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International Labour Conference
67th Session 1981

Report III
(Part 1)

Third Item on the Agenda:
*Information and Reports on the Application
of Conventions and Recommendations*

Summary of Reports on Ratified Conventions

(Articles 22 and 35 of the Constitution)



International Labour Office Geneva

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The publication of information concerning action taken in respect of international labour Conventions and Recommendations does not imply any expression of view by the International Labour Office on the legal status of the State having communicated such information (including the communication of a ratification or declaration), or on its authority over the territories in respect of which such information is communicated; in certain cases this may present problems on which the ILO is not competent to express an opinion.

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INTRODUCTION

Article 22 of the Constitution of the International Labour Organisation provides that "each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request". Article 23 of the Constitution provides that the Director-General shall lay before the next meeting of the Conference a summary of the reports communicated to him by Members in pursuance of Article 22, and that each Member shall communicate copies of these reports to the representative organisations of employers and workers.

At its 204th Session (November 1977), the Governing Body approved the following arrangements for the presentation by the Director-General to the Conference of summaries of reports submitted by governments under Article 22 of the Constitution:

- (a) the practice of tabular classification of reports, without summary of their contents, which for a number of years had been followed in respect of reports subsequent to first reports after ratification, should be applied to all reports, including first reports;
- (b) the Director-General should make available, for consultation at the Conference, the original texts of all reports on ratified Conventions received; in addition, photocopies of those reports should be supplied on request to members of delegations (free of charge if only of a limited nature, at cost for more substantial requests).

Requests for consultation or copies of reports may be addressed to the Secretariat of the Committee on Application of Conventions and Recommendations.

The present summary refers to reports for the period ending 30 June 1980.

Attention is drawn to the decisions of the Governing Body at its 201st Session (November 1976) regarding the submission of reports on the application of ratified Conventions, the text of which may be found in ILO Official Bulletin, Vol. LX, 1977, Series A, No. 2, pp. 45-46. According to the criteria there indicated, detailed reports may be requested at yearly, two-yearly or four-yearly intervals.

The report of the Committee of Experts on the Application of Conventions and Recommendations, which examines the reports submitted under Article 22 of the Constitution, is communicated separately to the Conference as Report III (Part 4).

SUMMARY OF REPORTS ON THE APPLICATION OF RATIFIED CONVENTIONS RECEIVED

- A. First reports after ratification of the Convention concerned.
- B. Reports containing information on important changes in the implementation of Conventions, or information supplied in reply to observations or direct requests made by the Committee of Experts.
- C. Reports containing information on the practical effect given to Conventions, or on minor changes in their implementation.
- D. Reports merely repeating or referring to the information previously supplied.

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Afghanistan	-	13, 100, 105	111	11, 14, 41, 45
Algeria	-	3, 13, 32, 62, 63, 97, 119, 120, 122, 127	10, 68, 91, 92, 99	58, 87, 98
Angola	1, 26, 68, 69, 81, 92	-	-	7, 98
Argentina	115, 139, 142	3, 9, 11, 34, 35, 36, 81	1, 26, 30, 68	15, 58, 87, 98
Australia	-	100	7, 9, 15, 47, 98, 99, 137	11
Austria	141	102, 103, 111, 128	26, 122	11, 87, 98, 99
Bahamas	117	97	7, 98	11, 26
Bangladesh	-	27, 87, 98, 105, 106	111	1, 11, 15
Barbados	-	102, 128	-	11, 26, 87, 98

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Belgium	111, 123, 124	18, 21, 29, 56, 81, 91, 97, 102, 115, 126	1, 2, 5, 6, 9, 10 12, 13, 14, 17, 19 26, 33, 43, 88, 95, 101	11, 15, 45, 58, 62, 68, 89, 98, 99, 112
Benin	-	13, 29, 33, 105	85	5, 11, 26, 87, 98, 111
Bolivia	88, 102, 111, 120, 121, 122, 123	1, 30, 87	19, 20, 96, 98	89
Bulgaria	127	35, 36, 37, 38, 39, 40	3	1, 9, 11, 20, 26, 43, 68, 87, 98, 120
Burma	-	52	87	1, 11, 15, 26
Burundi	-	1, 94	26, 29, 105	11
Byelorussian SSR	-	122	47, 119	87, 98, 111, 120
Cameroon, United Republic of	146	3, 9, 15, 97, 122	-	87, 131
Canada	-	1, 87, 111, 122	26, 68	15, 58
Central African Republic	-	18, 19, 29, 33, 41, 81, 94, 95, 117, 118	3, 62, 67, 119	2, 5, 6, 10, 11, 13, 14, 26, 87, 88, 98, 99, 100, 101, 111
Chile	-	1, 3, 26, 30, 111, 122	20, 127	7, 9, 11, 14, 15, 30
Colombia	87, 98	9, 24, 81, 107, 129	1, 20, 26, 99	3, 7, 11, 15, 19, 30, 111
Comoros	5, 19, 81, 100, 105, 122	-	98	10, 11, 26, 33, 87, 99

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Congo	-	13, 29, 119	-	5, 11, 26, 33, 87
Costa Rica	135	26, 81, 88, 92, 94, 95, 99, 102, 113, 114, 120, 122, 127, 129, 137	130	11, 87, 98, 111
Cuba	142	9, 67, 81, 103	1, 20, 30, 87, 92, 98, 120, 137	11, 110, 111, 131
Cyprus	141, 143	87, 119, 128	98, 144	11, 15
Czechoslovakia	-	35, 36, 37, 38, 39, 40, 111, 122	1, 140	26, 43, 49, 98, 99
Denmark	126, 141, 144	92, 122	115, 120	9, 11, 15, 58, 87, 98, 112
Greenland	126	122	-	7, 11, 15, 87
Djibouti	15, 19, 29, 58, 81, 91, 100, 105, 120, 123, 125	35, 36, 37, 38	26, 43, 99	5, 9, 10, 11, 16, 33, 63, 73, 87, 96, 98, 122
Dominican Republic	-	77, 81, 95, 111, 119	87	-
Ecuador	114, 128	24, 81, 103, 107, 122	120	11, 110, 111, 112
Egypt	-	1, 81, 88, 106, 111, 131	87, 98	11, 30, 53
Ethiopia	-	98	11, 87, 111	-
Fiji	-	-	26, 58, 98	11, 84

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Finland	115, 139, 141, 142, 144, 145	29, 91, 92, 111, 119, 122, 128, 130	9, 20, 30, 53, 87	98, 120, 137
France	134, 145, 146	3, 22, 27, 29, 35, 36, 37, 38, 78, 81, 97, 102, 105, 120, 122, 129	9, 32, 92, 126, 131	11, 15, 43, 49, 68, 87, 94, 98, 112
Overseas departments:				
French Guiana	-	3, 22, 29, 35, 36, 37, 38, 120	8, 24, 62, 91, 92, 99, 126	9, 11, 15, 23, 43, 49, 58, 68, 87, 94, 106, 112, 114
Guadeloupe	-	3, 22, 29, 35, 36, 37, 38, 120	8, 24, 62, 91, 92, 99, 126	9, 11, 15, 23, 43, 49, 58, 68, 87, 94, 106, 112, 114
Martinique	-	3, 22, 29, 35, 36, 37, 38, 120	8, 24, 62, 91, 92, 99, 126	9, 11, 15, 23, 43, 49, 58, 68, 87, 94, 106, 112, 114
Reunion	-	3, 22, 29, 35, 36, 37, 38, 120	8, 24, 62, 91, 92, 99, 126	9, 11, 15, 23, 43, 49, 58, 68, 87, 94, 106, 112, 114
St. Pierre and Miquelon	-	3, 37, 38, 105, 120	11, 24, 26, 35, 36, 55, 56, 71, 77, 78, 82, 91, 99, 115, 126	9, 29, 43, 49, 52, 87, 94, 101, 106
Overseas territories:				
French Polynesia	-	-	99	-

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
New Caledonia	-	22, 23, 52, 88, 96, 122	16, 26, 35, 36, 37, 38, 63, 94, 126	9, 11, 15, 43, 44, 49, 55, 73, 84, 87, 91, 98, 99, 125
Gabon	-	3, 26, 29, 95, 99, 105, 123	-	11, 87, 98, 106, 111
German Democratic Republic	-	3, 47, 98, 111, 122	87, 115	11
Germany, Fed. Rep. of	141	22, 26, 97, 102, 111, 122, 126, 128, 138	9, 92, 120, 130, 132	11, 87, 98
Ghana	-	30, 117	94	1, 11, 15, 22, 26, 58, 98, 111, 120
Greece	-	3, 9, 102	1, 11, 58, 87, 98	15
Grenada	-	7, 15, 81	19, 26, 99	-
Guatemala	-	30, 81, 95, 96, 97, 110, 119, 120	26, 87, 94, 98, 99	58, 111, 112
Guinea	-	3, 5, 13, 14, 16, 33, 45, 81, 90, 95, 99, 105, 112, 113, 114, 117, 118, 119	26, 62, 121	87, 95, 98, 100, 111, 120
Guyana	-	50, 64, 111, 115	42	15, 98
Haiti	111	-	98	-
Honduras	-	29	87	98, 111
Hungary	145	103, 111, 122, 139	26, 99	7, 15, 87, 98, 140

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Iceland	-	-	91	11, 15, 58, 87, 98, 111
India	144	1, 111, 115	26	11, 15
Indonesia	-	100, 120	-	29
Iran	-	29, 105, 111	-	-
Iraq	-	122	-	19
Ireland	99	81, 102, 132	12, 26, 44, 98	11, 20, 43, 49, 87
Israel	-	111	1, 20, 30, 91, 98	87
Italy	-	35, 36, 37, 38, 39, 40, 111, 119	11, 26, 68, 87, 91, 98, 99, 102	15, 58, 112, 120
Jamaica	122	26, 100, 117	87, 98	11
Japan	134	131	9, 15, 58, 87, 98, 102, 119	-
Jordan	-	29, 100, 105, 118	111	98, 120, 124
Kenya	-	17, 98, 105	-	11, 15, 26, 58, 99, 112
Kuwait	-	1, 30, 106, 119	-	87, 105, 111
Lebanon	29	-	14, 26	45
Liberia	23, 92	53, 105	-	58, 98, 111, 112, 113, 114
Libyan Arab Jamahiriya	138	3	-	95, 98

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Luxembourg	138	26, 28, 87, 89, 96, 103	1, 98, 102	9, 11, 19
Madagascar	-	29, 120, 132	87	11, 119
Malawi	-	-	-	11, 65, 98, 111
Mali	-	111	26, 87, 98	11
Malta	-	35, 36, 88, 111	26, 99	7, 11, 15, 87, 98
Mauritania	-	81, 102, 122	3, 53, 111	11, 15, 19, 58, 84, 87, 112, 114, 118
Mauritius	-	26, 32, 94	98, 99	7, 11, 84
Mexico	118, 141, 142, 144	9, 22, 43, 49	30, 110, 120	11, 58, 87, 112, 131, 135
Mongolia	-	122	-	87, 98, 111
Morocco	-	29, 30, 52, 81, 106, 111	26, 99, 105, 119	11, 13, 15, 19, 27, 98, 136
Mozambique	11, 88, 100, 105, 111	-	1	-
Nepal	-	131	-	111
Netherlands	144	87, 97, 100, 122, 128, 138, 140	62, 102, 131	9, 11, 68, 126
Netherlands Antilles	-	33, 58, 81, 105	69	-

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
New Zealand	-	9, 97, 99, 122	1, 11, 26, 30, 47, 49, 68	11, 15, 29, 58
Cook Islands	-	-	-	87, 99
Niue	-	-	-	11, 14, 50, 84, 99, 105
Tokelau Islands	-	-	82	105
Nicaragua	142	1, 3, 9, 11, 30, 87, 95, 98, 111, 131	17, 77, 78	7, 15, 127
Niger	138	-	26, 87	11, 98, 102, 119
Nigeria	-	29, 81, 97, 123	134	-
Norway	-	30, 91, 96, 97, 102, 111, 122, 126	26, 68, 87, 98, 119, 120, 128	9, 11, 15, 43, 49, 58, 112, 144
Pakistan	-	111	-	1, 11, 22, 87, 98
Panama	-	3, 9, 81, 87, 105, 110, 119, 122, 127	13, 20, 22, 26, 27, 30, 43, 53, 68, 77, 78, 92, 120, 125, 126	11, 58, 111
Papua New Guinea	-	42	98	7, 11, 26, 89
Paraguay	-	26, 81, 99, 119, 120	98	1, 11, 30, 87, 111
Peru	-	1, 32, 52, 62, 73, 78, 81	22, 68, 69, 77, 87	11, 58
Philippines	-	23, 87, 99, 105, 111, 122	17, 94, 98	77, 110

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Poland	138	9, 35, 36, 37, 38, 39, 40, 103, 122	68, 91, 92, 99, 119	98, 120
Portugal	87	1, 26, 68, 74, 81, 92, 111	98	7, 11
Romania	-	122, 138	1, 3, 131	9, 11, 87, 98, 106, 135, 137
Rwanda	-	26, 42	11	-
Senegal	-	120, 122	87	11, 26, 98, 99, 102, 111
Sierra Leone	-	-	26, 99, 119, 126	15, 58, 87, 98, 111
Singapore	-	-	8	7, 11, 15, 98
Spain	140, 141, 145	74, 81, 88, 92, 97, 98, 103, 111, 119, 120, 122, 129	1, 9, 11, 20, 30, 68, 87, 131, 137	126
Sri Lanka	-	29, 58, 131	98, 99	11, 15
Sudan	-	26	98	111
Suriname	-	62, 81, 105, 118, 122	-	11, 87, 135
Swaziland	-	87, 98	26	11
Sweden	132, 146, 148	9, 111, 119, 122, 128, 137	15, 102, 120, 140, 144	58, 98
Switzerland	-	102, 120, 128	2, 26, 44, 87, 88	11, 15, 58

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Syrian Arab Republic	136	1, 19, 30, 96, 105, 106, 118, 119	125	11, 98, 111, 120, 131
Tanzania	-	-	11, 26	15
Thailand	-	123	-	-
Togo	-	-	5, 6, 33, 95	11, 13, 26, 29, 41, 84, 85, 87
Trinidad and Tobago	-	85	29, 105, 125	19
Tunisia	-	29, 81, 105, 118, 119, 122, 127	91	11, 26, 77, 98, 99, 111, 112, 124
Turkey	-	95, 99, 102, 118, 119, 122	98	111
Uganda	143	122	-	26
Ukrainian SSR	-	122	47, 119	11, 87, 98, 111, 120, 126
USSR	-	52, 87, 103	47, 119	11, 98, 111, 120, 126
United Kingdom	141, 142, 144	8, 35, 36, 39, 40, 68, 81, 92, 97, 98, 140	11, 87, 98, 99, 102	7, 15
Anguilla	-	17, 97	-	29
Antigua	-	5, 10, 17, 81	87	7, 11, 19, 29, 59, 84, 98, 105
Belize	-	15	26, 84	7, 11, 58, 87, 98, 99

