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INTERNATIONAL LABOUR OFFICE

**Conclusions regarding the Effect Given
to the Conventions concerning:**

**PROTECTION OF YOUNG WORKERS
IN INDUSTRY:
MINIMUM AGE OF ADMISSION,
PROHIBITION OF NIGHT WORK,
MEDICAL EXAMINATION**



GENEVA, 1960

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CONTENTS

	Paragraphs
INTRODUCTION	1-15
Ratifications and Declarations of Application	4-6
Reports Received	7-9
Contents of Reports	10-12
Arrangement of Survey	13-15
CHAPTER I. LAW AND PRACTICE IN THE REPORTING COUNTRIES	16-106
Scope of Application of Protective Standards	16-21
Fixing of Minimum Age for Admission	22-34
Normal Minimum Age	25-30
Minimum Age for Admission to Employments Endangering Life, Health or Morals	31-33
Technical Schools	34
Prohibition of Night Work	35-66
Age of Young Persons Covered by Night Work Prohibition	35-37
Definition of Period of Night Rest for Young Persons between 16 and 18 Years of Age	38-42
Definition of Period of Night Rest for Young Persons under 16 Years of Age	43-45
Exceptions to Night Work Prohibition	46-66
Medical Examination for Fitness	67-95
Obligation to Carry Out Medical Examination and Relevant Age Prescribed	67-73
Medical Examination Procedure	74-81
Renewal of Medical Examination	82-90
Vocational Guidance and Physical and Vocational Rehabilitation of Children and Young Persons	91-95
Measures of Supervision to Enforce Protective Standards	96-104
Federal States	105-106
CHAPTER II. DIFFICULTIES AND PROGRESS OF IMPLEMENTATION	107-127
Difficulties Preventing Ratification	107-113
Modifications in National Law and Practice	114-122
Ratification Prospects	122-127
CONCLUSION	128-136

The present Conclusions form Part Three of the Report of the Committee of Experts on the Application of Conventions and Recommendations which was submitted to the 44th Session of the International Labour Conference as Report III (Part IV). The Conclusions take account of the reports supplied by both ratifying and non-ratifying States under articles 22 and 19 of the Constitution of the International Labour Organisation.

Introduction

1. The founders of the I.L.O. considered the protection of children and young workers as one of the foremost tasks confronting the new Organisation. The Constitution they drafted in 1919 referred to this problem both in its Preamble and in its General Principles, which called for "the abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development". A quarter of a century later the Declaration of Philadelphia stressed the I.L.O.'s positive obligation to further programmes "which will achieve . . . the assurance of equality of educational or occupational opportunity". In 1959 the United Nations Declaration of the Rights of the Child proclaimed in terms strikingly similar to those used in 1919, that the child shall neither be employed below an appropriate minimum age nor "engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development".

2. The present survey summarises information emanating from over 100 countries on the implementation, at the end of the four decades between 1919 and 1959, of five international labour Conventions on the protection of young workers in industry. The dates of adoption of these Conventions provide in themselves significant points of reference regarding the I.L.O.'s efforts for the establishment of binding obligations in this field: two are as old as the Organisation itself and state the basic standards of minimum age and night work prohibition; the third Convention, adopted almost 20 years later, recognises the progress made by raising the minimum age; and after a further decade marked by the Second World War, standards of medical supervision were voted and those on night work brought up to date.¹

3. But the definition of standards is only a beginning. What counts foremost is their implementation and the information now assembled regarding 71 member States and 32 non-metropolitan territories should help to provide a general and up-to-date picture of the position. The evaluation of these data along comparable lines for both ratifying and non-ratifying States, thus renders possible a comprehensive and factual review of the progress made and the obstacles encountered in giving effect to standards respecting young industrial workers in a very high proportion of the Organisation's membership. The present survey may therefore be regarded as com-

¹ Aside from the Conventions and Recommendations dealing with industrial workers as a group (and therefore also applicable to young persons) mention should also be made here of three Recommendations more particularly concerned with young industrial workers, the Unemployment (Young Persons) Recommendation, 1935 (No. 45), the Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52) and the Minimum Age (Coalmines) Recommendation, 1953 (No. 96). In addition the General Conference, Regional Conferences and Industrial Committees have adopted a number of Resolutions spelling out I.L.O. policy and objectives on youth employment for particular geographical and industrial areas, or in general. For further details reference may be made to *International Labour Code 1951* (Geneva, I.L.O., 1952), Vol. II, and the I.L.O.'s *Official Bulletin* for 1953 and 1959.

binning the Committee's regular supervision of the application of ratified Conventions with an over-all appraisal of the effect given to the standards in a maximum of countries.

RATIFICATIONS AND DECLARATIONS OF APPLICATION

4. Forty-three States and 61 territories are bound by one or both of the Minimum Age Conventions. The Minimum Age (Industry) Convention, 1919 (No. 5) has been ratified by 35 States²; it has been declared applicable without modification to 26 non-metropolitan territories³ and with modifications to one territory.⁴ The Minimum Age (Industry) Convention (Revised), 1937 (No. 59) has been ratified by 13 States⁵; it has been declared applicable without modification to nine territories and with modifications to 34 territories.⁶

5. Forty-three States and 30 territories are bound by one or both of the Night Work Conventions. The Night Work of Young Persons (Industry) Convention, 1919 (No. 6) has been ratified by 34 States⁷; it has

² Albania, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Ceylon, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, France, Greece, Republic of Guinea, Haiti, India, Ireland, Israel, Japan, Luxembourg, Netherlands, Nicaragua, Norway, Poland, Rumania, Spain, Switzerland, United Kingdom, Uruguay, Venezuela, Viet-Nam and Yugoslavia.

³ *Denmark*: Faroe Islands; *France*: Republic of Dahomey, Martinique, New Caledonia, Réunion, Central African Republic, Republic of Chad, Comoro Islands, Republic of the Congo, Republic of Gabon, Guadeloupe, French Guiana, French Polynesia, French Somaliland, Islamic Republic of Mauritania, Republic of the Ivory Coast, Malagasy Republic, Republic of the Niger, St. Pierre and Miquelon, Republic of Senegal, Sudanese Republic, Republic of Upper Volta, Togoland; *United Kingdom*: Guernsey, Jersey, Isle of Man. Convention No. 5 had also been declared applicable without modification to Cameroun, when this country was under French administration, prior to achieving independence.

⁴ *Denmark*: Greenland.

⁵ Albania, Byelorussia, China, Cuba, Ghana, Italy, Luxembourg, New Zealand, Norway, Pakistan, Ukraine, U.S.S.R. and Uruguay.

⁶ The declarations in question were communicated by the United Kingdom, which has not ratified Convention No. 59 but has ratified the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83) under which Convention No. 59 can be declared applicable to the territories of a ratifying State. The territories to which Convention No. 59 has thus been declared applicable without modification are: Aden, Bechuanaland, Fiji, Gambia, Kenya, Mauritius, Solomon Islands, Tanganyika and Zanzibar; in the following 25 territories to which Convention No. 59 has been declared applicable with modifications, the standards of Convention No. 5 are met: Antigua, Bahamas, Barbados, Basutoland, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Malta, Montserrat, Nigeria, Northern Rhodesia, Seychelles, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Sarawak, Swaziland, Trinidad; Convention No. 59 has also been declared applicable with modifications to the following nine other territories: Bermuda, Jamaica, North Borneo, Nyasaland, Sierra Leone, Singapore, St. Helena, Southern Rhodesia, Uganda.

⁷ Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Burma, Ceylon, Chile, Cuba, Denmark, France, Greece, Republic of Guinea, Hungary, India, Ireland, Italy, Luxembourg, Mexico, Netherlands, Nicaragua, Pakistan, Poland, Portugal, Rumania, Spain, Switzerland, Tunisia, United Kingdom, Uruguay, Venezuela, Viet-Nam and Yugoslavia.

been declared applicable without modification to 28 territories⁸ and with modifications to one territory.⁹ The Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) has been ratified by 21 States¹⁰; it has been declared applicable without modification to one territory.¹¹

6. The Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) has been ratified by 17 States.¹²

REPORTS RECEIVED

7. The survey reviews the effect given to one or both of the Minimum Age Conventions in 99 countries (69 States and 30 non-metropolitan territories). Reports on the Minimum Age (Industry) Convention, 1919 (No. 5) have been submitted, under article 19 of the Constitution¹³ by the governments of 25 States.¹⁴ The Committee also had before it reports under article 22 of the Constitution¹³ from 34 States which have ratified the Convention¹⁵ and from 27 non-metropolitan territories to which the Convention has been declared applicable.¹⁶ Forty-nine States¹⁷ have submitted reports under article 19 on the Minimum Age (Industry) Convention (Revised), 1937

⁸ *Denmark*: Faroe Islands, Greenland; *France*: Algeria, Martinique, Réunion, Central African Republic, Republic of Chad, Comoro Islands, Republic of the Congo, Republic of Dahomey, Guadeloupe, French Guiana, French Polynesia, French Somaliland, Republic of Gabon, Islamic Republic of Mauritania, Republic of the Ivory Coast, Malagasy Republic, Republic of the Niger, St. Pierre and Miquelon, Republic of Senegal, Republic of Sudan, Republic of Upper Volta, New Caledonia, Togoland; *United Kingdom*: Guernsey, Jersey, Isle of Man. As regards Cameroun see footnote 3 above.

⁹ *Italy*: Trust Territory of Somaliland.

¹⁰ Argentina, Byelorussia, Ceylon, Cuba, Czechoslovakia, Dominican Republic, Guatemala, Haiti, India, Israel, Italy, Luxembourg, Mexico, Netherlands, Norway, Pakistan, Philippines, Ukraine, U.S.S.R., Uruguay and Yugoslavia.

¹¹ *Netherlands*: Netherlands Antilles.

¹² Albania, Argentina, Bulgaria, Byelorussia, Cuba, France, Guatemala, Haiti, Hungary, Iraq, Israel, Italy, Luxembourg, Poland, Ukraine, U.S.S.R. and Uruguay.

¹³ Reports supplied under article 19 are summarised in I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part II), International Labour Conference, 44th Session, Geneva, 1960 (Geneva, 1959). Reports supplied under article 22 are summarised in *Summary of Reports on Ratified Conventions*, Report III (Part I) to this and previous sessions of the Conference.

¹⁴ Australia, Burma, Canada, Costa Rica, Finland, Federal Republic of Germany, Guatemala, Iceland, Indonesia, Iran, Federation of Malaya, Mexico, Morocco, Peru, Philippines, Portugal, El Salvador, Sudan, Sweden, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic and United States.

¹⁵ Albania, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Ceylon, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, France, Greece, Republic of Guinea, Haiti, India, Ireland, Israel, Japan, Luxembourg, Netherlands, Nicaragua, Norway, Poland, Rumania, Spain, Switzerland, United Kingdom, Venezuela, Viet-Nam and Yugoslavia.

¹⁶ *Denmark*: Faroe Islands, Greenland; *France*: French Guiana, Guadeloupe, Martinique, New Caledonia, Réunion, Comoro Islands, Central African Republic, Republic of Chad, Republic of the Congo, Republic of Gabon, French Polynesia, French Somaliland, Republic of Dahomey, Islamic Republic of Mauritania, Republic of the Ivory Coast, Republic of the Niger, Republic of Senegal, Republic of Sudan, Republic of Upper Volta, Malagasy Republic, St. Pierre and Miquelon, Togoland; *United Kingdom*: Guernsey, Jersey, Isle of Man.

¹⁷ Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Canada, Ceylon, Chile, Costa Rica, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Ireland, Israel, Japan, Federation of Malaya, Mexico, Morocco, Netherlands, Peru, Philippines, Poland, El Salvador, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Venezuela, Viet-Nam and Yugoslavia.

(No. 59), and the Netherlands Government sent reports on the effect given to the Convention in its territories.¹⁸ The Committee also had before it reports under article 22 from 11 ratifying States.¹⁹

8. The survey reviews the effect given to one or both of the Night Work Conventions in 95 countries (68 States and 27 non-metropolitan territories). Reports on the Night Work of Young Persons (Industry) Convention, 1919 (No. 6) have been submitted under article 19 by the governments of 25 States.²⁰ The Committee also had before it reports under article 22 from 30 ratifying States²¹, and from 26 territories to which the Convention has been declared applicable.²² Forty-two States²³ have submitted reports under article 19 on the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90). The Committee also had before it reports under article 22 from 18 ratifying States²⁴ and from one territory to which the Convention has been declared applicable.²⁵

9. The survey reviews the effect given to the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) in 62 countries. Reports under article 19 have been submitted by the governments of 47 States.²⁶ The Committee also had before it reports under article 22 from 15 ratifying States.²⁷

CONTENTS OF REPORTS

10. As pointed out above, the present survey is based on reports received both from ratifying and

¹⁸ *Netherlands*: Netherlands Antilles, Surinam and Netherlands New Guinea.

¹⁹ Byelorussia, China, Cuba, Ghana, Italy, New Zealand, Norway, Pakistan, Ukraine, Uruguay and U.S.S.R.

²⁰ Australia, Canada, China, Costa Rica, Finland, Federal Republic of Germany, Ghana, Haiti, Iceland, Indonesia, Iran, Japan, Federation of Malaya, Morocco, New Zealand, Peru, El Salvador, Sudan, Sweden, Thailand, Turkey, Union of South Africa, United Arab Republic, United Kingdom and United States.

²¹ Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Burma, Ceylon, Chile, Cuba, Denmark, France, Greece, Republic of Guinea, Hungary, India, Ireland, Italy, Luxembourg, Nicaragua, Pakistan, Poland, Portugal, Rumania, Spain, Switzerland, Tunisia, Venezuela, Viet-Nam and Yugoslavia.

²² *Denmark*: Faroe Islands, Greenland; *France*: Algeria, Central African Republic, Republic of Chad, Republic of the Congo, Republic of Gabon, Republic of Dahomey, Islamic Republic of Mauritania, Republic of the Ivory Coast, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of Upper Volta, Malagasy Republic, French Guiana, Guadeloupe, Martinique, Réunion, Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon, Togoland; *Italy*: Trust Territory of Somaliland.

²³ Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Canada, Chile, China, Costa Rica, Denmark, Finland, France, Federal Republic of Germany, Ghana, Greece, Honduras, Iceland, Indonesia, Iran, Ireland, Japan, Federation of Malaya, Morocco, New Zealand, Peru, Poland, Portugal, El Salvador, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Venezuela and Viet-Nam.

²⁴ Byelorussia, Cuba, Czechoslovakia, Dominican Republic, Guatemala, Haiti, India, Israel, Italy, Federation of Malaya, Netherlands, Norway, Pakistan, Philippines, Ukraine, Uruguay, U.S.S.R. and Yugoslavia.

²⁵ *Netherlands*: Netherlands Antilles.

²⁶ Australia, Austria, Belgium, Brazil, Burma, Canada, Ceylon, Chile, China, Costa Rica, Denmark, Dominican Republic, Finland, Federal Republic of Germany, Ghana, Greece, Honduras, Iceland, India, Iran, Ireland, Japan, Federation of Malaya, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Portugal, El Salvador, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Venezuela, Viet-Nam and Yugoslavia.

²⁷ Argentina, Bulgaria, Byelorussia, Cuba, France, Guatemala, Haiti, Hungary, Iraq, Israel, Italy, Poland, Ukraine, Uruguay and U.S.S.R.

non-ratifying countries.²⁸ The Committee has had occasion, in the past and this year, to make observations on the contents of some of the reports supplied by ratifying countries under article 22 of the Constitution. These observations will be found in Part II of the Committee's reports and reference is also made to them, as appropriate, in the present survey. Cases where the Committee has addressed direct requests to ratifying States are also listed in Part II of the Committee's reports and the survey takes account of the information received in response to such requests.

11. As regards the reports received from non-ratifying countries under article 19 of the Constitution, the information supplied has generally been sufficient to permit an assessment to be made, either because the relevant legislation is analysed in the reports or because the applicable provisions are indicated, thus enabling the Committee to refer, as in previous years, to the texts themselves. On the other hand the survey is not intended to assess in any detail the practical implementation of the legislation in question.

12. The Committee wishes to single out for particular mention the very detailed reports received under article 19 from the Governments of Australia, Austria, Belgium, the Federal Republic of Germany, India, Poland, the United States and Yugoslavia. This is the more noteworthy in the case of the federal States listed where the Committee has been able, despite the large number of constituent units and the variety of their legislative provisions, to gain a most comprehensive picture of the measures taken for the protection of young persons in industry.

ARRANGEMENT OF SURVEY

13. In examining successively the law and practice in the reporting countries and the difficulties and progress of implementation of I.L.O. standards, the Committee has attempted to provide, in so far as practicable, an over-all view of the position regarding the three subjects under consideration—minimum age, night work and medical examination of young industrial workers. Thus the chapters on the scope of application of the relevant legislation, and on the measures taken for its enforcement, deal jointly with the five Conventions. Similarly, the chapters discussing the obstacles encountered, and the measures taken, in implementing and ratifying the various Conventions provide a view of the situation as a whole.

14. In surveying, on the other hand, the measures which give effect to the fundamental requirements of the Convention—i.e. the fixing of a minimum age of admission, the definition of a period of night rest and the prescription of a medical examination—the Committee has found it advisable to treat each subject separately. In doing so it has, however, attempted wherever possible to present its findings in tabular form, so as to reduce the length of the survey and to facilitate its perusal.

15. As in previous years, the Committee has tried to illustrate, by way of footnotes, the various cases

²⁸ It should be noted in this connection, that under the article 22 reporting procedure, inaugurated in 1959, detailed reports were due, in 1959, on the Minimum Age Conventions only from Albania, the Republic of Guinea and Luxembourg (first reports after ratification) as well as from China, Haiti, Italy and Uruguay (cases of important divergencies). Use has been made, in all cases, of the most recent information available.

referred to in the text of the survey. It wishes to emphasise however that the footnotes appearing in the chapters which follow should not be regarded as exhaustive but rather as providing representative samples based on the information available. These footnotes also indicate, in the case of the fundamental requirements mentioned in the preceding paragraph, the relevant legislative provisions in so far as they could be ascertained from the governments' reports.

Chapter I. Law and Practice in the Reporting Countries

SCOPE OF APPLICATION OF PROTECTIVE STANDARDS

16. Article 1 of the five Conventions defines in a substantially uniform way the term "industrial undertaking" as used for the purpose of the Conventions. This article enumerates a wide range of activities²⁹, falling under the four main headings of (a) mining, (b) manufacturing, (c) construction and (d) transport. The only differences between the texts are to be found as regards transport: the Minimum Age and Medical Examination Conventions (Nos. 5, 59 and 77) specifically refer to transport by inland waterway; the Medical Examination and Revised Night Work Conventions (Nos. 77 and 90) cover the handling of goods at airports; Convention No. 77 also covers the transport of passengers or goods by air; finally the Minimum Age and original Night Work Conventions (Nos. 5, 6 and 59) exclude transport by hand whereas the two other instruments do not.³⁰ All five Conventions apply to industrial undertakings, whether public or private and to any branches thereof.³¹

17. A majority of the reporting countries indicate that their relevant legislative provisions have for effect to cover all the undertakings enumerated in the Conventions.³² In a number of countries mining is not included within the scope of the protective legis-

²⁹ It should however be noted that this enumeration was "in no way intended to be exclusive", as stressed in an opinion given by the International Labour Office already in 1920. The illustrative rather than limitative character of the enumeration is important in view of subsequent developments particularly in the field of air transport. (See footnote 178 to article 236 of the *International Labour Code 1951*, op. cit., Volume I.)

³⁰ The Conventions under review contain special provisions concerning the scope of their application in China, India and Pakistan. *China*: Article 8 of Convention No. 59 (there is no corresponding provision in Convention No. 5) limits application to (a) factories using motor-driven machinery and regularly employing 30 or more persons, and (b) mines employing 50 or more persons. *India*: application of the Minimum Age Conventions is limited to (a) factories working with power and employing over ten persons and (b) mining and transport (at the time of adoption of Convention No. 5 Burma and Pakistan, and of Convention No. 59 Pakistan, were part of India). *India and Pakistan*: under the Night Work and Medical Examination Conventions industrial undertakings include factories and mines—as defined in the Factories and Mines Acts—as well as railways; in addition Convention No. 77 refers to employments covered by the Employment of Children Act, 1938, and Convention No. 90 to employment in ports.

³¹ Article 2 of Conventions Nos. 5, 6 and 59; Article 1 of Convention No. 77; Article 3 of Convention No. 90.

³² Examples of the countries in this category are—

- (a) in respect of all five Conventions: Argentina; Bulgaria; Byelorussia; Costa Rica; Cuba; Guatemala; Israel; Mexico; Poland; Ukraine; United States (about half the states; the Government indicates in its reports that the District of Columbia and Puerto Rico are, for the purpose of this survey, regarded as "states"); U.S.S.R.;
- (b) in respect of the Minimum Age and Night Work Conventions: Austria; Belgium; Czechoslovakia; Honduras; Ire-

lation.³³ In several countries certain manufacturing industries are or may be excluded.³⁴ In a few countries some types of construction are not covered.³⁵ In certain cases transport is also excluded in whole or in part.³⁶

18. The scope of the national provisions is sometimes narrower because the relevant legislation applies only to undertakings employing over a specified number of workers and/or using mechanical power.³⁷ In other cases certain categories of persons are excluded from the relevant legislation.³⁸ The number of countries where workers in public undertakings

land (see, however, footnote 36 (b) below); Japan; Morocco; Netherlands; Norway; Peru; Rumania; Switzerland; United Kingdom;

- (c) in respect of the Minimum Age and Medical Examination Conventions: Dominican Republic; France; Italy;
- (d) in respect of the Night Work and Medical Examination Conventions: Brazil; Hungary; Philippines; Portugal; Uruguay; Venezuela; Yugoslavia;
- (e) in respect of the Minimum Age Conventions: Ceylon; Chile; Canada (Prince Edward Island); Denmark; Luxembourg; New Zealand; Nicaragua; Spain; Tunisia; Viet-Nam;
- (f) in respect of the Night Work Conventions: Albania; Burma; Canada (Alberta, Manitoba, Newfoundland, Quebec); Ghana; India; Indonesia; Federation of Malaya; Pakistan; United Arab Republic.

³³ Examples of the countries in this category are—

- (a) in respect of the Night Work and Medical Examination Conventions: Burma; New Zealand;
- (b) in respect of the Minimum Age Conventions: Indonesia (Employment of Women and Children Ordinance, 1925); Federation of Malaya (Children and Young Persons Ordinance, 1947);
- (c) in respect of the Night Work Conventions: Australia (all states); Canada (Nova Scotia, Ontario, Saskatchewan);
- (d) in respect of the Medical Examination Convention: India and Pakistan (work above ground); Ireland.

³⁴ Examples of countries in this category are—

- (a) in respect of the Minimum Age Conventions: Australia (Factories Acts of most states); Burma; Canada (Factories Acts of nine provinces); Turkey (certain seasonal undertakings);
- (b) in respect of the Medical Examination Convention: Finland; India; Pakistan.

