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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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 II (Part IV). The Conclusions take account of the reports supplied by both ratifying and non-ratifying States under articles 22 and 29 of the Constitution of the International Labour Organization.
Introduction

1. The founders of the I.L.O. considered the protection of children and young workers as one of their 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 vocational 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 minimum education; the third Convention, adopted almost 20 years later, recognises the progress made by raising the minimum age; and 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 "the situation and practices" in the 32 non-metropolitan territories should help to provide a general and up-to-date picture of the protection of young workers in industry. 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 comple-

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 Unemployment) Recommendation, 1937 (No. 52) and the Minimum Age (Child Labour) Recommendation, 1953 (No. 96). In addition to the Technical 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 I.L.O. Bulletin 1951 (Geneva, I.L.O., 1952), Vol. II, and the I.L.O.'s Official Bulletin for 1953 and 1959.

bining the Committee's regular supervision of the application of ratificed 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 25 States; it has been declared applicable without modification to 26 non-metropolitan territories and with modifications to one territory. The Minimum Age (Industry) Convention (Revised), 1937 (No. 59) has been ratified by 13 States; it has been declared applicable without modification to nine territories and with modifications to 34 territories.

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 States; it has been

1. 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, Lussemburg, Netherlands, Nicaragua, Norway, Poland, Rumania, Spain, Switzerland, United Kingdom, Uruguay, Venezuela, Viet-Nam and Yugoslavia.

2. 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 Cameroon, when this country was under French administration, prior to achieving independence.

3. Denmark : Greenland.


5. 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, Tanganika and Zanzibar; in the following 25 territories to which Convention No. 59 has been declared applicable without modifications, the standards of Convention No. 5 are met: Antigua, Bahamas, Barbados, Basutoland, British Guiana, British Honduras, British Virgin Islands, Ceylon, Dominica, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Malta, Montserrat, Nigeria, Northern Rhodesia, Seychelles, St. Christopher-Novascotia, St. Helena, St. Vincent, Sialkot, Sarawak, Swaziland, Trinidad; Convention No. 59 has also been declared applicable with modifications to nine other territories: Bermuda, Jamaica, North Borneo, Nyasaland, Sierra Leone, Singapore, St. Helena, Southern Rhodesia, Uganda.

6. Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Burma, Ceylon, Chile, Ceylon, China, Comoro Islands, Cuba, Dominican Republic of Guineas, Hungary, India, Ireland, Italy, Luxembourg, Mexico, Netherlands, Ceylon, Pakistan, Poland, Portugal, Rumania, Spain, Switzerland, Tunisia, United Kingdom, Uruguay, Venezuela, Viet-Nam and Yugoslavia.
been declared applicable without modification to 28 territories and with modifications to one territory. The Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) has been ratified by 21 States; it has been declared applicable without modification to one territory.

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

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 Convention, 1919 (No. 5) have been submitted, under article 19 of the Constitution by the governments of 25 States. The Committee also had before it reports under article 22 of the Constitution from 34 States which have ratified the Convention and from 27 non-metropolitan territories to which the Convention has been declared applicable. Forty-nine States have submitted reports under article 19 on the Minimum Age Convention (Revised), 1937.

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. The Committee also had before it reports under article 22 from 30 ratifying States, and from 26 territories to which the Convention has been declared applicable. Forty-two States 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 States and from one territory to which the Convention has been declared applicable.

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. The Committee also had before it reports under article 22 from 15 ratifying States.

CONTENTS OF REPORTS

10. As pointed out above, the present survey is based on reports received both from ratifying and non-ratifying States.
non-ratifying countries. 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 19 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 Austria, Australia, 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 practical enforcement, deal jointly, as in 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 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 activities, 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 land whereas the other two instruments do not. All five Conventions apply to industrial undertakings, whether public or private and to any branches thereof.

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. In a number of countries mining is not included within the scope of the protective legis-

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6 It should be noted in this connection, that under the article 22 reporting procedure, inaugurated in 1955, 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 diversifications). Use has been made, in all cases, of the most recent information available.

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8 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; USSR; United States (about half the states); the Government indicates in its report that the District of Columbia and Puerto Rico were not 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-
18. The scope of the national provisions is sometimes narrower because the relevant legislation applies only to undertakings employing a specified number of workers and/or using mechanical power. In other cases certain categories of persons are excluded from the relevant legislation. The number of countries where workers in public undertakings are not covered by the protective legislation is quite small.

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. It would appear from the reports that only a few countries have in fact drawn such a line. 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 also 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. Where such undertakings are excluded, this is often done along the lines of Conventions Nos. 5 and 6. In other cases 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.
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 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 by circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therin. 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 the 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 (Bulgaria, Poland, Ukraine, U.S.S.R.) it is fixed at 16 years. In North America (Canada 46 and the United States 47) 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 connection is thus more sweeping.

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 Article 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 Australia 49 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. 21 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. 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. 50

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. 51 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. 52

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. 53 In addition, pro-
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.39

29. 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.40 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 countries 41 the minimum school-leaving age is below the legal minimum age for admission to employment, while in yet others 42 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.

30. 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.43 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 legislation 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.