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Bermuda	-	-	-	7, 11, 15, 58, 84, 87, 98
Brunei	-	-	98	7, 11, 15, 58, 84
Gibraltar	-	35, 39, 142	-	7, 11, 15, 26, 58, 84, 87, 98
Guernsey	-	35, 37, 39, 122, 142	26, 99	7, 11, 15, 87, 98, 114
Hong Kong	90	95, 98, 142	14, 26, 87, 101	11, 15, 84, 144
Jersey	140	-	24, 32, 35, 36, 37, 38, 39, 40, 44, 94, 115	5, 7, 8, 10, 11, 15, 22, 26, 29, 56, 69, 74, 87, 98, 99
Isle of Man	-	35, 36, 39, 40, 92	37, 38, 102, 122	7, 11, 15, 26, 87, 98
Montserrat	-	26	98	7, 11, 15, 58, 84, 87
St. Helena	-	29	14, 17	5, 10, 19, 58, 105
St. Kitts-Nevis	-	17	-	5, 29, 58
United States	-	-	-	58
American Samoa	-	-	-	58
Guam	-	-	-	58
Puerto Rico	-	-	-	58
Virgin Islands	-	-	-	58
Upper Volta	143	13, 19, 81, 129	5, 29, 33	135

Country	A Conventions Nos.	B Conventions Nos.	C Conventions Nos.	D Conventions Nos.
Uruguay	128	2, 22, 81, 94, 97, 103, 105, 122, 129	1, 9, 26, 30, 32, 43, 67, 98, 99, 119	11, 87, 98, 110
Venezuela	-	3, 22, 81, 120	26, 111	1, 5, 7, 11, 13, 19, 27, 29, 98, 105
Yugoslavia	129, 139	9, 29, 32, 81, 92, 97, 102, 103, 111, 122, 126, 132	87, 91, 98, 119	11, 15, 58, 136
Zaire	-	62, 88, 118, 119, 120	26	11, 27, 84, 98
Zambia	-	97, 138	99	11, 131

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Report III
(Part 2)

Third Item on the Agenda:
Information and Reports on the Application
of Conventions and Recommendations

Minimum Age

**Summary of Reports
on Convention No. 138
and Recommendation No. 146**

(Article 19 of the Constitution)

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In this report references to legislative texts published by the ILO in the Legislative Series (LS) appear in parentheses.

INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5(e) of the above-mentioned article. Paragraph 6(d) deals with Recommendations, and paragraph 7(a) and (b) deals with the particular obligations of federal States.

Pursuant to the above-mentioned provisions, the Governing Body selects each year the instruments on which Members are requested to supply reports. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume concern the Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973.

The governments of member States were requested to send their reports to the International Labour Office by 1 July 1980. The present summary, which is submitted to the Conference in conformity with article 23, paragraph 1, of the Constitution, covers reports received by the Office up to 1 November 1980.

The report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part 4B), which will also be submitted to the Conference at its 67th (1981) Session, will include a general survey on the reports on the above-mentioned Conventions and Recommendations.

MINIMUM AGE CONVENTION (NO. 138) AND
RECOMMENDATION (NO. 146), 1973

ALGERIA

CONVENTION NO. 138
RECOMMENDATION NO. 146

- Ordinance No. 76-97 dated 22 November 1976, respecting the promulgation of the Constitution of the Democratic People's Republic of Algeria (Journal officiel (JO), 24 November 1976, No. 94, p. 1042).
- Ordinance No. 76-57 dated 5 July 1976, respecting the publication of the National Charter (JO, 30 July 1976, No. 61).
- Ordinance No. 71-74 dated 16 November 1971, respecting the socialist organisation of undertakings (JO, 13 December 1971, No. 101, p. 135C) (LS 1971 - Alg. 2).
- Decree No. 74-255 dated 28 December 1974 to lay down rules for the establishment, duties and operation of the Permanent Commission on Safety and Health in Socialist Undertakings (JO, 7 January 1975, No. 2, p. 14).
- Ordinance No. 75-31 dated 29 April 1975, respecting general conditions of work in the private sector (JO, 16 May 1975, No. 39, p. 431) (LS 1975 - Alg. 2).
- Ordinance No. 72-29 dated 7 June 1972 respecting the establishment of the National Institute for Safety and Health (JO, 20 June 1972, No. 49, p. 595).
- Ordinance No. 74-65 dated 10 June 1974, respecting the establishment of the National Interprofessional Occupational Medicine Authority (ONIMET) (JO, 18 June 1974, No. 49, p. 551).
- Act No. 78-12 dated 5 August 1978 to make the provision for workers' conditions of employment (JO, 8 August 1978, No. 32, p. 532) (LS 1978 - Alg. 1).
- Ordinance No. 76-80 dated 23 October 1976, respecting the establishment of a Maritime Code (JO, 10 April 1977, No. 29).
- Ordinance No. 75-33 dated 29 April 1975 respecting the powers and duties of the Inspectorate of Labour and Social Affairs (JO, 16 May 1975, No. 39, p. 459) (LS 1975 - Alg. 4).

Under the Act of 5 August 1978 which makes general provision for workers' conditions of employment, the minimum age for recruitment is fixed in the specific conditions of employment applied in the relevant undertaking. In no circumstances may the minimum age be less than 16 years. Young workers between the age of 16 years and their majority in civil law have the same rights and

CONVENTION NO. 138
RECOMMENDATION NO. 146

obligations as workers holding the same jobs. The conditions in which it is permissible to employ young persons are governed by the legislation currently in force (article 44). Model conditions of employment for each sector are patterned on the Act making general provision for workers' conditions of employment and are issued by decree. The specific conditions of employment applying to workers in each undertaking are patterned on this Act and the model conditions of employment issued for the particular sector of activity. They are issued in regulations after consultation with the trade union authorities. In accordance with the law, these conditions establish the minimum age for admission to employment.

In the private sector, the specific conditions of employment to be applied in undertakings are laid down by collective agreements within the framework of the Act of 5 August 1978 (article 2) and the model conditions of employment issued for the sectors of activity to which the undertakings concerned belong.

The Ordinance dated 29 April 1975 respecting general conditions of work in the private sector fixes the minimum age for admission to employment at 16 years (article 180). Employers must furthermore ensure the protection of the morals of young workers and inform their parents or representatives without delay in the event of sickness, absence or any occurrence likely to require their action (article 181). The employment of young persons under the age of 16 years is prohibited, except in the case of special exceptions authorised by the Ministry of Labour and Social Affairs for certain types of fixed-term temporary employment (article 182). Article 260 of the same Ordinance stipulates that it is unlawful to employ children under the age of 18 years or apprentices on unhealthy, dangerous or arduous jobs, or on jobs requiring a degree of effort which exceeds their capacity and may be prejudicial to their health. Similarly it is unlawful to employ minors of either sex on work which by its nature or the conditions in which it is performed, is contrary to morals. Furthermore, workers or apprentices of either sex who are under the age of 18 may not be employed in any work between 8 p.m. and 6 a.m. (article 194).

Any employer who engages a young worker below the legal minimum age for admission to employment must pay a fine. If the offence is repeated, punishment may take the form of imprisonment, without prejudice to the imposition of a fine of up to twice the amount paid for the first offence. The same penalties apply to any physical or legal person who employs children under the age of 16 in theatrical, cinematographic, television or radio performances in violation of the provisions of article 182.

The Ordinance dated 23 October 1976 respecting the establishment of a Maritime Code establishes a minimum age of 18 for the exercise of a seafaring occupation.

In accordance with the regulations governing basic education, the minimum school-leaving age has been raised to 15 years.

MINIMUM AGE

ARGENTINA

CONVENTION NO. 138

Act No. 20744 of 11 September 1974 to approve the rules governing contracts of employment (Boletín Oficial (BO), 27 September 1974, No. 23003) (LS 1974 - Arg. 2), as amended by Act No. 21297 of 23 April 1975 (BO, 29 April 1976, No. 23394). Decree No. 390 of 13 May 1976 to approve a consolidated text of the rules governing contracts of employment (BO, 21 May 1976, No. 23410) (LS 1976 - Arg. 1).

Act No. 11317 of 30 September 1924, to approve the rules governing the employment of women and young persons (Crónica Mensual del Departamento Nacional del Trabajo, year VII, No. 81, September 1924, p. 1417), as amended by Act No. 18624 of 13 March 1970 (BO, 20 March 1970, No. 21893) (LS 1970 - Arg. 2).

Act No. 22248 of 3 July 1980 to approve a national system for agricultural work.

Rules governing the employment of young persons are contained in the Employment Contract Act (enacted in 1976) under Title VIII.

The Act provides that no young persons under 14 years of age may be employed on any type of work, whether for profit or not. Subject to the approval of the authority responsible for the interests of young persons, this prohibition does not extend to young persons employed in undertakings where only members of the same family are employed, on condition that the activities carried on are not harmful, deleterious or dangerous.

No young person over the age indicated above may be employed if he is of school age and has not completed his compulsory schooling, unless express permission has been given by the authority responsible for the interests of young persons on the grounds that his work is considered to be indispensable for his maintenance or the maintenance of the immediate members of his family and on condition that he satisfactorily completes the minimum period of education required (section 189).

The Employment Contract Act also prohibits the employment of young persons under 18 years of age on arduous, dangerous or unhealthy tasks (sections 191 and 196). While this Act repealed Act No. 11317 respecting the employment of women and young persons and replaced its provisions by new rules governing employment contracts, it maintained the provisions of sections 10, 11 and 19 to 24 of the latter, section 11 of which expressly prohibits the employment of young persons under the age of 18 in the loading and unloading of ships; in quarries and underground work; in loading and unloading operations using cranes or winches; as locomotive drivers or stokers; in the greasing or cleaning of machinery in movement; in the operation of drive belts, on circular saws and other dangerous devices; in the manufacture of metal, melting and glass-blowing; in the transport of substances in a state of incandescence; and in the retail sale of distilled or fermented alcoholic beverages and in any premises in which they are retailed.

CONVENTION NO. 138
RECOMMENDATION NO. 146

As the Ministry of Labour is organised, the National Directorate for Labour Police is responsible for ensuring observance of labour legislation throughout the country, including enforcement of the rules governing the employment of young persons.

Argentine legislation does not tally altogether with the provisions of Convention No. 138, although both aim at the progressive abolition of child labour.

For example, the minimum age for admission to employment under the international Convention is 15 years, which may be reduced to 14 only in exceptional circumstances, whereas the minimum age in our country, as a general rule and not exceptionally, is 14.

At the same time, it should be pointed out that raising the minimum age for admission to employment would necessarily involve creating additional facilities for apprenticeship, vocational training and education, sports and cultural activities, etc.

In view of the circumstances described above, Argentina is unable to consider ratifying Convention No. 138 for the time being.

AUSTRALIA

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Commonwealth

Navigation Act and Regulations, 1912

Federal jurisdiction

Metal Trades Award, 1952

Timber Workers' Consolidated Award, 1970

States

Australian Capital Territory

Education Ordinance, 1937

Child Welfare Ordinance, 1957

Northern Territory

Education Ordinance, 1957-73

Mines Regulation Ordinance, 1939-62

New South Wales

Public Instruction (Amendment) Act, 1916, as amended

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Child Welfare Act, 1939, as amended

Factories, Shops and Industry Act, 1962, as amended

Mines Inspections Act, 1901, as amended

Coal Mines Regulations Act, 1912, as amended

Victoria

Education Act, 1958

Social Welfare Act, 1970

Labour and Industry Act, 1958

Mines Act, 1958y

Coal Mines Act, 1958

Wages Boards Determinations

Lifts and Cranes Act

Labour and Industry (Employment Records) Regulations

Queensland

Education Act, 1971-73

Apprenticeship Act, 1964-74, and Regulations

The Children Services Act, 1965-75

Factories and Shops Act, 1960-75

Coal Mining Act, 1925-74

Mines Regulation Act, 1964-68

South Australia

Industrial Conciliation and Arbitration Act

Education Act, 1972-76

Mines and Works Inspection Act, 1920-74

Western Australia

Education Act, 1928-77

Child Welfare Act, 1947-77

Mines Regulation Act, 1946-74

Coal Mines Regulation Act, 1946-76

Factories and Shops Act, 1963-76

Act No. 63 of 1974

Tasmania

Industrial Relations Act, 1975

Education Act, 1932

Child Welfare Act, 1960

Mines Inspection Act, 1968

In Australia, effect is given to the provisions of the Convention by a combination of legislation, government policy, administrative arrangements and practice. This instrument is regarded as appropriate for action partly by the Commonwealth and partly by the State Parliaments.

Although Australian law and practice are in substantial compliance with the provisions of the Minimum Age Convention (No. 138), certain factors have precluded Australia's ratification to date.

Article 1. There is no stated government policy on the abolition of child labour or the progressive raising of the minimum age for admission to employment or work. In Australia, a child is defined under various legislation to be a person under the age of 15 or 16 years (Tasmania) and the principles of Article 1 are embodied in that legislation, especially in view of the compulsory attendance at school of children of "school age" up to the age of 15 or 16 (where applicable). However, persons under the age of 15 years may be exempted from compulsory attendance and thus be eligible for a permit or licence to engage in employment or street trading.

These provisions are the subject of regular attention by the authorities concerned, and even were any action taken in future to raise the upper age limit for compulsory attendance at school, there is no intention to abolish these exemption provisions which enable children of school age to undertake employment in certain circumstances.

It is also considered that schoolchildren engaged in work experience programmes or temporary employment over school vacation periods, of their own volition, are not in conflict with the principles behind the international labour standards and, in fact, such temporary engagement in work other than school work is seen to contribute to the physical and mental development of young persons.

In adopting Article 1 of the Convention, it was stated that "a child worker could be described for practical purposes as one who is at work before the age prescribed by national law or regulations". The type of work with which the Convention is concerned is regular labour undertaken in factories, workshops, agriculture, maritime services and others. In Australia, there are quite stringent controls on the type of employment or work on which children may be employed.

Restrictions on the minimum age for admission into various categories of employment are spelled out in the provisions of

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Conventions Nos. 7, 10, 15, 112 and 123, which Australia has ratified. The effect of these provisions, inter alia, is to preclude the employment during school hours in those occupations of children who are obliged to attend school and, as such, are to be taken into consideration in assessing the compliance of the provisions of Convention No. 138.