³⁵ Examples of countries in this category are—

- (a) in respect of the Minimum Age and Night Work Conventions: Australia (most states); Canada (several provinces); Finland; Sudan;
- (b) in respect of the Minimum Age Conventions: Indonesia; Federation of Malaya; Portugal; Union of South Africa;
- (c) in respect of the Night Work Conventions: Burma; Denmark; New Zealand;
- (d) in respect of the Medical Examination Convention: Morocco; New Zealand; Sweden.

³⁶ Examples of countries in this category are—

- (a) in respect of the Minimum Age Conventions: Burma; Canada (seven provinces); Federal Republic of Germany; India; Pakistan; Philippines and Portugal (transport by inland waterway); Ghana and Greece (handling of goods); Finland; Sudan; Sweden; Union of South Africa;
- (b) in respect of the Night Work Conventions: Australia (most states); Canada (three provinces); Ireland, Thailand and Turkey (handling of goods); Finland; New Zealand; Sudan;
- (c) in respect of the Medical Examination Convention: Finland; India; Ireland; Netherlands; Pakistan; Sweden; New Zealand, Norway, Thailand and Turkey (transport by air).

³⁷ For example: Burma; China; Finland; Indonesia; Iran; Pakistan; Sudan; Tunisia; Turkey.

³⁸ This is the case, for example, as regards—

- (a) seasonal or temporary workers: Albania; Bolivia; Brazil (minimum age);
- (b) homeworkers: Iraq; Netherlands; Norway; Sweden (medical examination);
- (c) young persons other than Natives: Belgian Congo and Ruanda-Urundi (night work).

are not covered by the protective legislation is quite small.³⁹

19. Article 1 of the five Conventions provides that the competent authority in each country shall define the line of division which separates industry from commerce and agriculture.⁴⁰ It would appear from the reports that only a few countries have in fact drawn such a line.⁴¹ In the majority of the reporting countries this was, however, unnecessary because the relevant legislation covers all types of activities, industrial, commercial and agricultural.

20. Under Article 2 of Conventions Nos. 5 and 6 undertakings "in which only members of the same family are employed" are excluded from their scope. Conventions Nos. 59 and 90 limit this exemption to work which is not dangerous or harmful to the young worker and specify that it is the *employer's* family which works in the undertaking concerned. Family undertakings are not excluded from the application of Convention No. 77.

21. The legislation of a considerable number of countries does not exclude family undertakings from its scope.⁴² Where such undertakings are excluded⁴³, this is often done along the lines of Conventions Nos. 5 and 6. In other cases⁴⁴ the exceptions are limited to those permitted by Conventions Nos. 59 and 90. However, there are also several cases where the relevant exceptions contained in the protective legislation do not fully comply with the revised minimum age and night work Conventions, because the definition of family undertaking is broader and/or because young workers in dangerous employment are not covered by the legislation.⁴⁵

³⁹ For example as regards minimum age legislation, in Bolivia; Sweden; United Arab Republic; Venezuela.

⁴⁰ As pointed out by the Conference Committee on the Application of Conventions in 1933, this provision does not authorise the exclusion of all handicraft undertakings (*Record of Proceedings, International Labour Conference, 17th Session, Geneva, 1933 (Geneva, I.L.O., 1933), p. 517, footnote 1*).

⁴¹ For example as regards minimum-age legislation, in Austria; Ceylon; Dominican Republic; Ghana; Republic of Guinea; Italy; Japan; Luxembourg; Netherlands; Venezuela.

⁴² Examples of countries in this category are—

- (a) in respect of both the Minimum Age and Night Work Conventions: Albania; Bulgaria; Byelorussia; Costa Rica; Czechoslovakia; Guatemala; Haiti, Israel; Netherlands; New Zealand; Norway; Poland; Portugal; Rumania; El Salvador; Ukraine; U.S.S.R.; Yugoslavia;
- (b) in respect of the Minimum Age Conventions: Bolivia; Colombia; Cuba; Dominican Republic; Ghana; Honduras; Federation of Malaya; Mexico; Morocco; Tunisia; Union of South Africa; Venezuela;
- (c) in respect of the Night Work Conventions: Argentina; Burma; China; France; Hungary; Ireland; Pakistan; Thailand; Viet-Nam.

⁴³ Examples of countries in this category are—

- (a) in respect of both Conventions: Chile; Indonesia; Iran; Japan; Spain; Turkey; United Arab Republic; United Kingdom;
- (b) in respect of Convention No. 5: Argentina; Brazil; Ceylon; Ireland; Nicaragua; Peru; Viet-Nam;
- (c) in respect of Convention No. 6: Cuba; Denmark; Federal Republic of Germany; Honduras; India; Italy; Luxembourg; Mexico; Switzerland.

⁴⁴ Examples of countries in this category are—

- (a) in respect of both Conventions: Belgium; Philippines;
- (b) in respect of Convention No. 59: Denmark; France; Greece; Thailand; Uruguay.

⁴⁵ Examples of countries in this category are—

- (a) in respect of Convention No. 59: Austria; Italy; Sweden; Switzerland; United States (Alaska, Arkansas, Georgia, Hawaii, Iowa, Michigan, Missouri);
- (b) in respect of Convention No. 90: Dominican Republic; Finland; United States (Alaska, Georgia, Hawaii, Michigan, Missouri, New Mexico).

FIXING OF MINIMUM AGE OF ADMISSION

22. Article 2 of Convention No. 5 states that children under 14 years of age may not "be employed or work"⁴⁶ in industrial establishments. In Convention No. 59 this age limit is increased to 15 years.

23. In addition, Article 5 of the revised Convention No. 59 contains a new provision requiring national laws either to prescribe, or to empower an appropriate authority to prescribe, an age or ages higher than 15 years for the admission of young persons to certain types of employment which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein.

24. Lastly, it should be remembered (see also footnote 30 above) that these Conventions contain special provisions relating to three Asian countries (China, India and Japan) fixing lower minimum ages for admission to certain types of employment. Convention No. 5 does not contain any special provisions concerning China, but Article 8 of Convention No. 59 provides for a minimum age in that country of 12 years for factory work and 15 years for dangerous or unhealthy work. For India the minimum age is fixed, under Article 6 of Convention No. 5, at 12 years; under Article 7 of Convention No. 59 it is raised to 13 years for goods-handling and transport undertakings and 15 years for mining and other dangerous or unhealthy types of employment. Lastly, for Japan the minimum age is fixed, in Article 5 of Convention No. 5, at 12 years, but under Article 6 of Convention No. 59 it is raised to 14 years for industrial establishments of all kinds and 16 for dangerous or unhealthy work in mines or factories.⁴⁷

Normal Minimum Age

25. It appears from the information submitted by governments on the minimum age as laid down in Article 2 of Convention No. 5 and the same Article in Convention No. 59 and from a study of the relevant legislation that nearly all the reporting countries have in fact fixed a legal age for admission to employment in industry (usually between the ages of 12 and 16 years). Some countries have fixed different minimum ages for boys and girls. Others have fixed higher minimum ages for certain branches of industry such as mining, transport and a number of occupations in public services. A rapid comparison indicates that there are certain areas in the world where the level of the minimum age is highest, exceeding even in some cases the standard set by the revised Convention. In a number of Eastern European countries (Byelorussia, Bulgaria, Poland, Ukraine, U.S.S.R.) it is fixed at 16 years. In North America (Canada⁴⁸ and the United States⁴⁹) it generally varies between 14 and 16 years, with a tendency to adopt the upper limit.

⁴⁶ Both Conventions Nos. 5 and 59, which deal with this point in identical terms, are concerned not only with children "employed" in such establishments but also with all children engaged in work of an industrial character. The prohibition contained in this Article is thus more general.

⁴⁷ Article 9 of Convention No. 59 leaves open the possibility of amending the special provisions concerning these countries; this can be done if the Conference adopts, by the usual two-thirds majority, an amendment to the Articles in question which the States concerned would subsequently ratify in the usual manner. This procedure has not been made use of so far.

⁴⁸ Five provinces fix the age at 16 years and four provinces at 15 years.

⁴⁹ The federal Government and 23 states fix the age at 16 years, two states at 15 years and 22 states at 14 years; in one state it is 16 years for girls and 14 years for boys.

In Australia⁵⁰ and New Zealand the age varies generally between 14 and 16 years. There are also two States in Asia (Japan and Philippines) where the minimum age is in principle 16 years. In the European countries other than those mentioned above the age is usually 14 years, except in six countries (Iceland, Norway, Sweden, Switzerland, United Kingdom, Yugoslavia) where it is 15 years, and in one country (Portugal) where it is still 12 years. In the countries of Latin America the minimum age is usually somewhere between 12 and 14 years; in the majority of cases the latter figure has been adopted. Only one State (Cuba) in this region has fixed the minimum age at 15 years. The situation is quite similar in Asia, where the minimum age varies between 12 and 14 years. In some countries in this region different minimum ages have been fixed for employment in factories on the one hand and in mining and transport on the other.⁵¹ In the Near and Middle East it is usually 12 years; in only one of the reporting countries (Israel) is it fixed at 14 years. In Africa, three States (Morocco, Sudan, Tunisia) have fixed a minimum age of 12 years and two other (Ghana, Union of South Africa) have set it at 15 years. Most of the non-metropolitan territories covered by this study are also in Africa and the age is, in the great majority of cases, fixed at 14 years.⁵² It should also be noted that, according to some reports, the minimum age for admission to certain industries has in practice been fixed by collective agreement at levels higher than those laid down by the law.⁵³

26. An analysis of the relevant legislation reveals a close inter-connection in many countries between the minimum age for admission to employment and the school-leaving age. For instance in certain countries the law provides that children who have reached the legal minimum age for admission to employment must have completed their compulsory schooling before they are allowed to enter employment.⁵⁴ In other countries the law does not actually fix any minimum age for admission to employment, but prohibits the employment of children still undergoing their compulsory schooling.⁵⁵

27. Obviously no legislation on the protection of the work of children can be really effective unless there are provisions extending the normal period of compulsory schooling up to the age at which the child is allowed to enter employment.⁵⁶ In addition, pro-

⁵⁰ The Commonwealth Government fixes the age at 16 years; one state fixes the age at 15 years, two states at 15 years for girls and at 14 years for boys, two states at 14 years and one state at 13 years.

⁵¹ In particular China and India, and also Burma and Pakistan, which were formerly part of India.

⁵² The Committee found in 1957 that Convention No. 5 appeared to be fully applied in some 48 non-metropolitan territories, as well as substantially applied in 11 further territories.

⁵³ Examples are Morocco (16 years in the printing trades), Mexico (15 years in the wool industry); Portugal (18 years in certain types of public works); and certain states of the United States (17 to 18 years).

⁵⁴ Austria, Belgium, Costa Rica, Czechoslovakia, Denmark, Honduras, Iceland, Netherlands, Norway, El Salvador.

⁵⁵ For instance, France and certain of her Overseas Departments.

⁵⁶ In this connection, reference should be made to the Unemployment (Young Persons) Recommendation, 1935, and the Resolution on the protection of young workers adopted by the International Labour Conference in 1935 and 1945 respectively; in these texts a close relationship is established between the minimum age and the length of the period of compulsory schooling. These texts state, *inter alia*, that the gradual raising of the minimum age should be accompanied, at each successive stage, by simultaneous measures to organise compulsory school-

visions concerning compulsory schooling, provided that they are properly enforced, help to prevent premature admission to employment and may also, to a certain extent, have the same effect as special provisions fixing a minimum age for admission to types of employment not covered by the general regulations. This is, for instance, the case in certain countries in which the legislation on the minimum age does not cover all types of industrial employment and in which the protection required by the two Conventions under consideration is ensured by regulations concerning schooling.⁵⁷

28. On the other hand, it is in practice very difficult to enforce provisions concerning the minimum age in countries where there is no effective compulsory schooling.⁵⁸ In view of the close relationship which thus seems to exist between the legal age for admission to employment and the school-leaving age, the Committee thought it desirable to compare these two factors in the present survey, even in those cases where the reports of the governments contain no information on the school-leaving age. This comparison showed that in the great majority of countries compulsory schooling continues up to the minimum age for admission to employment in industry. In certain other countries⁵⁹ the minimum school-leaving age is below the legal minimum age for admission to employment, while in yet others⁶⁰ it is higher, especially for a particular category of young persons. It should also be mentioned that in a certain number of countries in Asia, the Middle East and Africa there does not yet exist any compulsory schooling.

29. The picture given so far would be incomplete if no mention were made of certain exceptions which are allowed under the legislation of a number of countries, even though no provision is made for such exceptions in either of the two Conventions.⁶¹ In

ing up to at least the same age and that the school-leaving age should be raised progressively at the same rate as the minimum age for admission to employment. (For further details see *International Labour Code 1951*, op. cit., Vol. I, Articles 392-401, and Vol. II (Appendices), pp. 8 and 11.)

⁵⁷ Examples are Australia, Canada, Ireland, New Zealand, United Kingdom and United States.

⁵⁸ This is the case in certain French Overseas Departments (Martinique, Réunion), in which some children have to take up employment owing to the lack of schools and the absence of other educational facilities.

⁵⁹ For example: Chile and Haiti (in towns); Finland; Honduras; Thailand; United States (some 20 states).

⁶⁰ This is the case in several states in Australia and the United States, some of the provinces of Canada and some of the cantons of Switzerland.

⁶¹ In paragraphs 20 above and 34 below mention is made of the exceptions relating to family undertakings and work in

most cases of this type the exceptions authorised by national legislation relate to employments involving little fatigue or certain types of light work (intermittent work, errand boys, distribution, etc.) which are unlikely to endanger the health or compromise the safety of the children in question. In other cases the legislator has authorised exceptions to cover cases of children who have to work to support themselves or their families. In yet other cases there are exceptions covering children who have completed their compulsory schooling or have for various reasons been exempted from it. In some countries the law authorises the employment of young children outside school hours or during the holidays, although in the countries concerned part-time employment in industry is considered as being of but little practical value. Lastly, there are cases in which exceptions are authorised for the purpose of vocational training or owing to technical reasons peculiar to the undertaking concerned. Such exceptions are usually subject to the condition that written permission is obtained from the competent authorities and that certain safeguards, intended to ensure the safety and protect the morals of the children concerned and to ensure that they receive education of an adequate standard, are observed.

30. Table I gives a general picture of the position in the different countries as regards the legal age for admission to employment, the school-leaving age and the exceptions authorised in national legislation which are not specifically covered by either of the two Conventions under review. Under the first main heading are given the names of the States or non-metropolitan territories for which reports have been received and the relevant minimum age legislation. The second main heading indicates the minimum age for admission to employment (ranging between 12 and 16 years), while under the third heading the school-leaving age is shown.⁶² Lastly, under the fourth main heading the various exceptions authorised are shown classified according to their nature or the circumstances in which they are allowed.⁶³ The footnotes to the table contain explanations on certain points of detail which seem of importance.

technical schools, both of which are authorised by the two Conventions.

⁶² Wherever the reports did not contain information on the school-leaving age, the relevant figures have been taken from the U.N.E.S.C.O. study: *World Survey of Education: II. Primary Education* (Paris, 1958).

⁶³ For explanation of signs in table I see General Note immediately following the table, p. 18.

TABLE 1. MINIMUM AGE FOR ADMISSION TO INDUSTRIAL EMPLOYMENT AND SCHOOL-LEAVING AGE IN REPORTING COUNTRIES

Country of legislation	Legal minimum age for admission to employment	School-leaving age		Exceptions not provided for in Conventions Nos. 5 and 59					
		Same as legal minimum age for admission to employment	School-leaving age if different from legal minimum age for admission to employment	Light work	Poverty of parents	Schooling not compulsory	Employment on free days or out-of-school hours	Vocational training and apprenticeship	Special permission
States Members :									
<i>Albania</i> * : (Constitution of 1946, Art. 14; 1956 Labour Code, secs. 9 and 40)	14 years ¹		11-14 years						
<i>Argentina</i> * : (Act. No. 11317 of 1924, sec. 2)	14 years		13 years						
<i>Australia</i> ² : Commonwealth (Public Service Act, 1904-1918)	16 years								
New South Wales (Factories and Shops Act, 1912-1957)	15 years	×					×		
Queensland (Factories and Shops Acts, 1900-1958)	14 years	×					×		×
South Australia (Industrial Code, 1920-1958)	13 years ^{2(a)}		14 years			×			
Tasmania (Factories Act, 1910)	14 years ^{2(b)}		15-16 years				×		
Victoria (Labour and Industrial Act, 1953)	14 (boys) 15 (girls)	×			×	×			
Western Australia (Factories and Shops Act, 1920-57)	14 (boys) 15 (girls)	×					×		
<i>Austria</i> * : (Act No. 146 of 1948, secs. 2 and 5)	14 years	×						×	
<i>Belgium</i> * : (Order of 28 February 1919 as amended by Act of 1921, sec. 3) . .	14 years	×							
<i>Bolivia</i> * : (Labour Code of 1942, sec. 58)	14 years	×						×	
<i>Brazil</i> * : (Constitution of 1946, Art. 157; Labour Code of 1943, sec. 403)	14 years ³		12 years						
<i>Bulgaria</i> * : (Labour Code of 1951 as amended, sec. 112)	16 years		15 years					×	
<i>Burma</i> ⁵ : (Factories Act, 1951, sec. 75; Mines Act of 1923 as amended, sec. 26)	13 (factories) 15 (mining)	—	—						
<i>Byelorussia</i> ⁺ : (Labour Code of 1929 as amended up to 1956, sec. 135) . . .	16 years		14-17 years					×	
<i>Canada</i> ⁶ : Alberta (Labour Act as amended up to 1957)	15 years	×							×
British Columbia (Control of Employment of Children Act, 1948) .	15 years	×							×

Footnotes on p. 18.

Country of legislation	Legal minimum age for admission to employment	School-leaving age		Exceptions not provided for in Conventions Nos. 5 and 59					
		Same as legal minimum age for admission to employment	School-leaving age if different from legal minimum age for admission to employment	Light work	Poverty of parents	Schooling not compulsory	Employment on free days or out-of-school hours	Vocational training and apprenticeship	Special permission
<i>Canada</i> * : (cont.)									
Manitoba (Employment Standards Act, 1957)	15 years		14 (in certain cases 15 or 16)						×
New Brunswick (Factory Act 1952)	16 years	×							×
Nova Scotia (Factories Act 1954)	16 years		16 in urban districts; 14 in rural areas				×		×
Newfoundland ^(a)	—		14 years						
Ontario (Factory, Shop and Office Building Act, 1950)	16 years	×					×		×
Prince Edward Island (Minimum Age of Employment Act, 1951)	15 years	×							
Quebec (Industrial and Commercial Establishments Act, 1941)	16 years	×				×			×
Saskatchewan (Factories Act, 1953)	16 years	×							
<i>Ceylon</i> * : (Act No. 47 of 1946, secs. 7 and 34)	14 years	×							
<i>Chile</i> * : (Labour Code of 1931, sec. 47)	14 years		15 in urban districts; 11 in rural areas						
<i>China</i> ^{+ 7} : (Factories Act, 1932, sec. 5; Mines Act, 1936-50, sec. 5; other regulations)	14 (factories) 15 (mines) 16 (salt works)		12 years						
<i>Colombia</i> * : (Labour Code of 1950, as amended)	14 years ⁸		12 years					×	
Costa Rica: (Labour Code of 1943, secs. 89 and 91).	12 years		14 years	×	×				×
<i>Cuba</i> ^{+ +} : (Decree No. 1684 of 1958, sec. 4)	15 years		14 years						
<i>Czechoslovakia</i> * : (1918 Act concerning the 8-hour day, sec. 10)	14 years	×							
<i>Denmark</i> * : (Act No. 226 of 1954, sec. 38)	14 years	×		× ⁹					
<i>Dominican Republic</i> * : (Labour Code of 1951, sec. 223)	14 years	×						×	(in certain cases only)

Footnotes on p. 18.

Country of legislation	Legal minimum age for admission to employment	School-leaving age		Exceptions not provided for in Conventions Nos. 5 and 59					
		Same as legal minimum age for admission to employment	School-leaving age if different from legal minimum age for admission to employment	Light work	Poverty of parents	Schooling not compulsory	Employment on free days or out-of-school hours	Vocational training and apprenticeship	Special permission
Finland: (Act of 31 July 1929, sec. 3)	14 years		15-16 years						
France * : (Labour Code, Book II, sec. 2, and legislation on schooling) . . .	14 years	×							
Germany, Federal Republic : (Act of 30 April 1938, as amended, secs. 4, 5 and 6)	14 years	×		×		×			
Ghana + : (1948 Ordinance as amended in 1949, secs. 75 and 79)	15 years	—	—						
Greece * : (Act No. 4029 of 1912 as amended, sec. 1) . .	14 years		12 years						
Guatemala: (Labour Code of 1947, secs. 148 C and 150) .	14 years	×		×	×			×	×
Republic of Guinea * 10 : (French Overseas Labour Code, sec. 118, and other territorial decrees declared valid in the Republic by Ordinance No. 1 of 3 October 1958) . .	14 years	?						×	
Haiti * : (Act of 6 August 1947, secs. 1 and 3)	12 years 11		14 in urban districts; 12 in rural areas						
Honduras: (Decree of 6 February 1952, sec. 1, as amended by sec. 112 of the 1957 Constitution). .	14 years		15 years		×				
Iceland: (Act No. 29 of 1947, sec. 39)	15 years	×							
India * 5 : (Factories Act, 1948, as amended in 1954, sec. 67; Mines Act, 1952, sec. 45; Employment of Children Act, 1938, as amended in 1951, sec. 3)	14 (factories) 15 (mining and transport)	—	—						
Indonesia: (Order of 17 December 1925, secs. 2 and 10)	12 years 12		—	×					
Iran: (Act of 18 March 1959, sec. 16)	12 years		12 in urban districts; 10 in rural areas						

Footnotes on p. 18.

Country of legislation	Legal minimum age for admission to employment	School-leaving age		Exceptions not provided for in Conventions Nos. 5 and 59					
		Same as legal minimum age for admission to employment	School-leaving age if different from legal minimum age for admission to employment	Light work	Poverty of parents	Schooling not compulsory	Employment on free days or out-of-school hours	Vocational training and apprenticeship	Special permission
<i>Ireland</i> * : (Act of 23 December 1920, secs. 1 and 4; Act No. 2 of 1936, sec. 13)	14 years	×							
<i>Israel</i> * : (Act of 15 July 1953, sec. 2a)	14 years	×							
<i>Italy</i> + : (Act No. 653 of 1934, sec. 5)	14 years ¹³	×						×	×
<i>Japan</i> * : (Act No. 49 of 1947, sec. 56)	16 years ¹⁴	×							
<i>Luxembourg</i> * ¹⁵ : (Grand-Ducal Order of 30 March 1932 as amended in 1933) . .	14 years	×							
Federation of Malaya: (Children's and Young Persons Ordinance of 1947, sec. 8; 1955 Ordinance on Employment, secs. 47 and 51b)	14 years		12 years	×					×
Mexico: (Constitution of 1917, Art. 123 (III); Labour Code of 1931, secs. 20 and 22)	12 years	×							
Morocco: (Dahir of 2 July 1947 as amended up to 1953, Chapter I, sec. 9) . .	12 years	—	—						
<i>Netherlands</i> * : (Labour Act of 1919 as amended in 1954, sec. 9; Mining Regulations, secs. 175 and 189; Stones Masons Act, secs. 2 and 13) .	14 (boys) ¹⁶ 15 (girls)	×				×	(girls only)		
<i>New Zealand</i> + : (Education Act, 1914-1920, and Regulations of 1943; Factories Act, 1946, as amended in 1956, sec. 37)	15 years	×							
<i>Nicaragua</i> * : (Labour Code of 1945, sec. 123)	14 years		12 years						
<i>Norway</i> * + : (Protection of Workers Act of 1936, secs. 26 and 27; Vocational Training Act, 1940) .	15 years	×		×	¹⁷			×	
<i>Pakistan</i> + ⁵ : (Factories Act of India, 1934-1940, secs. 2 and 50; 1938 Act on the Employment of Children, sec. 3; Mines Act of India, 1923-1935, sec. 26)	12 (factories) 14 (mining, transport)	—	—						

Footnotes on p. 18.