31. 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.44 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.45 The footnotes to the table contain explanations on certain points of detail which seem of importance.
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<th>Light work</th>
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<th>Employment up to certain school hours</th>
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<tbody>
<tr>
<td>Albania *</td>
<td>(Constitution of 1946, Art. 14; 1956 Labour Code, secs. 9 and 40)</td>
<td>14 years</td>
<td>11-14 years</td>
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<td>Argentina *</td>
<td>(Act. No. 1113/1924, sec. 2)</td>
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<td>Australia *</td>
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<td>x</td>
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<td>14 years</td>
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<td>(Industrial Code, 1920-1958)</td>
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<td>Tasmania</td>
<td>(Factories Act, 1910)</td>
<td>14 years *</td>
<td>15-16 years</td>
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<td>14 years *</td>
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<td>(Act No. 146 of 1948, secs. 2 and 5)</td>
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<td>(Order of 28 February 1939 as amended by Act of 1921, sec. 3)</td>
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<td>Bolivia</td>
<td>(Labour Code of 1942, sec. 55)</td>
<td>14 years</td>
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<td>Brazil *</td>
<td>(Constitution of 1946, Art. 157; Labour Code of 1943, sec. 407)</td>
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<td>13 (factories) 15 (mining)</td>
<td>3 (factories)</td>
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<td>Alberta (Labour Act as amended up to 1957)</td>
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<td>British Columbia</td>
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<th>School-leaving age if different from legal employment age for admission to employment</th>
<th>Light work</th>
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<th>School-leaving age for entrance to schools of vocational training and apprenticeship</th>
<th>Social insurance</th>
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<tr>
<td>Manitoba (Employment Standards Act, 1957)</td>
<td>15 years</td>
<td>14 (in certain cases 15 or 16)</td>
<td>16 in urban districts; 15 in rural areas</td>
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<td>Nova Scotia (Factories Act, 1954)</td>
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<td>Newfoundland (6)</td>
<td>-</td>
<td>14 years</td>
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<td>Ontario (Factory, Shop and Office Building Act, 1950)</td>
<td>16 years</td>
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<td>Prince Edward Island (Minimum Age of Employment Act, 1931)</td>
<td>15 years</td>
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<td>Quebec (Industrial and Commercial Establishments Act, 1941)</td>
<td>16 years</td>
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<td>Saskatchewan (Factories Act, 1953)</td>
<td>16 years</td>
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<td>Ceylon *: (Act No. 47 of 1946, secs. 7 and 34)</td>
<td>14 years</td>
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<td>Chile *: (Labour Code of 1931, sec. 47)</td>
<td>14 years</td>
<td>15 in urban districts; 13 in rural areas</td>
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<td>China <em>:</em> (Factories Act, 1932, sec. 5; Mines Act, 1936-50, sec. 5; other regulations)</td>
<td>14 (factories) 15 (mines) 16 (salt works)</td>
<td>12 years</td>
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<td>Colombia *: (Labour Code of 1950, as amended)</td>
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<td>12 years</td>
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<td>Costa Rica: (Labour Code of 1943, secs. 89 and 91)</td>
<td>12 years</td>
<td>14 years</td>
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<td>Cuba <em>:</em> (Deoee No. 1684 of 1958, sec. 4)</td>
<td>15 years</td>
<td>14 years</td>
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<td>Denmark *: (Act No. 226 of 1954, sec. 38)</td>
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<td>Dominican Republic *: (Labour Code of 1941, sec. 223)</td>
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<td>(in certain cases only)</td>
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<td>Country of legislation</td>
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<td>School-leaving age</td>
<td>Exceptions not provided for in Conventions Nos. 5 and 10</td>
<td>Light work</td>
<td>Poverty of parents</td>
<td>Schooling not compulsory</td>
<td>Employment on free days or school holidays</td>
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<td>Finland:</td>
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<td>15-16 years</td>
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<td>France *:</td>
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<td>×</td>
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<td>×</td>
<td>×</td>
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<td>—</td>
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<td>Guatemala:</td>
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<td>×</td>
<td>×</td>
<td>×</td>
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<td>Republic of Guinea **</td>
<td>(French Overseas Labour Code, sec. 115, and other territorial decrees declared valid in the Republic by Ordinance No. 1 of 3 October 1936)</td>
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<td>—</td>
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<td>14 in urban districts; 12 in rural areas</td>
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<td>×</td>
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<td>(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)</td>
<td>14 (factories)</td>
<td>× (masonry and transport)</td>
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<tr>
<td>Indonesia:</td>
<td>(Order of 17 December 1925, secs. 2 and 10)</td>
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<td>—</td>
<td>×</td>
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<td>Iran:</td>
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<td>12 in urban districts; 10 in rural areas</td>
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Footnotes on p. 18.
### Exceptions not provided for in Conventions Nos. 5 and 59

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<th>Country of legislation</th>
<th>Legal minimum age for admission to employment</th>
<th>School-leaving age</th>
<th>School-leaving age for admission to employment</th>
<th>Light work</th>
<th>Poverty</th>
<th>School-leaving age for compulsory schooling</th>
<th>Employment on free day or outside school hours</th>
<th>Vocational training and apprenticeship</th>
<th>Special permissions</th>
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<td>Ireland *</td>
<td>(Act of 23 December 1920, secs. 1 and 4; Act No. 2 of 1936, sec. 15)</td>
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<td>Israel *</td>
<td>(Act of 15 July 1953, sec. 2a)</td>
<td>14 years</td>
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<td>Italy *</td>
<td>(Act No. 653 of 1934, sec. 5)</td>
<td>14 years</td>
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<td>Japan *</td>
<td>(Act No. 49 of 1947, sec. 5)</td>
<td>16 years</td>
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<td>Luxembourg *</td>
<td>(Grand-Ducal Order of 30 March 1932 as amended in 1953)</td>
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<td>Federation of Malaya</td>
<td>(Children's and Young Persons Ordinance of 1947, sec. 8; 1935 Ordinance on Employment, secs. 47 and 511b)</td>
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<td>12 years</td>
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<td>Mexico</td>
<td>(Constitution of 1917, Arts. 123 (III); Labour Code of 1931, secs. 20 and 22)</td>
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<td>Netherlands *</td>
<td>(Labour Act of 1919 as amended in 1954, sec. 9; Mining Regulations, secs. 173 and 187; Stones Masons Act, secs. 2 and 13)</td>
<td>14 years</td>
<td>15 (boys) 16 (girls)</td>
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<td>New Zealand *</td>
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<td>Nicaragua *</td>
<td>(Labour Code of 1945, sec. 123)</td>
<td>14 years</td>
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<td>Norway **</td>
<td>(Protection of Workers Act of 1930, arts. 26 and 27; Vocational Training Act, 1940)</td>
<td>15 years</td>
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<td>Pakistan *</td>
<td>(Factories Act of India, 1934-1940, arts. 2 and 30; 1938 Act on the Employment of Children, arts. 3; Mines Act of India, 1923-1932, new. 28)</td>
<td>12 years</td>
<td>10 (factories) 13 (mining, transport)</td>
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* Footnotes on p. 18.
<table>
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<th>Country of legislation</th>
<th>Legal minimum age for admission to employment</th>
<th>Minimum age for admission to employment</th>
<th>School-leaving age</th>
<th>School-leaving age of different minimum age for admission to employment</th>
<th>Light work</th>
<th>Night work</th>
<th>Schooling not completed</th>
<th>Employment on non-regular school hours</th>
<th>Vocational training and apprenticeship</th>
<th>Special provisions</th>
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<tr>
<td>Peru:</td>
<td>(Act No. 2551 of 1918, as amended, sec. 2, and Regulations to apply that Act, sec. 3)</td>
<td>14 years</td>
<td>12 years</td>
<td>×</td>
<td>×</td>
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<td>Philippines:</td>
<td>(Act No. 679 of 1932, secs. 2 and 10)</td>
<td>16 years</td>
<td>14 years</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
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<tr>
<td>Poland:</td>
<td>(Act of 1958 concerning the Vocational Training and Employment of Young Persons)</td>
<td>16 years</td>
<td>15 years</td>
<td>×</td>
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<td>Portugal:</td>
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<td>14 years</td>
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<td>Romania:</td>
<td>(Labour Code of 1952, sec. 80)</td>
<td>14 years</td>
<td>15 years</td>
<td>×</td>
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<td>El Salvador:</td>
<td>(Constitution of 1950, Art. 183, Decree No. 941 of 1953, sec. 71)</td>
<td>14 years</td>
<td>15 years</td>
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<td>Spain:</td>
<td>(Act of 1944, sec. 171)</td>
<td>14 years</td>
<td>normally 12; for apprenticeships 13</td>
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<td>Sudan:</td>
<td>(Employment of Children Ordinance 1929, sec. 3)</td>
<td>12 years</td>
<td>14 years</td>
<td>12 years</td>
<td>×</td>
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<td>Sweden:</td>
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<td>15 years</td>
<td>14-16 years</td>
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<td>×</td>
<td>×</td>
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<td>Switzerland:</td>
<td>(Act of 1938 concerning the Minimum Age of Workers, secs. 4 and 5)</td>
<td>15 years</td>
<td>14-16 years</td>
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<td>Thailand:</td>
<td>(Notification of 20 December 1939, sec. 40)</td>
<td>14 years</td>
<td>15 years</td>
<td>×</td>
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<td>Tunisia:</td>
<td>(Decree of 6 April 1950, sec. 11)</td>
<td>12 years</td>
<td>14 years</td>
<td>×</td>
<td>×</td>
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<td>Turkey:</td>
<td>(Act No. 1593 of 1930 concerning Public Health, sec. 173)</td>
<td>12 years</td>
<td>16 years</td>
<td>14-17 years</td>
<td>×</td>
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<td>Ukraine:</td>
<td>(Labour Code of 1922 as amended up to 1945, sec. 133)</td>
<td>16 years</td>
<td>15-16 years for Europeans; 14 years for certain Natives</td>
<td>×</td>
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<td>Union of South Africa:</td>
<td>(Factories, Machinery and Building Work Act, 1941, sec. 24; Wage Act, 1957; Apprenticeship Act, 1955)</td>
<td>15 years</td>
<td>15-16 years for Europeans; 14 years for certain Natives</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
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Footnotes on p.18.
## Conclusions Concerning Reports Received Under Articles 19 and 22 of the Constitution