The provisions of the Conventions referred to above must be complied with in considering the minimum age for admission into those categories of employment. For example, in accordance with the provisions of Convention No. 7, section 40A(1) of the Navigation Act, 1912 provides that "a person shall not engage another person for service at sea in any capacity unless the superintendent is satisfied that that other person has attained the age of 16 years".

Article 2. The provisions of this Article are applied in Australia by legislation providing for the compulsory school attendance of children. This legislation varies slightly in its form from jurisdiction to jurisdiction. The school-leaving age is not the same under the relevant laws of each of the States and Territories but in no case is it lower than 14 years. In some of the jurisdictions, the provisions requiring compulsory attendance at school are reinforced by specific prohibitions of the employment of children at certain times. However, although the age of completion of compulsory school attendance is at least 15 years in all States, there is provision for granting exemptions for children of at least 14 years of age (15 years in Tasmania). Moreover, while the Education Acts prohibit employment during school hours, they do not prohibit employment outside school hours. However, some of the Education Acts contain provisions which prohibit such employment if its nature and extent are such as to prevent children from profitably taking part in their school lessons. (The position in each of the States and Territories with reference to the above-mentioned legislation which gives effect to the provisions required in the Convention is summarised in the Government's report.)

Article 2(2). There is at present no stated government policy on the progressive raising of the minimum age for admission to employment or work.

Paragraphs 4 and 5 are not applicable to the Australian situation.

Article 3(1). While there is no general legislative prescription in Australia that young persons under the age of 18 years should not be employed in occupations likely to jeopardise their health, safety or morals, there are safeguards under various legislations and awards which concern the safety and health of young persons.

Article 3(2). Prior to the enactment of legislation, consultation has been sought with representatives from the employers' and workers' organisations.

Article 3(3). Provisions relating to the protection of the health and safety of workers employed in dangerous and hazardous employment usually stipulate a minimum age for employment of 16 years. (The Government's report summarises the position in various jurisdictions.)

Articles 4 and 5 do not have application to the Australian situation.

Article 6. Such programmes for training as outlined under Article 6 operate in all jurisdictions. Minimum age limits and minimum education standards are set in determining the entry of young persons into apprenticeships. The minimum age for entry into apprenticeship is generally 15 years of age but, where a minimum age limit is not stipulated, the general practice is to set the school-leaving age of 15 years as the minimum limit. Some young persons below the age limit of 15 years may be admitted into apprenticeships and to this extent the minimum educational standards in each jurisdiction are also spelled out in the Government's report.

Article 7, paragraphs 1 to 3. There is legislation in some state jurisdictions which allows the employment of children below the age of 15 years but there is no specific legislation which covers the employment of children between the ages of 13 and 15 years in "light work".

As the compulsory school-leaving age in all jurisdictions in Australia is 15 years (except Tasmania, where it is 16 years), the following comments on the law and practice in these jurisdictions are relevant to Article 7(1) and (3). Legislation in some States prohibits the employment of children only during school hours and often the children are engaged in street trading, selling newspapers or in simple messengerial tasks with a pharmacy, for example, outside their school hours. These jobs could be regarded as "light work" and, as such, could be seen as fulfilling the criteria that they are not likely to be harmful to their health or development; and not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

Similarly, there are State Acts as well as federal and state awards, agreements and determinations of sectional application which set minimum ages in various types of employment which are often dangerous, for example, in mines, on building sites and at sea. This legislation contains provisions which stipulate the maximum weights to be carried by young persons and place restrictions on the operation of certain dangerous machinery. Further to this, the provisions of the Conventions previously referred to must be adhered to when an employer considers employing young persons.

In some jurisdictions, restrictions are placed on work being performed during certain hours of the day for all persons and, in other instances, they are more specifically directed towards the employment of young persons during those hours. This and other relevant legislation should be observed in the employment of young persons.

The law and practice with respect to these activities vary in each jurisdiction and are summarised in the Government's report.

Article 7(4) is not applicable to the Australian situation.

Article 8, paragraphs (1) and (2). There is legislation which provides exemptions from prohibiting children under a certain age

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from being admitted into employment for such purposes as participation in artistic performances, in some jurisdictions, as set out in the Government's report.

Article 9, paragraph 1. Provision is generally made under the relevant Education Acts, the Child Welfare Acts, the Factories and Shops Acts and the Mining Acts, ordinances and regulations made thereunder these Acts for inspectors to be appointed and to ensure the effective enforcement of the provisions and requirements provided by and under the respective Acts, including, among other things, the stipulation of appropriate penalties to be enforced against those who contravene these Acts. For example, with respect to the minimum age for admission into dangerous or underground work, strict controls are placed on employment and, in such conditions, the legislation is applied so as to require the approval of the chief inspector before such work can be undertaken by young persons. The legislation which gives effect to these provisions of the Convention is set out in the Government's report.

Paragraph 2. Inspectors or other authorised officers are appointed under the relevant State Education Acts to supervise the compulsory attendance at school of children between the ages of 6 and 15 years. The system of labour inspection applies to all industrial workplaces in respect of which legal provisions relating to conditions of work and protection of workers while engaged in their work are enforceable by labour inspectors.

No modifications have been made in the national legislation or practice with a view to giving effect to all or some of the provisions of the Convention.

Although Australian law and practice are in substantial compliance with the provisions of the Convention, there are difficulties which relate to the implementation of several provisions and preclude Australia's ratification.

Admission to employment is regulated effectively through the education legislation enacted in each State, as it requires compulsory attendance of young persons at school up to a specified age. This legislation complies with the principles embodied in Article 1. However, Australian law and practice does not conform with the requirement of Article 2(3) at present, as it requires member States to set the minimum age for admission to employment to be not less than the age for completion of compulsory schooling, or not less than 15 years. In all jurisdictions the age of completion of compulsory school attendance is at least 15 years. There is provision for the granting of exemptions from school attendance for children of at least 14 years of age (15 years in Tasmania) and these circumstances have been cited above. There is no intention by the competent authorities to abolish exemption provisions which enable exempted children of school age to undertake employment.

There are quite stringent controls on the type of employment or work on which children may be employed and these have been documented throughout the report.

Problems of compliance arise with Article 7(1) in that it permits the employment or work of persons 13 to 15 years of age on light work, subject to certain stipulated criteria. As stated in

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the report, there is legislation in some state jurisdictions which allows the employment of children below the age of 15 years but there is no specific legislation to cover the employment of children between the ages of 13 and 15 years in "light work". Given the lack of definition of "light work" and in accordance with the legislation in some States which prohibits the employment of children only during school hours, the competent authorities have used their discretion in permitting the employment of children in street trading, the selling of newspapers or messengerial tasks outside their school hours.

Although Education Acts in state jurisdictions do not generally prohibit employment outside school hours, they do contain the proviso which prohibits employment if the nature and extent of this employment is such as to prevent children profitably taking part in their school lessons.

Social welfare legislation in various States regulates the engagement of children in employment or street trading with the provision of permits or licencias issued, subject to certain conditions and, in some respects, the conditions applying to the issue of the permits are more stringent than the requirements of the Convention.

There is no legislation to regulate all the occupations covered by the Convention, although State Acts, as well as federal and state awards, agreements and determinations of sectional application do set minimum ages in various types of employment.

The difficulties with compliance in this instance could be dealt with under the exception envisaged by Article 4 whereby the competent authority may exclude from the application of the Convention "limited categories of employment or work in respect of which special and substantial problems of application arise". Although this Article provides for certain categories of employment to be excluded from the application of the Convention, the question arises whether the competent authority in the respective jurisdictions would want to circumscribe opportunities for the employment of children in this respect.

At the present time, there is no indication that further measures will be taken to give effect to those provisions of the Convention not yet covered by national legislation or practice other than the legislation and practice which is cited above.

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In Australia, effect is given to the provisions of the Recommendation in much the same way as for Convention No. 138, that is, by a combination of legislation, government policy, administrative arrangements and practice. This instrument is regarded as appropriate for action partly by the Commonwealth and partly by the State Parliaments.

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National policy

Paragraph 1. Australia does not have a stated policy on the abolition of child labour or the progressive raising of the minimum age for admission to employment. However, considering that the type of work with which the Convention is concerned is regular labour undertaken by children before the age prescribed by national laws or regulations, in factories, workshops, agriculture, maritime services and others, children and young persons are seen to be adequately protected, as stringent controls are enforced by the competent authorities on the type of activity on which children may be employed. Such controls take the form of State Acts and federal and state awards, determinations and agreements. The work experience programmes or temporary employment undertaken over school vacation periods, as cited in the report, are seen to contribute to the physical and mental development of young persons.

The establishment of federal and state departments and various authorities in such areas as education, employment and youth affairs, community welfare, youth, sport and recreation reflect a concern in their policies for the provision of conditions necessary for the physical and mental development of children and young persons.

Paragraph 2. (a) Details of Australia's firm commitment to full employment will be set out in the Article 22 report on the Employment Policy Convention, 1964 (No. 122), for the period ending 30 June 1980. Australia sustained high levels of employment throughout the post-war period until mid-1974 with the average level of unemployment (i.e. the number of unemployed registered (CES)) with the Commonwealth Employment Service being 1.2 per cent of the total labour force from 1949 to 1974. However, over the next five years, the employment situation was to worsen with the average rate of unemployment ranging from a low of 1.6 per cent in July 1974 to a high of 7.7 per cent in January 1979. The employment statistics for end May 1979 show that the number of persons registered as unemployed with the CES was 6.6 per cent of the estimated labour force.

Several of the manpower and training programmes which promote employment-oriented development in both rural and urban areas are provided through the Commonwealth Employment Service to meet the employment and training needs of all persons and some are designed more particularly for young persons. Action is also taken at the state level in this area. For example, an employment committee in Victoria has been established specifically to examine employment and employment-related matters of relevance to Victoria, to report to the Victorian Cabinet Subcommittee on employment and employment-related programmes and policies, and to recommend on a continuing basis additional employment policies for Victoria to meet changing needs.

(b) In general, persons in the labour force and their dependants are assured of some degree of protection of their living standards through the existence of minimum wages legislation. For persons who are not working, the Commonwealth social security system is the principal means of ensuring that an adequate standard of living is achieved and maintained.

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As indicated in the body of the report on Convention No. 138, the employment of children in Australia would not generally be attributable to economic necessity of the parents except in some circumstances. In these circumstances, an exemption from attendance at school would be required and such employment would be subject to control by the competent authority. This provision would be more appropriate for situations in some developing countries.

(c) Under the Australian federal system of government, there is a division of responsibility between federal and state governments for the provision and implementation of programmes designed to guarantee the right of all people in Australia to social security. In addition, the Commonwealth Government plays a substantial role in the provision of child-care services. The basic responsibility for the regulation, licensing and provision of family and child welfare and early education services lies with state governments. The Commonwealth Government supplements the activities of the States for particular groups of children and for particular services which it considers to be of national importance.

The Commonwealth Government provides capital and recurrent assistance for services for children and their families under the Children's Services Programme. Priority of access is accorded to children in certain "needs" categories and funds are allocated in accordance with those priorities.

Australia's personal income tax system provides additional assistance for families which includes an allowance to a resident taxpayer of concessional rebates of tax where the taxpayer has sole care of a resident child under 16 years of age or a student child.

(d) A basic principle of all Australian education systems is that all children be provided with an education between the ages of 6 and 15 years. Education for children between these ages is compulsory and legislation in all Australian States and Territories requires that all children between the prescribed ages must attend either a government school or some other educational institution approved by the Government. Education in government schools is free and there is no discrimination in access or selection at any level of the education system. Additional support is provided to groups within the community recognised as being disadvantaged.

Some special measures for the care and education of deprived and handicapped children which are provided include schools in disadvantaged country areas or correspondence schools which provide for primary and secondary education.

Vocational training operates at a number of levels ranging from training received through the normal education system (including technical training) to tertiary training, on-the-job training and retraining for new employment. In Australia, responsibility for pre-employment and technical training rests with the States and the authorities responsible for education in the mainland territories.

Several work experience or pre-employment programmes are undertaken in various States in Australia. These programmes are viewed as one aspect of a school student's education which is seen to contribute to the physical and mental development of young

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persons as they provide a stimulus to relevant parts of an academic programme and give a variety of experiences which permit students to take the first steps towards the choice of a career suitable for their aspirations and abilities.

(e) The relevant legislation which affords protection to children and young persons, including employed young persons, has been cited in the report on Convention No. 138.

Minimum age

6. In accordance with this provision, Australian legislation prescribing a minimum age for admission to employment does not differentiate between different sectors of economic activity.

7(1). Since the minimum age for admission to employment is so closely related to the age up to which attendance at school is compulsory, it does not seem necessary to raise the minimum age for admission to employment to a level above the age for compulsory school attendance in most countries.

(2) not applicable to the Australian situation.

8. Not applicable to the Australian situation.

Hazardous employment or work

9. This provision is adequately covered in the report on Convention No. 138.

10(1). Australia has full cognisance of these stipulations and law and practice conform with the provisions of this paragraph.

(2) Australia conforms with this provision. The common practice employed in Australian industry is to periodically review all types of employment to determine whether these types of employment still present serious hazards to all persons, including young persons, particularly in the light of advancing scientific and technological knowledge.

Conditions of employment

12(1) and (2). All the programmes relevant to these provisions are closely supervised by the competent authority.

13(1). The matters dealt with under this paragraph are also the subjects of a number of ILO Conventions ratified by Australia. For example, Australia has ratified the Equal Remuneration Convention, 1957 (No. 100), and applies the principle of equality of remuneration.

Occupational safety and health is regulated by a considerable number of laws and regulations adopted within various jurisdictions and supplemented by codes of practice. The majority of industrial awards and agreements contain provisions bearing upon safety and health.

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13(2). Young seafarers are protected both under the provisions outlined above and under measures taken to give effect to a number of ILO Conventions and Recommendations.

14. Information pertaining to this paragraph is provided in the reports submitted under Article 22 of the ILO Convention in respect of the Labour Inspection Convention, 1947 (No. 81).

The authorities entrusted with the supervision of the legislation and regulations are referred to throughout this report.

At the present time, there is no indication to take any measures to give effect to those provisions of the Recommendation not yet covered by the national legislation or practice other than the legislation and practice which is cited above.

It has not been necessary to make any modifications to the Recommendation to enable its application in the Australian situation.

