.

7. (1) Les Membres devraient se fixer comme but de porter progressivement à seize ans l'âge minimum d'admission à l'emploi.
(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 comparable agricultural undertakings.

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 either paragraph 1 or paragraph 3 of Article 3 of the Minimum Age Convention, 1973, 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.

11. Where, by reference to Article 5 of the Minimum Age Convention, 1973, a minimum age is not immediately fixed for certain branches of economic activity or types of undertakings, appropriate minimum age provisions should be made applicable therein to types of employment or work presenting hazards for young persons.

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 presenting hazards for young persons.
Lorsque l’âge minimum est encore inférieur à quatorze ans, des mesures devraient être prises d’urgence pour le porter à ce niveau.

8. Lorsqu’il n’est pas possible de fixer immédiatement un âge minimum pour tous les emplois dans l’agriculture et dans les activités connexes s’exerçant en milieu rural, un tel âge devrait néanmoins être fixé au moins en ce qui concerne l’emploi dans les plantations et dans les autres entreprises agricoles comparables.

III. EMPLOIS OU TRAVAUX DANGEREUX

9. Lorsque l’âge minimum d’admission aux types d’emploi ou de travail susceptibles de compromettre la santé, la sécurité ou la moralité des adolescents est inférieur à dix-huit ans, des mesures devraient être prises, sans délai, pour le porter à ce niveau.

10. (1) En définissant les types d’emploi ou de travail visés à l’article 3, paragraphes 1 et 3 de la convention sur l’âge minimum, 1973, il devrait être tenu pleinement compte des normes internationales du travail pertinentes, par exemple de celles qui concernent les substances ou agents toxiques ou les processus dangereux (y compris les normes concernant les radiations ionisantes), le transport de charges lourdes et les travaux souterrains.

(2) La liste des types d’emploi ou de travail dont il s’agit devrait être réexaminée périodiquement et révisée, selon les besoins, à la lumière notamment des progrès de la science et de la technique.

11. Quand, par le jeu de l’article 5 de la convention sur l’âge minimum, 1973, un âge minimum n’est pas fixé immédiatement pour certaines branches d’activité économique ou certains types d’entreprises, des dispositions appropriées concernant l’âge minimum devraient néanmoins y être rendues applicables aux types d’emploi ou de travail qui comportent des risques pour les adolescents.

12. Quand, par le jeu de l’article 4 de la convention sur l’âge minimum, 1973, certaines catégories d’emploi ou de travail — telles que l’emploi ou le travail dans les entreprises familiales — sont exclues de l’application des dispositions sur l’âge minimum, cette exclusion ne devrait pas porter sur les types d’emploi ou de travail qui comportent des risques pour les adolescents.
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. (1) 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 maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.

(2) Subparagraph (1) of this Paragraph applies to young seafarers in so far as they are not covered in respect of the matters dealt with therein by international labour Conventions or Recommendations specifically concerned with maritime employment.

V. ENFORCEMENT

15. (1) Measures to ensure the effective application of the Minimum Age Convention, 1973, and of this Recommendation should include—
IV. CONDITIONS D’EMPLOI

13 (1) Des mesures devraient être prises pour faire en sorte que les conditions d’emploi ou de travail des enfants et des adolescents âgés de moins de dix-huit ans soient toujours d’un niveau satisfaisant. Ces conditions devraient faire l’objet d’un contrôle strict.

(2) De même, des mesures devraient être prises pour garantir et contrôler les conditions dans lesquelles l’orientation et la formation professionnelles sont dispensées aux enfants et aux adolescents dans des entreprises, et pour établir des règles concernant leur protection et leur développement.

14. (1) Aux fins de l’application du paragraphe précédent et pour donner effet à l’article 7 de la convention sur l’âge minimum, 1973, une attention particulière devrait être accordée aux points suivants:

a) attribution d’une rémunération équitable et protection du salaire, compte tenu du principe « à travail égal, salaire égal »;

b) limitation stricte de la durée quotidienne et hebdomadaire du travail et interdiction des heures supplémentaires afin de réserver un temps suffisant à l’éducation et à la formation — y compris le temps nécessaire pour les travaux scolaires à domicile —, au repos pendant la journée et aux activités de loisirs;

c) garantie, sans aucune possibilité d’exception, d’un repos nocturne d’au moins douze heures consécutives et des jours coutumiers de repos hebdomadaire;

d) octroi d’un congé annuel payé d’au moins quatre semaines;

e) protection par les régimes de sécurité sociale, y compris les régimes de prestations en cas d’accidents du travail et de maladies professionnelles, de soins médicaux et d’indemnités de maladie, quelles que soient les conditions d’emploi ou de travail;

f) application de normes de sécurité et de santé satisfaisantes, y compris la formation à assurer en la matière et le contrôle.

(2) Le sous-paragraphe 1 du présent paragraphe s’applique aux jeunes marins, dans la mesure où ils ne sont pas protégés, en la matière, par des conventions et recommandations internationales du travail visant spécifiquement le travail maritime.

V. MESURES D’APPLICATION

15. (1) Les mesures destinées à donner effet à la convention sur l’âge minimum, 1973, et à la présente recommandation devraient comprendre:
(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 inter-related, 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 cooperation 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 registers or other documents indicating the names and dates of birth or ages, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;

(c) children and young persons working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make the checking of employers' records impracticable should be issued licences or other documents indicating their eligibility for such work.
a) le renforcement, au besoin, de l’inspection du travail et des services connexes, par exemple en formant spécialement les inspecteurs à déceler les abus en matière d’emploi ou de travail des enfants et des adolescents, et à y porter remède;

b) le renforcement des services chargés d’améliorer et d’inspecter la formation professionnelle dans l’entreprise.

(2) Il conviendrait d’insister sur l’importance du rôle que peuvent jouer les inspecteurs en fournissant des informations et des conseils quant aux moyens d’appliquer effectivement les dispositions pertinentes, ainsi qu’en assurant l’exécution de ces dispositions.

(3) L’inspection du travail et le contrôle de la formation professionnelle dans l’entreprise devraient être étroitement coordonnés pour assurer la plus grande efficacité et réaliser une économie d’efforts et de personnel; d’une manière générale, les services de l’administration du travail devraient fonctionner en étroite collaboration avec les services qui s’occupent de l’éducation, de la formation, du bien-être et de l’orientation des enfants et des adolescents.

16. Il conviendrait de vouer une attention particulière:

a) à l’application des dispositions concernant les types dangereux d’emploi ou de travail;

b) dans la mesure où l’instruction ou la formation sont obligatoires, à la prévention de l’emploi ou du travail des enfants et des adolescents pendant les heures d’enseignement.

17. Les mesures suivantes devraient être prises pour faciliter la vérification de l’âge des personnes intéressées:

a) les autorités publiques devraient assurer un système efficace d’enregistrement des naissances, comportant la délivrance d’actes de naissance;

b) les employeurs devraient avoir l’obligation de tenir des registres ou autres documents à la disposition de l’autorité compétente, indiquant le nom et la date de naissance ou l’âge, dans la mesure du possible dûment attestés, non seulement des enfants et des adolescents occupés par eux, mais aussi de ceux auxquels une orientation ou une formation professionnelles sont dispensées dans leur entreprise;

c) les enfants et les adolescents travaillant sur la voie publique à des étalages extérieurs ou dans des lieux publics, ou exerçant des professions ambulantes ou d’autres professions pour lesquelles la vérification de tels registres ou autres documents n’est pas possible, devraient se voir délivrer des autorisations ou autres documents attestant qu’ils remplissent les conditions pour le travail en question.