<table>
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<th>Legal minimum age for admission to employment</th>
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<td>Same as legal minimum age for admission to employment</td>
<td>Light work</td>
<td>Poverty</td>
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<td>U.S.S.R. (Labour Code of 1922 as amended up to 1936, sec. 133)</td>
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<td>United Arab Republic (Labour Code of 1939, sec. 120)</td>
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<td>United Kingdom (Employment of Women, Children and Young Persons Act, 1920, as amended by the Education Act, 1944, and the Education (Scotland) Act, 1946)</td>
<td>15 years</td>
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<tr>
<td>United States (Federal: Fair Labor Standards Act, 1938, as amended, secs 3(l) and (m) and 12; Public Contracts Act, 1936)</td>
<td>16 years</td>
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<td>(States (c): Government report and information contained in &quot;State Child Labor Standards 1932&quot;)</td>
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Footnotes on p. 18

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Footnotes on p. 18.
## CONCLUSIONS CONCERNING REPORTS RECEIVED UNDER ARTICLES 19 AND 22 OF THE CONSTITUTION

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Footnotes on p. 18.
### REPORT OF THE COMMITTEE OF EXPERTS

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<th>Exception not provided for in Conventions Nos. 5 and 59</th>
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**General Note:** Explanation of signs:
- *An asterisk indicates that the school-leaving age is the same as the minimum age for admission to employment.
- A dot (.) indicates that no compulsory school-leaving age is provided.
- A question mark (?) indicates that the age of school-leaving is not fixed, but it may be higher.

**Notes:**
- **Australia:** Section 3 of the Labor Code states that employment relationships are established, inter alia, by "contracts of employment" or by "appointment.
- Under section 5 of the Code, the minimum age for all types of employment with a child under 14 years of age is prohibited. As this provision does not explicitly provide for the conclusion of a contract on behalf of a child by its legal representative, the Committee set a question mark.
- **Ceylon:** The Committee noted that the minimum age for employment in factories is 15 years, while the minimum age for employment in exports is 18 years.
- **Greece:** The Committee noted that the minimum age for employment is 16 years.
- **India:** Under the National Minimum Wage Act No. 5, the minimum age for employment in factories is 14 years, while the minimum age for employment in mines is 16 years.
- **Indonesia:** The Committee noted that the minimum age for employment in factories is 13 years.
- **Kenya:** The Committee noted that the minimum age for employment in factories is 13 years.
- **New Zealand:** The Committee noted that the minimum age for employment in factories is 15 years.
- **Portugal:** The Committee noted that the minimum age for employment in factories is 16 years.
- **United Kingdom:** The Committee noted that the minimum age for employment in factories is 15 years.
- **United States (Federal):** The Committee noted that the minimum age for employment in factories is 15 years.
- **United States (State):** The Committee noted that the minimum age for employment in factories is 15 years.

**Special provisions:**
- **Belgium, Denmark, France, Ireland, Luxembourg, Netherlands, Portugal, Sweden, Switzerland, and the United Kingdom:** The minimum age for employment is 14 years.
- **Canada:** The Committee noted that the minimum age for employment in factories is 15 years.
- **Chile:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Colombia:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Congo:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Equatorial Guinea:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Ecuador:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Estonia:** The Committee noted that the minimum age for employment in factories is 14 years.
- **France:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Germany:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Greece:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Haiti:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Honduras:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Iceland:** The Committee noted that the minimum age for employment in factories is 14 years.
- **India:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Indonesia:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Iran:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Ireland:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Israel:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Italy:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Japan:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Kenya:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Liberia:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Luxembourg:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Malaya:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Mexico:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Netherlands:** The Committee noted that the minimum age for employment in factories is 14 years.
- **New Zealand:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Nicaragua:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Northern Rhodesia:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Papua New Guinea:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Peru:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Philippines:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Poland:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Portugal:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Romania:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Scotland:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Sri Lanka:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Switzerland:** The Committee noted that the minimum age for employment in factories is 14 years.
- **Turkey:** The Committee noted that the minimum age for employment in factories is 14 years.
- **United States (State):** The Committee noted that the minimum age for employment in factories is 14 years.
- **United States (Federal):** The Committee noted that the minimum age for employment in factories is 14 years.
- **Yugoslavia:** The Committee noted that the minimum age for employment in factories is 14 years.

**Notes:**
- **Belgium, Denmark, France, Ireland, Luxembourg, Netherlands, Portugal, Sweden, Switzerland, and the United Kingdom:** These exceptions are authorized in special cases for children over 15 years of age, where the application of the Conventions under consideration is not affected thereby.
- **Bolivia, Brazil, Chile, Dominican Republic, Greenland, Iceland, Mexico, Paraguay, Peru, Surinam, Uruguay, and Venezuela:** No provisions are made for the employment of children under 15 years of age in factories, mines, or workshops.
- **Canada, Cuba, French Guinea, France, Italy, Luxembourg, New Zealand, Panama, Portugal, and Spain:** Employment of children under 15 years of age is prohibited by law.
- **China, France, Germany, Hungary, Italy, Japan, Netherlands, and the United States:** Employment of children under 15 years of age is prohibited by law.