AUSTRIA

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Federal Act of 1 July 1948 respecting the employment of children and young persons (Bundesgesetzblatt für die Republik Österreich (BGBl), text 146) (LS 1948 - Aus. 3), as amended by the Federal Act of 13 February 1952 (BGBl, text 45) (LS 1952 - Aus. 1A), the Federal Act of 31 March 1955 (BGBl, text 70) (LS 1955 - Aus. 2B), the Federal Act of 5 April 1962 (BGBl, text 113) (LS 1962 - Aus. 1), the Federal Act of 11 December 1969 (BGBl, text 469) (LS 1969 - Aus. 4B), the Federal Act of 20 June 1973 (BGBl, text 331) and the Federal Act of 23 February 1979 (BGBl, text 110).

Ordinance to amend and supplement the list of undertakings and employments prohibited for young persons. Dated 25 October 1954. (BGBl, text 258) (LS 1954 - Aus. 3).

Federal Act respecting school organisation. Dated 25 July 1962 (BGBl, text 241).

Federal Act of 21 June 1948 to lay down principles to govern labour law in agriculture and forestry (BGBl, text 140) (LS 1948 - Aus. 2), as amended by Federal Act of 28 November 1974 (BGBl, text 782).

Up to now Austria has been unable to ratify Convention No. 138 since it does not coincide wholly with Austria's legal system. Owing to its influence, however, the provisions relating to the minimum age for admission to employment in agriculture and forestry have been brought more closely into line with those governing arts and crafts.

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Children are defined as minors who have not completed their compulsory schooling. Minors who are not subject to compulsory schooling are regarded as children up to the first day of July of the year in which they reach the age of 15 years.

As defined by law, compulsory schooling begins on the first day of September following the date on which a child reaches the age of 6 years, and lasts 9 years. In some circumstances, earlier attendance at school is possible.

On completion of compulsory schooling, i.e. on the first day of July of the year in which minors reach the age of 15 years, they are no longer subject to the prohibition or limitations on work or employment established by law. Young persons generally do not begin working life until they reach 15 years of age.

Experience has shown that most young persons who have begun and completed schooling sooner than the statutory age continue their training beyond the nine compulsory years. Even when this is not the case and they begin working life immediately after completing their schooling, they do so with general consent, including the consent of employers' and workers' organisations.

Article 2 of the Convention is not applied in a wholly satisfactory manner.

Article 3 of the Convention seems to be adequately applied, except in agriculture and forestry.

Article 7 of the Convention is not applied, since children 12 years of age may perform light and occasional work in Austria. No age limit is established for work in agriculture. The requirement to keep registers is observed, except in agriculture and forestry.

Application of the Recommendation encounters the same obstacles as ratification of the Convention.

BAHRAIN

CONVENTION NO. 138

Labour Law for the Private Sector, Amiri Decree Law No. 23 of 1976, with subsidiary legislation enacted thereunder.

Ministerial Order No. 6 of 1976 respecting industries and dangerous occupations harmful to health of juveniles.

The statutory term "juvenile" means every male or female person of 14 years of age but not exceeding 16 years of age and was so specified, in consultation with organisations of employers and workers concerned, having regard to the fact that the economy and the free educational facilities available were considered to be insufficiently developed in Bahrain. In this connection, whilst compulsory attendance at school is not yet required, draft

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legislation is now under consideration by the Council of Ministers which envisages a period of nine years compulsory education up to the age of 15 years.

Statutory provisions require that juveniles may only be employed with the permission of the Ministry of Labour and Social Affairs and that they shall undergo a medical examination before engagement and periodically thereafter. Also, further provisions relate to the prescribed branches of economic activity or types of undertaking in which the employment of juveniles is prohibited; hours of work; rest periods; weekly day of rest; annual leave; the posting of notices; the maintenance of a permanent juvenile employment register; notification to the Ministry of the names of supervisors of juvenile workers; the prohibition of night work, overtime, and the fixing of wages on the basis of piece-work or productivity.

The Minister for Labour and Social Affairs may make Orders regulating any other conditions of employment of juveniles and their conditions of work. Exempted from the provisions of Chapter 8 are juveniles employed within the family environment, where members of the same family only are working, and subject to supervision of the same family. Chapter 5 of the Labour Law for the Private Sector, 1976 provides for apprenticeships whilst Chapter 6 thereof concerns vocational training.

The authority entrusted with the supervision of the application of the legislation is the Directorate of Labour which maintains close consultation with the organisations of employers and workers and the educational, health, vocational training and social affairs services.

No modifications have been made in the national legislation or practice which is now under consideration in the light of developments since its enactment and of the provisions of the Convention.

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The Labour Law for the Private Sector, 1976 and subsidiary legislation enacted thereunder makes provision for the employment of juveniles, apprenticeships and vocational training.

Concerning conditions of employment, the administration of the labour legislation includes the supervision of the conditions of vocational orientation and training within undertakings, training institutions and schools, in co-ordination with the authorities concerned. The inspection of training in undertakings is undertaken in close co-ordination with the Directorate of Manpower Development of the Ministry responsible for vocational training and apprenticeship schemes aimed at localisation of the economy and in co-operation with the services concerned with education, health and social affairs.

Concerning measures taken to facilitate the verification of ages, a system of birth registration is maintained as is the

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maintenance by employers of permanent employment registers of juvenile workers. Also, the names of supervisors of juvenile workers are required to be notified to the Ministry of employers.

Children and young persons working in the streets, in outside stalls, in public places in itinerant occupations, these are actively controlled and discouraged by the authorities from engaging in what is mainly part-time work outside the normal hours of school attendance.

BANGLADESH

CONVENTION NO. 138

Factories Act, No. IV of 1965 (The Dacca Gazette, 1 Sept. 1965, Extra., p. 1535) (LS 1965 - Pak. 2).

Shops and Establishment Act, 1965.

Tea Plantations Labour Ordinance, No. 29 of 1962 (Gazette of Pakistan, 4 June 1962, Extra., p. 864) (LS 1962 - Pak. 1).

Merchant Shipping Act, 1923.

The Chief Inspector of Factories and Establishments enforces these Acts under the over-all administrative control of the Ministry of Labour and Industrial Welfare.

In a tripartite meeting held in 1979 it was decided not to recommend ratification of the Convention and accept the Recommendation at this stage of the country's economy.

BELGIUM

CONVENTION NO. 138

Labour Act, dated 16 March 1971 (Moniteur belge (MB), 30 March 1971, No. 62, p. 3931).

Royal Decree dated 4 April 1972 to prohibit the employment of young workers under 16 years of age in underground work (MB, 21 April 1972, No. 79, p. 4761).

Royal Decree dated 17 April 1972 to prohibit certain underground work for workers under 21 years of age in mines, surface mines and quarries (MB, 26 May 1972, No. 101, p. 6195).

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Royal Decree dated 15 February 1978 (MB, 26 April 1978, No. 81, p. 5019).

Royal Decree dated 28 February 1919 to co-ordinate the acts related to the employment of children.

1. Principle. It is unlawful to employ children under the age of 14 years or children who have not completed their compulsory schooling (at present 8 years beginning at the age of 6 at the earliest), except for activities forming part of their education and training.

2. Extensions. It is unlawful to employ young persons under 18 years of age on any underground work in mines, surface mines and quarries, to employ young persons under 21 years of age on certain work in mines, surface mines and quarries, and to employ young persons under 16 years of age on any underground work.

Young workers under 18 years of age may not perform work that exceeds their strength, endangers their health or is detrimental to their morals.

3. Exceptions. Exceptions may be made in principle for a limited period and specific activities in order to allow children to take part in cultural, scientific, educational or artistic performances or events as actors or supernumeraries; in filming and recording for the cinema, television and radio broadcasting; and in fashion parades and press shows.

Officials of the Inspectorate of Labour Legislation are responsible for ensuring that the provisions are applied. Penalties for contraventions are the responsibility of the courts and tribunals.

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Besides the principles mentioned above regarding Convention No. 138, the following measures have been taken for the protection of young workers' conditions of employment:

- a rest period of 12 consecutive hours must be observed between completion and resumption of work in the case of young workers;
- young workers are entitled to an annual holiday of 24 days, like adult workers; there are special rules for granting holidays to young workers who have begun to work immediately after completing their schooling;
- young workers and apprentices are covered by the general social security scheme and by legislation on occupational accidents and diseases.

The Belgian Government is considering the possibility of eventually raising the age of compulsory schooling to 16 years. Accordingly, the employment of young persons up to that age will be prohibited, in accordance with the principles described above.

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BOTSWANA

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Employment Act, Cap. 47:01 (LS 1963 - Bech. 1).

Section 76 prohibits a person under 12 years of age from being employed in any capacity, except by a member of the family on light work (not likely to injure his physical development) of an agricultural, horticultural or domestic nature approved by the Commissioner of Labour.

Section 77 provides that persons under 15 years of age should not be employed in any industrial undertaking except in technical schools and similar institutions where such work is supervised by the Chief Education Officer. The minimum age for admission to employment is 14 years under section 78 of the Act except for domestic service, on a daily wage and on a day-to-day basis, so long as the said person returns each night to his place of normal residence.

Under section 79 the place of residence may be approved by a Labour Officer and on a written contract. Sections 80 and 81 prohibit the employment of juveniles underground, on machine work and in any employment which is injurious or dangerous to their health or immoral. Under section 83 juveniles shall not work for more than four consecutive hours without break and are not permitted to work for more than eight hours in any one day.

The Department of Labour through the Law and Enforcement Unit supervises the application of the legislation and regulations. Problems arising out of this legislation would be discussed at the Tripartite Joint Consultative Committee composed of Government, employers' and workers' organisations.

No modifications have been made so far in the legislation to apply the Convention.

Under Article 7 of the Convention employment for persons between 12 and 14 years should be limited to light work which is not prejudicial to their attendance at school, while sections 77 and 78 of the Employment Act enables persons between 12 and 14 to be employed on non-industrial work if they are able to return each night to their parents'/guardians' home.

Under Article 3(1) the minimum age for employment of which the nature is likely to jeopardise the health or is dangerous or immoral is 18 years. Section 81 of the Act generally establishes the minimum age of entry to such employment at 16 years. In some firms such instruction is at times provided by employers.

The Employment Act, Cap. 47:01 is currently being revised; and in this connection consideration is also being given to the provisions of the Convention and Recommendation.

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BULGARIA

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Constitution of the People's Republic of Bulgaria. Dated 16 May 1971. (D'vjaven vestnik, 18 May 1979, No. 39).

Act No. 544, to promulgate the Labour Code (Izvestia (Izv.), 13 November 1951, No. 91) (LS 1951 - Bul. 2), as amended and supplemented by Act No. 466 of 6 November 1957 (Izv., 15 November 1957, No. 92) (LS 1957 - Bul. 2).

Decision No. 36, to promulgate the Ordinance on holidays of wage earners and salaried employees (Izv., 11 March 1958, No. 20).

Ordinance No. A-87 of 7 September 1958 respecting preliminary and periodic medical examinations for wage earners and salaried employees (Izv., 7 October 1958, No. 80).

Ordinance respecting employment cards (Izv., 31 March 1953, No. 26).

List of arduous and unhealthy jobs prohibited for wage earners and salaried employees from 14 to 16 years of age (Izv., 5 August 1952, No. 65).

List of arduous and unhealthy jobs prohibited for wage earners and salaried employees from 16 to 18 years of age (Izv., 10 February 1953, No. 12), as modified (Izv., No. 94 of 1968 and No. 31 of 1973).

Ordinance concerning the conditions in which persons under the age of 15 are admitted to work in the arts (Izv., 6 January 1958, No. 103).

Under the national Constitution (article 39), young persons enjoy special protection for their mental, moral, aesthetic, cultural and physical development and their training for work.

Compulsory schooling lasts until the age of 16 years. In accordance with the Labour Code (section 112), it is unlawful in principle to admit any person to employment if he has not reached the age of 16. Young persons over 15 but under 16 years of age may be admitted to employment only in exceptional circumstances and subject to the authorisation of the labour inspectorate.

Young persons who have not reached the age of 15 years may be admitted to employment solely of an artistic nature (cinema, theatre, opera, ballet, circus, etc.) and in the conditions laid down by an Ordinance of 1958. Under that Ordinance, admission to employment of persons not having reached the age of 15 must be authorised by the labour inspectorate following a medical examination to certify that they are in good health and mentally and physically well developed and that the work in question does not present any hazard for their life, health or morals on account of its nature or the circumstances in which it is performed.

MINIMUM AGE

Under the Ordinance on the holidays of wage earners and salaried employees (section 7), young persons not having reached the age of 18 years are in principle granted holidays during the summer months. This does not deprive them of the right to take their holidays at other times of the year.

The Ordinance on workers' preliminary and periodic medical examinations of 1958, as amended subsequently, provides for a thorough medical examination for persons who have not reached the age of 18 and compulsory periodic examinations for wage earners and salaried employees up to the age of 18 as well as for those working in arduous, unhealthy or hazardous conditions.

Under the 1953 Ordinance respecting employment cards, as amended in 1960, employment cards are compulsory for young persons admitted to employment who have not reached the age of 18. The card must give the workers' date of birth, among other information, and serves as a document for the supervisory authorities in ensuring the observance of minimum age provisions.

Any contravention of the laws or regulations renders the management and other responsible officials liable to a fine, independently of disciplinary measures.

Enforcement of the relevant provisions is entrusted to the labour inspectors and other persons with supervisory duties concerning the protection of the working environment as well as to the social security supervisory bodies (section 178 of the Labour Code).

The arduous and unhealthy jobs prohibited to wage earners and salaried employees from 14 to 16 years of age, on the one hand, and to those from 16 to 18 years of age, on the other, are enumerated in two separate lists.

With a view to consolidating still further the achievements made in this field, the Government is continuing to improve the conditions of work and life of young persons.

BYELORUSSIAN SSR

RECOMMENDATION NO. 146

Constitution of the Byelorussian SSR.

Labour Code of the Byelorussian SSR dated 23 June 1972.

Public Health Act of the Byelorussian SSR.

Public Education Act of the Byelorussian SSR.

Persons under the age of 16 are not admitted to employment in the Byelorussian SSR.

CONVENTION NO. 138
RECOMMENDATION NO. 146

Secondary education is obligatory in the Byelorussian SSR, which means that in practice all young persons aged between 17 and 18 study.

A single public education system covers the general and vocational training of citizens, the intellectual and physical development of young persons and their preparation for work and social activity.

Young persons are guaranteed the right to work to the same extent as all other citizens who are capable of work. The exercise of this right by young persons "is guaranteed by the socialist organisation of the national economy, the steady growth of the productive forces, free vocational training, the improvement of skills, refresher training, and the development of vocational guidance and integration systems". The State is responsible for the improvement of working conditions and labour protection.