Country of legislation	Legal minimum age for admission to employment	School-leaving age		Exceptions not provided for in Conventions Nos. 5 and 59					
		Same as legal minimum age for admission to employment	School-leaving age if different from legal minimum age for admission to employment	Light work	Poverty of parents	Schooling not compulsory	Employment on free days or out-of-school hours	Vocational training and apprenticeship	Special permission
Peru: (Act No. 2851 of 1918, as amended, sec. 2, and Regulations to apply that Act, sec. 3). . .	14 years		12 years			×			×
Philippines: (Act No. 679 of 1952, secs. 2 and 10) . . .	16 years ¹⁸	—	—		×	×	×		×
Poland *: (Act of 1958 concerning the Vocational Training and Employment of Young Persons) .	16 years		15 years					×	
Portugal: (Legislative Decree No. 24-402 of 1934, sec. 6)	12 years ¹⁹	×							
Rumania *: (Labour Code of 1950; sec. 86)	14 years	×							
El Salvador : (Constitution of 1950, Art. 183; Decree No. 981 of 1953, sec. 71).	14 years	×			×				
Spain *: (Act of 1944, sec. 171)	14 years		normally 12; for apprentices 15						
Sudan: (Employment of Children Ordinance 1929, sec. 5)	12 years	—	—						
Sweden: (1949 Act concerning the Protection of Wages, sec. 24)	15 years	×		×			×	×	
Switzerland *: (Act of 1938 concerning the Minimum Age of Workers, secs. 4 and 5)	15 years		14-16 years	×					
Thailand: (Notification of 20 December 1958, sec. 40).	14 years ²⁰		15 years	×					×
Tunisia: (Decree of 6 April 1950, sec. 11)	12 years ²¹	—	—	×					
Turkey: (Act No. 1593 of 1930 respecting Public Health, sec. 173) . .	12 years	×							
Ukraine +: (Labour Code of 1922 as amended up to 1940, sec. 135)	16 years		14-17 years					×	
Union of South Africa: (Factories, Machinery and Building Work Act, 1941, sec. 24; Wage Act, 1957; Apprenticeship Act, 1951)	15 years ²²		15-16 years for Europeans; 14 for certain Natives						×

Footnotes on p.18.

Country of legislation	Legal minimum age for admission to employment	School-leaving age		Exceptions not provided for in Conventions Nos. 5 and 59					
		Same as legal minimum age for admission to employment	School-leaving age if different from legal minimum age for admission to employment	Light work	Poverty of parents	Schooling not compulsory	Employment on free days or out-of-school hours	Vocational training and apprenticeship	Special permission
<i>U.S.S.R.</i> +: (Labour Code of 1922 as amended up to 1956, sec. 135)	16 years		14-17 years					× ⁴	
United Arab Republic: (Labour Code of 1959, sec. 124)	12 years	×							
<i>United Kingdom</i> +: (Employment of Women, Children and Young Persons Act, 1920, as amended by the Education Act, 1944, and the Education (Scotland) Act, 1946) . .	15 years	×							
United States: (Federal: Fair Labor Standards Act, 1938, as amended, secs. 3(1) and (m) and 12; Public Contracts Act, 1936)	16 years ²³			×			×		×
(States ^{23 (a)} : Government report and information contained in " State Child Labor Standards 1952 ")									
Alabama	16 years	×							
Alaska	16 years	×							
Arizona	14 years		16 years	×			×		
Arkansas	14 years		16 years						
California	15 years		16 years		×		×		
Colorado	14 years		16 years				×		
District of Columbia . .	14 years		16 years						
Connecticut	16 years	×		×		×			
Delaware	14 years		16 years	×	×	×			
Florida	16 years	×							
Georgia	16 years	×							
Hawaii	14 years ^{23(b)}		16 years						
Idaho	14 years?		16 years				×		
Illinois	16 years?	×					×		
Indiana	14 years		16 years						
Iowa	14 years		16 years						
Kansas	14 years		16 years						
Kentucky	16 years	×							
Louisiana	16 years	×							
Maine	16 years	×							
Maryland	16 years	×							
Massachusetts	16 years	×							
Michigan	14 years		16 years						
Minnesota	14 years		16 years						
Mississippi	14 years		17 years						
Missouri	14 years		16 years						
Montana	16 years	×							
Nebraska	14 years		16 years						
Nevada ^{23 (c)}	—		18 years				×		
New Hampshire	14 years		16 years						
New Jersey	16 years	×							
New Mexico ^{23 (c)}	—		17 years				×		
New York	16 years	×							
North Carolina	16 years	×							
North Dakota	14 years		17 years						
Ohio	16 years		18 years				×		
Oklahoma	14 years		18 years						
Oregon	14 years		18 years				×		
Pennsylvania	16 years		17 years						
Rhode Island	16 years	×							
South Carolina	16 years	×							
South Dakota	14 years		16 years		×				
Tennessee	16 years	×							
Texas	15 years		16 years						
Utah	14 years		18 years						
Vermont	14 years	×							
Virginia	16 years	×							

Footnotes on p. 18.

Country of legislation	Legal minimum age for admission to employment	School-leaving age		Exceptions not provided for in Conventions Nos. 5 and 59					
		Same as legal minimum age for admission to employment	School-leaving age if different from legal minimum age for admission to employment	Light work	Poverty of parents	Schooling not compulsory	Employment on free days or out-of-school hours	Vocational training and apprenticeship	Special permission
<i>United States (cont.):</i>									
Washington	14 (boys) 16 (girls)		16 years		×				
West Virginia	16 years	×							
Wisconsin	16 years	×							
Wyoming ²³ (c)	—		17 years				×		
							×		
<i>Uruguay</i> ⁺ :									
(Children's Code of 1934, secs. 223 and 225)	14 years ²⁴	×			×				
<i>Venezuela</i> [*] :									
(Labour Code of 1947, sec. 103; 1949 Act respecting the Status of Young Persons, sec. 89)	14 years		13 years						
<i>Viet-Nam</i> [*] :									
(Labour Code of 1952 as amended, sec. 159)	14 years		9 years						
<i>Yugoslavia</i> [*] :									
(Labour Relations Act, 1957, sec. 128, and Apprenticeship Decree, 1922)	15 years ²⁵	×						×	
Non-Metropolitan Territories :									
<i>Denmark</i> [*] :									
<i>Faroe Islands</i> (Act of 18 April 1925 concerning the Employment of Children and Young Persons)	14 years ²⁶	×							
<i>Greenland</i> (Regulations 20 April 1950, Education Act 27 May 1950 to modify Act of 1925)	14 years	×							
<i>France</i> [*] :									
States of the Community :									
<i>Central African Republic</i>	14 years	?							
<i>Republic of Chad</i>	14 years	?							
<i>Republic of Congo</i>	14 years	?							
<i>Republic of Gabon</i>	14 years	?							
(Overseas Labour Code of 1952, sec. 118, and local orders for its implementation in former French Equatorial Africa)									
<i>Republic of Dahomey</i>	14 years	—	—						
<i>Republic of the Ivory Coast</i>	14 years	—	—						
<i>Islamic Republic of Mauritania</i>	14 years	—	—						
<i>Republic of Niger</i>	14 years	—	—						
<i>Republic of Senegal</i>	14 years	—	—						
<i>Sudanese Republic</i>	14 years	—	—						
<i>Republic of Upper Volta</i>	14 years	—	—						
(Overseas Labour Code, sec. 118, and Order No. 3151 of 28 April 1954 applicable to former French West Africa)									
<i>Malagasy Republic</i> (Overseas Labour Code, sec. 118, Order No. 277-IGT of 5 February 1954)	14 years	×	²⁷ (a)						

Footnotes on p. 18.

Country of legislation	Legal minimum age for admission to employment	School-leaving age		Exceptions not provided for in Conventions Nos. 5 and 59					
		Same as legal minimum age for admission to employment	School-leaving age if different from legal minimum age for admission to employment	Light work	Poverty of parents	Schooling not compulsory	Employment on free days or out-of-school hours	Vocational training and apprenticeship	Special permission
France : (cont.)									
Overseas Departments ²⁷ :									
Guadeloupe	14 years	×							
Guiana	14 years	×							
Martinique	14 years	×							
Réunion	14 years	×							
(Labour Code of Metropolitan France, made applicable to these territories by Decree No. 48-592 of 30 March 1948.)									
Overseas Territories:									
Comoro Islands									
(Overseas Labour Code and Order No. 55-40/IT of 23 February 1955) . .	14 years	×	²⁷ (a)						
French Somaliland									
(Overseas Labour Code, sec. 118) . .	14 years	—	—						
New Caledonia									
(Overseas Labour Code, sec. 118) . .	14 years	—	—						
St. Pierre and Miquelon									
(Overseas Labour Code, and Order No. 368 of 19 July 1956 amending the Order of 14 August 1954)	14 years	—	—	×	²⁷ (b)				
Trust Territory:									
Togoland (Overseas Labour Code, and Order No. 884-55/ITLS of 22 October 1955)									
	14 years	—	—						
Netherlands * :									
Netherlands Antilles									
(Labour Regulations, 1952)	14 years	—	—						
Dutch New Guinea									
(Bulletin No. 647 of the Netherlands East Indies, 1925)	12 years	—	—						
Surinam (No legislation applicable)									
	12 years?	×							
United Kingdom * :									
Guernsey (Employment of Women, Children and Young Persons Act 1926, Art. IV). .									
	14 years	?							
Jersey (Employment of Women, Children and Young Persons Act, Art. 1, and Appendix made applicable by the Order of 17 December 1929)									
	14 years	?							

Footnotes on p. 18.

REPORT OF THE COMMITTEE OF EXPERTS

Country of legislation	Legal minimum age for admission to employment	School-leaving age		Exceptions not provided for in Conventions Nos. 5 and 59					
		Same as legal minimum age for admission to employment	School-leaving age if different from legal minimum age for admission to employment	Light work	Poverty of parents	Schooling not compulsory	Employment on free days or out-of-school hours	Vocational training and apprenticeship	Special permission
United Kingdom * : Isle of Man (Employment of Women, Children and Young Persons Act, 1930, Arts. 2, 3 and 5)	14 years	?							

General Note : Explanation of signs:

First main heading: The names of the countries which have ratified either of the Conventions and supplied reports in accordance with article 22 of the Constitution are printed in *italic type*. The countries which have reported on Convention No. 5 are indicated by an asterisk (*) and those which have reported on Convention No. 59 by a plus sign (+).

Second main heading: the legal minimum age of admission to employment is shown. A dash (—) means that the legislation of that country does not fix a minimum age.

Third main heading: An × in the left-hand column means that the school-leaving age is the same as the minimum age for admission to employment. Where the two are different, the school-leaving age is shown in the right-hand column. A dash (—) means that there is no compulsory schooling system in the country concerned.

Fourth main heading: the types of exceptions authorised are shown by an × in the appropriate column.

A question mark (?) shows that sufficient information is not available for definite conclusions to be drawn.

¹ *Albania*. Section 3 of the Labour Code states that employment relationships are established, *inter alia*, by "contracts of employment" or by "appointment". Under section 9 of the Code the conclusion of a contract of employment with a child under 14 years of age is prohibited. As this provision does not apparently preclude the conclusion of a contract on behalf of a child by his legal representatives, the Committee put a question to the Government in connection with Convention No. 5; it also asked to what extent effect was given to the provisions of the Convention as regards employment relationships established by appointment.

² *Australia*. In nearly all the states and territories of Australia (including the Northern Territory) the mining legislation fixes the minimum age for admission to employment at a higher level (between 16 and 18 years). The same is true of some of the legislation on apprenticeship.

(a) *South Australia*: However, the Education Act fixes the school-leaving age at 14 years, and the Government states that in practice no child who has not reached that age may be admitted to industrial employment.

(b) *Tasmania*: In practice the employment of children under 15 years of age is rare, as the Education Act fixes the school-leaving age at 16 years (or, in certain cases, 15 years).

³ *Brazil*. The Brazilian Constitution apparently gives the judiciary authorities power to authorise certain exceptions relating to the employment of young persons at night and their admission to employments of a dangerous or unhealthy character; the Government states that this provision has on occasion been interpreted as applying also to the provisions concerning minimum age. It should also be noted that Act No. 1711 of 1952 fixes the minimum age for admission to employment in public services at 18 years.

⁴ *Bulgaria, Byelorussia, Ukraine, U.S.S.R.* These exceptions are authorised in special cases for children over 15 years of age; the application of the Conventions under consideration is not affected thereby.

⁵ *Burma, India, Pakistan*. See the special provisions in Conventions Nos. 5 and 59 which are applicable to India and to the countries which were formerly part of India.

⁶ *Canada*. In all the provinces except Quebec and Prince Edward Island the mining legislation fixes the minimum age for admission to employment in that industry at 16, 17 or 18 years.

(a) *Newfoundland*: The legislation on factories apparently does not stipulate any minimum age.

⁷ *China*. See the special provisions concerning China in Convention No. 59. It should, however, be noted that in public railway undertakings the legal minimum age is 18, 20 and 25 years.

⁸ *Colombia*. The Labour Code does not appear to contain any specific provisions on this subject. In reply to the questions put by the Committee of Experts between 1953 and 1958 the Government stated, *inter alia*, that ratified Conventions were incorporated in national legislation and consequently acquired force of law as from the time of their ratification. The Committee pointed out that the Code had been adopted after the ratification of the Convention and that consequently it should be considered as constituting an amendment to the provisions concerning the minimum age; the Government replied that, under precedents established by the Supreme Court of Justice, international treaties took precedence over domestic legislation, but that a new Bill which would take the observations of the Committee into account was in course of preparation.

⁹ *Denmark*. In reply to a question from the Committee relating to these exceptions the Government stated in 1957 that messenger duties "should be so interpreted in Danish legislation as to cover transport by hand (or on a carrier cycle) of small parcels or small quantities of goods, and that occupations of this kind were outside the scope of the Conventions in question".

¹⁰ *Republic of Guinea*. The Government states that a new Labour Code is in course of preparation.

¹¹ *Haiti*. No child between 12 and 18 years of age is admitted to employment without special permission, which is only granted on presentation of a certificate of physical fitness and a certificate of completion of primary studies. It should be recalled that Haiti has ratified Convention No. 5 and that the Committee has drawn the attention of the Government to the fact that Article 2 of that Convention was not being applied. In reply, the Government stated that very few children were in practice employed in industry and that the social legislation was in process of revision.

¹² *Indonesia*. However, the new Labour Act of 1948, which came into force in 1951, fixes the minimum age at 14 years (the Government does not mention this Act).

¹³ *Italy*. The Committee drew the attention of the Government to its failure to apply Article 2 of Convention No. 59. The Government replied that a Bill was being drafted to increase the minimum age to 15 years. It also stated that in practice children under 15 years of age cannot be employed in industry owing to the large numbers of adult workers available for employment and the placement priorities established in view of that situation by Act No. 264 of 29 April 1949.

¹⁴ *Japan*. However, children of 14 years of age or over who have completed their compulsory schooling or a course of study of an equivalent or higher standard are authorised to enter employment. See also the special provisions concerning Japan in Conventions Nos. 5 and 59.

¹⁵ *Luxembourg*. Luxembourg recently ratified Convention No. 59, and its first report is due in respect of the current year.

¹⁶ *Netherlands*. The Act concerning the loading and unloading of ships fixes the minimum age for admission to employment of this type at 18 years.

¹⁷ *Norway*. In reply to a question from the Committee on this exception, the Government stated that the employment in question was that of errand boy transporting papers, flowers or parcels, and that jobs of that type were normally found in shops and offices.

¹⁸ *Philippines*. Section 1 of the Act authorises the employment of children under 14 years of age under certain conditions.

¹⁹ *Portugal*. The Government states that there are a number of other decrees, applicable to various industries, fixing the minimum age at higher levels ranging from 14 to 18 years.

²⁰ *Thailand*. The Act states that children under 16 years of age may not be employed except with the written permission of the Ministry of the Interior; such permission is only granted subject to certain conditions.

²¹ *Tunisia*. The legislation does not contain any specific definition of the term "child". However, its provisions seem to imply that the term covers persons over 12 years of age. However, children under 12 years of age may also be employed if the work assigned to them is not "beyond their strength".

²² *Union of South Africa*. The minimum age is fixed at 16 years for employment in government service (Regulation No. 35 of the Public Service Act) and 18 years for young Africans (Native Labour Regulation Act, 1911-1949).

²³ *United States (Federal)*. The minimum age for admission to employment in federal government service is 18 years.

(a) States in general: It will be observed that in most of the states the school-leaving age is higher than the minimum age for admission to employment. Exemptions from school attendance are often granted to young persons between 14 and 16 years of age provided that they have attained a required level of education.

(b) *Hawaii*: If the child is still undergoing compulsory schooling, 16 years.

(c) *Nevada, New Mexico and Wyoming*: The legislation of these states does not specifically fix a minimum age for admission to employment in industry. However, in practice the minimum age is fixed at 14 years in the first two and at 17 years in the third; in the case of children still undergoing compulsory schooling it may be higher.

²⁴ *Uruguay*. It should be noted that this country has ratified Convention No. 59 and that the Committee has repeatedly drawn the Government's attention to the fact that Article 2 of the Convention is not applied.

²⁵ *Yugoslavia*. The Act empowers the Federal Executive Council to fix higher ages for admission into certain branches of industry. The same is true of apprentices.

²⁶ *Denmark*. Faroe Islands: However, it is not clear whether this provision is applied in practice. In reply to a question from the Committee of Experts on this subject the Government stated that new legislation was being prepared and that, under the Apprenticeship Act (No. 29 of 12 October 1954) no child under 14 years of age who had not been legally discharged from the obligation to attend school might become an apprentice.

²⁷ *France*. Overseas Departments: It should be noted that the French Labour Code fixes the minimum age for admission to employment at the age at which compulsory schooling comes to an end; it is not, however, clear whether effective compulsory schooling—at least up to the age of 14 years—exists in these departments.

(a) *Malagasy Republic, Comoro Islands*: Compulsory schooling is being introduced.

(b) *St. Pierre and Miquelon*: This exception applies to certain types of light work.

*Minimum Age for Admission to Employment
Endangering Life, Health or Morals*

31. Article 5 of Convention No. 59 provides that the minimum age for admission to employments which are dangerous to the life, health or morals of children and young persons must be fixed at a higher level or levels than 15 years. The great majority of the reporting countries have in fact fixed age limits for admission to employments of this type at higher levels than those fixed for admission to other types of industrial employment in which such dangers are not encountered. In certain cases the basic legislative instruments merely lay down a general prohibition applying to all dangerous types of employment and specifically delegate the power to determine, by regulation or decree, the industries or occupations in which the employment of young persons below a certain age is to be forbidden to another competent authority.⁶⁴ In other cases some or all of the types of work considered as dangerous and prohibited to young persons are specified in the basic legislation, which is supplemented where necessary by regulations.⁶⁵ In one country⁶⁶ the law requires the Ministry of Labour to draw up every year, after consultation with the National Industrial Hygiene Committee and the employers' and workers' organisations concerned, a list of dangerous processes in which the employment of young workers is prohibited.

32. The prohibitions found in the legislation of the various countries generally apply to underground work in mines, opencast mines and quarries; the cleaning and operation of machinery and power-transmission equipment; painting work involving the use of white lead; certain operations connected with the preparation of harmful, toxic or explosive substances; the transportation of heavy objects; and certain other occupations involving risks of accidents or occupational diseases. Only in relatively few countries⁶⁷ does the legislation cover employments prejudicial to the moral of young persons engaged therein within the meaning of Convention No. 59.⁶⁸ The legislation of these countries refers in particular to work connected with the preparation of writings, posters, emblems or prints or the manufacture of paintings, sculptures or other objects which are considered in national legislation as being offensive or prejudicial to morals.

⁶⁴ In most cases of this type appropriate regulations have been adopted containing detailed lists of the occupations concerned. This is the situation, for example, in the following countries: *Member States*: Belgium, Bolivia, Bulgaria, Byelorussia, Canada (Alberta, Manitoba), Costa Rica, Czechoslovakia, Dominican Republic, France, Federal Republic of Germany, Greece, Guatemala, Ireland, Israel, Italy, Morocco, Norway, Peru, Poland, Rumania, El Salvador, Spain, Sweden, Switzerland, Ukraine, U.S.S.R., United Arab Republic, United States, Uruguay, Viet-Nam, Venezuela. *Non-metropolitan territories*: France: certain States of the Community, Overseas Departments and certain Overseas Territories; Italy: Trust Territory of Somaliland.

⁶⁵ This is the situation in, *inter alia*, the following countries: *Member States*: Argentina, Australia (in mining in nearly all states), Austria, Brazil, Burma, Canada (in mining in most provinces), Chile, China, Denmark, Finland, Honduras, India, Japan, Mexico, Pakistan, Philippines, United Kingdom. *Non-metropolitan territories*: Denmark: Faroe Islands; United Kingdom: Guernsey, Jersey, Isle of Man.

⁶⁶ Cuba.

⁶⁷ In particular, Austria, Brazil, Bolivia, Colombia, Costa Rica, Cuba, Denmark, Finland, Federal Republic of Germany, Greece, Honduras, Israel, Morocco, Peru, Spain, Sweden, Tunisia, Uruguay, Venezuela, Viet-Nam.

⁶⁸ It may be noted that the provision in Convention No. 59 relating to work dangerous to morals was taken from the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33).