**Footnotes:**
- **1** Article 22 of the Labor Code states that employment relationships are established, inter alia, by "contracts of employment" or by "appointment.
- **2** Under section 5 of the Code, the minimum age for employment with a child under 14 years of age is prohibited. As this provision does not explicitly provide for the conclusion of a contract on behalf of a child by its legal representative, the Committee set a question mark.
- **3** The Committee noted that the minimum age for employment in factories is 15 years, while the minimum age for employment in exports is 18 years.
- **4** The Committee noted that the minimum age for employment in factories is 16 years.
- **5** The Committee noted that the minimum age for employment in factories is 16 years.
- **6** The Committee noted that the minimum age for employment in factories is 18 years.
- **7** The Committee noted that the minimum age for employment in factories is 18 years.
- **8** The Committee noted that the minimum age for employment in factories is 18 years.
- **9** The Committee noted that the minimum age for employment in factories is 18 years.
- **10** The Committee noted that the minimum age for employment in factories is 18 years.
- **11** The Committee noted that the minimum age for employment in factories is 18 years.
- **12** The Committee noted that the minimum age for employment in factories is 18 years.
- **13** The Committee noted that the minimum age for employment in factories is 18 years.
- **14** The Committee noted that the minimum age for employment in factories is 18 years.
- **15** The Committee noted that the minimum age for employment in factories is 18 years.
- **16** The Committee noted that the minimum age for employment in factories is 18 years.
- **17** The Committee noted that the minimum age for employment in factories is 18 years.
- **18** The Committee noted that the minimum age for employment in factories is 18 years.
- **19** The Committee noted that the minimum age for employment in factories is 18 years.
- **20** The Committee noted that the minimum age for employment in factories is 18 years.
- **21** The Committee noted that the minimum age for employment in factories is 18 years.
- **22** The Committee noted that the minimum age for employment in factories is 18 years.
- **23** The Committee noted that the minimum age for employment in factories is 18 years.

**Conclusion:** The Committee recommended that the French Labor Code should provide the minimum age for admission to employment at the age at which compulsory school-leaving age is fixed, allowing for the minimum age for admission to employment in factories, mines, or workshops to be lower by no more than 4 years.
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 employment which are dangerous to the life, health or morals of children are to be fixed at a higher level than 15 years. The great majority of the reporting countries have in fact fixed age limits for admission to employment of this type at higher levels than those fixed for admission to other types of industrial employment in which 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 to 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. 40 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. 41 In one country it is 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, open cast 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 manufacture of explosives, flammable or explosive substances; the transportation of heavy objects; and certain other occupations involving risks of accidents or occupational diseases. Only in relatively few countries 42 does the legislation cover employments prejudicial to the moral of young persons engaged therein. In most of them 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, in two of these 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.

40 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, Burundi, Ceylon, Chile, Costa Rica, Czechoslovakia, Dominican Republic, France, Federal Republic of Germany, Greece, Guatemala, Ireland, Italy, Japan, Morocco, Norway, Peru, Poland, Romania, El Salvador, Spain, Sweden, Switzerland, United Kingdom and 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.

In this 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: Denmarq: Faroe Islands; United Kingdom: Guernsey, Jersey, Man.

42 Cuba.

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

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. 43 In one State 44 the minimum age apparently varies between 15 and 17 years, while in three States 45 it is fixed at 16 years. On the other hand, in certain countries these limits range, for young persons over 15 years of age, up to 20 or 21 years. 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. 46 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. 47 In other countries exceptions relating to employments of this type are authorised for purposes of vocational training or apprenticeship 48 or for other reasons. 49 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. Lastly, in a certain

43 As indicated in paragraph 34 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, in two of these 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.

44 United Arab Republic.

45 Austria, Rumania and Tunisia.

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

47 For example: Australia (most of the states), Belgium, Czechoslovakia, France, Greece, Morocco, Peru, Spain, Tunisia.

48 United States (federal legislation and that of several states), Venezuela, Viet-Nam, Yugoslavia.

49 For instance, Argentina, Brazil, New Zealand, Sweden.

50 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).

51 Examples are: Austria (light work), Brazil (where judges in children's courts may authorise occupations, new and at the same time 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 inspectors).

52 In most cases a medical examination is required to ascertain fitness for employment; in this connexion, 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.
REPORT OF THE COMMITTEE OF EXPERTS

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.98

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."99 A large number of countries 100 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 countries 101 the legislation of which does not seem to cover work performed in technical schools 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 countries 102 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 countries 103 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.

8 Examples are: Ceylon, Haiti, Indonesia (however, the new Labour Act of 1948-1951 apparently prohibits the employment of young persons under 16 years of age to 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 coal reserves requires an age of 16 years of age for admission to that occupation at 18 years; in addition, the Stoneasons' Act makes provision for the issue of public administrative regulations specifying the types of work which may not be performed by young persons or certain occupations. Poland, 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.

9 Although apparently the 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 be "apprenticeship work" as defined in the regulations of the education authorities and submit to various checks. For further details see our opinion to this effect in The International Labour Code 1953, op. cit., Vol. I, article 306, footnote (6).

10 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, Israel, Italy, L.L. Ireland, Dutch East Indies, 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).

11 In particular Argentina, Bolivia, Dominican Republic, Netherlands (the Labour Act does not apply to work performed in schools of arts 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 Stoneasons' Act, the Act concerning the Loading and Unloading of Coal and the Mining Regulations do not contain any provisions on the subject), Poland.

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

13 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.44 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.95

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. In three federal states where federal legislation does not regulate this matter, there are no relevant provisions in the laws of some constituent units. Finally, in one country night work for young persons is prohibited only in very few types of industrial undertakings.96

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.97 In a number of other countries the prohibition of night work applies only

98 Other special provisions for these two countries, appearing in Convention No. 50, will be mentioned under the relevant headings below.

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

100 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 "overworked at night schools or factories, work for long hours, watching or irregular working habits."); Nicaragua (see observation in Part I of this report under Convention No. 6), Non-metropolitan territories: Denmark: Faeroe Islands (the report states that night work is prohibited except in cases approved by the local government), Greenland (the report states that practical applications of Convention No. 90 do not exist without having recourse to the promulgation of special legislation); according to the reports, no night work of young persons exists in these territories.

101 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 do not exist; in other provinces, hours of work are regulated by the relevant provincial laws.

102 Australia (Australia); the report stated that no night work is prohibited, but that some States do not prohibit it.

103 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 work and shoe repairs carried out at any place where the premises 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).

104 For example, Member States: Act No. 1115 of 30 September 1924, section 6), Austria (Act of 1 July 1948, section 17); Belgium (Act of 28 February 1919, section 7); Bulgaria (Labour Code of 1919, section 400); Spain (Labour Code of 1929, as amended, section 139); Canada: Manitoba (Child Welfare Act, Quebec (Industrial and Commercial Establishments Act), Saskatchewan (Factories Act), Chile (Labour Code of 1931, section 46); Costa Rica (Labour Code, 1965, section 88); Cuba (Legislative Decree No. 883 of 27 May
to young persons under 17 years of age, 16 years, 15 years, and even under 14 years of age. In another case the age limit is not expressly defined.

**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 6 a.m.

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).

Before prescribing different intervals beginning after 11 p.m. for different areas, industries, undertakings or branches of industry, 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).