The Constitution of the Byelorussian SSR gives all citizens the right to health protection and prohibits child labour.

The State has reduced the number of hours of work for workers and employees under the age of 18 as follows: 36 hours a week for persons aged between 16 and 18 and 24 hours a week for persons aged between 15 and 16.

Young persons thus enjoy the same rights as adults in the legal aspects of labour relations.

Workers and employees under the age of 18 are prohibited from working at night; they may not be obliged to work overtime or work on their rest days or be assigned to arduous work or work in unhealthy or dangerous working conditions, or underground work. The "list of production processes, professions, special activities and work in which it is unlawful to employ young persons under the age of 18 years", which was approved by the USSR State Committee on Labour in consultation with the Central Council of Soviet Trade Unions, on 29 August 1959, which is in force in the Byelorussian SSR, takes into account subsequent amendments made with a view to increasing the labour protection of young persons.

It should also be noted that persons under the age of 18 are admitted to employment only after undergoing a medical examination and they must attend an obligatory annual check-up until they reach the age of 18.

In 1979, the Byelorussian SSR ratified Convention No. 138 concerning the minimum age for admission to employment. The ratification of this Convention has not required any amendment whatsoever to the national legislation currently in force.

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UNITED REPUBLIC OF CAMEROON

CONVENTION NO. 138
RECOMMENDATION NO. 146

Law No. 74-14, instituting the Labour Code, dated 27 November 1974 (Official Gazette (GQ), 5 December 1974, No. 4, Suppl. (LS 1974 - Cam. 1)).

Order No. 17, relating to the employment of children, dated 27 May 1969 (GQ, 1 June 1969, No. 10) (LS 1969 - Cam. 2B).

The minimum age for admission to employment is governed by national legislation, and is fixed at 14 years by the Labour Code. Also, Cameroon has ratified Conventions Nos. 5, 15, 33 and 123 respecting the minimum age for admission to employment in certain economic sectors.

The Minister of Labour and Social Insurance is responsible for the enforcement of labour laws and regulations. Co-operation with employers' and workers' organisations takes place at the level of the National Labour Council, a tripartite body with advisory functions in the field of labour.

The minimum age for employment is normally linked to the compulsory school age; in Cameroon, however, compulsory schooling has not yet been established. When this is done, and the compulsory school age fixed, the measures for giving effect to the provisions of the Recommendation can be determined.

CANADA

CONVENTION NO. 138

Federal legislation

Labour Code, Revised Statutes 1970 (R.S., c.L-1).

Shipping Act, Revised Statutes 1970 (R.S., c.S-9).

Explosives Act, Revised Statutes 1970 (R.S., c.E-15).

Atomic Energy Control Regulation.

CONVENTION NO. 138
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Provincial legislation

Alberta

School Act, 1970, Cap. 329.

Alberta Labour Act, 1973, Cap. 33.

British Columbia

Control of Employment of Children Act (Revised Statutes, 1960, Vol. I, c.75, pp. 859-861).

Manitoba

School Attendance Act (Revised Statutes, 1970, c.S-20).

Employment Standards Act (ibid., c.E-110).

New Brunswick

Schools Act (Revised Statutes, 1952 ed., Vol. III, p. 3427).

Minimum Employment Standards Act, 1964, Cap. 8.

Newfoundland

School Attendance Act (Revised Statutes, 1952 ed., Vol. II, p. 1352).

Labour Standards Act.

Northwest Territory

Labour Standards Ordinance.

Nova Scotia

Education Act (Revised Statutes, 1967, Cap. 81).

Labour Standards Code.

Ontario

Industrial Safety Act (Revised Statutes, 1970, Vol. 2, Cap. 220).

Construction Safety Act (ibid., Vol. 1, Cap. 81).

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Prince Edward Island

School Act.

Minimum Age of Employment Act.

Quebec

Education Act (Revised Statutes, 1964, Cap. 235).

Industrial and Commercial Establishments Act (*ibid.*, Cap. 150).

Saskatchewan

Education Act, 1978.

Minimum Wage Order, No. 3 of 1977.

Yukon Territory

Labour Standards Ordinance 1968.

The provisions of the Convention concern legislation on labour matters which, under the Canadian Constitution falls mainly within the legislative authority of the provinces. The provisions of the Convention therefore are principally for action by the constituent provinces. There are exceptions however in that certain industries or undertakings come within federal jurisdiction. Those industries are as follows: international or interprovincial shipping, railways, trucking, bus operations, canals, bridges, ferries, telephones and telegraphs, all radio and television broadcasting, banking, the grain trade, uranium mining and smelting, specific undertakings declared by Parliament to be for the general advantage of Canada (e.g. British Columbia Telephone Co., Hudson Bay Mining and Smelting, etc.). The federal jurisdiction covers 10 per cent of the total Canadian workforce.

Considerable legislation exists in Canada to regulate the minimum age at which youths may be employed when taking into account federal and provincial legislation. Legislation is generally accepted as adequate to regulate minimum age of employment so that it is not a Canadian practice to cover this in collective agreements.

The Canada Labour Code does not set an absolute minimum age for employment. It provides however, that an employer may employ a person under the age of 17 years in (a) such occupations as may be specified by regulation and (b) subject to the conditions and at a wage of not less than the minimum wage prescribed by the regulations. Under the regulations, persons under 17 years of age may not be employed if they are required by provincial law to be in attendance in school. Furthermore, they cannot be employed in specified jobs or at night. Employers can be exempted from the minimum wage requirement in the case of duly registered apprentices in a training plan registered with and monitored by provincial authorities.

The Canada Shipping Act fixes a minimum age of 15 for employment at sea or on the Great Lakes. The Explosives Act provides that no person under the age of 21 may work on, operate or be in charge of a vehicle transporting explosives and that no person under the age of 16 can be employed in or enter any "danger" building (where explosives are manufactured or stored) except in the presence and under the supervision of a person over 21.

The Atomic Energy Control Regulations specify that no person under 18 years of age shall be employed as an atomic worker. An atomic worker is, under the regulation, defined as any person who is in work where they could possibly receive doses of ionised radiation totalling over 5 Rems per year.

Except for the limits of these specialised Acts, the regulation of the minimum age for employment in the federal jurisdiction is linked with provincial school-leaving legislation.

As recognised in Part III, Canada Labour Code, provincial school-leaving legislation is relevant in both the federal and provincial spheres of employment. Every province has enacted legislation making it compulsory for children to attend school up to specified ages. The youngest age for leaving school is 15 years. Exceptions are allowed under special conditions. There exists also provincial legislation providing for the minimum age for employment in specific industries.

Legislation pertaining to minimum age for employment provides for exceptions. For instance some laws permit juveniles under school-leaving age to work outside of school hours, at such things as delivering small packages for merchants and to work as pin setters in bowling alleys, to deliver newspapers and advertising pamphlets outside of school hours.

School leaving laws are a responsibility of provincial education authorities. The Department of Labour usually monitors labour conditions prescribed in factory acts.

Canada complies with the basic objective of the Convention. However, there are minor differences between the legislation in the various Canadian jurisdictions and the dispositions of the Convention.

For example, the minimum age for admission to employment is 15 in Alberta, while the school-leaving age is 16. In Newfoundland and the Northwest Territories, no minimum age is established for work in factories, hotels or restaurants, although the school-leaving age is fixed at 15 years. Another difficulty is the setting of the minimum age for dangerous employment.

In general, the legislation in Canada does not contain a definition of "dangerous employment" as described in Article 3 of the Convention. All jurisdictions have adopted a minimum age of 18 for underground work in mines, with the exception of Alberta and the federal jurisdiction where it is still 17. Finally there remains the problem of establishing a minimum age for employment in agriculture to which labour standards legislation often does not apply in Canada.

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Each year the Deputy Ministers of Labour (federal and provincial) hold a meeting on ILO questions which include an examination of the degree of compliance throughout Canada with ILO instruments. However, this particular Convention is not considered a priority since Canada generally is already in very substantial compliance.

RECOMMENDATION NO. 146

There are in all Canadian jurisdictions ample legislative, administrative and practical provisions regarding the matters dealt with in the Recommendation.

As part of its responsibility for planning economic and social development in Canada, the federal government is committed to the goal of full employment. It has put into place policies and programmes designed to assist Canadians attain such a goal, to the extent possible under prevailing national and international economic conditions.

In order to promote employment-oriented industrial development in rural and urban areas with higher unemployment, Canada has established a special Department of Regional Economic Expansion for the purpose of promoting economic development in specific economically disadvantaged areas of the country.

Though direct responsibility for social welfare falls within provincial jurisdiction, by agreement with the provinces the federal government operates two programmes that bear directly on the alleviation of poverty. One is a national Unemployment Insurance Plan. This is a contributory plan, with premiums being prorated to earnings. Furthermore the National Employment Service provides free guidance and assistance in finding employment. Also operated and funded by the federal government is a national non-contributory Family Allowance Plan which pays to the mother an allowance for each child from birth until age 18. It is paid on application for every child. There is one exception, however, intended to keep the children in school; the payment stops if a child under 18 leaves school, goes to work and earns a taxable income, that is earnings in excess of, in 1979, \$3,000 per year.

Welfare assistance, which provides the essentials of life to those without sufficient income, is a provincial responsibility and is administered by the provinces and municipalities. The federal government, however, does provide approximately 50 per cent of the funds for this purpose.

By agreement and in conjunction with the provinces, Canada has developed a programme, funded in large part by the federal government but administered by the provinces, of universal hospital and medical care.

Each province, with federal assistance, has established a system of welfare payments. It can reasonably be stated that no child in Canada must leave school in order to earn the money required to survive or to have adequate food, clothing and shelter, etc.

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RECOMMENDATION NO. 146

Further, each province has established and maintains a system of decentralised Children's Aid Societies with responsibility and authority in law to provide protection for children against abuse and exploitation and to ensure that they have care, are properly nourished, have responsible guardians, attend school as required, etc.

All provinces operate Workmen's Compensation systems whereby workers sustaining work related injuries receive approximately 75 per cent of their wages in addition to reimbursement for hospital and medical expenses. Rehabilitation services are also provided. Widows' (and widowers') pensions (though in two provinces only as regards invalid widowers) and children's allowances are provided in the case of workers killed on the job. Pensions, partial or full, are also provided for workers suffering permanent, partial or full disability.

The question of parentless or migrant children is a provincial responsibility, both in respect to their care and their education. Canada does not have any significant migrant worker population, let alone migrant worker families. The small number of migrant workers are generally associated with agriculture, the handpicking of fruit, vegetables and leaf crops. However, Canada does employ some migrant workers on a seasonal basis. These are adults, brought in on temporary work permits for the harvest and who return to their country of origin on its completion. They do not bring their families with them; thus the problem of migrant children is practically non-existent.

However, when and if there were migrant worker families, the children would be required by law to attend school as required for all children and schools are available without charge to the parents in all areas.

Full-time attendance at school is required up to at least 15 years (16 in some) of age or attainment of a grade 8 education in all provinces. Schools without tuition fees are provided giving an academic education of at least 8 years and further academic or (optional) vocational schooling up to at least 11 years (12 in most, 13 years in one province). Normally then, free schooling is available to the age of 17 or 18 years.

All provinces operate controlled apprenticeship systems whereby skilled trades are learned on the job or more usually in a combination of on-the-job training and vocational school attendance. All apprentices are registered with a provincial government, a graduated scale of wages specified, the adequacy of training specified and monitored, the level of work and safety conditions controlled and inspected. Entry into community colleges or university cannot be obtained without completion of high school which usually requires three to four years of schooling beyond minimum school-leaving age.

Apart from certain exceptions (the Canada Shipping Act, for instance, fixes an age of 15 years for employment at sea) the federal jurisdiction has no stated minimum age for employment. Youths under 17 may be employed provided they are not required by law to be in attendance at school. The federal jurisdiction requires that youths, if employed, are to be paid a minimum wage set at 25 cents per hour below that required for adult workers.

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With the level of technology increasing rapidly in so many types of undertakings, the need for a better educated and trained workforce will lead to the acceptance of the requirement for more schooling if Canadian youths are to be able to fit into the employment market of the future. Education being constitutionally a provincial responsibility, the federal policy in related matters within its legislative jurisdiction is to apply provincial regulations where practicable. As regards the minimum age for employment, except in matters where danger is a factor (sea, atomic radiation, explosives) the federal approach is to give effect to provincial standards so that there is a uniform standard in each province for all employers.

In provincial jurisdictions it should be noted that while the lowest allowable age for employment is 14 years, the lowest allowable age for leaving school is 15 years of age. While it may not be too difficult for provinces to legislate an increase in school-leaving ages, raising the minimum age of employment may present a problem. Light part-time work after school and during holidays is desired for youths as a learning process and to try to prohibit it would probably meet with considerable resistance in Canada.

The main thrust of the Canadian approach to hazardous materials is to identify, control and deal with the safe use and handling of any potential hazards rather than control the age of those who must face such possible hazards, except in designated areas.

All types of economic activity in Canada are covered by some type of minimum age legislation covering the school-leaving age or the minimum age for employment.

It can be reasonably stated that the conditions in which children and young persons are employed, to the extent that they can be employed, are controlled to maintain a reasonable standard. For example, minimum wage, and safety, health and moral welfare standards are enforced.

Vocational training for the young is provided either in special vocational schools or in registered and controlled apprenticeship. A number of provinces have developed school work experience programmes by agreement between employers, school authorities and the pupil or trainee. In such cases, the trainee attends school part-time and works part-time under standards set and monitored by the school authorities. Certain larger employers such as the railways operate their own apprenticeship systems. Schooling and instruction standards are generally high as employers are concerned with developing the high levels of skill and knowledge required. Except for the school-operated work experience programmes, the common practice for apprenticeship indenture is to demand a level of education that cannot normally be attained much before 18 years of age.

All work excepting farm work is protected by a minimum wage, which wage may however be lower for young persons than that for adults.

Children generally cannot be employed on night work. Most provincial - as well as federal - law requires one day's rest in seven.

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Youths when employed are not treated differently from adults regarding the right to an annual vacation.

No Canadian social security scheme excludes a worker because of age. Each province operates a workmen's compensation or insurance plan.

All provinces and the federal government have general safety standards laws and safety inspection programmes, rules and regulations regarding specific hazards. These apply regardless of the age of the worker; as previously mentioned, there are also age limits for work such as underground work in a mine and regarding employment of youths in hazardous occupations.

The federal and all provincial labour departments employ labour standards inspectors for the enforcement of labour legislation. Each jurisdiction also employs safety inspectors to enforce safety regulations. These inspectors are trained in all aspects of labour law including minimum age of employment.