33. In the majority of the cases examined the minimum age fixed for admission to employments dangerous to life, health or morals varies between 16 and 18 years.⁶⁹ In one State⁷⁰ the minimum age apparently varies between 15 and 17 years, while in three States⁷¹ it is fixed at 16 years. On the other hand, in certain countries the law fixes higher limits, ranging up to 20 or 21 years.⁷² In a large number of countries the law fixes higher minimum ages (18 or 21 years) for the admission of girls to employments of these types.⁷³ In several countries the law explicitly provides that the prohibition of the employment of young persons over 15 years of age in occupations considered to be dangerous or unhealthy may be rescinded if it is established that the risks inherent in such occupations have been obviated as a result of the introduction of new techniques or appropriate safety measures.⁷⁴ In other countries exceptions relating to employments of this type are authorised for purposes of vocational training or apprenticeship⁷⁵ or for other reasons.⁷⁶ However, in most cases such exceptions relating to young persons of over 15 or 16 years are only granted under certain conditions designed to safeguard the health and safety of the persons concerned.⁷⁷ Lastly, in a certain

⁶⁹ As indicated in paragraph 24 above, the minimum age for admission to employment in dangerous or unhealthy occupations was fixed in Convention No. 59 at 16 years for Japan and 15 years for India and China. The situation in these countries is as follows: In Japan, section 63 of the 1947 Act and sections 12 and 13 of the Ministerial Ordinance of the same year fix the minimum age at 18 years; these texts cover a considerable number of dangerous and unhealthy occupations, but in the field of mining they only apply to underground work. In India, the Factories and Mines Act also seems to be in conformity with the provisions of the Conventions; the situation is apparently the same in the countries which were formerly part of India (Burma and Pakistan; however, on the subject of these three countries see footnote 77 below). In China, section 7 of the Factories Act contains a list of dangerous and unhealthy occupations in which the employment of children between 14 and 16 years old is prohibited. However, the prohibitions in the Mines Act only apply to underground work, whereas Convention No. 59 covers all types of mining work. Moreover, this Act apparently allows the employment of children between 14 and 16 years of age on work of this kind. The Committee has drawn the attention of the Government to these discrepancies between the national legislation and the terms of Convention.

⁷⁰ United Arab Republic.

⁷¹ Austria, Rumania and Tunisia.

⁷² For instance, Belgium, Italy, Norway and Spain.

⁷³ For example: Australia (most of the states), Belgium, Czechoslovakia, France, Greece, Morocco, Peru, Spain, Tunisia, United States (federal legislation and that of several states), Venezuela, Viet-Nam, Yugoslavia.

⁷⁴ For instance, Albania, Argentina, Brazil, New Zealand, Sweden.

⁷⁵ For instance, Austria (for young persons with apprenticeship contracts), Peru (for students at the university or the college of mining); Poland and United Kingdom (for workers attending vocational training courses).

⁷⁶ Examples are: Austria (light work), Brazil (where judges in children's courts may authorise exceptions, *inter alia*, where the child concerned has insufficient means of support), Bolivia (in specified cases and with the permission of the Ministry of Labour), Ghana (in exceptional cases and with the permission of the competent official of the Ministry of Labour), Spain (with the permission of the labour inspectorate).

⁷⁷ In most cases a medical examination is required to ascertain fitness for employment; in this connection, see that part of this survey which deals with medical examination. However, it should be recalled that in the case of India Convention No. 59 authorises the admission of young persons under 17 years of age to employment in factories and mines only on condition that they have been medically certified as fit for such work. In the Indian legislation on mines this stipulation only applies to underground work. The same is true of the corresponding legislation in Burma and Pakistan. As the latter country has ratified Convention No. 59 the Committee has drawn the attention of the Government to this discrepancy. According to information recently supplied by the Government, an amendment to existing legislation is in course of preparation.

number of countries the law does not appear to contain any provisions fixing the minimum age for the admission of young persons to employments involving work dangerous to life, health or morals at a higher level or levels than the ordinary minimum age.⁷⁸

Technical Schools

34. Conventions Nos. 5 and 59 lay down in Article 3 that their provisions do not apply to work done in technical schools "provided that such work is approved and supervised by public authority".⁷⁹ A large number of countries⁸⁰ seem to allow exceptions of this kind under the conditions laid down in these Conventions. In some of these countries national legislation contains specific provisions on the subject; in others, the information supplied by the governments appears to indicate that such is the case. There is another group of countries⁸¹ the legislation of which does not seem to cover work performed in technical schools or, more generally, any type of work performed with pedagogic or educational aims in view, but it is not clear whether work of this type is "approved and supervised by public authority". On the other hand, in a third group of countries⁸² social conditions and the scholastic or vocational training systems are such that provisions for exceptions of this type have not appeared to be necessary; in some cases this is formally stated in national legislation, while in other cases the situation can be deduced from the indications provided by the governments. Lastly, there is a fourth group of countries⁸³ the national legislation of which does not appear to contain any specific provision excluding work done in technical schools from the field of application of the legislation

⁷⁸ Examples are: Ceylon, Haiti, Indonesia (however, the new Labour Act of 1948-1951 apparently prohibits the employment of young persons under 18 years of age in work prejudicial to their health), Netherlands (however, the Mining Regulations fix the minimum age for admission to underground work at 16 years, while the Act concerning the loading and unloading of ships fixes the minimum age for admission to that occupation at 18 years; in addition, the Stonemasons' Act makes provision for the issue of public administrative regulations specifying the types of work which may not be performed by young persons or women), Portugal (however, there are a number of decrees fixing at 18 years the minimum age for admission to employment underground, in certain occupations in the hat-making industry and in certain loading and unloading undertakings).

⁷⁹ Although neither Convention contains an actual definition of "technical schools" it seems that this term can be taken as covering not only work performed in actual schools but also practical training work performed in industrial undertakings; the latter must, as far as such work is concerned, comply with the instructions of the education authorities and submit to inspection by them. For further details see an opinion to this effect in *The International Labour Code 1951*, op. cit., Vol. I, article 368, footnote 10.

⁸⁰ In particular Argentina, Belgium, Brazil, Ceylon, Cuba, Denmark, Finland, France (where, however, the exception covers manual work and practical vocational training given in orphanages or charitable institutions), Haiti, Honduras, Indonesia, Ireland, Israel, Italy, Luxembourg, Federation of Malaya, Morocco (same situation as in France), Nicaragua, Philippines, Spain, Switzerland, Thailand, United Kingdom (however, the Government states that all children under 15 years of age are required to attend school full-time), Viet-Nam (same situation as in France).

⁸¹ In particular, Austria, Bolivia, Dominican Republic, Netherlands (the Labour Act does not apply to work performed in schools of arts and crafts or vocational schools or to work done by children of 13 years of age or over who are not required to attend school and are covered by apprenticeship contracts; however, the Stonemasons' Act, the Act concerning the Loading and Unloading of Ships and the Mining Regulations do not contain any provisions on the subject), Poland.

⁸² This group includes Albania, Byelorussia, Greece, Japan, Norway, Rumania, Sweden, Ukraine, Union of South Africa, U.S.S.R., Yugoslavia.

⁸³ This group includes Bulgaria, Chile, Colombia, Costa Rica, Ghana, Guatemala, Iran, Mexico, New Zealand, Peru, Portugal, El Salvador, Tunisia, Turkey, United Arab Republic, Uruguay.

concerning the minimum age for admission to industrial employment. The fact that in most of these countries no such exceptions exist must, however, be considered with the fact in mind that the minimum age fixed for admission to industrial employment is lower than that provided for in Conventions Nos. 5 and 59.

PROHIBITION OF NIGHT WORK

Age of Young Persons Covered by Night Work Prohibition

35. Article 2, paragraph 1, of Convention No. 6 and Article 3, paragraph 1, of Convention No. 90 prohibit, subject to specified exceptions, the employment during the night of young persons under 18 years of age. Mention should be also made of the special provisions regarding India and Pakistan, appearing in Convention No. 90 (see in this connection footnote 30 above): under paragraph 6 of its Articles 8 and 9 the age of prohibition is fixed at 17 years.⁸⁴ Article 7 of Convention No. 90 provides that any Member which before ratification had legislation fixing a lower age limit than 18 years may substitute this age limit provided it is not below 16 years.⁸⁵

36. It should be noted first of all that in a very few cases there is no legislation specifically prohibiting night work of young persons in industry.⁸⁶ In three federal States where federal legislation does not regulate this matter, there are no relevant provisions in the laws of some constituent units.⁸⁷ Finally, in one country night work for young persons is prohibited only in very few types of industrial undertakings.⁸⁸

37. In the majority of the reporting countries night work of young persons under 18 years of age is prohibited in undertakings falling within the scope of the relevant legislation.⁸⁹ In a number of other countries the prohibition of night work applies only

⁸⁴ Other special provisions for these two countries, appearing in Convention No. 90, will be mentioned under the relevant headings below.

⁸⁵ Thus far only Mexico has made use of this provision.

⁸⁶ *Member States:* Iceland (the only legislation to which the Government refers in its report is section 39 of the Youth Protection Act of 1947 which provides that young persons shall not be "overstrained with heavy or unhealthy work, long working hours, watching or irregular working habits"), Nicaragua (see observation in Part II of this report under Convention No. 6). *Non-metropolitan territories:* Denmark: Faroe Islands (the report states that legislation is being prepared by the local government), Greenland (the report states that practical application of Convention No. 6 can be ensured without having recourse to the promulgation of special legislation); according to the reports, no night work of young persons exists in these territories.

⁸⁷ Australia (Australian Capital Territory and Northern Territory; the Government also states that there is no provision for any limitation on the hours of employment of young persons below 18 years of age in any of the public services or instrumentalities of the Commonwealth); Canada (British Columbia, New Brunswick, and Prince Edward Island; the report states that in British Columbia and in New Brunswick working hours detrimental to young persons are not authorised); United States (Maine, Montana, Nevada and South Dakota).

⁸⁸ Union of South Africa (the employment of young persons at night is prohibited only under the Shops and Offices Act, 1939, which applies to such boot and shoe repairing establishments as are not covered by the Factories, Machinery and Building Work Act; the report states also that apprentices in the printing and in milling industries are not allowed to work at night).

⁸⁹ For example: *Member States:* Argentina (Act No. 11317 of 30 September 1924, section 6), Austria (Act of 1 July 1948, section 17); Belgium (Act of 28 February 1919, section 7); Brazil (Labour Code, 1943, section 404); Bulgaria (Labour Code of 1951, as amended, section 112); Byelorussia (Labour Code of 1929, as amended, section 130); Canada: Manitoba (Child Welfare Act), Quebec (Industrial and Commercial Establishments Act), Saskatchewan (Factories Act); Chile (Labour Code of 1931, section 48); Costa Rica (Labour Code, 1943, section 88); Cuba (Legislative Decree No. 883 of 27 May

to young persons under 17 years of age⁹⁰, under 16 years⁹¹, under 15 years⁹², and even under 14 years of age.⁹³ In another case the age limit is not expressly defined.⁹⁴

Definition of Period of Night Rest for Young Persons between 16 and 18 years of Age

38. Article 3, paragraph 1, of Convention No. 6 defines the term "night" for all young persons under 18 years of age as a period of at least 11 consecutive hours including the interval between 10 p.m. and 5 a.m.⁹⁵

39. Article 2 of Convention No. 90 increases the length of the night period to 12 hours (paragraph 1); but in the case of young persons between 16 and 18 years the prohibited interval is defined more

flexibly as seven hours falling between 10 p.m. and 7 a.m. (paragraph 3).⁹⁶ Before prescribing different intervals beginning after 11 p.m. for different areas, industries, undertakings or branches of industries or undertakings, the competent authority must consult the employers' and workers' organisations concerned. In the case of India and Pakistan this interval shall apply to young persons who have attained the age of 15 years but are under the age of 17 years (paragraph 5 of Articles 8 and 9 of Convention No. 90, respectively).

40. Table II gives a general picture of the rest periods prescribed by the legislation of countries where industrial night work is prohibited for young persons *up to 18 years of age* (or up to 17 years in some cases).⁹⁷

1953, sections 4 and 6); Denmark (Workers' Protection Act of 11 June 1954, section 43); Dominican Republic (Labour Code of 1951, as amended, section 224); Finland (Act of 31 July 1929, section 7); France (Labour Code, Book II, Title I, Chapter III, section 21); Federal Republic of Germany (Act of 30 April 1938, section 16); Ghana (Labour Ordinance of 1948, section 80); Greece (Act No. 4029 of 1912, section 6); Guatemala (Labour Code of 1947, section 148); India (Mines Act of 1952, sections 40 and 44); Iran (Labour Act of 18 March 1959, section 17); Republic of Guinea (Ordinance No. 1 of 3 October 1958; French Overseas Labour Code, 1952, sections 113 and 114); Ireland (Employment of Women, Young Persons and Children Act, 1920, applicable to mines and transport—Schedule II; Conditions of Employment Act, 1936, applicable to undertakings other than mines and transport—section 47); Israel (Youth Labour Law of 15 July 1953, section 24(a)); Italy (Act No. 653 of 26 April 1934, section 12); Japan (Labour Standards Law of 5 April 1947, section 62); Luxembourg (Grand-Ducal Order of 30 March 1932, section 13); Federation of Malaya (Ordinance No. 33 of 1947, issuing Children and Young Persons Rules, rules 6 to 8); Netherlands (Mining Regulations, 1939, as amended, sections 184-186; Labour Act of 1 November 1919 as amended (factories)—section 30; Decree of 8 September 1936, as amended—section 59; Act No. 1366 of 20 December 1921 (stonemasons)—section 8; Decree No. 277 of 15 May 1933 (railways) as amended—section 100); Norway (Labour Protection Act of 7 December 1956, section 36); Peru (prohibited under 21; night work may be permitted, however, for males who have attained the age of 18 and whose fitness is attested by a medical certificate; Act of 23 November 1918, section 6); Philippines (Act No. 679 of 8 April 1952 as amended by Republic Act No. 1131 of 16 June 1954—section 5); Poland (Act of 2 July 1958, section 16); Portugal (Decree of 24 August 1934 concerning hours of work, as amended—sections 7 and 9); Rumania (Labour Code, 1950, as amended, section 85); El Salvador (Constitution of 1950, Article 183 (10); Decree No. 128 of 22 January 1951, section 1); Sweden (Workers' Protection Act, 1949, as amended, section 33); Switzerland (Act of 31 March 1922 (arts and crafts), section 3; Factories Act of 18 June 1914, section 72); Thailand (Announcement of the Ministry of the Interior of 20 December 1958, section 45); Tunisia (Decree of 6 April 1950, as amended, section 12); Turkey (Labour Act, 1936), as amended, section 50); Ukraine (Labour Code, 1922, as amended, section 130); U.S.S.R. (Labour Code of Russian S.F.S.R., 1922, section 130, and Labour Codes of the other Republics); United Kingdom (Employment of Women, Young Persons and Children Act of 1920, Schedule II; Factories Acts 1937/48, section 70; Mines and Quarries Act of 1954, sections 126 and 127); United States (Arkansas, California, Connecticut, Florida, Kansas (under 21, but only in factories), Louisiana, Massachusetts, New Jersey, New York (under 18 for boys and under 21 for girls), North Carolina, Ohio, Puerto Rico, Kentucky, Maryland (minors attending day school), Michigan, Rhode Island, Tennessee, Virginia—State Child-Labor Laws); Uruguay (Decree of 28 May 1954, section 1); Venezuela (Labour Code, 1947, section 105); Viet-Nam (Labour Code, 1952, section 168); Yugoslavia (Act respecting employment relationships of 12 December 1957, section 256).

Non-metropolitan territories: France: States of the Community: Central African Republic (Orders of 22 November 1953 and of 24 January 1959), Republic of Chad (Orders of 3 December 1953 and of 5 September 1959), Republic of the Congo (Orders of 24 October 1953 and of 31 July 1959), Gabon Republic (Order of 24 December 1953); Republic of Dahomey (Order of 12 July 1954), Islamic Republic of Mauritania (Order of 17 September 1954), Republic of the Ivory Coast (Orders of 20 July 1953 and of 28 April 1954), Republic of the Niger (Order of 27 February 1955), Republic of Senegal (Order of 22 June 1954), Sudanese Republic (Order of 21 May 1954), Republic of the Upper Volta (Order of 29 July 1954); Malagasy

Republic (Order of 5 February 1954); Algeria and Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion—for legislation see *France*; Overseas Territories: Comoro Islands (Order of 23 February 1955), French Polynesia (Order of 2 February 1956), French Somaliland (Order of 17 June 1955), New Caledonia (Order of 7 November 1953), St. Pierre and Miquelon (Order of 14 August 1954); Trust Territory: Togoland (Order of 28 October 1955); Italy: Trust Territory of Somaliland (Labour Code 1958, section 73); Netherlands: Netherlands Antilles (Ordinance of 22 August 1952, section 17).

⁹⁰ For example: India (Factories Act of 1948, section 70; Employment of Children Act of 1938, as amended (railways and major ports), section 3); Pakistan (Mines Act of 1923, as amended, section 26; Employment of Children Act, 1938 (railways and major ports), as amended, section 3 (2)).

⁹¹ For example: Albania (Labour Code, 1956, section 56; see observation in Part II of this report under Convention No. 6); Australia (New South Wales (Factories and Shops Act, 1912-1957); Victoria (Labour and Industry Act, 1953); Queensland (Factories and Shops Acts, 1900 to 1958), South Australia (Industrial Code, 1920 to 1958); Western Australia (Factories and Shops Act, 1920 to 1957); Tasmania (Factories Act, 1910)); Canada (Nova Scotia—Factories Act; Ontario—Factory, Shop and Office Building Act; Alberta—Child Welfare Act; Newfoundland—Welfare of Children Act); China (Factory Act, 1932, as amended, section 12); Czechoslovakia (Eight-hour Working Day Act of 19 December 1918, section 9 (1); see observation in Part II of this report under Convention No. 90); Honduras (Decree No. 44 of 6 February 1952, section 4); Hungary (Labour Code, 1951, as amended, section 102; see observation in Part II of this report under Convention No. 6); Mexico (National Constitution, article 123; Federal Labour Act of 18 August 1931, section 22); Morocco (Employment Regulation Decree of 2 July 1947, as amended, section 12); New Zealand (Factories Act of 1946, as amended, section 20); Spain (Contracts of Employment Act of 26 January 1944, section 172; see observation in Part II of this report under Convention No. 6); United States (Alabama, Alaska, Arizona, Colorado (except children between 14 and 16, or between 12 and 16 during summer vacation, on special permit), Delaware, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas (except in factories where the age limit is 21 years), Maryland (except minors attending day school for whom the age limit is 18 years), Minnesota, Missouri, Nebraska, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming—State Child-Labor Laws).

⁹² For example: Burma (Factories Act of 1951, section 79; Oilfields Act, 1951, section 56; except adolescents not certified as fit to work as adults for whom the age limit is 18 years); Pakistan (except adolescents not certified as fit to work as adults; Factories Act, 1934, as amended, sections 53 and 54; see observation in Part II of this report under Convention No. 90); United Arab Republic (Labour Code, 1959, section 125); Sudan (Employment of Children Ordinance No. 3 of 1929, section 7); United States (Texas—State Child-Labor Law).

⁹³ Indonesia (Employment of Women and Children Regulations of 17 December 1925 as modified up to 20 December 1949, section 1).

⁹⁴ Haiti: section 14 of the Apprenticeship Act of 4 September 1947 prohibits night work of apprentices. The Act provides that young persons may enter apprenticeship at the age of 14 years (section 2) and the maximum length of a contract is three years (section 9).

⁹⁵ The night rest can thus begin as early as 6 p.m. or as late as 10 p.m.

⁹⁶ The night rest can thus begin as early as 5 p.m. or as late as 12 midnight.

⁹⁷ For explanation of signs in table II see General Note immediately following the table.

TABLE II. NIGHT REST PERIOD AND PROHIBITED INTERVAL FOR YOUNG PERSONS BETWEEN 16 AND 18 YEARS

Country	Over-all length of rest period (number of hours)	Interval during which all work is specifically prohibited	Country	Over-all length of rest period (number of hours)	Interval during which all work is specifically prohibited
States Members:			States Members (cont.):		
<i>Argentina</i> † §	11	8 p.m. - 7 a.m. in winter	(b) in mines	12	7 p.m. - 7 a.m.
		8 p.m. - 6 a.m. in summer	<i>Peru</i>	11	8 p.m. - 7 a.m.
<i>Austria</i> †	12	8 p.m. - 6 a.m.	<i>Philippines</i> † §	10 p.m. - 6 a.m.
<i>Belgium</i> †	11	10 p.m. - 5 a.m.	<i>Poland</i> †	12	10 p.m. - 6 a.m.
<i>Brazil</i> †	11	10 p.m. - 5 a.m.	<i>Portugal</i> †	11	8 p.m. - 7 a.m.
<i>Bulgaria</i> †	12 to 16	10 p.m. - 5 a.m. in summer	<i>Rumania</i> † §	8	10 p.m. - 6 a.m. or
		10 p.m. - 6 a.m. in winter	<i>El Salvador</i>	10	11 p.m. - 7 a.m.
<i>Byelorussia</i> §	8	10 p.m. - 6 a.m.	<i>Sweden</i>	11	8 p.m. - 6 a.m.
<i>Canada</i>	12½ (Ontario - girls)	6.30 p.m. - 7 a.m.			10 p.m. - 5 a.m. or 7 hours falling between 10 p.m. and 7 a.m.
	12 (Quebec)	6 p.m. - 6 a.m.	<i>Switzerland</i> †	11	10 p.m. - 5 a.m.
	9 (Manitoba)	9 p.m. - 6 a.m.	<i>Thailand</i>	10	8 p.m. - 6 a.m.
	Not defined (Saskatchewan)	After 6.30 p.m.	<i>Tunisia</i> †	12	10 p.m. - 5 a.m.
<i>Chile</i> †	11	8 p.m. - 7 a.m.	<i>Turkey</i>	11	8 p.m. - 6 a.m.
<i>Costa Rica</i>	10	7 p.m. - 5 a.m.	<i>Ukraine</i> §	8	10 p.m. - 6 a.m.
<i>Cuba</i> † §	12	8 p.m. - 8 a.m.	<i>U.S.S.R.</i> §	8	10 p.m. - 6 a.m.
<i>Denmark</i> †	12 (in dairies 11)	6 p.m. - 6 a.m. 8 p.m. - 5 a.m. (in dairies)	<i>United Kingdom:</i>		
			(a) in mines	12	10 p.m. - 6 a.m.
<i>Dominican Republic</i> §	12	8.30 p.m. - 6 a.m.	(b) in other industrial undertakings	11	10 p.m. - 5 a.m.
<i>Finland</i> (between 15 and 18)	11	7 p.m. - 6 a.m.	<i>United States</i> †	12-13	See footnote 6(a)
<i>France</i> †	11	10 p.m. - 5 a.m.	5 states; (for girls only)		
<i>Federal Republic of Germany</i> †	12	8 p.m. - 6 a.m.	11 Louisiana; (for girls only)		
<i>Ghana</i>	11	10 p.m. - 5 a.m.	10 (Arkansas and Ohio; for girls only)		
<i>Greece</i> †	11	9 p.m. - 5 a.m.	9 (7 states)		See footnote 6(b)
<i>Guatemala</i> † §	9	8 p.m. - 5 a.m.	8 (11 states) † (c)		
<i>Republic of Guinea</i> †	11	10 p.m. - 6 a.m.	7 (5 states)		See footnote 6(d)
<i>India</i> † §			6 (New York and North Carolina; for boys)		
(a) in factories, railways and ports (between 15 and 17 years)	12	7 hours falling between 10 p.m. and 7 a.m.	<i>Uruguay</i> † §	9	9 p.m. - 6 a.m.
(b) in mines (between 15 and 18 years)	12	6 p.m. - 6 a.m.	<i>Venezuela</i> †	11	7 p.m. - 6 a.m.
<i>Iran</i>	8	10 p.m. - 6 a.m.	<i>Viet-Nam</i> †	11	10 p.m. - 5 a.m.
<i>Ireland</i> †			<i>Yugoslavia</i> §	12	7 hours falling between 10 p.m. and 7 a.m.
(a) in mines and in transport	11	10 p.m. - 5 a.m.			
(b) in other industrial undertakings	12 or 11	8 p.m. - 8 a.m. or 10 p.m. - 8 a.m.	Non-Metropolitan Territories:		
<i>Israel</i> §	12	8 p.m. - 6 a.m.	<i>France</i>		
<i>Italy</i> † §	11	10 p.m. - 5 a.m.	<i>States of the Community:</i>		
<i>Japan</i>	7	10 p.m. - 5 a.m. general 11 p.m. - 6 a.m. for specified areas	<i>Central African Republic</i> †	11	10 p.m. - 5 a.m.
		10.30 p.m. - 5.30 a.m. for persons employed on rotating shifts	<i>Republic of Chad</i> †	11	10 p.m. - 5 a.m.
<i>Luxembourg</i> †	11	10 p.m. - 5 a.m.	<i>Republic of the Congo</i> †	11	9 p.m. - 6 a.m.
<i>Federation of Malaya</i>	10	8 p.m. - 6 a.m.	<i>Republic of Gabon</i> †	11	9 p.m. - 6 a.m.
<i>Netherlands</i> §	12	7 hours falling between 10 p.m. and 6 a.m.	<i>Republic of Dahomey</i> †	11	9 p.m. - 5 a.m.
<i>Norway</i> §	12	7 hours falling between 10 p.m. and 7 a.m.	<i>Islamic Republic of Mauritania</i> † . .	11	10 p.m. - 6 a.m.
			<i>Republic of the Ivory Coast</i> . .	11	10 p.m. - 5 a.m.
<i>Pakistan</i> † § (between 15 and 17 years):			<i>Republic of the Niger</i> †	11	10 p.m. - 5 a.m.
(a) in railways and ports	12	7 hours falling between 10 p.m. and 7 a.m.	<i>Republic of Senegal</i> †	11	10 p.m. - 5 a.m.
			<i>Republic of Sudan</i> †	11	10 p.m. - 5 a.m.
			<i>Republic of Upper Volta</i> †	11	10 p.m. - 5 a.m.
			<i>Malagasy Republic</i> †	11	8 p.m. - 6 a.m.
			<i>Overseas Departments:</i>		
			<i>French Guiana</i> † . .	11	10 p.m. - 5 a.m.
			<i>Guadeloupe</i> † . . .	11	10 p.m. - 5 a.m.
			<i>Martinique</i> † . . .	11	10 p.m. - 5 a.m.