Republic (Order of 5 February 1954); Algeria and Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion — for legislation see France (Overseas Territories): Comoros Islands (Order of 23 February 1955), French Polynesia (Order of 2 February 1956), French Somaliland (Order of 1 June 1955), New Caledonia (Order of 7 November 1953), St. Pierre and Miquelon (Order of 14 August 1954), Trust Territories: Togoland (Order of 28 October 1955), Italy, Trust Territory of the Nile (Labour Code, section 73); Netherlands — Netherlands Antilles (Ordinance of 22 August 1952, section 17).

For example: India (Factories Act of 1948, section 70); Employment of Children Act of 1898, as amended, railways and major ports, section 3; Pakistan (Mine (Act of 1922, as amended, section 26); Employment of Children Act, 1938 (railways and major ports), as amended, section 3 (2)).

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 Shores Acts, 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 1979); Tasmania (Factories Act, 1910); Canada (Nova Scotia—Factories Act; Ontario—Factory, Shop and Office Building Act; Prince Edward Island—Factories Act; Newfoundland—Welfare of Children Act); China (Factory Act, 1932, as amended, section 12); El Salvador (Order of 18 January 1919, section 91); (see observation in Part II of this report under Convention No. 6); Mexico (National Constitution, 1917; Federal Labour Code, 1943, section 18); New Zealand (Factories and Clothing Act of 18 April 1921, 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 (Contrasts of Employment Law of 1920, section 17); 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 school for whose the age limit is 18 years), Minnesota, Missouri, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming—State Child-Labour Laws).

For example: Burma (Factories Act of 1951, section 79); Colombia, 1951, section 56; United States (Factory Act, 1896, section 105); Switzerland (Labour Code, 1952, section 218); Yugoslavia, respecting employment relationships of 12 December 1952, section 250).


For example: Burma (Factory Act of 1951, section 79); Colombia, 1951, section 56; United States (Factory Act, 1896, section 105); Switzerland (Labour Code, 1952, section 218); Yugoslavia, respecting employment relationships of 12 December 1952, section 250).


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For example: Burma (Factory Act of 1951, section 79); Colombia, 1951, section 56; United States (Factory Act, 1896, section 105); Switzerland (Labour Code, 1952, section 218); Yugoslavia, respecting employment relationships of 12 December 1952, section 250).

<table>
<thead>
<tr>
<th>Country</th>
<th>Over-all length of one period (number of hours)</th>
<th>Interval during which all work is specifically prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>States Members</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Argentina †</td>
<td>11</td>
<td>8 p.m. - 7 a.m. in winter and 8 p.m. - 6 a.m. in summer</td>
</tr>
<tr>
<td>Austria †</td>
<td>12</td>
<td>8 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Belgium †</td>
<td>11</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Brazil †</td>
<td>11</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Bulgaria †</td>
<td>12 to 16</td>
<td>10 p.m. - 5 a.m. in summer 10 p.m. - 6 a.m. in winter</td>
</tr>
<tr>
<td>Byelorussia †</td>
<td>8</td>
<td>6 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Canada † (Ontario - girls)</td>
<td>12</td>
<td>9 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Chile †</td>
<td>10</td>
<td>8 p.m. - 7 a.m.</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>10</td>
<td>7 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Cuba †</td>
<td>12 (in dairies 11)</td>
<td>6 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Denmark † (a)</td>
<td></td>
<td>8 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Dominican Republic †</td>
<td>12</td>
<td>8.30 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Finland (between 15 and 18)</td>
<td>11</td>
<td>7 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>France †</td>
<td>11</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Federal Republic of Germany</td>
<td>12</td>
<td>8 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Greece †</td>
<td>11</td>
<td>9 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Republic of Guiana †</td>
<td>11</td>
<td>10 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>India †</td>
<td>12 or 11</td>
<td>8 p.m. - 8 a.m. or 10 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Ireland † (a)</td>
<td>11</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Israel †</td>
<td>12</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Italy †</td>
<td>12</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Japan †</td>
<td>7</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Luxembourg †</td>
<td>13</td>
<td>8 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Malaysia</td>
<td>12</td>
<td>6 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Norway † (between 15 and 17)</td>
<td>12</td>
<td>7 hours falling between 10 p.m. and 7 a.m.</td>
</tr>
<tr>
<td>Pakistan † (between 15 and 17)</td>
<td>12</td>
<td>7 hours falling between 10 p.m. and 7 a.m.</td>
</tr>
<tr>
<td>States Members (cont.):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) in mines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>12</td>
<td>8 p.m. - 7 a.m.</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>12</td>
<td>10 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>12</td>
<td>10 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Cuba</td>
<td>12</td>
<td>8 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Denmark</td>
<td>12</td>
<td>8 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>12</td>
<td>8 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Finland (between 15 and 18)</td>
<td>11</td>
<td>7 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>France</td>
<td>11</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Federal Republic of Germany</td>
<td>12</td>
<td>8 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Greece</td>
<td>11</td>
<td>9 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Republic of Guiana</td>
<td>11</td>
<td>10 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>India †</td>
<td>12</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Israel †</td>
<td>12</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Italy †</td>
<td>12</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Japan †</td>
<td>7</td>
<td>10 p.m. - 5 a.m.</td>
</tr>
<tr>
<td>Luxembourg †</td>
<td>13</td>
<td>8 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Malaysia</td>
<td>12</td>
<td>6 p.m. - 6 a.m.</td>
</tr>
<tr>
<td>Norway † (between 15 and 17)</td>
<td>12</td>
<td>7 hours falling between 10 p.m. and 7 a.m.</td>
</tr>
<tr>
<td>Pakistan † (between 15 and 17)</td>
<td>12</td>
<td>7 hours falling between 10 p.m. and 7 a.m.</td>
</tr>
</tbody>
</table>

Footnotes on p. 23.
General Note. The names of countries which have ratified Convention No. 90 and which have reported reports under article 22 of the Constitution are given in order from the date on which they have reported. Children are employed in some industries under the law of many of the countries which have ratified Convention No. 90. Hence, although no reports are on file as yet, the Committee has decided to include those countries which have ratified Convention No. 90 in this Appendix. The Committee does not wish to imply that the laws of these countries are adequate.

1 Federal Republic of Germany: In undertakings where work is required in shifts on young persons over 16 years of age, they may be employed from 5 a.m. onwards in the early shift. Convention No. 90 only permits the working of night shifts for children under 16 years of age.

2 United States: In the cases where the rest period is 11 to 13 hours work is prohibited during the following intervals: 6 p.m.-7 a.m.: Oklahoma, Utah; 7 p.m.-9 a.m.: Arkansas and District of Columbia (boys). 6 p.m.-8 a.m.: Michigan (men). 6 p.m.-7 a.m.: West Virginia, Arkansas (boys). 6 p.m.-7 a.m.: South Dakota, Maine.