The training of apprentices has been considerably improved in recent years in Canada by the development of combined classroom instruction in community colleges with on-the-job experience. Work experience programmes operated by Departments of Education also involve a combination of classroom and on-the-job training and experience.

Generally, employment of children below school-leaving age is prohibited except to a limited degree and only by permit.

Birth registration followed by issue of a birth certificate is compulsory in Canada. Under the federal Labour Code and in provincial labour legislation employers are required to keep employment records on each employee including the employee's age. These must be open for inspection. Newspapers in Canada are no longer sold on street corners by children. Any street stalls or street peddling generally requires a municipal peddler's licence. The home delivery of newspapers before or after school hours by young boys or girls is allowed. No licences are required by these children. It is minimal part-time work and does not interfere with school attendance.

Each province, the two territories and the federal jurisdiction review, on a continuing basis and, where possible, improve their labour standards, including provisions relating directly or indirectly to the minimum age for employment. Each year the federal and provincial Deputy Ministers of Labour hold a meeting on ILO questions which include an examination of the degree of compliance throughout Canada with ILO instruments. However, this particular Recommendation is not considered a priority since Canada generally is already in very substantial compliance.

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CENTRAL AFRICAN REPUBLIC

CONVENTION NO. 138 RECOMMENDATION NO. 146

Act No. 61/221, to establish the Labour Code of the Central African Republic. Dated 2 June 1961. (Journal officiel, special number, August 1961).

Order No. 837 of 22 November 1953, as amended by Order No. 42 of 24 January 1959 respecting the conditions of employment of young workers.

Section 125 of the Labour Code provides that children under 14 years of age may not be employed in any undertaking, even as apprentices, save where exceptions are authorised by order of the Minister responsible for labour, after consultation with the Labour Advisory Board, taking into account local circumstances and the jobs they may be asked to perform.

Section 126 provides that the labour and social security inspector may require children to be examined by an approved physician in order to ascertain whether the work assigned to them does not exceed their strength. This requirement must also be complied with at the request of the parties concerned. Children may not be kept on a job found to exceed their strength and must be transferred to suitable work. If this is not possible, the contract must be terminated and the worker paid a severance allowance with notice.

Order No. 837 of 22 November 1953, as amended by Order No. 42 of 25 January 1959, establishes the conditions of employment for young workers and the types of work and undertakings prohibited to them and the age up to which the prohibition applies.

Responsibility for securing the enforcement of the above-mentioned provisions rests with the labour inspectorate.

The Central African Republic could ratify the Convention by availing itself of the provisions providing for exceptions, but it does not plan to do so for the time being on account of the administrative difficulties involved in the procedure of ratification.

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RECOMMENDATION NO. 146

CHILE

CONVENTION NO. 138

Legislative Decree No. 2200 of 1 May 1978, to make provision for contracts of employment and the protection of workers (Diario Oficial, 15 June 1978, No. 30090, p. 1) (LS 1978 - Chile 1).

The provisions governing the employment and capacity to contract of young persons are general provisions applicable to all types of employment.

Under existing legislation, persons 18 years of age are recognised to have full capacity to contract, persons between 14 and 18 years of age may be authorised to work, and persons under 14 years of age may not. For the purposes of labour law any person over 18 years of age is deemed to have reached his majority and be able to conclude contracts freely for the performance of services. A person under 18 years of age but over 15 years of age may conclude a contract of employment if he has obtained express permission from his father or mother or, if he has no father or mother, from his guardian or, if he has no guardian, from the appropriate labour inspector.

A person under 15 years of age but over 14 years of age may conclude a contract for the performance of services on condition that he has obtained the permission mentioned above, has completed his compulsory schooling and is employed solely on light work that is not detrimental to his health or development and does not prevent his school attendance or participation in educational or training programmes.

Where a labour inspector has given permission for a young person to be employed in such cases as mentioned above, he must bring the matter to the knowledge of the appropriate juvenile magistrate, who may cancel the permission if he considers it undesirable for the young worker concerned.

After permission has been given, the young person is subject to the relevant provisions of the Civil Code and is deemed to have full capacity to engage in the corresponding transactions.

In no circumstances may any person under 18 years of age be employed for more than 8 hours a day. No person under 18 years of age may be admitted to employment underground, to work requiring excessive effort or to activities that may be dangerous to his health, safety or morals. No person under 21 years of age may be engaged for employment underground without first having been examined to ascertain his fitness for the job. Any employer engaging a person under 21 years of age without having complied with this requirement is liable to a fine of between twice and five times the monthly minimum wage, which is doubled in the event of a repetition of the offence.

Likewise, it is not lawful for any person under 21 years of age to work in a cabaret or other similar establishment presenting

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live performances or serving alcoholic beverages to be consumed on the premises. Nevertheless, a young person who has obtained express permission from his legal guardian and a juvenile magistrate may be permitted to take part in such performances. In duly specified cases and after obtaining permission from his legal guardian or a juvenile magistrate, a person under 15 years of age may conclude a contract of employment with a person or body engaged in theatrical, cinema, radio, television, circus or other similar performances.

The Directorate of Labour is responsible for the enforcement of statutory provisions governing the employment of young persons.

Where a young person is engaged otherwise than in accordance with the provisions governing the employment of young persons, the employer is subject to all the obligations deriving from the contract for such time as it is being performed, but the labour inspector, either on his own initiative or at the request of any party concerned, must order the employment relationship to cease and impose the appropriate penalties on the employer.

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The questions covered by Recommendation No. 146 are dealt with, in part, in sections 23 et seq. of Legislative Decree No. 2200 of 15 June 1978, containing provisions governing the employment and capacity to contract of young persons.

The provisions governing normal hours of work, overtime, and public and other holidays for young persons are the same as the provisions applicable to other workers.

Legislative Decree No. 2200 prohibits the employment of persons under 18 years of age on night work in any industrial establishment between 10 p.m. and 7 a.m., except in the case of industrial establishments where only members of the family are employed under the authority of one of them.

This prohibition does not apply to the employment of boys over 16 years of age in such industries as may be specified in regulations, if the nature of the work is such that operations must necessarily be continued day and night.

In connection with Paragraph 14 of the Recommendation, under existing legislation where a young person is engaged otherwise than in accordance with the relevant sections of Legislative Decree No. 2200, the employer is subject to all the obligations deriving from the contract for such time as it is being performed, but the labour inspector, either on his own initiative or at the request of any party concerned, must order the employment relationship to cease and impose the appropriate penalties on the employer.

Enforcement of the statutory provisions governing the employment of young persons rests with the Directorate of Labour.

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RECOMMENDATION NO. 146

COLOMBIA

CONVENTION NO. 138

Labour Code.

Decree No. 995 of 26 June 1968.

Resolution No. C2400 of 22 May 1979, to establish rules on housing and safety and health at workplaces (Diario Oficial, 20 August 1979, No. 35330).

The Labour Code provides that young persons under 14 years of age may not be employed in industrial undertakings or in agricultural undertakings where such work would prevent them from attending school.

Young persons under 18 years of age may not be employed at night, except in non-industrial undertakings and domestic service on condition that such work does not jeopardise their health or morals. Young persons under 18 years of age may not be employed as trimmers or stokers on board sea-going vessels.

Each employer must keep a register of all the persons under 18 years of age employed by him, indicating their date of birth.

Decree No. 995 of 1968, in turn, prohibits in any circumstances, even with the consent of their parents or guardians, the employment of young persons under 14 years of age, as well as the employment at night of young persons under 18 years of age of either sex, in mining, quarrying or any other extractive industries; construction; and the transport of passengers or goods.

Employment at night of young persons under 18 years of age in non-industrial undertakings and domestic service is permitted only when such work does not jeopardise their health or morals. In no case may young persons under 18 years of age be employed between 6 p.m. and 6 a.m. in establishments retailing alcoholic beverages.

Young persons under 18 years of age and women may not be employed in industrial painting involving the use of white lead, lead sulphate or any other product containing these pigments. Young persons under 18 years of age may not be employed on underground work in mines or, generally, on dangerous or unhealthy jobs or jobs requiring great effort.

National legislation also provides for integrated health-care centres for children under school age, responsible to the Institute of Family Welfare.

The responsibility for enforcing the provisions of laws or regulations lies with the labour administrative authorities and, in the last instance, with the labour courts. The Ministry of Labour and Social Security exercises supervision over the application of these provisions through its various departments, especially the Division of Labour Inspection.

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It should also be noted that under section 30 of the Labour Code young persons under 18 years of age are required, in order to enter into an employment relationship, to present to the employer an authorisation from their parents or, failing that, an authorisation from the labour authorities.

The Labour Code also provides that in the case of employment authorised for young persons under 16 years of age, their hours of work may not exceed 6 a day.

Late in 1978, the Office for Minors was provisionally set up within the Ministry Labour and Social Security. This Office is developing activities both for the protection of young persons' rights and employment and in research work on the situation of young persons in Colombia, while drawing up projects to promote their welfare in respect not only of employment but of health, education, recreation and other aspects contributing to their full development.

The National Labour Council, as a tripartite body representing the Government, employers and workers, is in a position, as part of its broad labour functions and powers, to collaborate in the preparation and application of programmes and legislation concerning young persons and to propose standards for their protection in respect of employment.

The Government has taken steps, through the commission of the Ministry of Labour and Social Security responsible for drafting amendments to the Labour Code and Code of Labour Procedure, to include specific standards (in keeping with the international Conventions) for the protection of young persons and their admission to employment. Similarly, the proposed reorganisation of the Ministry includes the establishment of the Office for Minors at an appropriate level and with sufficient resources for dealing with practical problems affecting young persons as regards both their admission to employment and the development of their skills.

On 2 November 1979, the Minimum Age Convention, 1973 (No. 138) was submitted to Congress for ratification.

Once the Convention has been ratified, detailed regulations will be made in accordance with its provisions, taking into account certain social and economic aspects with a view to adopting the necessary corrective measures for full observance of the Convention.

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CONVENTION NO. 138

Labour Code (Overseas Territories), Act No. 52-1322 of 15 December 1952 (LS 1952 - Fr. 5).

Order No. 130/IT-C, to provide for exceptions to the rules governing the age for admission to employment for children. Dated 1 August 1960. (Journal officiel des Comores, 16 August 1960, p. 8).

Order No. 66-84/IT-C, to establish the conditions of night work for women and children. Dated 22 January 1966.

Order No. 67-18/IT-C of 5 January 1967 creating an employer's register for young persons under 18 years of age.

The Government refers to the reports on the minimum age Conventions which it has ratified.

CCJNGO

CONVENTION NO. 138
RECOMMENDATION NO. 146

Act No. 45-75, to establish the Labour Code. Dated 15 March 1975 (Journal officiel, 17 March 1975, special number).

Order No. 2224, to provide for exceptions to the rules governing the employment of young persons, the types of employment and the categories of undertakings prohibited to them, and the age up to which the prohibition shall apply. Dated 24 October 1953.

It is unlawful to employ children under 16 years of age in any undertaking, even as apprentices, save where exceptions are authorised by the Ministry of National Education after consultation with the labour inspector at the workplace.

No child may be kept on a job found to exceed his strength and must be transferred to suitable work.

It is unlawful to employ during school periods children under 14 years of age attending a public or private educational institution.

Whenever an employer recruits young persons between 15 and 18 years of age, he must prepare a nominal roll within eight days and send it to the labour inspector, specifying, for each young person, the nature of the work and his remuneration.

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Enforcement of the provisions of the above-mentioned legislation and regulations is the responsibility of the Attorney-General at the Court of Appeal and the regional labour and labour law inspectors. Employers' and workers' organisations may co-operate in the application of these provisions at all times, though no special arrangements are made for this.

No amendments to the legislation or changes in practice have occurred since the publication of the new Labour Code. The Government nevertheless plans to take measures for giving effect to the provisions of the Convention with a view to its possible ratification.

COSTA RICA

RECOMMENDATION NO. 146

Labour Code, 1978/79 edition.

Decree No. 2601-TSS dated 13 October 1972 prohibiting the employment of young persons under the age of 18 years as shovellers, stokers and trimmers on coal-fired fishing boats (La Gaceta, 31 October 1972, No. 206, p. 4861).

The 1979-1982 National Development Plan sets forth governmental policy on matters related to the problems of families and young persons and the provision of social assistance.

The low rate of official unemployment in Costa Rica - 4.6 per cent of the total population - demonstrates the effectiveness of the measures which were introduced to stimulate employment at the national level.

The Office for Social Development and Family Allowances plays a very important role in providing assistance to social groups whose need is the greatest by starting up school meal programmes for thousands of children in Costa Rica and making non-contributory pension schemes available to the most needy families.

Basic general education is compulsory; pre-school and secondary education is financed by the State. Free schools are available in practically every community in Costa Rica and are open to all children who have reached the necessary age to begin their basic education.

The National Apprenticeship Institute offers young persons a wide range of opportunities to acquire suitable vocational training once they have finished their basic education. The Agricultural Technical College and the Urban Technical College for Vocational Training provide young persons with instruction in many useful occupations and trades.

The decisive factors taken into account in awarding scholarships for both basic and higher education are the applicant's lack of family and home environment and inadequate financial resources.

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The Labour Code prohibits the employment of young persons under the minimum school-leaving age who have not completed, or whose employment does not allow them to complete, their compulsory education. A minimum age for admission to employment has been established for all sectors of economic activity and the Government is studying the possibility of raising this minimum age. The Labour Code prohibits the employment of young persons under the age of 18 in work which is unhealthy, arduous, or dangerous to their physical health or morals, in accordance with the established regulations. However, no list of the kinds of employment to which Article 3 of Convention No. 138 applies exists in Costa Rica, either at the legislative or administrative level.

Costa Rica did not restrict the scope of application of Convention No. 138. Every employer is obliged to protect fully the life, health and morals of his employees, including young persons. The competent authorities of the Ministry of Labour, and specifically the National Inspectorate of Labour, are responsible for ensuring the enforcement of this provision.

Young persons are entitled to receive the minimum wage established for the category of work performed, in proportion to the number of hours which the law permits persons of their age to work, and in accordance with the principle of "equal pay for equal work". However, contracts for in-plant training, which are duly supervised at regular intervals by the labour authorities, may establish a wage which is below the legal minimum (to a maximum of 50 per cent) and which is increased progressively in line with the worker's training until the full minimum wage is paid once performance reaches a satisfactory level.

Young workers are insured with both their employers and the National Insurance Institute against accidents at work. As concerns sickness benefits and medical care, the extension of the social security system to all persons and the obligation for the employer to affiliate all his workers, including young persons, to the system means that adequate protection is granted to all workers.