Footnotes on p. 23.

Country	Over-all length of rest period (number of hours)	Interval during which all work is specifically prohibited
Non-Metropolitan Territories (cont.):		
<i>France (cont.)</i>		
<i>Réunion</i> †	11	10 p.m. – 5 a.m.
<i>Algeria</i> †	11	10 p.m. – 5 a.m.
Overseas and Associated Territories:		
<i>Comoro Islands</i> † .	11	8 p.m. – 6 a.m.
<i>French Polynesia</i> †	11	10 p.m. – 5 a.m.
<i>French Somaliland</i> †	11	10 p.m. – 5 a.m.
<i>New Caledonia</i> † .	11	8 p.m. – 5 a.m.

General Note. The names of countries which have ratified Convention No. 6 or Convention No. 90 and which have supplied reports under article 22 of the Constitution are printed in *italic type*. Countries which have reported on Convention No. 6 are indicated by the sign † and countries which have reported on Convention No. 90 by the sign §.

¹ *Federal Republic of Germany*: In undertakings where work is organised in shifts young persons over 16 years of age may be employed until 11 p.m. in alternate weeks; they may also be employed from 5 a.m. onwards in the early shift. (Section 16 (5) of the Protection of Young Workers' Act of 1938 and Nos. 46 and 47 of the Administrative Regulations thereunder.)

² *Guatemala*: See observation in Part II of this report under Convention No. 90.

³ *Italy*: See observation in Part II of this report under Convention No. 90.

⁴ *Philippines*: Section 5 (b) of Act No. 679 of 8 April 1952 provides that children employed at night shall be granted a rest period of at least 13 consecutive hours between two working periods. It is not clear whether this provision applies to children employed during the prohibited intervals between 10 p.m. and 6 a.m. or to all children (see observation in Part II of this report under Convention No. 90).

⁵ *Rumania*: See observation in Part II of this report under Convention No. 90.

41. The data assembled in table II show that, as regards the prohibited interval, both the requirements of Convention No. 90 and the more rigid requirements of Convention No. 6 are observed in practically all cases.

42. On the other hand, the length of the night rest prescribed in the two Conventions is less widely observed or, even where observed in actual practice (as certain governments state), is not expressly provided for in the legislation. This is the position in 15 member States and in one non-metropolitan territory in which the period of night rest falls one to six hours short of the 12 and 11 hours laid down in the two Conventions, respectively. It is true that where the hours of work of young persons are limited (as they are, for example, to six or even to four hours a day in several countries) and where young persons are not allowed to work overtime, they almost invariably enjoy, as an indirect result, a night rest of the length required by the Conventions, provided that the prohibited interval is observed. However, as the Committee has pointed out, exceptions to this rule are liable to occur in undertakings working in shifts, on a change of shifts.

Country	Over-all length of rest period (number of hours)	Interval during which all work is specifically prohibited
Non-Metropolitan Territories (cont.):		
<i>France (cont.)</i>		
<i>St. Pierre and Miquelon</i> † . .	11	10 p.m. – 7 a.m.
Trust Territory:		
<i>Togoland</i> † . . .	11	8 p.m. – 6 a.m.
Italy		
<i>Trust Territory of Somaliland</i> † . .	11	10 p.m. – 5 a.m.
Netherlands		
<i>Netherl. Antilles</i> §	10	8 p.m. – 6 a.m.

⁶ *United States*:

(a) In the states where the rest period is 12 to 13 hours work is prohibited during the following intervals: 6 p.m.–7 a.m.: Oklahoma, Utah; 7 p.m.–7 a.m.: Arizona and District of Columbia; 6 p.m.–6 a.m.: Michigan.

(b) In the states where the rest period is 9 hours work is prohibited during the following intervals: 9 p.m.–6 a.m.: Indiana, Kansas (factories; up to 21 years of age), New York (girls up to 21 years of age), North Carolina (girls) and Pennsylvania (girls); 10 p.m.–7 a.m.: Virginia (girls; either 10 p.m.–7 a.m. or 11 p.m.–7 a.m.) and Wyoming (girls).

(c) The rest period is fixed at 8 hours in the following states: Arkansas (boys); Connecticut, Kentucky, Louisiana (boys); Maryland (minors of 6 and 17 years of age attending school); Massachusetts (persons attending school), Michigan (boys); New Jersey; Ohio (boys), Puerto Rico; Tennessee.

(d) In the states where the rest period is 7 hours work is prohibited during the following intervals: 10 p.m.–5 a.m.: California and Florida; 11 p.m.–6 a.m.: Massachusetts (children not attending school) and Rhode Island; 12 p.m.–7 a.m.: Virginia (boys).

⁷ *Uruguay*: See observation in Part II of this report under Convention No. 90.

Definition of Period of Night Rest for Young Persons under 16 Years of Age

43. Article 2, paragraphs 1 and 2, of Convention No. 90 provides that the night period of at least 12 consecutive hours must in the case of young persons under 16 years of age include the interval between 10 p.m. and 6 a.m.⁹⁸ In the case of India and Pakistan this interval shall apply to young persons who have attained the age of 13 years but are under the age of 15 years (paragraph 4 of Articles 8 and 9 of Convention No. 90, respectively).

44. Table III gives a general picture of the position in those countries which prohibit night work only for persons under 16 years of age (or less in some cases) and in the countries which, while prohibiting it for all young persons under 18, prescribe special rest periods for those under 16 years of age.⁹⁹

⁹⁸ The night rest can thus begin as early as 6 p.m. or as late as 10 p.m.

⁹⁹ For explanation of signs in table III see General Note immediately following the table.

TABLE III. NIGHT REST PERIOD AND PROHIBITED INTERVAL FOR YOUNG PERSONS UNDER 16 YEARS OF AGE

Country	Age limit	Over-all length of rest period (number of hours)	Interval during which all work is specifically prohibited
<i>Albania</i> † ¹	16	8	10 p.m. – 6 a.m.
<i>Australia</i> ²	16	14 (Western Australia (girls)) 13¾ (Western Australia (boys)) 13 (Victoria (girls)) 12 10 (Victoria (boys))	6 p.m. – 8 a.m. 6 p.m. – 7.45 a.m. 6 p.m. – 7 a.m. 6 p.m. – 6 a.m. 9 p.m. – 7 a.m.

Country	Age limit	Over-all length of rest period (number of hours)	Interval during which all work is specifically prohibited
<i>Australia (cont.)</i> . .		9 (Tasmania (type-setters)) Not defined (South Australia, Tasmania)	9 p.m. – 6 a.m. after 9 p.m.
<i>Burma</i> †	15	12	6 p.m. – 6 a.m.
<i>Canada</i>	16	12½ (Ontario) 11 (Alberta, Newfoundland)	6.30 p.m. – 7 a.m. 9 p.m. – 8 a.m.

Footnotes on p. 24.

Country	Age limit	Over-all length of rest period (number of hours)	Interval during which all work is specifically prohibited
Canada (<i>cont.</i>) . . .		9 (Nova Scotia)	9 p.m. – 6 a.m.
China	16	10	8 p.m. – 6 a.m.
Czechoslovakia § ³ . .	16	8	10 p.m. – 6 a.m.
Finland	15	12	7 p.m. – 7 a.m.
	15-16	11	7 p.m. – 6 a.m.
Haiti § ⁴ (apprentices)	not specified	12	6 p.m. – 6 a.m.
Honduras	16	12	6 p.m. – 6 a.m.
Hungary †	16	8	10 p.m. – 6 a.m.
India † § ⁵ (factories)	15	12	10 p.m. – 6 a.m.
Indonesia	14	9	8 p.m. – 5 a.m.
Israel § †	16	12	6 p.m. – 6 a.m.
Luxembourg † † . . .	16	11	9.30 p.m. – 5.30 a.m.
Federation of Malaya ⁶	16	12	10 p.m. – 6 a.m.
Mexico § ⁷	16	10	8 p.m. – 6 a.m.
Morocco ⁸	16	11	10 p.m. – 5 a.m.
Netherlands § † . . .	16	12	10 p.m. – 6 a.m.
New Zealand	16	11 to 14	6 p.m. – 8 a.m. or 10 p.m. – 6 a.m.

Country	Age limit	Over-all length of rest period (number of hours)	Interval during which all work is specifically prohibited
Norway § †	16	12	9 p.m. – 6 a.m.
Pakistan † § ⁹ (factories)	15	11	7 p.m. – 6 a.m.
Philippines § †	16	12	6 p.m. – 6 a.m.
Spain ¹⁰ †	16	10	8 p.m. – 6 a.m.
Sudan	15	10	7 p.m. – 5 a.m.
Sweden †	16	11	7 p.m. – 6 a.m.
United Arab Republic	15	11	7 p.m. – 6 a.m.
United Kingdom † (mines)	16	11	9 p.m. – 6 a.m.
United States ¹¹ . . .	16 and less	12 to 15 (28 states)	see footnote 11(a)
		11½ (New Hampshire) ^{11(b)}	7 p.m. – 6.30 a.m.
		11 (10 states) ^{11(c)}	7 p.m. – 6 a.m.
		10½ (Florida) ^{11(d)}	8 p.m. – 6.30 a.m.
		10 (Michigan, Nebraska)	see footnote 11(e)
		9 (5 states)	see footnote 11(f)
		8½ (Florida) ^{11(g)}	10 p.m. – 6.30 a.m.
		7 (Texas: children under 15)	10 p.m. – 5 a.m.
		Not defined (Alabama, Colorado)	see footnote 11(h)
Yugoslavia § †	16	12	10 p.m. – 6 a.m.

General Note. The names of countries which have ratified Convention No. 6 or Convention No. 90 and supplied reports under article 22 of the Constitution, are printed in *italic type*. Countries which have reported on Convention No. 6 are indicated by the sign † and countries which have reported on Convention No. 90 by the sign §. Countries which, while prohibiting night work for all young persons under 18, prescribe special rest periods for those under 16 years of age, are indicated by the sign ‡.

¹ *Albania*: See observation in Part II of this report under Convention No. 6.

² *Australia*: A rest period of 12 hours is prescribed in New South Wales, Victoria (type-setters), Queensland and South Australia (type-setters).

³ *Czechoslovakia*: See observation in Part II of this report under Convention No. 90.

⁴ *Haiti*: See footnote 94.

⁵ *India*: Employment of children under 15 years of age in mines, and in occupations connected with the transport by a railway or at ports is prohibited (section 45 of the Mines Act, 1952, and section 3 (1) of the Employment of Children Act, 1938).

⁶ *Federation of Malaya*: The figures quoted are those applicable under the Employment Ordinance of 1955 to which the report, however, does not refer. Under the Children and Young Persons Ordinance and Rules of 1947, referred to by the Government, the prohibited interval for all young persons under 18 years is 8 p.m.–6 a.m. It is not clear which legislation applies in practice.

⁷ *Mexico*: Section 68 of the Federal Labour Act. In reply to an observation by the Committee of Experts the Government stated in 1959 that the Convention had acquired force of law and therefore had automatically amended section 68 of the Act. The Committee considered that in order to ensure that this is known to the persons concerned, a revised edition of the Act incorporating the amendment in question should be published.

⁸ *Morocco*: In undertakings for which exceptions are authorised the rest period may be reduced to ten hours.

⁹ *Pakistan*: Employment of children under 15 years of age in mines, railways, and ports is prohibited. As regards factories, see observation in Part II of this report under Convention No. 90.

¹⁰ *Spain*: See observation in Part II of this report on Convention No. 6.

¹¹ *United States*:

(a) The 28 states where rest periods of 12 to 15 hours apply are:

15 hours (5 p.m.–8 a.m.): New York (factories and canneries).
 14 hours (6 p.m.–8 a.m.): Puerto Rico.
 13 hours (6 p.m.–7 a.m.): Hawaii, Iowa, Kansas, Kentucky (under 15 years of age), New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Utah, Virginia, Wisconsin.
 12½ hours (6 p.m. – 6.30 a.m.): Massachusetts (work for which a permit is required).
 12 hours (7 p.m. – 7 a.m.): Alabama (during regular school term), Arizona, District of Columbia, Illinois, Maryland, Minnesota, Missouri (on nights preceding schooldays), New Mexico, North Dakota, Pennsylvania, Rhode Island, Tennessee, Wyoming.

(b) New Hampshire: except during summer vacation.

(c) Alaska, Arkansas, Colorado (for children under 14; 8 p.m.–7 a.m.), Delaware, Indiana, Kentucky (for children between 15 and 16; 8 p.m.–7 a.m.), Louisiana, Mississippi, Vermont, Washington.

(d) Florida: except children of 14 and 15 when there is no school the following day.

(e) 9 p.m.–7 a.m.: Michigan (children of 14 and 15);

8 p.m.–6 a.m.: Nebraska.

(f) 9 p.m.–6 a.m.: Georgia, Idaho. 10 p.m.–7 a.m.: Missouri (except on nights preceding school days). 8 p.m.–5 a.m.: South Carolina, West Virginia.

(g) Florida: children of 14 and 15 years of age when there is no school the following day.

(h) After 7 p.m.–Alabama (except during school term).
 After 8 p.m.–Colorado.

45. The data assembled in tables II and III show the position concerning the prohibition of night work by young persons under 16 years of age to be as follows : one-third of the reporting States have legislation fully satisfying the requirements of Convention No. 90 both as regards the over-all length of the period of night rest and as regards the interval when work is specifically prohibited. On the other hand, in about one-third of the States neither of these requirements of Convention No. 90 are met ; however, the standards of Convention No. 6 for young persons under 18 years of age are given effect to in all these cases as regards the prohibited interval and in a majority of these cases as regards the length of the night rest. The legislation of the remaining countries meets the requirements of Convention No. 90 as regards the prohibited interval but falls short of the 12 hours laid down for the length of the night rest and even, in several cases, of the 11 hours laid down in Convention No. 6 for all young persons.

Exceptions to Night Work Prohibition

46. *Continuous work.* Article 2, paragraph 2, of Convention No. 6 provides that young persons over 16 years of age may be employed at night on work which is required to be carried on continuously day and night ; the five groups of undertakings enumerated are in the iron and steel, glass, paper, sugar and gold mining industry. Paragraphs 2 and 3 of Article 3 of Convention No. 90, without specifying industries or processes, provide that the competent authority may authorise the employment at night of young persons over 16 in industries or occupations which are required to be carried on continuously, for the purposes of apprenticeship or vocational training, after consultation with the employers' and workers' organisations concerned and on condition that young persons thus employed are granted a rest period of at least 13 consecutive hours between two working periods.

47. The majority of the reporting countries do not appear to authorise any exceptions from the night work prohibition for continuous work. Several countries¹⁰⁰ have provisions in their legislation which are identical or similar to that of Convention No. 6 ; in some of these cases the exception is applied only in one, two or several of the industries enumerated in the Convention ; in all these countries the exception in question is allowed for male young persons only ; additional conditions for the application of this exception are imposed in some cases (limitations in time, consultation of various authorities before granting permission, medical examination, safety and health measures, etc.).

48. In several countries¹⁰¹ the exceptions permitted under the relevant laws and regulations in the case of operations to be carried out in undertakings working continuously are not expressly limited to the five industries specified in Convention No. 6.

49. In one country the law provides that young persons over 16 years of age may be assigned to night work in the sectors of production specified in a special order.¹⁰² In another country continuous processes are mentioned among those types of work for which exceptions may be authorised by a special decree, but there is no information as to whether such a decree has been issued.¹⁰³

50. In several countries the employment of young persons at night in undertakings working continuously may be authorised only for the purposes of apprenticeship or vocational training. In two of them, however, the requirements of Convention No. 90 as to consultation with employers' and workers' organisations and the period of rest of at least 13 consecutive hours are not observed¹⁰⁴ and in one of these two countries the age of admission to night work is lower than that specified in either Convention.¹⁰⁵ In two countries the exceptions permitted for the purposes of vocational training are not limited to undertakings working continuously.¹⁰⁶ Three countries¹⁰⁷ have exceptions for continuous work similar to those authorised by Convention No. 90.

51. *Coal and lignite mines.* Under Article 3, paragraph 2, of Convention No. 6 night work of young persons is permitted in coal and lignite mines, provided that their work periods are separated by an interval of ordinarily 15 hours and never less than 13 hours.

52. Only four countries have legislation containing such an exception. In three of these countries the conditions laid down in the Convention are observed¹⁰⁸, while in one country the legislation does not prescribe the interval of at least 13 hours separating the work periods.¹⁰⁹

53. *Baking industry.* Article 3, paragraph 3, of Convention No. 6 and Article 3, paragraph 4, of Convention No. 90 provide that, where night work in the baking industry is prohibited for all workers, the interval 9 p.m. to 4 a.m. may be substituted in bakeries for the regular interval. Convention No. 90 authorises this exception only for young persons who have reached the age of 16 years and limits it to cases of apprenticeship or vocational training.

54. Only nine reporting countries have legislation authorising exceptions for bakeries. In five cases the prohibited interval is in conformity with that prescribed in the Conventions¹¹⁰ ; on the other hand, in some countries young persons may start work earlier

¹⁰² Rumania (section 85 of the Labour Code of 1950, as amended in 1956); according to the Government no such Orders have been issued.

¹⁰³ Netherlands : Netherlands Antilles (section 20 of the Decree of 22 August 1952).

¹⁰⁴ Denmark (Workers' Protection Act of 11 June 1954, section 43, paragraph 1); Finland (Act of 31 July 1929, section 7).

¹⁰⁵ Finland—15 years (Act of 31 July 1929, sections 2 and 7).

¹⁰⁶ Norway (Workers' Protection Act of 1956, section 36); Pakistan (Employment of Children (Railways and Ports) Rules of 1955, section 8, and Consolidated Mines Rules of 1952 as amended in 1953, Rule 13; see observation in Part II of this report under Convention No. 90).

¹⁰⁷ India (the exception is authorised for railways and major ports only), Israel (the age of admission is 17 years and the period of continuous rest is 14 hours), Yugoslavia.

¹⁰⁸ Belgium, Ireland and United Kingdom.

¹⁰⁹ France (sections 27 and 28 of the Labour Code authorising work in specified mines from 4 a.m. to midnight, and work underground in mines working on two shifts from 4 a.m. to 10 p.m. for male children).

¹¹⁰ Austria, Denmark, Italy, Luxembourg and Sweden.

¹⁰⁰ For example: *Member States*: Belgium, Chile, France, Greece, Ireland, Italy, Luxembourg, Switzerland, United Kingdom. *Non-metropolitan territories*: France: Algeria; Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion.

¹⁰¹ For example: *Member States*: United States (Delaware: State Child-Labor Law). *Non-metropolitan territories*: France: Republic of Dahomey, French Somaliland, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, St. Pierre and Miquelon, Republic of Senegal, Sudanese Republic; Togoland, Republic of the Upper Volta: Local Orders issued under articles 113 and 114 of the Overseas Labour Code; in reply to observations by the Committee of Experts the Government has stated that the Local Orders will be brought into conformity with the Convention.

than 4 a.m. or finish it later than 9 p.m.¹¹¹; finally, in one case, although the normal interval during which night work in bakeries is prohibited is in conformity with the Conventions, young persons may be authorised to work at night in certain bakers' and pastry-cooks' establishments where night work is permitted.¹¹²

55. The age limit of 16 years provided for in Convention No. 90 is observed in five countries¹¹³; in one country it is fixed at 15 years¹¹⁴ and in three countries the exception in question appears to apply to all young persons under 18 years of age.¹¹⁵

56. It may be noted that on the whole in none of the reporting countries which make use of the exception for bakeries are the relevant provisions in full conformity with those of Convention No. 90 and only, in four countries do they appear to comply fully with the requirements of Convention No. 6.

57. *Tropical countries.* Article 3, paragraph 4, of Convention No. 6 and Article 4, paragraph 1, of Convention No. 90 authorise the shortening of the prohibited night period in tropical countries if compensatory rest is accorded during the day.

58. A provision authorising such exceptions is contained in the legislation of one reporting country.¹¹⁶ Another country refers to the possibility of making use of the exception.¹¹⁷ A third country mentions in this connection the desirability of authorising exceptions during the period of Ramadan, when it is preferable to work at night rather than during the day.¹¹⁸

59. *Emergencies interfering with the working of the undertaking.* Article 4 of Convention No. 6 and Article 4, paragraph 2, of Convention No. 90 allow a temporary exception from the prohibition of night work for young persons between 16 and 18 years of age in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character and which interfere with the normal working of the undertaking.