3 Italy: See observation in Part II of this report under Convention No. 90, Article 2.

4 Portugal: Article 2 of Act No. 479 of 8 April 1902 provides that children employed at night shall have a rest period of at least 18 consecutive hours between two working periods. It is not clear whether this provision applies to children employed during prohibited hours. The Committee sees this as an observation in Part II of this report under Convention No. 90, Article 2.

5 Korea: See observation in Part II of this report under Convention No. 90, Article 2.

6 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. 3 are not always observed in practice.

7 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 lengths 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.

### Table III: Night Rest Period and Prohibited Interval for Young Persons Under 16 Years of Age

<table>
<thead>
<tr>
<th>Country</th>
<th>Age limit</th>
<th>Overall length of rest period (number of hours)</th>
<th>Interval during which all work is specifically prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia (cont.)</td>
<td>14</td>
<td>12</td>
<td>9 a.m. - 10 a.m.</td>
</tr>
<tr>
<td>Australia (cont.)</td>
<td>15</td>
<td>12</td>
<td>9 a.m. - 10 a.m.</td>
</tr>
<tr>
<td>Canada</td>
<td>16</td>
<td>12</td>
<td>9 a.m. - 10 a.m.</td>
</tr>
</tbody>
</table>

Footnotes on p. 24.
<table>
<thead>
<tr>
<th>Country</th>
<th>Age limit</th>
<th>Over-all length of one period (number of hours)</th>
<th>Interval during which all work is specifically prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada (cont.)</td>
<td>9 (Nova Scotia)</td>
<td>9 p.m. - 6 a.m.</td>
<td></td>
</tr>
<tr>
<td>China</td>
<td>16</td>
<td>10 (8 p.m. - 6 a.m.)</td>
<td></td>
</tr>
<tr>
<td>Czechoslovakia §1</td>
<td>16</td>
<td>8 p.m. - 6 a.m.</td>
<td></td>
</tr>
<tr>
<td>Finland</td>
<td>15</td>
<td>12 (7 p.m. - 6 a.m.)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15-16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haiti §6 (apprentices)</td>
<td>not</td>
<td>12 (6 p.m. - 6 a.m.)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>specified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Honduras</td>
<td>16</td>
<td>12 (6 p.m. - 6 a.m.)</td>
<td></td>
</tr>
<tr>
<td>Hungary</td>
<td>16</td>
<td>8 p.m. - 6 a.m.</td>
<td></td>
</tr>
<tr>
<td>India §7 (factories)</td>
<td>15</td>
<td>12 (10 p.m. - 6 a.m. )</td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td>14</td>
<td>9 (8 p.m. - 5 a.m. )</td>
<td></td>
</tr>
<tr>
<td>Israel §8</td>
<td>16</td>
<td>12 (6 p.m. - 6 a.m. )</td>
<td></td>
</tr>
<tr>
<td>Luxembourg §7</td>
<td>16</td>
<td>11 (9:30 p.m. - 5:30 a.m. )</td>
<td></td>
</tr>
<tr>
<td>Malaysia §8</td>
<td>16</td>
<td>12 (10 p.m. - 6 a.m. )</td>
<td></td>
</tr>
<tr>
<td>Mexico §9</td>
<td>16</td>
<td>10 (8 p.m. - 6 a.m. )</td>
<td></td>
</tr>
<tr>
<td>Morocco §10</td>
<td>16</td>
<td>11 (10 p.m. - 5 a.m. )</td>
<td></td>
</tr>
<tr>
<td>Netherlands §11</td>
<td>16</td>
<td>12 (10 p.m. - 6 a.m. )</td>
<td></td>
</tr>
<tr>
<td>New Zealand</td>
<td>16</td>
<td>11 to 14 (6 p.m. - 8 a.m. or 10 p.m. - 6 a.m.)</td>
<td></td>
</tr>
</tbody>
</table>

- **Note**: See observation in Part II of this report on Convention No. 6.

- **Yugoslavia §12**: Not defined (Alabama, Colorado).

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

- **United States**: The 28 States where rest periods of 12 to 15 hours apply are:
  - 13 hours (5 p.m.-8 a.m.): New York (factories and coal mines).
  - 14 hours (6 p.m.-7 a.m.): Puerto Rico.
  - 15 hours (5 p.m.-7 a.m.): Arkansas, Kentucky (under 15 years of age), New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Utah, Virginia, Wisconsin.
  - 16 hours (6 p.m.-7 a.m.): Alabama (during regular school term), Alaska, District of Columbia, Illinois, Indiana, Louisiana, Minnesota, Missouri, New Hampshire, New Mexico, South Carolina, West Virginia.

- **Florida**: Children of 14 and 15 years old when in school the following days.
  - 6 p.m.-7 a.m. : Michigan (children of 14 and 15).
  - 7 a.m.-7 a.m. : Nebraska.
  - 7 a.m.-7 a.m. : Oregon, Idaho.

- **New Hampshire**: Except during summer vacation.

- **Alabama**, 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.


- **North Carolina**: Children of 14 and 15 years old when in school the following days.

- **South Carolina**: Children of 14 and 15 years old when in school the following days.

- **West Virginia**: Children of 14, 15, and 16 years old when in school the following days.

- **Yugoslavia**: Children of 14 and 15 years old when in school the following days.

- **United States**: See observation in Part II of this report on Convention No. 6.
CONCLUSIONS CONCERNING REPORTS RECEIVED UNDER ARTICLES 19 AND 22 OF THE CONSTITUTION

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 work 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 countries however 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 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 countries 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. 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.

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 observed and in one of these two countries the age of admission to night work is lower than that specified in either Convention. In two countries the exceptions permitted for the purposes of vocational training are not limited to undertakings working continuously. Three countries 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 observed, while in one country the legislation does not prescribe the interval of at least 13 hours separating the work periods.

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 5 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 Conventions; on the other hand, in some countries young persons may start work earlier.

106 Rumunia (section 85 of the Labour Code of 1950, as amended in 1955); according to the Government no such Orders have been issued.
107 Netherlands: Amsterdam: (section 20 of the Decree of 22 August 1952).
108 Denmark (Workers' Protection Act of 11 June 1954, section 43, paragraph 1); Finland (Act of 31 July 1929, section 7).
109 Finland—15 years (Act of 31 July 1929, sections 2 and 7).
110 Norway (Workers' Protection Act of 1956, section 36).
112 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.
113 Belgium, Ireland and United Kingdom.
114 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).
115 Austria, Denmark, Italy, Luxembourg and Sweden.
than 4 a.m. or finish it later than 9 p.m.113; 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.114

55. The age limit of 16 years provided for in Convention No. 90 is observed in five countries125; 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 compulsory 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.

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

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


116 Austria.

117 Denmark, Ireland, Italy.

118 Italy: Trust Territory of Somaliland.

119 Austria; no such exception, however, is authorised by the legislation.

120 For example: Member States : Austria, Belgium (maximum 60 times during the year), Bulgaria, Czechoslovakia, Denmark, France, Greece, Turkey (apprentices in arts and crafts), 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.119

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 require120, in cases of hardship in the industry or in the individual establishment122, and to prevent loss of raw materials or perishable goods.123 In three countries the legislation provides for the possibility of authorising exceptions in respect of undertakings whose work is connected with national defence.124 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.125 Finally, in several countries the granting of exemptions is left to the discretion of the competent authority126 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.