The provisions of Chapter I, Title 4, of the Labour Code, "Occupational safety and health conditions" and the General Occupational Safety and Health Regulations are applicable to minors and young workers.

The employment of minors is effectively and permanently monitored by the General Inspectorate of Labour, in association with the authorities of the National Society for Children, although officials have received no specific training on matters related to young persons. The duties of the labour inspectors include informing both employers and employees and advising on aspects of legislation and labour regulations which are considered relevant to the particular circumstances involved.

The Government co-ordinates the work of the labour administration services and those responsible for the education, training, welfare and orientation of children and young persons. Thus a representative of the Ministry of Labour is a member of the Board of Directors of the National Society for Children and is responsible for co-ordinating activities. A satisfactory relationship has also been established with the National Apprenticeship Institute.

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The provisions relating to dangerous work or employment are enforced through an effective and controlled application of the General Occupational Health and Safety Regulations and other safety regulations by the inspection services.

The competent authorities of the Inspectorate of Labour and the National Society for Children endeavour to prevent the employment of minors during the hours of compulsory school education.

The National Society for Children is responsible for granting work permits to young persons, which stipulate the working conditions to be observed and the number of hours which may be worked in accordance with national legislation.

The social and labour situation of young persons who are employed is currently under study by the Office for Juvenile Workers of the Ministry of Labour and Social Security and the Juvenile Office, whose work is co-ordinated by the President of the Republic. Any concrete proposals emerging from these public bodies will be examined by the Special Commission which is revising the entire Labour Code and this will result in amendments being introduced to the national legislation so as to bring the latter in line with the provisions of Recommendation No. 146.

CUBA

RECOMMENDATION NO. 146

Constitution of the Republic of Cuba.

Occupational Safety and Health Act (No. 13) dated 28 December 1977 (Gaceta Oficial (GO), 29 December 1977, No. 48, p. 749).

Presidential Decree No. 1684 of 27 May 1958 issued in pursuance of Chapter I, concerning minimum age for admission to employment, of Legislative Decree No. 833 of 27 May 1953 (GO, 28 May 1958).

Resolution of the Council of Ministers dated 8 September 1964 containing the general principles for the organisation of occupational safety and health.

Legislative Decree No. 883 dated 27 May 1953 to complete and bring together the laws respecting the employment of young persons (GO, 30 May 1953, No. 42, p. 8) (LS 1953 - Cub. 1).

In Cuba, the state economic and development plans, approved and implemented each year through laws adopted by the People's National Assembly, devote appropriate attention to the aspects of national planning and policy mentioned in Part I of this Recommendation with a view to meeting the needs of young persons and affording them optimum conditions for their physical and mental development.

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The objectives set forth in the Recommendation can be achieved through existing national provisions and measures in the field of employment, education and vocational training, protection of the working environment, occupational safety and health and social security, based on the precepts and principles recognised in the Constitution of the Republic of Cuba, and through the economic, financial and administrative provisions and measures adopted and implemented under those development plans. The Office was already informed of the various statutory provisions existing on these matters and the relevant texts supplied at the time of reporting on the application of other international instruments adopted by the Organisation. In its recent reply to the questions asked in the ILO World Survey on Basic Needs, the Government also supplied information on national measures and achievements under the policy concerning employment, vocational training, education, social security and other matters.

The minimum age for admission to employment or work in Cuba is 15 years, as mentioned in the information and reports supplied in connection with Convention No. 138. This minimum age limit is applied in every sector of economic activity in the country. The Occupational Safety and Health Act of 1977 (No. 13), containing provisions applicable to every sector of economic activity, establishes standards for ensuring the normal physical and mental growth and adequate education of young persons, i.e. that persons under 15 years of age may not be employed at all, and that persons having reached the age of 15 or 16 may be employed only in special circumstances, subject to fulfilment of the requirements laid down for the purpose and provided that they are employed no more than 7 hours a day or 40 a week. Likewise, they may not be employed on statutory rest days. Persons having reached the age of 17 may be employed without restrictions, except in underground work or work involving the handling of substances that may affect their health or physical growth; such work may be performed only by persons having reached the age of 18. Under Presidential Decree No. 1684 of 1958, in turn, no authorisations may be granted for the employment of children under 15 years of age in any occupations, whether industrial or non-industrial.

As regards conditions of employment, Act No. 13 of 1977 lays down a number of standards designed to guarantee optimum conditions of occupational safety and health for all workers, with special protection for young workers under various provisions and measures to ensure initial and periodic instruction and training in these matters, and provides that both young workers and young pupils performing work as practical training must be able to carry out their activities in satisfactory conditions and in a safe and healthy working environment.

Under national legislation on holidays with pay, consolidated by Resolution No. 111 of 1965, all wage earners, including young persons authorised to work, are entitled to 1 month of rest for every 11 months of work, or a holiday with pay proportional in duration to the time worked when, because of the type of work or other circumstances, this is less than 11 months.

The National Labour Inspectorate of the State Committee for Labour and Social Security is the supervisory body at the national level responsible for the enforcement and observance of existing

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national labour and social security provisions, including provisions specifically relating to the protection of young persons' employment.

The Central Planning Board is the authority at the national level responsible for administering, implementing and enforcing the State and Government planning policy. The State Committee for Labour and Social Security has, among other powers and functions, the responsibility of drawing up and proposing policies for the protection of the working environment and ensuring that existing labour and social security provisions are enforced. Other competent authorities in this field, either as supervisory bodies or because of their specific powers and functions in relation to employment protection and occupational safety and health, are the Ministry of Public Health, Ministry of the Interior, and Ministry of Education and Higher Education. The judicial authorities are responsible for the administration of justice in the ordinary criminal courts.

As mentioned on earlier occasions, the type of co-operation referred to in this part of the Recommendation is inherent in our social and economic system. Employers' and workers' organisations participate in the process of investigation, consultation, supervision and co-ordination of other relevant activities and matters.

As also mentioned on earlier occasions, a constant concern of the competent national authorities is to investigate and study appropriate ways and means of improving our social and labour legislation; however, the immediate adoption of additional measures in this respect is not envisaged.

As far as the basic objectives are concerned, the provisions of the Recommendation may be said to be adequately applied in our country within the context of its social system and existing economic and social conditions.

CYPRUS

CONVENTION NO. 138

Children and Young Persons (Employment) Law, No. 33 of 30 Sept. 1953
(LS 1953 - Cyp. 2).

Law No. 80 of 1966 ratifying the Minimum Age (Underground Work) Convention.

The minimum age for admission to employment is 14 for industrial undertakings and 13 for other undertakings. The minimum age for employment on vessels other than a vessel upon which only members of the same family are employed, is 16.

Exceptionally, a child under the age of 13 may be employed in an occupation in which only members of the same family are employed where such occupation involves light work of an agricultural or other character which has been specifically approved by the Minister of Labour and Social Insurance.

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A child under the age of 14 may be indentured as an apprentice to any person who holds a licence from the Minister of Labour and Social Insurance.

The employment of (i) children (under the age of 16 years); (ii) young persons (between 16 and 18); and (iii) female children and young persons is forbidden in certain trades or occupations which are likely to jeopardise their health or safety, and are listed in Parts I, II and III respectively of the Schedule to the Law of 1953. Moreover, the employment of children in street trading is prohibited.

In practice, the vast majority of children under the age of 15 years attend school full time and, therefore, there is little possibility of being employed under this age. According to recent statistics the percentage of children who attend schooling up to the age of 15 is 95 per cent.

Moreover, a considerable number of those who do not attend schooling between the ages of 13 and 14 years are enrolled in the Apprenticeship Scheme for Technical Training which is organised and supervised by the Ministry of Labour and Social Insurance in co-operation with the Ministry of Education.

The application of the relevant legislation is entrusted to the Ministry of Labour and Social Insurance. Application is supervised and enforced through the normal administrative channels and procedures of the Ministry. The government inspectors have power to enter, inspect and examine the premises of any undertaking in which they have reasonable cause to believe that any child or young person is employed, or to ensure the application of the provisions of the law.

Employers' and workers' organisations are, as a matter of policy, contacted in all labour matters, including labour legislation, through various tripartite standing and ad hoc boards and committees in which they participate both at the regional and national levels.

No modifications have been made so far in the national legislation with a view to giving effect to all or some of the provisions of the Convention.

The main obstacle which has prevented the Government of Cyprus from ratifying this Convention is the following:

In Cyprus, even though education is free up to the age of 15, compulsory schooling is at present only up to the completion of the elementary education, i.e. up to the age of 11 or 12. The Government has for some time now been considering the issue of extending the age of compulsory schooling but there is no definite indication yet when this will be effected. In view of this, there is a gap between the school-leaving age and the time when a child is allowed to enter employment, which sometimes creates inconvenience to children and their parents. Ratification of the Convention would increase further this gap, which is quite undesirable as it may even prove prejudicial to the interests of children.

However, the issue of raising the minimum age of employment and hence increasing the possibilities of being able to give effect

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to paragraph (3) of Article 2 is under constant consideration by the Ministry of Labour.

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In formulating its national development policies and programmes the Government of Cyprus does give priority to planning for and meeting the needs of children and youth and the progressive extension of the inter-related measures necessary to provide the best possible conditions for their physical and mental growth.

The Public Assistance and Services Law No. 1006/75 ensures a minimum standard of living for every citizen whose income and financial means are insufficient to meet his needs as defined by the law. The existing social insurance scheme covers every adult person, child or young person gainfully employed on the island, including agricultural workers, farmers and other self-employed persons. This scheme provides, under contribution and certain other conditions, cash benefits for unemployment, sickness, maternity, widowhood, orphanhood, invalidity, old age, marriage, death, all employment accidents and occupational diseases.

Among the functions of the Welfare Department of the Ministry of Labour and Social Insurance are the implementation of legislation and administrative provisions relating to family and child welfare and the strengthening of family and community life with a view: (a) to providing services and support to families with the aim of fostering normal life; and (b) to providing care, either in foster homes or children's homes, for children who are abandoned, neglected or deprived of normal home life. These facilities are constantly being expanded to meet the needs of working persons with family responsibilities, the number of which is on the increase. Another programme operated by the Welfare Department is that of community work and youth services, the main aims of which are the provisions of youth services aiming at promoting the social development of youth, the maximisation of youth participation in community development activities and the satisfaction of the needs of youth in the social, cultural and recreational fields.

The Children and Young Person's Employment Law imposes restrictions on the daily and weekly hours of work of children and young persons and regulates their hours of rest and their annual holidays. The minimum period of annual holiday for children and young persons is longer than that provided for adults, i.e. 14 days in every year in comparison to 12 days for adults. It should be noted, however, that in practice the vast majority of employees, including children and young persons, are entitled by virtue of collective agreements to longer holidays (average 3 weeks in a year).

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CZECHOSLOVAKIA

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Consolidated text (1975) of the Labour Code of 16 June 1965 (Sbirka zákonu (Sz), 18 June 1975, No. 16, text 55) (LS 1975 - Cz. 2).

Decision of 7 December 1966 concerning the principles governing the preparation of lists of employments and jobs prohibited to women, pregnant women and mothers up to the end of the ninth month following confinement and to young persons (including Appendix 2 "Principles governing the lists of employments and workplaces prohibited to young persons") (Sz, 1967, text 32).

Act respecting state technical supervision of occupational safety. Dated 20 December 1968. (Sz, 27 December 1968, No. 47, text 174).

Act to establish a single system for the census (registration) of workers (Sz, 1968, text 18).

Act to establish a single system of socio-economic information (Sz, 1971, text 21).

Apprenticeship Act. Dated 12 December 1958 (Sz, 30 December 1958, text 89) (LS 1958 - Cz. 3).

Act respecting measures taken in the primary and secondary-school system. Dated 21 June 1978. (Sz, 23 June 1978, No. 14, text 63).

Notifications respecting the remuneration and Material security of pupils and apprentices training or studying for workers' trades. Dated 30 July and 23 July 1979. (Sz, 24 August 1979, No. 19, texts 93 and 95).

The standard of living of families with children in Czechoslovakia, where there is no unemployment, is high enough for no family to have to resort to the economic activities of children in order to ensure an adequate standard of living. Such cases do not exist here.

Compulsory schooling, which formerly was completed as a rule at the age of 15 years, was recently extended to the age of 16 years by Act No. 63/1978. Most young persons having completed primary school (nine years) do not enter into an employment relationship at once but continue their training either in secondary schools or under an apprenticeship.

It is not expected in 1980 that any young persons having completed nine years of primary school will be engaged in employment at once: in principle, they will all enter branches of apprenticeship or go on to the first year of secondary school. The great majority of young persons enter into an employment relationship after reaching the age of 17 years at the earliest and, in most cases, after reaching the age of 18 years, i.e. adulthood.

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The Czech and Slovak Offices for Occupational Safety and the occupational safety inspectorates responsible to them as well as the national committees (government bodies), which are empowered to impose fines, ensure that young persons who have not completed compulsory schooling are not engaged in work (Act No. 174/1968 Sb. respecting state technical supervision of occupational safety and paragraph 270(a) of the Labour Code).

Work underground in the extraction of minerals or the driving of tunnels or galleries may be assigned only to persons over 18 years of age (section 167(1) of the Labour Code).

Also, under section 167(2) of the Labour Code, young persons (i.e., persons under 18 years of age, as so defined in section 8 of the Civil Code No. 40/1964 Sb.) may not be employed on work which is inappropriate, dangerous or unhealthy, having regard to the anatomical, physiological and mental characteristics of persons of that age.

By Decision No. 32/1967 of 7 December 1966, the Czechoslovak Government approved the principles for preparing lists of employments, jobs and workplaces prohibited to women and young persons, including:

- (1) work exposing young persons to risks of ionising radiations of any kind;
- (2) work exposing young persons to the harmful effects of mechanical vibrations exceeding the maximum permissible levels as determined by the public health regulations;
- (3) work where the environmental noise exceeds the level of N 80;
- (4) work exposing young persons to a high frequency electromagnetic field for a prolonged period;
- (5) work exposing young persons for a prolonged period to microclimatic conditions liable to overtax the organism (i.e., excessive heat or cold during temperature changes);
- (6) work exposing young persons to sharply increased or reduced atmospheric pressure and possibly a marked increase in intrapulmonic pressure;
- (7) work exposing young persons to the danger of infections liable to cause chronic disorders or diseases with lasting after-effects;
- (8) work exposing young persons to the marked action of certain substances, e.g., benzene, carbon tetrachloride, methyl chloride, carbon disulphide, mercury and its compounds (with the exception of mercuric sulphide), lead and its compounds, substances liable to affect internal secretion, materials possessing more than 1 per cent of beryllium when the beryllium is given off during processing (dust, cuttings), aniline, nitrobenzine, bichromate, benzidine, coal tar and other highly cancerogenic substances and preparations, manganese, fluorine and powder asbestos;

- (9) work performed in a gas-, fume- or dust-saturated environment where it cannot be definitely guaranteed that the maximum permissible concentrations of these substances, i.e. the concentrations specified by the medical health experts, are not exceeded;
- (10) work with other poisonous substances, including drugs and substances harmful to health;
- (11) work requiring excessive physical effort, especially the lifting and handling of excessively heavy loads;
- (12) work exposing young persons to a high risk of physical injury of such a nature that they can only be protected by organisational measures (i.e., where protection by technical means is not feasible in the undertaking concerned) or work whose performance by a young person may jeopardise the safety of his fellow workers or other persons.