60. A considerable number of reporting countries make use of this exception in identical or similar terms¹¹⁹, the legislation of some of them imposing additional conditions such as the requirement to give notice to the competent authority, to obtain special permits, limitation of the exception to a specified number of nights during the year, regulation of working hours, granting of an uninterrupted rest period, etc.

¹¹¹ *Member States* : Czechoslovakia and France (see observations in respect of these countries in Part II of this report under Conventions No. 90 and No. 6 respectively). *Non-metropolitan territories* : France : Algeria; Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion (see above under France).

¹¹² Federal Republic of Germany (section 16 (3) of the Protection of Young Persons Act of 1938).

¹¹³ Czechoslovakia, France, Federal Republic of Germany, Luxembourg, Sweden.

¹¹⁴ Austria.

¹¹⁵ Denmark, Ireland, Italy.

¹¹⁶ Italy: Trust Territory of Somaliland.

¹¹⁷ Viet-Nam; the report indicates that the period of rest accorded during the day is not less than two hours.

¹¹⁸ Tunisia; no such exception, however, is authorised by the legislation.

¹¹⁹ For example: *Member States* : Austria, Belgium (maximum 60 times during the year), Bulgaria, Cuba, Denmark, France, Greece, Italy, Luxembourg, Sweden, Switzerland (in arts and crafts), Turkey, United Kingdom (under the Mines and Quarries Act of 1954), United States (Wyoming), Venezuela, Viet-Nam, Yugoslavia. *Non-metropolitan territories* : France : all territories.

61. In several other countries the definition of "emergencies" is on the whole in accordance with that of the Conventions but the application of this exception is not expressly limited to young persons over 16 years of age.¹²⁰

62. A number of reporting countries allow exceptions in cases not covered by either Convention : e.g. for unforeseen pressure of work¹²¹, where trade exigencies so require¹²², in cases of hardship in the industry or in the individual establishment¹²³, and to prevent loss of raw materials or perishable goods.¹²⁴ In three countries the legislation provides for the possibility of authorising exceptions in respect of undertakings whose work is connected with national defence.¹²⁵ In a few countries the legislation authorises the employment of young persons at night in "exceptional" or "special" circumstances but the nature of these circumstances is not specified.¹²⁶ Finally, in several countries the granting of exemptions is left to the discretion of the competent authority¹²⁷ although in some of these cases the law provides that the health, safety and welfare of young persons should not be affected.

63. *Cases of serious emergency affecting the public interest.* Article 7 of Convention No. 6 and Article 5 of Convention No. 90 allow the suspension of the night work prohibition for young persons between 16 and 18 years of age, when in case of serious emergency the public interest demands it.

¹²⁰ For example: Finland, Federal Republic of Germany, India (railways and major ports; no rules to this effect provided for in the Employment of Children Act have yet been framed), Ireland, Japan, Morocco, El Salvador.

¹²¹ Australia (South Australia: Industrial Code, 1920-1958, Western Australia: Factories and Shops Act, 1920-1957; Tasmania: Factories Act, 1910).

¹²² Australia (New South Wales: Factories and Shops Act, 1912-1957, Queensland: Factories and Shops Acts, 1900-1958; these Acts provide for exemptions from the overtime restrictions ordinarily applicable to young persons); Canada (Ontario: Factory, Shop and Office Building Act), Quebec: Industrial and Commercial Establishments Act, Saskatchewan: Factories Act; where use is made of this exemption the period of night rest is shorter than normally prescribed).

¹²³ United States (Massachusetts: Child-Labor Laws).

¹²⁴ *Member States* : Australia (Tasmania: from December to April; Factories Act, 1910); Ghana (Labour Ordinance of 1948, section 81); Federal Republic of Germany (Protection of Young Persons Act of 30 April 1938, section 28 (1); the exception may be authorised where this is urgently necessary in the public interest); Morocco (subject to the limit of 60 to 90 days per year; Decree of 2 July 1947, section 15, and Vizirial Order of 8 March 1948, section 1); New Zealand (Factories Act, 1946, as amended, section 24 (3); the exception may be authorised if it is necessary because of climatic or other factors beyond the control of the occupier); United States (Child-Labor Laws of Delaware, Michigan, Mississippi, New Hampshire, New York (from 15 June to 15 October), Ohio (children over 16 years of age), Utah, Wyoming (girls over 16 years of age)); Viet-Nam (Labour Code, 1952, section 171). *Non-metropolitan territories* : France : St. Pierre and Miquelon (Local Order of 14 August 1954, section 5).

¹²⁵ France (section 22 (a) of the Labour Code); Spain (section 179 of the Contracts of Employment Act, 1944); United States (New York (for young persons over 16 years of age; information contained in the report)).

¹²⁶ For example: Netherlands (Labour Act, 1919, section 83 (7)); Sweden (section 33 (c) of the Workers' Protection Act, 1949); Venezuela (section 101 of the Labour Code, 1947).

¹²⁷ For example: *Member States* : Canada (Quebec: Industrial and Commercial Establishments Act, Saskatchewan Factories Act); Italy (section 2 of the Act of 1934); Morocco (for not more than 15 nights per year; section 15, paragraph 2, of the Decree of 1947); Tunisia (section 12 of the Act of 1950); United States (Child-Labor Laws of Florida, Washington and Wisconsin). *Non-metropolitan territories* : France : Gabon Republic (Local Order of 24 December 1953, section 3); the Government intends to amend this Order.

64. Specific provisions to this effect are contained in the laws of a number of reporting countries¹²⁸; however, the age limit is not always expressly fixed at 16 years as required by the Conventions.

65. In one country the law provides that a special decree shall be drafted, indicating the motives of public policy and the serious emergency which render suspension advisable.¹²⁹ Some reports indicate that in times of serious emergency, such as wartime, special legislation might apply.¹³⁰

66. The reports state generally that no use has been made of the exception.

MEDICAL EXAMINATION FOR FITNESS

Obligation to Carry Out Medical Examination and Relevant Age Prescribed

67. Convention No. 77 provides, in Article 2, paragraph 1, that children and young persons under 18 years of age shall not be admitted to employment by an industrial undertaking unless they have been found, by a thorough medical examination, to be fit for the work in which they are to be employed. Moreover, with respect to occupations which involve high health risks, the Convention lays down, in Article 4, paragraph 1, that the medical examination for fitness for employment shall be required until at least the age of 21 years. In the case of India¹³¹ the prescribed limits are, by virtue of Article 10, paragraph 1 (c) and (d), 16 and 19 years respectively.

68. In certain countries the obligation to carry out a medical examination for fitness exists for all workers, whatever their age; in some cases, this obligation covers all workers employed in industrial undertakings in general¹³²; in others, it covers either workers of certain specified industrial undertakings¹³³, or those subject to certain conditions of work.¹³⁴ On

the other hand, a few countries have indicated that there are, at the present, no provisions dealing with matters treated by the Convention.¹³⁵ In one country the medical examination for fitness for employment for young persons is optional.¹³⁶

69. If in certain countries¹³⁷ the medical examination for fitness for employment in industry is not generally required, the children undergo medical check-ups at regular intervals as part of their schooling, to that when they enter employment the persons concerned have useful indications concerning their state of health. It should be noted, finally, that in certain countries a medical examination is only required for apprentices.¹³⁸

70. In a number of countries which demand a medical examination for young workers the age limit prescribed for this examination is, in general or in special cases, higher than that required by the Convention.¹³⁹ However, a large number of countries¹⁴⁰

¹²⁵ Chile, Ghana and Iceland have indicated that, at present, no legislative provisions regulate the subject matter of the Convention. The same is true of Honduras, where, however, certain administrative measures were taken in 1958 by the General Directorate of Social Security in the most important industrial centres (Tegucigalpa, Comayagüela). Finally, the Federation of Malaya indicates that only children and young persons who take part in public displays or who are employed in non-manual labour in public establishments—all activities which are covered by the provisions of Convention No. 78 rather than No. 77—are subject to a compulsory medical examination.

¹²⁶ United States (nine states: Maine, Michigan, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Utah and Wisconsin (except in the city of Milwaukee where the examination is obligatory for young people of less than 18 years of age)).

¹²⁷ More particularly, in the Federal Republic of Germany and in Switzerland.

¹²⁸ This is the case for example in the following countries: Canada (Alberta: Regulation 114 of 15 October 1957, Manitoba: Regulation 21 of 14 November 1945, Quebec: for apprentices in printing works, by decrees in virtue of the Law on Collective Agreements); Haiti (Act of 4 September 1947); Union of South Africa (Act No. 37 of 1944).

¹²⁹ For instance: Belgium (21 years: section 107 of the General Labour Protection Regulations of 11 February 1946 and section 34 of the Order of 25 September 1947 for the supervision of safety and hygiene in underground mines and quarries); Greece (20 years for apprentices: sections 2 and 3 of the Decree of 3 June 1952 on the training of industrial apprentices); Italy (21 years for persons of the female sex only: section 8 of the Act of 26 April 1934 concerning the protection of women and child workers); India (18 years: section 69 of the Factories Act of 23 September 1948, and section 40 of the Mines Act of 15 March 1952); Pakistan (17 years: section 52 of the Factories Act of 20 August 1934, as amended on 16 January 1950, and section 26A of the Mines Act of 23 February 1923).

¹⁴⁰ This is the case, for instance, in the following Member States: Argentina (Decree of 26 March 1949 to provide for the medical examination of young persons); Burma (sections 76 and 77 of the Factories Act, 1951; sections 53 and 54 of the Oilfields Act of 1951 and section 26A of the Mines Act, 1923, as amended up to 3 February 1955); Byelorussia (see below under U.S.S.R.); Canada (for inland navigation: Federal Act on the Merchant Marine, 1934); Cuba (section 12 of the Legislative Decree of 27 May 1953); Denmark (section 41 (1) of the Act of 11 June 1954 respecting workers' protection); Dominican Republic (section 226 of the Order to apply the Labour Code of 11 June 1951); Federal Republic of Germany (Ordinance of 24 June 1958 respecting the employment of young persons in process engraving, and Glassworks Ordinance of 23 December 1958) and Lower Saxony (section 9 of Act of 9 December 1948 respecting the protection of young workers, amended by the Acts of 16 May 1949 and 21 June 1951); Hungary (section 101 (3) of the Legislative Decree No. 7 of 1951 promulgating the Labour Code, as amended by Legislative Decree No. 25 of 1953); India (section 69 of the Factories Act of 1948, and section 40 of the Mines Act of 1952); Iraq (section 18 (a) of the Regulations of 1937 concerning workshops and factories); Ireland (section 80 (1) of the Factories Act, 1955); Israel (section 11 (a) of the Act of 15 July 1953 on the Employment of Children and Young Persons); Netherlands (for young persons in general [male and female workers of less than 18 years

¹²⁸ For example: *Member States*: Belgium, Brazil, Greece, India (factories), Ireland (mines and transport), Israel, Italy, Luxembourg, Switzerland, Turkey, United Kingdom, United States (Connecticut, Maryland, New Mexico), Venezuela, Yugoslavia. *Non-metropolitan territories*: Italy: Trust Territory of Somaliland.

¹²⁹ Cuba.

¹³⁰ For example: *Member States*: Australia, Dominican Republic. *Non-metropolitan territories*: Netherlands: Netherlands Antilles (the Government stated that in case of national catastrophe the relevant Ordinance as a whole could be temporarily suspended).

¹³¹ At the time of the adoption of Convention No. 77 Pakistan was part of India.

¹³² For example: Bulgaria (section 120 of the Labour Code of 13 November 1951 and section 1 of the Ordinance of 7 September 1958); Costa Rica (section 71f of the Labour Code of 27 August 1943); Iraq (section 47 of the Labour Act No. 1 of 1958, as amended); Mexico (section 15 of the Regulations concerning health of workers of 13 February 1946); Yugoslavia (section 50 of the Act of 24 November 1954 respecting health insurance for wage and salary earners, and section 130 of the Act of 12 December 1957 respecting employment relationships).

¹³³ For example: France (section 11 of the Decree of 27 November 1952 applying the Act on the Organisation of Medical Services for Workers of 1946, the Act of 15 March 1955 on Transport Undertakings of and the Mines and Quarries Act of 6 January 1959); Japan (section 52 of the Act of 5 April 1947 on Conditions of Work; Morocco (section 10 of the Decree of 8 February 1958 applying the Dahir of 8 July 1957 concerning the organisation of medical services for workers); New Zealand (for government railway staff, by virtue of Regulations issued in 1953).

¹³⁴ For example: Iran (section 81 of the Social Insurance for Workers Act of 16 July 1955); El Salvador (section 4 of the Decree of 31 May 1956 applying the Law on Workers' Social Security and Health).

have adopted the limit of 18 years laid down in Convention No. 77. In one country¹⁴¹ the legislation requires that minors of less than 18 years of age must, before entering into employment, obtain a certificate or work permit which shall not be issued unless they possess the necessary physical fitness.

71. A lower age limit than that required by the Convention has been fixed by the legislation of several countries.¹⁴²

72. For occupations involving high health risks (Article 4 of the Convention), the limit of 21 years prescribed by the Convention is observed in certain countries.¹⁴³ In all countries where the medical examination for fitness is required for all workers employed in industrial undertakings, industries involving high health risks are covered *ipso facto*.¹⁴⁴ Simi-

larly, in the countries where all workers are subject to a medical examination in certain determined industries which are unhealthy or dangerous, persons under 21 years are also automatically covered against the risks involved.¹⁴⁵

73. On the other hand, certain States specify a lower limit than that fixed by Convention No. 77 for unhealthy or dangerous occupations.¹⁴⁶ It should be added, however, that if the limit of 21 years laid down by the Convention for the medical examination for admission to employment in undertakings involving high risks has not been adopted by a number of States, several countries have prohibited the employment of young people in certain of these undertakings.¹⁴⁷

Medical Examination Procedure

74. According to Article 2, paragraph 2, of Convention No. 77, the medical examination shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook; the document certifying fitness for employment may be issued either subject to specified conditions of employment, or for a specified job or group of jobs or occupations involving similar health risks (Article 2, paragraph 3); the medical examinations shall not involve the child or young person, or his parents, in any expense (Article 5); national laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined, of temporary work permits or medical certificates valid for a limited period, or stipulating special conditions of employment (Article 6, paragraph 3).

75. In the great majority of cases the requirements of Convention No. 77 in respect of the qualifications and approval of physicians entrusted with ascertaining fitness for employment are observed. In certain countries this task is performed by industrial physicians or by doctors appointed by the authority respon-

of age according to the definition of section 8 (e) and (f) of the Labour Law of 14 June 1930], section 35 (3) of the Order on Work of Women and Young Persons of 25 September 1933); New Zealand (for inland navigation: section 49 of the Shipping and Seamen Act of 23 October 1952); Philippines (section 4 (a) of the Employment of Women and Children Act of 1952); Poland (sections 1 and 4 (1) of the Ordinance of 30 April 1959); Spain (section 178 of the Act of 26 January 1944 respecting contracts of employment); Sweden (section 27 of the Workers' Protection Act of 23 January 1949); Tunisia (in practice, it seems, in professional training centres); Turkey (section 60 of the Labour Code of 8 June 1936); Ukraine and U.S.S.R. (sections 14 and 15 of the Instruction of the People's Commissariat of Health of the U.S.S.R. of 29 May 1944); United Kingdom (especially section 99 (3) of the Factories Act of 1937, and Rule 8 of the Certificate of Fitness of Young Persons Regulations of 1948); United States (in the following states: North Carolina, Indiana, Georgia, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Puerto Rico, Virginia); Uruguay (sections 227 and 228 of the Children's Code of 6 April 1934); Venezuela (section 93 of the Act of 30 December 1949 respecting the status of young persons); Viet-Nam (optional: section 210 of the Labour Code of 1952).

¹⁴¹ Haiti (sections 1 and 3 of the Act of 6 August 1947 on the Work of Children and Young Persons).

¹⁴² For instance: Australia (New South Wales, Queensland and Victoria: 16 years, according to the Factories and Shops Acts for the first two states and, for Victoria, the Labour and Industry Acts); China (14 years apparently, by virtue of section 18 of the Amended Regulations of 30 December 1932); Finland (15 years: section 4 of the Act of 31 July 1929 respecting the employment of children and young persons); Greece (16 years: section 14 of Act No. 4029 of 1912 respecting the employment of women and young persons); Italy (15 years for young persons (male): sections 3 and 8 of the Act of 26 April 1934; the Committee of Experts has drawn the Government's attention to this discrepancy); New Zealand (16 years: section 37 (2) of the Factories Act of 1946); Norway (16 years: section 35 of the Workers' Protection Act; however, this limit may be raised to 18 years by Royal Decree); Peru (14 years: section 2 of the Act of 23 November 1918 respecting the employment of women and children); Switzerland (15 years: section 12 of the Regulations of 24 February 1940 to apply the Act of 24 June 1938 respecting the minimum age for employment confers power on the cantons to admit children to certain types of employment, but subject to a medical certificate); Thailand (16 years: section 41 of the Proclamation of 20 December of the Ministry of the Interior respecting, in particular, conditions of child labour); Tunisia (section 11 of the Decree of 6 April 1950 respecting, in particular, the employment of children in industrial undertakings); United Arab Republic (15 years: section 126 of Act No. 91 of 1959 promulgating the Labour Code in industries and works as determined by Order of the Minister of Social Affairs and Labour); United States (in the following states: Alabama: 17 years (18 and 19 in the case of mines and quarries), Arizona, California, District of Columbia, Connecticut, Florida, Illinois, Iowa, Louisiana, Massachusetts, Minnesota, New Hampshire, Tennessee, Vermont, West Virginia: 16 years).

¹⁴³ For instance: Australia (according to the legislation of several states, in particular for mines, or by virtue of regulations issued by the competent authorities); Ireland (according to the regulations of the Ministry of Industry and Commerce, to be made under section 80 (9) of the Factories Act of 1955); Netherlands (for stonemasons: section 3 (1) of the Decree promulgating the Stonemasons Act of 1911).

¹⁴⁴ This is also the case for Belgium where the limit of the examinations is 21 years for all workers.

¹⁴⁵ This is in particular the case for the following countries: Federal Republic of Germany (mines: Police Regulations of 23 May 1940, zinc factories: Notification of 13 December 1912, handling of Thomas meal: Ordinance of 30 January 1931, occupations exposed to X-rays: Ordinance of 7 February 1941); Italy (in particular the production of poisonous and infectious substances: Ministerial Decree of 22 March 1929); Netherlands (occupations exposed to ionising radiations: Decree of 1957); Poland (particularly: lead foundries, the production of mercury and allied products: Orders of 30 July 1953, industrial radiology laboratories: Order of 6 August 1952; zinc foundries: Order of 1 October 1953, etc.); Switzerland (work involving danger of silicosis: Ordinance of 3 September 1948).

¹⁴⁶ For instance: Finland (18 years: section 2 of the Ordinance of 14 March 1919 concerning, in particular, glass works, sugar refineries, cellulose factories, etc.); Norway (19 years: section 35 of the Workers' Protection Act of 1956; this limit may, however, be carried to 21 years by Royal Decree); Union of South Africa (20 years for electrical wiremen by virtue of the Act of 1939 concerning this category of workers).

¹⁴⁷ For instance: Austria (18 years: for the occupations enumerated by the Order of 25 October 1954 on occupations prohibited to young persons); Brazil (18 years); China (16 years); Finland (exclusion of children and young persons from dangerous occupations as determined by the regulations of the Council of State); Iran (18 years); New Zealand (21 years: for certain occupations in mines); Norway (18 years); Peru (18 years: mines); El Salvador (18 years); Sweden (18 years); Tunisia (16 years); Turkey (18 years); United Kingdom (21 years in public road transport); United States (according to the Government's report young persons are, generally, excluded from occupations presenting high risks); Uruguay (18 years); Byelorussia, Ukraine and U.S.S.R. (18 years); and Venezuela (18 years).

sible for labour inspection¹⁴⁸; elsewhere, public health doctors are entrusted with the examinations¹⁴⁹; while in other cases still, this is done by physicians approved by certain competent authorities or organisations.¹⁵⁰ In some countries the medical examination for fitness is conducted by school doctors.¹⁵¹

76. Some governments state that the examination is performed in the medical services within undertakings or in public health institutions (e.g. hospitals) connected with the undertaking.¹⁵² Other governments merely state that the examination is conducted by qualified practitioners.¹⁵³ Finally, in some countries, any doctor qualified to practise may conduct the medical examination for fitness for employment¹⁵⁴ and in others the choice of physician is left to the employer.¹⁵⁵

77. The certification of a medical examination for fitness for employment by a medical certificate or by an endorsement on the work permit, etc., seems to be the general rule in the reporting States. In two countries¹⁵⁶ no provision seems to require the certification of the result of the examination in any special document. The prescribed form for the document certifying the examination varies from country to country: most countries refer to a medical certificate¹⁵⁷; in three countries¹⁵⁸ young persons must wear, during work, insignia indicating that they have obtained a medical certificate attesting their fitness for employment. Certain other countries demand that the medical certificate be entered in the work book or mentioned on the identity card of the worker.¹⁵⁹ A number of countries refer to cards or health

booklets¹⁶⁰; one country¹⁶¹ requires the fitness for work to be stated in a report.

78. Several countries¹⁶² have, moreover, specified in accordance with Article 2, paragraph 4, of Convention No. 77, the authority competent to issue the document certifying fitness for employment; in most cases, this is the Ministry responsible for the enforcement of labour legislation (Ministry of Labour, of Social Affairs, Public Health, Social Security, etc.).

79. The prescribing of certain conditions of employment in the document certifying fitness, or the issue of this document for a specified occupation or a group of occupations or occupations involving similar risks (Article 2, paragraph 3) is provided for in a certain number of States.¹⁶³ One country¹⁶⁴ indicates, without specifying whether a document must prescribe the conditions of employment, that the physician in charge of the medical examination can authorise the employment of a worker under certain conditions only.

80. As to Article 5 of the Convention, which provides that examinations (of fitness, periodical or exceptional) shall not involve the child or the young person, or his parents, in any expense, this seems to be applied to a large extent. A number of countries provide that all examinations be free of charge, whether they are examinations prior to employment or periodical examinations.¹⁶⁵ Two countries provide for free periodical examinations only.¹⁶⁶ The governments of two other countries indicate that examinations are not always completely free of charge.¹⁶⁷ Certain governments specify whether it is the employer who bears the cost of the examination or whether it is any particular organisation.¹⁶⁸ Finally, certain other governments¹⁶⁹ merely state that the medical certificate is free without specifying whether

¹⁴⁸ This is the case, in particular, for the following States: Brazil, Cuba, Denmark (for certain occupations only), France, Morocco, Netherlands, Philippines, Poland, Tunisia, United Kingdom (in respect of factories and mines other than coal mines), Venezuela (in the absence of labour physicians, the examination is conducted by doctors appointed by the Minister of Health and Social Assistance).