119 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 (New South Wales: Factories and Shops Act, 1912-1951; Queensland: Factories and Shops Acts, 1900-1958; these Acts provide for exemptions from the overtime restrictions generally 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.

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

123 Member States : Australia (Tasmania: from December to April; Factories Act, 1910); Canada (Labour Order, 1946, section 81); Federal Republic of Germany (Protection of Young Persons Act of 30 April 1936, 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 Decree of 8 March 1946, section 12); 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 3).

124 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).

125 For example: Netherlands (Labour Act, 1919, section 83 (7)); Sweden (section 31 (c) of the Workers’ Protection Act, 1949); Venezuela (section 101 of the Labour Code, 1947).

126 For example: Member States : Canada (Quebec and 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 West Virginia). Non-metropolitan territories: France: Gabon Republic (Local Order of 24 December 1955, section 3); the Government intends to amend this Order.

— 26 —
64. Specific provisions to this effect are contained in the laws of a number of reporting countries; 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. Some reports indicate that in times of serious emergency, such as wartime, special legislation might apply.

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 India 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 general; in others, it covers either workers of certain specified industrial undertakings or those subject to certain conditions of work. On

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

125 Cuba.

126 For example: *Member States*: Australia, Dominican Republic. Non-metropolitan territories: Netherlands: Nether-

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

128 For example: Bulgaria (section 120 of the Labour Code of 1 November 1951 and section 1 of the Ordinance of 8 September 1958); Costa Rica (section 71 of the Labour Code of 27 August 1943); Iraq (section 47 of the Labour Act No. 1 of 1945, as amended by the Law of 4 June 1949), 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 relation- ships.

129 For example: France (section 11 of the Decrease of 27 November 1952 applying the Act on the Organisation of Medical Services for Workers of 1946, the Act of 15 March 1933 on Transport Undertakings of and the Mines and Quarries Act of 6 January 1950); Japan (section 52 of the Act of 5 April 1947 on Conditions of Work); Morocco (section 10 of the Decrease of 8 February 1956 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 1935).

130 For example: Iran (sections of the Social Insurance for Workers Act of 16 July 1955); El Salvador (section 4 of the Decrease 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 country 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.

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. 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.

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 determinable, 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 responsible.
sible for labour inspection; elsewhere, public
health doctors are entrusted with the examinations; while in other cases still, this is done by physicians approved by certain competent authorities or organi-
sations. In some countries the medical exami-
nation for fitness is conducted by school doctors. 193

76. Some governments state that the examination is
performed in the medical services within undertak-
ings or in public health institutions (e.g. hospitals) connected with the undertaking. 192 Other governments
merely state that the examination is conducted by qualified practitioners. 192 Finally, in some coun-	ries, any doctor qualified to practise may conduct the medical examination for fitness for employment 194 and in others the choice of physician is left to the employer. 195

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 countries 196 no provision seems to require the certif-
ication 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 certifi-
ate 197; in three countries 198 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. 199 A number of countries refer to cards or health

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191 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 of Great Britain and Northern Ireland (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).

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

193 For example: Dominican Republic (government physi-
cians); Greece (municipal physicians); India and Pakistan (physicians appointed by the Government); Israel (physicians of the district medical service); El Salvador (chief physicians 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); Australia (in most states, physicians appointed by the health or labour departments or by other competent authorities); Uruguay (physicians appointed by the Children's Council).

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

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

196 For instance: Australia (New South Wales), Austria
(for examinations required for occupations involving risks of occupational diseases), Chile, Finland, Spain.

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

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

199 Japan and Yugoslavia.

200 For instance: Brazil, Bulgaria, Cuba, Denmark, Dominican
Republic, Finland, Guatemala, Hungary, Iran, Ireland, Nether-
lands, New Zealand, Norway, Peru, Philippines, Poland, Spain, Switzerland (for workers exposed to risk of silicosis), Thailand, United States of America (for practitioners and fitters of electrical wires), United Kingdom, United States (in most of the states), Uruguay, Venezuela.

201 Burma, India, Pakistan.

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

203 booklets; one country requires the fitness for work to be stated in a report.

78. Several countries have, moreover, specified in accordance with Article 2, paragraph 4, of Conven-
tion No. 77, the authority competent to issue the
document certifying fitness for employment; in most
cases, this is the Ministry responsible for the enforce-
ment 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. 204 One country 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, periodic 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 periodic examinations. 205 Two countries provide for free periodic examinations only. 206 The govern-
ments of two other countries indicate that examinations are not always completely free of charge. 207 Certain governments specify whether it is the employer who bears the cost of the examination, or whether it is any particular organisation. 208 Finally, certain other governments merely state that the medical certificate is free without specifying whether

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

205 Turkey.

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

207 For instance: Burma, Byelorussia, France, Guatemala,
India, 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.

208 Union of South Africa.

209 This is, in particular, the case for the following countries:
Austria (for all young persons in Western Austria 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, Israel, Italy, Japan (in practice gratis, but absence of legislative provisions), Morocco, Netherlands (for stone cutters), Norway, Philipines, 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.

210 Thailand, Yugoslavia.

211 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.

212 For example: Austria, Denmark and Finland (for these
countries: the employer); Federal Republic of Germany (the employer for examinations for admission, the 4-year health administration for the periodic examinations); Norway (the employer or social insurance schemes involved (the employer, sickness insurance or people's committees).

213 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. Finally, a number of countries make mention of permits or certificates prescribing special conditions of employment.

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. States observe in the case of yearly re-examination the level of 18 years fixed by the Convention; one State provides for renewal until 21 years. 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.

84. If certain countries have adopted more frequent medical 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.

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

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

86. As provided for in Article 3, paragraph 3 (e), 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 employment; others (Article 2) after absence for sickness or interruption of work for a certain period or because of the state of health of the young worker. 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.

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.

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.

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178 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).

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

180 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), Viêit-Nam (in undertakings of more than 500 workers).

181 For instance: Argentina, Bulgaria, Burma, Byelorussia, Cuba, Federal Republic of Germany (Lower Saxony), Hungary, India, Portugal, Sweden (exemptions from annual re-examinations 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.

182 In Belgium.

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

184 In particular in the following countries: Austria (every six months); Costa Rica (every six months in the food industry); France (every six months up to 18 years); Greece (every six months up to 15 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 up to 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).

185 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).

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

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

188 For instance in Costa Rica, Dominican Republic.

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

190 For instance: Belgium; Cuba; New Zealand (until 16 years and at the moment when the person reaches 18 years of age); United Kingdom (for young workers doing shiftwork); United States (in certain states; Yugoslavia.

191 This is, in particular, the case in the following countries: Burma, Byelorussia, Cuba, India, Ukraine and U.S.S.R. (in the three countries, whence 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 in case of reemployment); Spain (after absence longer 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).