¹⁴⁹ For instance in Argentina, Guatemala, Italy, New Zealand and Yugoslavia.

¹⁵⁰ For example: Dominican Republic (government physicians); Greece (municipal physicians); India and Pakistan (physicians appointed by the Government); Israel (physicians in the district medical service); El Salvador (chief physician of the Division of Health in Industry of the National Department of Social Welfare); Switzerland (physicians of the National Accident Insurance Fund, for undertakings where there is a risk of silicosis); United States (in most states, physicians appointed by the health or labour departments or by other competent authorities); Uruguay (physicians appointed by the Children's Council).

¹⁵¹ For instance in Peru, Sweden and in certain states of the United States.

¹⁵² This is the case, for example, in Bulgaria, Byelorussia, Hungary, Turkey (plant physicians), Ukraine, U.S.S.R., Viet-Nam (in undertakings of more than 500 workers).

¹⁵³ For instance: Australia (New South Wales), Austria (for examinations required for occupations involving risks of occupational disease), Iraq, Thailand, Spain.

¹⁵⁴ This is the case in Denmark (except for certain occupations), and in Norway.

¹⁵⁵ For instance: Belgium (where, however, regulations in line with this provision of the Convention are envisaged), Federal Republic of Germany (Lower Saxony), Japan.

¹⁵⁶ Japan and Yugoslavia.

¹⁵⁷ For instance: Brazil, Bulgaria, Cuba, Denmark, Dominican Republic, Finland, Guatemala, Hungary, Iran, Ireland, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Spain, Switzerland (for workers exposed to risk of silicosis), Thailand, Union of South Africa (for apprentices and fitters of electrical wires), United Kingdom, United States (in most of the states), Uruguay, Venezuela.

¹⁵⁸ Burma, India, Pakistan.

¹⁵⁹ For instance: Greece, Iraq, Israel, Italy, Sweden, United Arab Republic.

¹⁶⁰ For instance: Argentina, Belgium, Byelorussia, France, Mexico, Portugal, Ukraine, U.S.S.R., Viet-Nam (for undertakings of more than 500 workers).

¹⁶¹ Turkey.

¹⁶² This is in particular the case for: Argentina, Brazil, Burma, Byelorussia, Cuba, France, Greece, Guatemala, Ireland, Israel, Italy, Mexico, Netherlands, Ukraine, United Arab Republic, U.S.S.R.

¹⁶³ For instance: Burma, Byelorussia, France, Guatemala, India, Ireland, Israel, Italy, Mexico, Netherlands, Poland, Philippines, Portugal, Sweden, United Kingdom, United States (in certain states the certifying physician must indicate in the certificate the occupations appropriate for the health of the prospective worker), Ukraine, U.S.S.R.

¹⁶⁴ Union of South Africa.

¹⁶⁵ This is, in particular, the case for the following countries: Australia (for all young persons in Western Australia and New South Wales; in all states examinations are free for public servants and mineworkers), Belgium, Bulgaria, Byelorussia, Denmark, France, Federal Republic of Germany (Lower Saxony), Guatemala, Hungary, Iraq, Israel, Italy, Japan (in practice gratis, but absence of legislative provisions), Morocco, Netherlands (for stone cutters), Norway, Philippines, Poland, Switzerland (for workers exposed to silicosis), Turkey, Ukraine, Union of South Africa (for apprentices), United States (for public officials and in most states for all young persons), U.S.S.R.

¹⁶⁶ Thailand, Yugoslavia.

¹⁶⁷ In Finland the examination is only free of charge for children under 15 years of age; in Sweden the cost of the first medical examination sometimes falls on the young worker.

¹⁶⁸ For example: Austria, Denmark and Finland (for these three countries: the employer); Federal Republic of Germany (the employer for examinations for admission, the health administration for the periodical examinations); Norway (the employer or social insurance scheme); Yugoslavia (the employer, sickness insurance or people's committees).

¹⁶⁹ This is, for instance, the case for the following countries: Argentina, Brazil, Burma, Cuba, Dominican Republic, Greece, India, Italy, New Zealand, Pakistan, Peru, Spain, Uruguay, Venezuela.

the medical examination involves expenses for the young prospective workers.

81. Very little information has been supplied concerning the issue of work permits or temporary medical certificates or certificates specifying particular conditions of employment (Article 6, paragraph 3). However, certain countries make reference to temporary work permits.¹⁷⁰ Finally, a number of countries make mention of permits or certificates prescribing special conditions of employment.¹⁷¹

Renewal of Medical Examination

82. Article 3 of the Convention provides that the fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision, until he has attained the age of 18 years, at intervals of not more than one year. The legislation shall either make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals, or empower the competent authority to require medical re-examinations in exceptional cases. For occupations involving high health risks, re-examination for fitness shall be required until at least the age of 21 years (Article 4).

83. It appears from the information furnished that a certain number of countries provide for annual re-examinations for all workers irrespective of age.¹⁷² Some States observe in the case of yearly re-examination the level of 18 years fixed by the Convention¹⁷³; one State provides for renewal until 21 years.¹⁷⁴ However, two other countries provide for the yearly re-examination only for young persons of ages lower than the limit of 18 years laid down by the Convention.¹⁷⁵

84. If certain countries have adopted more frequent medical examinations for all young workers or for those employed in specific industries or circumstances¹⁷⁶, the interval of one year prescribed by the Convention is not observed in other countries.¹⁷⁷

¹⁷⁰ For instance: Cuba, Ireland (temporary permits are issued for 21 days at the most, to permit the physician to collect supplementary information to determine fitness), Israel, United Kingdom, United States (in certain states).

¹⁷¹ For instance: Cuba, France, Israel, Sweden, United Kingdom, Yugoslavia.

¹⁷² For instance: Canada (in shipping, including inland navigation), China, France, Ireland, Japan, Morocco, New Zealand (in inland navigation), Spain (in undertakings possessing a medical service), Viet-Nam (in undertakings of more than 500 workers).

¹⁷³ For instance: Argentina, Bulgaria, Burma, Byelorussia, Cuba, Federal Republic of Germany (Lower Saxony), Hungary, India, Portugal, Sweden (exemptions from annual re-examination can, however, be granted by the competent authorities in the case of occupations requiring a particularly small effort), Ukraine, U.S.S.R., Uruguay, Venezuela.

¹⁷⁴ Belgium.

¹⁷⁵ Iraq (in shipping, including inland navigation: 15 years); Norway (16 years; however, this age limit can be raised to 18 by Royal Decree).

¹⁷⁶ In particular in the following countries: Austria (every six months); Costa Rica (every six months in the food industry); France (every three months until 18 years); Greece (every six months until 16 years); Hungary (every six months for apprentices); Italy (every six months until 15 years in steel works and chemical and mechanical industries); Morocco (every three months until 18 years); Philippines (every six months until 18 years); Poland (every six months until 18 years); Tunisia (every six months until 16 years in undertakings of more than 50 workers); United Kingdom (every six months until 16 years for young persons doing shiftwork).

¹⁷⁷ For instance: Australia (New South Wales: every three years in the mines); Brazil (every two years); Mexico (every two years); Netherlands (every two years, apparently).

Yet other countries have adopted the principle of re-examination without specifying the interval between two examinations.¹⁷⁸

85. Although in a number of countries no legislative provisions require systematic medical supervision or periodical examinations for fitness for all workers of at least 18 years¹⁷⁹, some of these countries prescribe a medical examination in specified circumstances. These examinations are sometimes made at the request of the employers¹⁸⁰ or at the request of the competent authority.¹⁸¹

86. As provided for in Article 3, paragraph 3 (a), of the Convention certain countries lay down the special circumstances in which a medical examination must be carried out in addition to the normal periodical examination. Thus several countries demand a medical examination at every change of employment¹⁸²; others after absence for sickness or interruption of work for a certain period or because of the state of health of the young worker.¹⁸³ Finally, in certain countries, the competent authority has, as laid down in Article 3, paragraph 3 (b), of the Convention, the power to demand exceptional re-examinations.¹⁸⁴

87. As regards the provision which requires renewal, at intervals of one year or less, of examinations for young persons under 21 years of age doing work involving high health risks, this is only given full effect to, in so far as the prescribed age limit is concerned, by a limited number of States.¹⁸⁵

88. On the other hand, many countries require a periodical medical examination, at least yearly, in unhealthy industries, for all workers without consideration of age. The unhealthy occupations in which periodical examinations, at least once a year, are required, have been either specified in detail, as laid down in paragraph 2 of Article 4, indicating, for each risk, the interval between examinations, or laid down by special legislative provisions which only cover one or several types of risks.¹⁸⁶

¹⁷⁸ This is the case, in particular, in the following countries: Iran, El Salvador, United States (certain states), Yugoslavia.

¹⁷⁹ For example: Australia, Canada, Costa Rica, Denmark, Dominican Republic, Finland, Italy, Netherlands, Sudan, Switzerland, Thailand, Turkey.

¹⁸⁰ For example in Costa Rica, Dominican Republic.

¹⁸¹ In particular, in Costa Rica, Denmark, Finland.

¹⁸² For instance: Belgium; Cuba; New Zealand (until 16 years and at the moment when the person reaches 16 years of age); United Kingdom (for young workers doing shiftwork); United States (in certain states); Yugoslavia.

¹⁸³ This is, in particular, the case in the following countries: Burma, Byelorussia, Cuba, India, Ukraine and U.S.S.R. (in these six countries, whenever necessary in view of the worker's state of health or the nature of his occupation); France and Morocco (after absence because of occupational disease or after repeated absence); Spain (after absence of more than 15 days, or at the request of the worker, or if a decrease in productivity is observed); Yugoslavia (after absence from work for more than six months).

¹⁸⁴ For instance: Belgium, Burma, Byelorussia, France, Guatemala, Japan, Pakistan, Philippines, Ukraine, U.S.S.R.

¹⁸⁵ For instance: Belgium (where the yearly examination until 21 is required for all industries and not only in unhealthy industries); Yugoslavia (in the People's Republics of Croatia and Slovenia the medical examination is renewed every three months for workers under 21 years of age).

¹⁸⁶ This is the case in the following countries: Austria (examination every three months or every month, particularly in lead foundries, lithography and the zinc industry); Byelorussia; Poland; Ukraine and U.S.S.R. (the intervals between two examinations vary in general between three months and one year); France (from one year to three months, or more frequently on medical advice); Iraq (monthly examination); Ireland (annually); Japan (every six months for workers exposed

89. Still other countries have adopted the principle of periodical medical examinations for all workers in unhealthy industries or for certain unhealthy occupations only, but the periodicity of these examinations is not clear from the available information.¹⁸⁷

90. Finally, in certain cases the obligation to conduct periodical examinations in unhealthy industries only covers young persons up to specified ages, which are lower than the norm of 21 years prescribed by the Convention.¹⁸⁸ It should be noted, however, that an absolute prohibition to employ young workers in unhealthy occupations exists, as has been seen in paragraph 31 above, in the legislation of some countries; the ages fixed for this exclusion vary, in general, from 16 to 21 years.

Vocational Guidance and Physical and Vocational Rehabilitation of Children and Young Persons

91. In its Article 6, paragraphs 1 and 2, Convention No. 77 provides that appropriate measures shall be taken by the competent authority for the vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations, and that, to determine the nature and extent of such measures, co-operation shall be established between the labour, health, educational and social services concerned.

92. In a certain number of countries, quite extensive effect is given to these provisions. The vocational guidance or physical and vocational rehabilitation of children and young persons is either carried out as part of the general measures adopted in this field, i.e. measures also applying to adults, or it may be specially intended for young workers, and operate in technical schools or in specialised institutions for young persons. It should be noted that these measures for vocational guidance and rehabilitation apply, as the case may be, to persons handicapped by certain physical disabilities (the deaf, blind and paralysed, for instance) or simply to young persons whose physical limitations for certain types of work have been discovered during a medical examination for fitness or during employment, through a periodical examination.

93. The practice or legislation of many countries provides for measures concerning vocational guidance

to risks of radiations); Mexico (one year to one month, according to the risks involved); Netherlands (one year to three months for occupations exposed to ionising radiations); Thailand (annually); Turkey (every six months).

¹⁸⁷ This is the case in the following countries: Australia (Western Australia; at intervals prescribed by the competent authorities); Bulgaria; Burma (by virtue of special regulations); Guatemala; Hungary (at intervals fixed by the Minister of Health); India and Pakistan (at the request of the competent authority); Italy (particularly for workers handling toxic or infectious materials); Morocco (on medical advice); Philippines (at the request of the Secretary of Labour); Spain; Sweden (periodical examinations in occupations exposing workers to the following substances: benzol, lead, silica, radium); Switzerland (for workers exposed to risk of silicosis, according to the prescriptions of the National Accident Insurance Fund); Tunisia (by order of the Minister of Social Welfare); United Kingdom (periodical examination for all workers exposed to risks of lead poisoning, renewed every three months for young persons); Yugoslavia (on the federal level, according to the decisions of the Executive Council of the Republic or of the people's committees of districts and towns).

¹⁸⁸ This is the case in the following countries: Netherlands (for stone cutters, annual examination until 18 years, and a check-up at 21 years); Norway (until 19 years, but this limit may be carried to 21 years by Royal Decree); United States (Alabama: until 19 years in mines, quarries and blast furnaces).

or rehabilitation of children and young persons.¹⁸⁹ Certain other countries take general measures concerning vocational guidance and rehabilitation, i.e. for adults as well as young workers, but they are sometimes limited, it would seem, to invalids and the physically disabled.¹⁹⁰

94. Finally, several governments have not supplied information on vocational guidance and physical and vocational rehabilitation of children and young persons, or have stated that no measures have been taken in their countries in this field.¹⁹¹

95. As regards the co-operation referred to in Article 6, paragraph 2, between the various competent services, in order to determine the scope of the measures to be adopted in the field of vocational guidance and rehabilitation, this is ensured in several countries.¹⁹²

MEASURES OF SUPERVISION FOR THE ENFORCEMENT OF THE PROTECTIVE STANDARDS

96. Conventions Nos. 5, 59, 77 and 90 prescribe the measures to be adopted to ensure their strict enforcement. These measures may be grouped under three general headings: the keeping of registers, the keeping of other official records, and the steps to be taken to facilitate compliance and inspection.

97. *Registers.* Article 4 of Conventions Nos. 5 and 59 requires every employer in an industrial undertaking to keep a register of all persons under the ages

¹⁸⁹ For example: Argentina (rehabilitation); Brazil (rehabilitation, but the competent national service is only in its organisational stage); Bulgaria, Byelorussia and U.S.S.R. (vocational guidance and rehabilitation in technical schools or special institutions for the rehabilitation of young persons with physical defects); Cuba (vocational guidance and rehabilitation by the National Office of Labour (women and children)); Denmark (vocational guidance); Dominican Republic (vocational guidance and rehabilitation by the National Employment Service); France (vocational guidance and rehabilitation and national schools for vocational training, for young persons from 14 to 17 years); Federal Republic of Germany (Lower Saxony) (guidance in schools); India (rehabilitation); Iraq (vocational guidance and rehabilitation); Israel (vocational guidance and rehabilitation); Norway (vocational guidance); Philippines (vocational guidance, rehabilitation and vocational retraining); Tunisia (vocational guidance when leaving school); Union of South Africa (vocational guidance and rehabilitation, but only for young workers who are Europeans); United Kingdom (vocational guidance in schools, and rehabilitation); United States (vocational guidance and rehabilitation).

¹⁹⁰ This is the case in the following countries: Australia (vocational guidance and rehabilitation for all workers, but optional); Belgium (vocational guidance and rehabilitation for disabled persons); Denmark (rehabilitation of invalids); Guatemala (vocational guidance and rehabilitation); Iran; Portugal; El Salvador (for these three latter countries, rehabilitation of victims of accidents); Spain (vocational guidance); United Arab Republic (invalids).

¹⁹¹ For example: China, Costa Rica, Finland, Greece, Ireland, Italy, Japan, Mexico, Morocco, Netherlands, New Zealand, Pakistan, Switzerland, Thailand, Turkey, Viet-Nam, Yugoslavia.

¹⁹² For example: Argentina (under the auspices of the Ministry of Public Health); Bulgaria (joint action of medical commissions of labour experts, health services and public assistance); Cuba (co-operation between labour, medical and social services); Iran (co-operation between the Social Insurance Organisation and employers); Israel (co-operation between the Ministries of Labour, Education and Social Welfare); El Salvador (co-operation between government and private organisations); Spain (co-operation between plant, physicians and employers); United Kingdom (co-operation between different government services: the Schools Medical Service, the Young Workers Employment Service, Rehabilitation Service for Disabled Persons of the Ministry of Labour, etc.); United States (co-operation between labour, medical, social and educational services).

of 16 and 18 years respectively, and of the dates of their birth.¹⁹³ Article 6, paragraph 1 (e), of Convention No. 90 contains a similar requirement for young persons under 18 years but permits the keeping, alternatively, of other official records¹⁹⁴ (see paragraph 99 below).

98. In a number of countries registers must be kept of all the workers employed in industrial undertakings, thus including automatically all young workers.¹⁹⁵ The legislation of other countries requires the keeping of registers of young workers under 16 years¹⁹⁶, 17 years¹⁹⁷, or 18 years¹⁹⁸ of age. In certain cases registers are prescribed but the age laid down in this connection is not clear.¹⁹⁹ There is also some doubt in certain other cases whether the relevant legislation requires the date of birth or the age to be indicated.²⁰⁰ Finally, in a few countries the legislation does not require the keeping of registers²⁰¹ or official records.²⁰²

99. *Other official records.* Under Article 6, paragraph 1 (e), of Convention No. 90, the employer should either keep a register or keep available official records showing the names and dates of birth of the young workers under 18 years employed by him. Under Article 7 of Convention No. 77 the records to be kept available are either the medical certificate or the work permit or work book showing that there are no medical objections to the employment of the young worker.

100. In many countries the legislation requires such official records to be kept in addition to or instead of the registers referred to in paragraph 98

¹⁹³ In the case of China, Convention No. 59 (Article 8, paragraph 4) fixes the relevant age at 16 years, leaving it to the competent authority to require evidence of the age of the young workers. In the case of India the keeping of a register is prescribed by Convention No. 5 but not by Convention No. 59.

¹⁹⁴ In the case of India and Pakistan, Convention No. 90 (paragraph 8 of Articles 8 and 9) fixes the relevant age at 17 years.

¹⁹⁵ For example: Brazil, Canada (Alberta, British Columbia, New Brunswick, Prince Edward Island, Quebec), China, Dominican Republic, Guatemala, India (Mines Act), Netherlands, Spain, Thailand, Yugoslavia.

¹⁹⁶ For example: Belgium, Canada (Manitoba, Nova Scotia, Ontario: 18 years for girls), Chile, Morocco, United Arab Republic, United States (certain states).

¹⁹⁷ For example: Australia (Victoria: mines), Canada (Newfoundland).

¹⁹⁸ For example: *Member States*: Australia (Commonwealth: Public Service Act; Capital Territory; New South Wales and Queensland: mines), Austria, Bulgaria, Ceylon, Costa Rica, Cuba, Czechoslovakia, Finland, Federal Republic of Germany, France, Ghana, Ireland, Israel, Japan, Luxembourg, Norway, Peru, Sweden, Switzerland, Turkey, United Kingdom, United States (certain states; federal legislation: 19 years), Venezuela. *Non-metropolitan territories*: France: States of the Community: Central African Republic, Republics of Chad, the Congo and Gabon (formerly French Equatorial Africa); Republic of Dahomey, Islamic Republic of Mauritania, Republics of the Ivory Coast, Niger, Senegal, Sudanese Republic and Republic of Upper Volta (formerly French West Africa); Malagasy Republic; Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion; Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon, Togoland; Algeria. *United Kingdom*: Guernsey, Jersey, Isle of Man.

¹⁹⁹ For example: Philippines, Poland, United Arab Republic, Uruguay.

²⁰⁰ For example: Burma, Greece, Honduras.

²⁰¹ This is in particular the case as regards Bolivia, Italy, Nicaragua and Rumania, which have ratified Convention Nos. 5 or No. 59. The Committee has drawn the attention of the governments concerned to the necessity of including appropriate provisions in their legislation.

²⁰² In the case of Guatemala and Italy, which have ratified Convention No. 90, the Committee has also drawn attention to the need for legislation on the matter.

above.²⁰³ There are, in particular, a considerable number of cases where medical documentation certifying fitness for employment is required.²⁰⁴

101. *Publicity and inspection.* Under Article 6, paragraph 1 (a), of Convention No. 90 the relevant laws and regulations must contain appropriate provision for ensuring that they are known to the persons concerned. Under paragraph 1 (b), (c) and (d) of the same Article the relevant legislation must define the persons responsible for compliance, prescribe adequate penalties for violations, and provide for the maintenance of an adequate inspection system. Article 7, paragraph 2, of Convention No. 77 leaves it to national laws or regulations to determine the methods of supervision which supplement the medical documentation requirements referred to in paragraph 99 above.

102. The laws and regulations in a number of countries contain special provisions requiring the employers to display copies of the relevant legal texts or prescribed abstracts thereof in some conspicuous position in the workplace²⁰⁵, to keep such copies at the place of employment²⁰⁶ or require the employer in a general form to bring the relevant provisions to the knowledge of young persons employed by him.²⁰⁷ Some reports refer in this connection to publicity through the press, radio, leaflets and booklets and diffusion of information through employers' and workers' organisations.²⁰⁸ Finally, the laws and regulations in all reporting countries are normally published in the Official Gazette or similar publications.

103. As regards inspection and related services this appears to be provided for in all the reporting countries, either through the general labour inspectorate²⁰⁹ or a specialised inspection service.²¹⁰ Sometimes the school authorities collaborate actively in the enforcement of the minimum age legislation.²¹¹

104. The legislation of most reporting countries prescribes either fines or imprisonment or both for violations of the relevant legislation. However, a few countries do not refer to such penalties.²¹²

²⁰³ For example: Albania, Brazil, Colombia, Denmark, Haiti, Hungary, Switzerland (factories), United States (about half the states). In the case of Colombia and Denmark, which have ratified Convention No. 5, the Committee of Experts has pointed out that the keeping of work books of young persons is not sufficient and that the legislation should also require registers to be kept.

²⁰⁴ For example: Austria, Belgium, Burma, Bulgaria, Byelorussia, China, Cuba, Denmark, Finland, France, Guatemala, Greece, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Spain, Sweden, United Arab Republic, United Kingdom, United States (certain states), Thailand, Turkey, U.S.S.R., Viet-Nam.

²⁰⁵ For example: Australia (state legislation and Commonwealth awards), Austria, Brazil, Byelorussia, Denmark, Finland, Greece, India, Ireland, Morocco, New Zealand, Pakistan, Peru, Thailand, Ukraine, U.S.S.R., United Arab Republic.

²⁰⁶ Sweden.

²⁰⁷ Israel.

²⁰⁸ For example: Byelorussia, Ukraine, U.S.S.R., United States.

²⁰⁹ The functions, powers and working of the labour inspection services in various countries were surveyed by the Committee of Experts in its 1957 Report—*Report III (Part IV)*—prepared for the 40th Session of the Conference (pp. 153-161). Reference should also be made in this connection to the annual reports on the application of the Labour Inspection Convention, 1947 (No. 81) supplied by ratifying countries (*Report III, Part I*) and to the observations made in this respect by the Committee in its reports.

²¹⁰ For example, the special departments for the protection of women and children in Peru and Uruguay.

²¹¹ For example, in certain states of the United States.

²¹² For example: Haiti, El Salvador, Thailand.

FEDERAL STATES

105. Thirteen federal States have supplied reports on the Conventions under review.²¹³ The reports of Austria, Burma, Brazil, Mexico and Pakistan indicate that all the three subjects covered by the present review fall within the competence of the federal authorities. The same appears to be true as regards the regulation of minimum age and night work in Argentina, Switzerland and Yugoslavia.

106. In Australia, Canada, the Federal Republic of Germany, the U.S.S.R. and the United States the protective measures under review are appropriate in part for federal action and in part for action by the constituent states, provinces, Länder or republics. Responsibility for action is also shared by the authorities of the federation and of the constituent units, as regards medical examination, in Argentina and Yugoslavia. In Switzerland the protection of workers' health lies within the jurisdiction of the cantons.

Chapter II. Difficulties and Progress of Implementation

DIFFICULTIES PREVENTING RATIFICATION

107. Many of the reports supplied under article 19 of the Constitution provide information, in response to the questionnaire, on the "difficulties due to the Convention, to the legislation, to the national practice or to any other reason which may prevent or delay ratification of the Convention". Whenever the explanations given are applicable to two or even three of the groups of protective standards under review, an attempt has been made in the paragraphs which follow to group them together so as to gain a more comprehensive picture of the position. Among the obstacles to ratification cited in this connection figure the economic and social conditions existing in certain countries, the scope of application of the Conventions, the age limits laid down in the relevant national laws, etc. In other cases the difficulties differ from subject to subject; thus, in the case, for instance, of the Minimum Age Conventions the level of the school-leaving age plays an important role, in the case of the Night Work Conventions the length of the rest period is often mentioned, and in the case of the Medical Examination Convention factors connected with the administrative and medical procedures are referred to most often as hindering action with a view to full implementation. The present chapter passes rapidly in review the countries and circumstances in which these types of difficulties appear to have arisen. However, this part of the survey is of necessity limited to cases where the governments themselves have singled out difficulties for special mention and the cases cited must therefore be considered as an illustrative rather than an exhaustive cross-section of the possible obstacles encountered.

108. Nine governments indicate that the social, economic and sometimes climatic conditions in their countries prevent ratification of all or some of the Conventions under consideration. Burma, Haiti, Morocco, the Netherlands (Surinam), El Salvador and the United Arab Republic explain that, as young persons mature more quickly, they enter the employment market earlier than in other countries and this has a

bearing in particular on the fixing of a minimum age for admission. Chile and Spain refer in this connection primarily to economic and practical reasons which delay the adjustment of the national to the international standards, and in the Netherlands (Surinam) the Government also feels that as it cannot for the moment require the heads of small undertakings to bear the cost of medical examinations, Convention No. 77 cannot be applied there. Brazil and the Netherlands explain that the shortage of manpower prevents the raising of the minimum age of admission to employment.

109. It would seem from the large number of States which refer in one way or another to this factor—22 in all—that the scope of application of the Conventions under review constitutes probably the most important obstacle to their ratification. This is particularly so as regards minimum age and medical examination and to a somewhat lesser extent as regards night work. In certain cases, e.g. Australia, Burma, Indonesia, Thailand and the Union of South Africa, the limited scope of national law is mentioned in general terms and in respect of several Conventions. Austria, India, Japan, Morocco, Pakistan and the United Arab Republic mention the narrower coverage of the relevant national legislation as the main element preventing ratification of the Medical Examination Convention. Canada indicates that not all its provinces have adopted legislation fully complying with the Night Work Conventions; it is to be presumed that similar reasons may have prevented other federal countries from giving full effect to all or some of the Conventions under review. Certain specific categories of work or undertakings seem at times to constitute the sole obstacle to complete implementation. Thus the exclusion of some types of undertakings in the fields of mining, construction or transport is mentioned by Finland and Ireland (medical examination), by New Zealand (night work) and by Sweden (minimum age and medical examination). Chile reports that its night work legislation does not cover salaried employees in private industry. In the Federal Republic of Germany and in Switzerland the minimum age legislation authorises the employment of children under 14 and 15 years respectively on certain forms of light work such as running errands. Inadequate coverage of family undertakings also acts at times as an impediment to implementation. It appears to prevent ratification of the Medical Examination Convention by Belgium and of the revised Night Work Convention by Denmark, and is also referred to by Argentina and Japan in connection with the revised Minimum Age Convention; under Article 6 of this Convention its provisions regarding family undertakings are, however, not applicable to Japan. The Government of Peru states that its legislation differs from the Minimum Age Convention, 1919, only in that it permits young persons over 14 years of age to appear in public performances at night; it should be noted, however, that this type of employment falls outside the scope of Conventions dealing with employment in industry.

110. Some 16 countries point out that ratification is rendered difficult because the age limits prescribed at the national level are lower than those required by the I.L.O. standards. Thus the national Constitutions of Mexico and Honduras fix minimum ages of 12 and 14 years, which are incompatible with Conventions Nos. 5 and 59 respectively. Lower age limits are also laid down in the relevant laws of Costa Rica and Indonesia (Convention No. 5) and of Argentina, Brazil, Ceylon, Chile and Viet-Nam (Convention

²¹³ Argentina, Australia, Austria, Brazil, Canada, Federal Republic of Germany, India, Federation of Malaya, Mexico, Pakistan, Switzerland, U.S.S.R., United States, Yugoslavia.

No. 59). Honduras, Indonesia, Morocco, and New Zealand point out that the night work prohibition only applies up to an age which is lower than that prescribed in the Conventions concerned. In Austria the night-time employment of young persons between 15 and 18 years in bakeries prevents ratification of Convention No. 90. In Finland, India (mines), Norway and the United Arab Republic the medical examination requirements apply to young persons below the age limits laid down in Convention No. 77 for the countries and employment mentioned; in the case of India this also constitutes an obstacle to the ratification of Convention No. 59.

111. Turning now to difficulties which are specifically connected with one of the three subjects of this survey, two countries indicate that ratification of the Minimum Age Conventions is delayed because of the absence of a system of compulsory education: Burma and Morocco. The age at which education ceases to be compulsory causes delay in eight countries: in Portugal, Turkey and the United Arab Republic this is an obstacle to full compliance with Convention No. 5; in Austria, the Federal Republic of Germany, Ireland, the Netherlands and Spain the school-leaving age of 14 years hinders the ratification of Convention No. 59. As regards the last-named Convention, in Ceylon and the United Kingdom a higher minimum age is not always prescribed for employments which may be dangerous to the life, health or morals of the young workers. The Polish Government indicates that ratification of Convention No. 59 is at present impeded by the need to provide vocational training in industry rather than in technical schools, to a certain number of young persons between 14 and 15 years of age.²¹⁴

112. The basic difficulty which prevents ratification of the Night Work Conventions resides in the length of the period of night rest prescribed in some ten countries. For Indonesia, Japan and Tunisia this renders full implementation of Convention No. 6 impossible at present. In Belgium, Chile, France, Ireland, Portugal, Sweden and Switzerland (bakeries), this is true as regards Convention No. 90.

113. Finally, 12 countries mention factors which prevent full effect being given to the Medical Examination Convention. These relate to the inadequate periodicity of the examination or re-examination (Belgium, Brazil, Mexico), to certain shortcomings in the administrative procedure laid down for the examination (Finland, Japan, Pakistan, Sweden), to the shortage of medical staff or facilities (Brazil, the Netherlands, New Zealand, El Salvador), and to insufficient measures taken thus far for the vocational guidance and for the physical and vocational rehabilitation of children and young persons (Belgium, Brazil, Finland, Morocco). In Portugal a periodical medical examination is required for young workers but not prior to their entering employment.

MODIFICATIONS IN NATIONAL LAW AND PRACTICE

114. Modifications in national legislation and practice of the reporting countries may conveniently be classified under two headings, according to whether a given Convention has or has not been ratified. As the present survey covers both contingencies, information is available on the one hand, under article 22 of the Constitution, on action taken to comply more fully

with the obligations assumed through ratification; this occurs as a rule when governments eliminate discrepancies observed by the Committee; on the other hand, many non-ratifying States have supplied similar data in response to the queries in the article 19 report form, on modifications made or intended "with a view to giving effect to all or some of the provisions of the Convention".

115. Although it would be impossible within the framework of the present survey to review at length all the relevant information available from article 22 reports, it would, however, be appropriate to make some brief reference at least to the cases where member States have in the past taken positive action to apply more completely the Conventions by which they are bound.²¹⁵ Instances of this kind illustrate graphically the impact and the results of the machinery of supervision instituted by the I.L.O. For the present purpose they may be listed according to the three sets of protective standards involved in a given case.

116. Thirteen ratifying States have taken measures to comply more fully with the requirements of the Minimum Age Conventions. Chile, Cuba, the Dominican Republic, France (St. Pierre and Miquelon), New Zealand and Yugoslavia have altered their legislation regarding the age of admission to industrial employment. Austria, Bulgaria, India, Israel, the Netherlands, Norway and Spain have laid down new provisions for the keeping of registers.

117. In the case of the Night Work Conventions 12 countries have taken steps to eliminate divergencies with the standards by which they are bound. Argentina, Chile, France, India and Portugal have redefined the period of night rest. India and Israel have altered their regulations on the keeping of registers. Brazil, France (Central African Republic, Republic of the Congo, Malagasy Republic) and Viet-Nam have taken action to limit the exceptions to the night work prohibition to those authorised by the Conventions.

118. Cuba and France have adopted measures to give fuller effect to the Medical Examination Convention which they have ratified.

119. It will, moreover, have been noted, in the chapters above describing the law and practice in the reporting countries, that there remain a considerable number of cases where member States have not yet eliminated certain discrepancies with ratified Conventions observed by the Committee.

120. Turning now to the reports supplied under article 19, these also have brought to light a substantial body of information on the modifications which countries have made or intend to make to protect young persons in industrial employment. Ten States refer to general changes in their labour legislation. The Government of China indicates that it is engaged in a revision of existing labour laws which will, as far as possible, include provisions on night work and medical examination of young persons. The Finnish Government refers to a Bill on the protection of young workers tabled in 1958 but not yet enacted. The Federal Republic of Germany also reports that draft legislation for the protection of young people, pending before Parliament, deals with night work and medical

²¹⁴ It would appear, however, as stated in an opinion given by the International Labour Office in 1925 (see *The International Labour Code 1951*, op. cit., Vol. I, article 368, footnote 10) that such training, when approved and supervised by public authority, is not contrary to the terms of Conventions Nos. 5 and 59.

²¹⁵ Mention may be made in this connection of the somewhat fuller, but no longer up to date, information on such cases included in the 1954 report of the Committee (Report III, Part (IV)) which contains in its Appendix VI (pp. 72-86) a Survey of the Effectiveness of the Observations made by this Committee and by the Conference Committee on the Application of Conventions and Recommendations.

examination. The Government of Haiti hopes that a draft Labour Code currently under consideration will raise the minimum age to 15 years and will also introduce a night work prohibition. The Iranian Labour Act of 1959 fixes a minimum age of 12 years and forbids night work for young persons under 18 years. In Peru measures are under consideration to bring national legislation into conformity with Convention No. 6. The Sudan Government indicates that it has obtained the assistance of the I.L.O. in codifying its Labour Laws and that due consideration will be given to co-ordinating and harmonising them with international standards. Sweden states that the Minimum Age Conventions were taken into account when the Workers' Protection Act was revised in 1949. A general Labour Act now in preparation in Switzerland will probably contain provisions on medical examination; the Government adds however, that it is impossible to say whether the Act will give effect to those provisions of Conventions Nos. 59 and 90 not covered by existing legislation. The Thai Government indicates that some legislative amendments have been adopted to conform with Conventions Nos. 5 and 77 but that further amendments require careful study so as not to affect the means of livelihood of the general public. In Venezuela the Government proposes to bring its legislation into harmony with Conventions Nos. 59 and 77 when a Bill now being drafted is submitted to the National Congress.

121. Four governments report that the school-leaving age may be raised in their countries and that this would facilitate implementation of the Minimum Age Conventions. In Austria and Belgium an increase to 15 years is under study. When this has been done it may also be possible for Belgium to introduce an amendment giving fuller effect to Convention No. 90. A school-leaving age of 15 years is to be adopted progressively in Spain. An Ordinance of 1959 which raised the relevant age in France to 16 years is due to be fully operative in 1967.

122. Eleven governments refer to special legislation already enacted or pending for adoption, which gives fuller effect to the Conventions under review. Belgium states in connection with the Medical Examination Convention that the 1958 Act respecting vocational training and rehabilitation and the social reclassification of disabled persons goes a long way toward solving the problem of physical and vocational rehabilitation of children and young persons. The Chilean National Health Service is to undertake a study of the medical examination of young persons to determine what obstacles prevent implementation of Convention No. 77. In Finland the Ministry of Social Affairs is drafting an order to require employers to arrange for medical examinations at their own expense. The Guatemalan Government is studying the possibility of introducing amendments in the Labour Code taking account of the Minimum Age Convention of 1919. In India the creation of a Medical Inspectorate of Mines, currently under consideration, would facilitate implementation of Convention No. 59 as regards mines, as well as of Convention No. 77; progress has also been made in recent years in ensuring the medical examination of young railway workers. The Irish Government states that the question of providing for the medical examination of young persons employed in mines and quarries will be considered in connection with the proposed revision of existing law. Iran intends to issue regulations on medical examination so as to secure full implementation of Convention No. 77. In the Netherlands

the minimum age for girls has been raised to 15 years, except for those over 14 who have completed their primary schooling; a recent decree on protection against ionising radiations contains provisions for medical examination. In New Zealand the requirements of Convention No. 6 were taken into account in drafting the Factories (Amendment) Act, 1956, and those of Convention No. 77 in adopting the Shipping and Seamen Act, 1952 (which covers inland waters). The United Kingdom states that the possibility of amending existing legislation so as to bring it more closely into line with Conventions Nos. 59 and 90 is kept under review.²¹⁶ Finally, the United States report on Convention No. 90 indicates that the Federal Department of Labor provides advisory and technical services to the states in order to promote co-ordinated action to meet the standards of this instrument.

RATIFICATION PROSPECTS

123. Despite the wide range of measures, as described in the preceding chapter, to bring national law and practice into closer conformity with the five Conventions under review, relatively little information is provided in article 19 reports on plans for their early ratification.

124. One country, Yugoslavia, indicates that the necessary procedure has been initiated so as to ratify the revised Minimum Age Convention. Three other countries state that there exist no obstacles to ratification: Costa Rica and Poland report that this is so as regards the revised Night Work Convention. According to the Iranian Government the entry into force of the new Labour Act of 1959 will remove any obstacles to ratification of the original Night Work Convention and the adoption of regulations under this Act will also clear the way for ratifying the Medical Examination Convention.

125. Six States indicate in a general way that I.L.O. Conventions are being studied with a view to ratification. In Greece and Peru special committees are engaged on this task. Conventions are also being examined for this purpose by the Government of the Federation of Malaya. In Tunisia such a study is mentioned as regards Conventions Nos. 5 and 90, while in Ghana and Viet-Nam consideration is being given to the ratification of Convention No. 90.

126. Two other States report that ratification will be considered in due course. The French Government hopes that it will be able to ratify Convention No. 59 when the 1959 Ordinance to raise the school-leaving age to 16 years has become fully effective in 1967. In Honduras the question of ratification of Convention No. 77 will be considered after the entry into force of the proposed Labour Code.

127. Finally, Brazil reports that Convention No. 90 has been submitted to the National Congress, which will have to decide on any action to be taken for its implementation.

Conclusion

128. In the 40 years which have elapsed since the First Session of the International Labour Conference initiated a world-wide system of standards and obliga-

²¹⁶ It may be recalled in this connection that Convention No. 6 was in force for the United Kingdom from 1921 to 1948.

tions on the protection of the young industrial worker attempts to cope with this problem have, if anything, become more difficult. Industry has spread from its traditional strongholds in Western Europe and North America throughout the world. At the same time the pace of industrial life has quickened considerably so that the workers and especially the young workers require today an even greater measure of protection than four decades ago. Does the present survey lead to the conclusion that the existence of international standards—to curb child labour, to prohibit night work of young workers and to ensure that their jobs are appropriate to their physical capacity—has exerted a positive influence on youth protection and welfare?

129. Although no brief and simple answer can be expected when the data available cover some 350 reports on the situation in over 100 countries differing vastly in their economic and social conditions—and often composed themselves of a sizeable number of constituent units—certain major findings emerge: there are today few countries without some legislative provisions on minimum age, night work and medical examination. A considerable proportion of this legislation is of relatively recent date, having been adopted or revised during the post-war era. Moreover, many other laws and regulations are presently in the drafting stage.

130. How do these national standards compare with those laid down in the five Conventions? Here more specific answers are possible. The minimum age and night work standards have had a widespread impact: they are now binding in over half of the membership of the Organisation and are also formally accepted, or implemented in fact, in at least an equal proportion of the non-metropolitan countries. The original Conventions of 1919 have not only met with the widest formal response—having received 35 and 34 ratifications—but their requirements are also observed on quite a large scale even in the absence of ratification. Thus in the case of the minimum age, although there is a trend in certain areas to raise the limit from 14 to 15 years, it is the lower age which is still the rule and the small number of ratifications received by the revised Convention—only 13 in over two decades—clearly shows that many States hesitate to bind themselves to the higher standard. Similarly in the case of night work, the interval during which work is specifically prohibited has not apparently constituted a serious obstacle whereas the over-all length of the rest period, especially when fixed at 12 hours in the revised Convention, is still difficult of achievement in about half the I.L.O.'s membership. However, the more flexible character of the latter Convention has enabled its ratification by over 20 countries during the decade or so since its adoption. As for the Medical Examination Convention, neither its 17 ratifications nor the relevant law and practice in the reporting countries show as yet any trend towards its general acceptance. It is here undoubtedly that progress has been the least rapid thus far. Given the importance of this type of preventive and protective measures, especially in the case of young workers, it is to be hoped that further advances in the ratification and implementation of the Medical Examination Convention will be made in the years to come.

131. The data assembled in this survey show that there exists an undeniable link between the level of economic achievement and that of social standards. The findings set out in the law and practice chapters

above, especially as regards the age of admission to industrial employment, offer conclusive evidence to this effect. To judge from the extent to which this basic standard has been implemented in certain countries of Europe, of North America and also of Australasia, superior technical skills and higher levels of protection often are found side by side. Naturally enough, the inherent cost of labour protection measures, for young persons as for workers in general, can be borne most easily where productivity and income are high. But the greater competence and stamina of workers in these countries may be due in a considerable degree to the social protection they enjoy both before they are permitted to enter, and when they have taken up, industrial employment.

132. Another conclusion which emerges from this survey is in fact closely related to what has been said in the preceding paragraph: although certain countries have standards equal to and sometimes exceeding those of the Conventions under review, the article 19 reporting procedure often affords them the first opportunity to provide full information on their national law and practice. This is particularly so in the case of certain federal States where some or all aspects of youth protection are a subject for action by the constituent units. As already noted in the introductory chapter, the Committee was impressed with the particularly detailed and comprehensive manner in which several of the States in question have drawn up their reports. The collection and presentation of full information is bound to be especially complex when a large number of constituent units are involved. The ready co-operation of the States concerned therefore assumes additional value because it renders possible a much fuller appreciation of the degree of compliance with I.L.O. standards, even in the absence of ratification.

133. It is significant in this connection that while many reports describe in detail measures taken or planned to give fuller effect to I.L.O. standards of youth protection, only very few foreshadow additional ratifications of the Conventions under review. To what particular causes is this apparent inconsistency to be attributed? One obstacle to full implementation which arises in the case of all the Conventions is undoubtedly the wide range of undertakings included in their scope. Many States refer to this factor and cite instances where the exclusion of certain categories of undertakings or workers from the national provisions goes beyond the limits set by the Conventions. When the relevant categories include a major segment of the industrial population the difficulty is no doubt a basic one. But when, for example, permission to employ young persons occasionally on light work, subject to adequate safeguards, prevents the ratification of a Minimum Age Convention, this inability to ratify no longer accurately reflects any fundamental difference between the national and international standards of protection. If the provisions relating to the scope of application may thus at times prove difficult to implement in full, the same is not true of the placement of young persons in industry in order to advance and complete their vocational training. Given a sufficient degree of public supervision, such employment would not seem to contravene in any way the requirements of the Minimum Age Conventions. This survey has, however, brought out another important impediment to the fixing and enforcement of the minimum age: all such efforts must take account of the age at which education ceases to be compulsory. No practical purpose would indeed be served by preventing admission to employment, unless the child has the possibility to

attend school till he has reached an age where employment is permitted. The practice adopted in one country to define the age of admission as being automatically identical to the legal school-leaving age takes realistic account of the need for co-ordinating education and social policies in this field.

134. Fewer basic problems arise in connection with night work. Although economic and climatic factors may play an important role, I.L.O. standards, especially those of Convention No. 90, are sufficiently flexible to meet a great variety of circumstances. Not only do they allow a wide degree of latitude in fixing the beginning (and the end) of the night period but they also take account of the climate (Article 4 of Convention No. 90) and they even permit the night work prohibition to be limited to lower age groups if a country's legislation has so provided hitherto (Article 7). It is surprising that only one country has thus far ratified in making use of this latter clause. Some mention should also be added here of a practical difficulty which hinders at times the full implementation of the Night Work Conventions. In certain countries where the daily hours of work of young persons are strictly limited, the latter automatically enjoy the recognised night rest, on condition that the prohibited interval is observed. Infringements might, however, occur in undertakings working on shifts, when a young worker changes from a late shift one day to an early shift the next. To prevent this requires

simply a specific provision that changes of shift must follow a day of weekly rest or other holidays.

135. As noted above, the Medical Examination Convention has thus far proved the most difficult to implement. At the same time this instrument also affords the greatest opportunity for practical progress. It is significant that about half of the changes planned in non-ratifying States are designed to effect improvements in the legislation and especially in the facilities in this field. Any legal requirement for a periodical examination by a physician presupposes the existence of a trained staff and a well-organised administrative machinery. If effective supervision and control is of great importance also in the case of the other Conventions, it constitutes the crux of the problem where fitness for employment is concerned.

136. This is perhaps the most generally valid conclusion to be drawn from the present survey: the I.L.O.'s standards, whether binding or not, have helped many countries in planning and implementing measures for the protection of young workers. They have, during the past four decades, provided a yardstick whereby progress in the various countries can be measured both nationally and internationally. There exists, moreover, the practical challenge of the day-to-day implementation of the social policies and measures so adopted. To meet this challenge requires action in many related fields, some of them outside the sphere of I.L.O. standards.