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

193 For instance: Belgium (where the yearly examination until 21 is required for all industries in which there is a danger for young persons), 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).

194 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 to the dust of the mining industry).
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of 16 and 18 years respectively, and of the dates of their birth.\textsuperscript{108} 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 records\textsuperscript{107} (see paragraph 99 below).

98. In a number of countries registers must be kept in addition to or instead of the registers referred to in paragraph 98.

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.

\textsuperscript{108} In the case of China, Convention No. 59 (Article 11, paragraph 4) fixes the relevant age at 16 years, leaving it to the competent authority to require evidence of the age of the young worker. The keeping of such a register is prescribed by Convention No. 5 but not by Convention No. 59.

\textsuperscript{109} In the case of India and Pakistan, Convention No. 90 (paragraphs 2 of Articles 8 and 9) fixes the relevant age at 17 years.

\textsuperscript{110} For example: Brazil, Canada (Alberta, British Columbia, New Brunswick, Prince Edward Island, Quebec), China, Dominican Republic, Guatemala, India, Indonesia, Iran, Iraq, Israel, Japan, Pakistan, Peru, Portugal, Spain, Thailand, Yugoslavia.

\textsuperscript{111} For example: Canada (Manitoba, Nova Scotia, Ontario: 18 years for girls), Chile, Morocco, United Arab Republic, United States (certain states).

\textsuperscript{112} For example: Australia (Victoria: mines), Canada (Newfoundland).

\textsuperscript{113} For example: Member States: Australia (Commonwealth): Public Service Act; Capital Territory: New South Wales and Queensland: mines). Austria, Bulgaria, Czechoslovakia, Cuba, Cyprus, Costa Rica, Czechoslovakia, Finland, Federal Republic of Germany, France, Greece, Iceland, Israel, Japan, Jersey, Liechtenstein, Luxembourg, Malagasy Republic, Malta, New Zealand, Norway, Pakistan, Peru, Sweden, Switzerland, Turkey, United Kingdom, United States (certain states; federal legislation: 15 years), Venezuela. Non-metropolitan territories: France: States of the Community: Central African Republic, Republic of Chad, the Congo and Gabon (formerly French Equatorial Africa); Republic of Dahomey, Islamic Republic of Mauritania, Republic of the Ivory Coast, Niger, Senegal, Sudanese Republic and Republic of Upper Volta (formerly French West Africa); Mali (formerly French West Africa); Malagasy Republic; Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion; Overseas Territories: Comoros Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon, Togoland; Algeria, United Kingdom: Guernsey, Jersey, Isle of Man.

\textsuperscript{114} For example: Philippines, Poland, United Arab Republic, Uruguay.

\textsuperscript{115} For example: Burma, Greece, Honduras.

\textsuperscript{116} This is in particular the case as regards Bolivia, Italy, Nicaragua and Rumania, which have ratified Convention No. 90, as well as all the other countries which have ratified Convention No. 59. The Committee has also drawn attention to the need for legislation on the matter.

\textsuperscript{121} There are, in particular, a considerable number of cases where medical documentation certifying fitness for employment is required.

101. Publicity and inspection. Under Article 6, paragraph 1 (a), of Convention No. 90 the relevant laws and regulations must contain appropriate provisions 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 workplace, to keep such copies at the place of employment, or to require the employer in a general form to bring the relevant provisions to the knowledge of the young persons employed by him.\textsuperscript{109} Some reports refer in this connection to publicity through the press, radio, leaflets and booklets and diffusion of information through employers' and workers' organisations.\textsuperscript{109}\textsuperscript{121} 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 inspectorate of a specialised inspection service.\textsuperscript{109} Sometimes the school authorities, the local police, the medical authorities or other organisations are responsible for inspection of the workplace or work permits or work books for violations of the relevant legislation. However, a few countries do not refer to such penalties.\textsuperscript{109}

\textsuperscript{121} For example: Alhania, Brazil, Colombia, Denmark, Haiti, Hungary, Switzerland (federal), United States (about half the states). In the case of Colombia and Denmark, which have ratified Convention No. 9, 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.

\textsuperscript{122} For example: Austria, Belgium, Bulgaria, Byelorussia, China, Cuba, Denmark, Finland, France, Guatemala, Greece, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Mexico, Morocco, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Spain, Sweden, United Arab Republic, United Kingdom, United States (certain states), Thailand, Turkey, U.S.S.R., Viet-Nam.

\textsuperscript{123} For example: Australia (state legislation and Commonwealth awards), Austria, Brazil, Byelorussia, Denmark, Finland, Greece, India, Ireland, Israel, Italy, Mexico, Morocco, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Spain, Sweden, United Arab Republic, United Kingdom, United States (certain states), Thailand, Turkey, U.S.S.R., Viet-Nam.

\textsuperscript{124} For example: Sweden.

\textsuperscript{125} For example: Israel.

\textsuperscript{126} For example: Byelorussia, Ukraine, U.S.S.R., United States.

\textsuperscript{127} 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.

\textsuperscript{128} For example, the special departments for the protection of women and children in Peru and Uruguay.

\textsuperscript{129} For example, in certain states of the United States.

\textsuperscript{130} For example: Haiti, El Salvador, Thailand.
CONCLUSIONS CONCERNING REPORTS RECEIVED UNDER ARTICLES 19 AND 22 OF THE CONSTITUTION

Federal States

105. Thirteen federal States have supplied reports on the Conventions under review. 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 author-}ties of the federation and of the constituent units, as regards medical examination, in Argentina and Yugoslovia. 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 explana-tion given appears to extend over two or even three of the groups of protective standards under review, an attempt has been made in the paragraphs which follow to group together so as to gain a more com-prehensive picture of the position. Among the ob-stacles 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 mentioned, 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. How-ev-er, 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 illus-trative 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 inter-national standards, and in the Netherlands (Surinam) the Government also feels that 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 par-ticularly 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 pro-vinces 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 men-tioned 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 Repub-lic 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 Con-vention 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 under-takings 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 Conventions of Mexico and Honduras fix minimum ages of 12 and 14 years, which are incompatible with Conven-tions 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

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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 15 and 15 years of age.

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. 59.

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 short-age 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. 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. These cases 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...
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 being considered to bring national legislation into conformity with Convention No. 6. The Sudan Government indicates that it has obtained the assent 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 undertaking a study of the medical examination of young persons and of any 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. 29 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. 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-
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 so 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 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 night work and medical examination have had a widespread impact: they are now binding in over half of the membership of the Organisation and are also formally accepted, or introduced in fact, in at least an equal proportion of the non-metropolitan countries. The original Conventions of 1919 have not only met with the most 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 adopted in certain countries of Europe, of North America and also of Australasia, superior technical skills and higher levels of protection are often found side by side. Naturally enough, the inherent cost of labour protection measures, for young persons as for workers in general, can be borne more 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 of 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 foreword 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 workers 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. Infractions 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.