Exceptions may be allowed only in the case of apprentices over 16 years of age, and only for vocational training activities or practical exercises for pupils and students.

On the basis of these principles, the various central bodies have published lists of employments, jobs and workplaces prohibited to young persons.

The remuneration of young persons taking vocational training under an apprenticeship is governed by Notifications Nos. 93/1979 and 95/1979 concerning the remuneration and material security of pupils and apprentices studying or training for workers' trades. In accordance with these notifications, young persons during the first part of the apprenticeship (preparatory period) receive a remuneration of between 30 and 500 koruny a month and, during the period of development in the trade, from 50 to 100 per cent of the earnings of an adult worker according to the results obtained in their work and vocational training.

Where young persons under 16 years of age, after completing their compulsory schooling (i.e., after reaching the age of 15 years) are employed in exceptional cases in industry or services, their hours of work may not exceed 36 a week (section 83(2) of the Labour Code); at the same time, they are entitled to the same remuneration as other workers, i.e. adult workers, for the same quantity and quality of work performed.

The number of hours of vocational training for apprentices is determined by the plans and programmes of compulsory education published by the respective Ministries of Education. Overtime is strictly prohibited for young persons (i.e. persons under 18 years of age). Night work (see section 99 of the Labour Code) of not more than one hour may in exceptional circumstances be assigned to young persons over 16 years of age if so required for their vocational training.

Employers may not assign young persons under 16 years of age piece work or pay them piece rates (section 166 of the Labour Code).

Since young persons may in no case be employed on overtime work or at night, they are assured of continuous night rest of more

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than 12 consecutive hours and weekly rest of more than 2 days, including Saturdays and Sundays.

In accordance with section 101(2) (b) of the Labour Code, young workers under 18 years of age are entitled to three calendar weeks of leave. This applies to the very few cases in which young persons enter into an employment relationship directly on completing their compulsory schooling. Most young persons, on the contrary, train for workers' trades under an apprenticeship and thus, in accordance with section 102(1) of the Labour Code, are entitled to four weeks of leave. As long as young persons are training for workers' trades at secondary vocational training centres (in accordance with sections 6 and 7 of Act No. 63/1978), they enjoy two months of school holidays (July and August) between the first and second year and between the second and third, i.e. as long as their compulsory schooling lasts. However, these rules will become applicable fully only from 1984 on (section 44 of the above-mentioned Act).

In Czechoslovakia, young persons undergoing workers' vocational training enjoy the same social security coverage as employed adults in the event of sickness, physical injury or disability in respect of medical care (which is, besides, provided free of charge to all Czechoslovak citizens) (see Part V of the Act No. 54/1956 respecting the sickness insurance of employees, as amended, section 2(1) (d) of which provides for the coverage of apprentices as well, and Social Security Act No. 121/1975, in particular section 26(1)).

There are isolated cases in Czechoslovakia of children and young persons under 15 years of age who take part in theatre, television, circus performances, etc. without having completed their compulsory schooling. Measures however are taken to ensure that neither their health nor morals are jeopardised by exercising such activities. These matters so far have not been sufficiently regulated by legislation. However, this problem is under study and the provisions of Article 8 of the Convention will be incorporated into Czechoslovak law on the first appropriate occasion.

Undertakings and organisations keep the lists of persons employed by them up to date, and hence it is easy to identify anyone under 18 years of age (see Act No. 21/1971 Sb. to establish a single system of socio-economic information and Act No. 186/1968 to establish a single system of census (registration) of workers).

The authorities responsible for the enforcement of the above-mentioned regulations and provisions are the Federal Ministry of Labour and Social Affairs, the Ministries of Labour and Social Affairs of the Czech and Slovak Socialist Republics, the Slovak Office for Occupational Safety, the national committees and the trade union bodies (Revolutionary Trade Union Movement).

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DENMARK

CONVENTION NO. 136
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- Act No. 681 of 23 December 1975 on the Working Environment (Lovtidende A, 1975, No. LXV, p. 1951) (LS 1975 - Den. 1).
- Order No. 25 of 22 January 1964 on the paid participation of children and young persons in public performances, etc. (ibid., 1964, No. II, p. 52).
- Order No. 80 of 13 March 1969 on dangerous work by children and young persons in agriculture, forestry and horticulture (ibid., 1969, No. VIII, p. 134).
- Order No. 31 of 12 February 1969 on dangerous work by children and young persons (ibid., 1969, No. IV, p. 61).
- Order No. 321 of 21 June 1977 concerning provisions under existing legislation on workers' protection which remain in force with minor amendments after the coming into operation of the Working Environment Act (ibid., 1977, No. XXXI, p. 906).
- Order No. 333 of 23 June 1977 on the performance of light, paid work by children (ibid., 1977, No. XXXII, p. 968).
- Act No. 420 of 13 June 1973 on Merchant Shipping (Masters and Seamen) (ibid., 1973, No. XXXVII, p. 1351), as amended by Act No. 162 of 12 April 1978 (ibid., 1978, No. 19, p. 492).

The Working Environment Act specifies a minimum age for admission to employment of 15 years which means that young persons under the age of 15 years are not allowed to perform paid work apart from light work of assisting and subordinate character for two hours per day. For young persons belonging to the family and household of the employer this prohibition applies only to work with technical plants, machinery, equipment, substances or materials which may be dangerous to them.

However, the Minister of Labour may lay down rules specifying a lower age limit than 15 years, and has actually done so in respect of employment in agriculture of young persons belonging to the family and household of the employer at work with technical plants, machinery, equipment, substances or materials which may be dangerous to them. According to these rules children under the age of 10 years are not allowed to perform any form of paid work and children between the age of 10 and 12 years are only allowed to perform such work under direct and permanent supervision of one of the parents. As far as particularly dangerous work is concerned, the age limit is 14 years.

In respect of work which may be dangerous to the health, safety or the physical and mental development of young persons, higher age limits than 15 years have been specified, viz. 16 years in respect of risks of accidents and 18 years in respect of dangers

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to health, except in respect of work performed in agriculture by young persons who are members of the employer's family which has been excluded from these provisions.

Young persons under the age of 15 years are allowed to perform work of assisting and subordinate character for not more than two hours on normal school-days and eight hours on holidays, but not more than 12 hours per week in any week which includes school-days.

The minimum age in respect of paid participation of children in public performances is also 15 years, in principle. However, the police authorities may by permits granted in individual cases allow young persons under the age of 15 years to participate in public performances.

It is the responsibility of the Labour Inspection Service to supervise the compliance with the Working Environment Act and any Orders, Rules or Regulations issued in pursuance of the said Act. The Labour Inspection may direct that matters which are in contravention of the Act or any Orders, Rules or Regulations issued in pursuance of the said Act be remedied.

Any person who allows work to be carried out in contravention of the provisions of the Working Environment Act concerning work performed by young persons under the age of 18 years is liable to a fine or to imprisonment.

The Working Environment Council, which consists of representatives of employers and employees, has been set up to contribute towards the creation of a safe and sound working environment.

It was carefully considered to what extent this legislation could be brought into agreement with the Convention. However, it has not been considered possible to follow the Convention as far as the provisions laid down in Article 2, paragraph 3, Article 4, paragraph 3, and Article 7, paragraph 1, are concerned.

As far as Article 2, paragraph 3, is concerned, Danish legislation specifies a minimum age for admission to any form of paid employment of 15 years, as a principle, but it is not required that the young person should have completed his compulsory schooling. In Denmark the period of compulsory schooling is nine years and the young persons will be 15 or 16 years old when they leave school dependent on whether they started school at the age of 6 or 7 years. In this connection it should be noted that we do not find that the minimum age for admission to paid employment should be higher than 15 years as this might make the gradual introduction of young persons into working life more difficult.

As far as Article 4, paragraph 3, is concerned it is not consistent with the Convention that the Danish legislation authorises the fixing of a lower minimum age than 15 years within agriculture for the employment of young persons belonging to the employer's family, irrespective of the fact that the work may be dangerous to them.

As far as Article 7, paragraph 1, is concerned, light work of assisting and subordinate character may according to Danish

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legislation be performed by young persons under the age of 15 years for two hours per day, and further rules may be laid down providing that young persons under the age of 15 years may perform light, paid work; there is no minimum age.

It has not been considered appropriate to comply with the Convention in this respect, as a limit of 13 years would be unreasonable with regard to such work as berry-picking. In this connection, it has been an important aspect that rules which are not found reasonable will not meet with the sympathy of the young persons and their parents and will therefore not be complied with.

Finally, it should be mentioned that as a general principle Danish legislation in this field does not apply to work in the employer's private household.

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Labour Code (Overseas Territories), Act No. 52-1322. Dated 15 December 1952 (Journal officiel de la République française, 15-16 December 1952, No. 298, p. 11541). (LS 1952 - Fr. 5).

Order No. 786 respecting the employment of children. Dated 17 June 1955.

Order No. 1012/SG/CG, to amend and repeal two previous orders respecting the employment of children. Dated 3 July 1968.

The Labour Code provides that no child may be employed in an undertaking, even as an apprentice, before the age of 14 years, save where exceptions are authorised by order made by the chief officer of the territory after consultation with the Labour Advisory Board, taking account of local circumstances and the jobs which the children may be required to do. The chief officer of the territory must by order specify the types of work and categories of undertakings on and in which young people shall not be employed, and the age up to which the prohibition shall apply.

It is unlawful to employ young persons under 18 years of age on work which is beyond their strength, which presents hazards or which by its nature or the circumstances in which it is carried out is likely to be detrimental to their morals. Young persons between 16 and 18 years of age may be employed on specific jobs subject to certain conditions.

Existing legislation contains gaps regarding the conditions and limits of the exceptions authorised by section 118 of the Code to the prohibition of children's employment.

The Government plans to ratify Convention No. 138 when it has supplemented the regulations on this and a few other points.

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DOMINICAN REPUBLIC

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Labour Code

Resolution No. 4 dated 30 April 1958.

With the exception of family or small-scale undertakings which produce for the local market and do not employ salaried employees, the provisions of the Convention are applied and the labour inspection service ensures that children under the age of 14 years are neither employed nor work in industrial undertakings. Apprentices are permitted to work as part of their vocational training, on the condition that the contract of employment is submitted in advance to the labour authorities. The employment of minors has normally been permitted in the gathering of grain and beans, e.g. coffee, cocoa, etc., under the supervision of the labour authority; such work does not prevent regular school attendance since the harvest period does not take place during the school term.

National planning and policies are designed to reduce unemployment by developing agro-industrial and urban undertakings through tax incentives and other facilities such as the granting of land, loans, etc.

Active attention is being given to vocational training and an act was recently promulgated which set up the National Vocational and Technical Training Institute (INFOTEP), the aim of which is to harmonise the vocational training of young persons and adults and avoid, inter alia, the duplication and diffusion of efforts and resources.

Major progress has been achieved in the social security sphere and plans are currently being drawn up to modify the system.

There is no tradition of migrant workers travelling with their families in the Dominican Republic since male workers who do migrate for employment are generally engaged for periods lasting only 4-5 months.

The education of minors is the responsibility of the State and school attendance is compulsory.

The minimum age for employment in the various sectors of economic activity is 16 years.

National legislation prohibits the employment of minors in hazardous or unhealthy work and establishes the types of work which are thus prohibited, in accordance with ILO standards.

The labour inspection service ensures that the regulations concerning minimum wage, hours of work, rest periods, paid leave, safety and health established by national law are duly enforced. A special department for minors has been set up to provide an effective application of the labour inspection services.

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CONVENTION NO. 138

Labour Code (Registro Oficial (RO), 16 August 1978, No. 650) (LS 1978 - Ec. 1).

Children's Code, Act No. 187-CLP (RO, 3 December 1969, No. 320, p. 2397).

The employment of young persons under the age of 14 years on work of any kind for the account of another person is prohibited by the Labour Code. However, the employment of young persons between the ages of 12 and 14 years may be authorised on compliance with certain administrative requirements. Though such authorisation is the responsibility of the Juvenile Court, in practice it is the Social and Labour Department of the Ministry of Labour which grants it.

Young persons between 15 and 18 years of age may not be employed for more than 7 hours a day. Young persons under 15 years of age may not be employed for more than 6 hours a day or 33 hours a week. The employment of young persons on night work is prohibited. The employment of young persons in activities deemed to be unhealthy or liable to endanger their physical or moral safety is also prohibited.

The administrative procedure followed by the Social and Labour Department of the Ministry of Labour in granting authorisations to work is as follows: the young person must produce a birth certificate, proof of having completed primary education, and the written authorisation of his father or legal guardian; an interview is then held with the young person and his legal guardian and, if this shows that the young person needs to work, he is issued a special card accrediting him as a worker under age. If he has not completed his primary education, the employer is instructed to give him 2 hours off a day to attend school.

Responsibility for supervising and controlling the employment of young persons rests with the Ministry of Labour and Human Resources, the Director-General of Labour, the Social and Labour Department, and the labour inspectors.

Normally, workers participate through trade unions or other workers' associations.

Generally speaking, national legislation does not conflict with the provisions of the Minimum Age Convention, No. 138; however, owing to the economic conditions prevailing in the country, it is not feasible for the time being to apply the Convention's provisions fully and in every case.

The provisions governing the employment of young persons apply to industry in general. It would be desirable to extend them to agricultural and maritime employment.

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The policy established by the Government of Ecuador for the protection of young workers' interests is contained in the National Development Plan.

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The provisions of this Recommendation are applied under existing legislation, especially those relating to: minimum age (14 years); hazardous employment and work (also as regards the prohibition of night work or work in undertakings presenting hazards for the physical or moral development of young persons); conditions of employment (limitation of hours of work and times of work); enforcement (the labour inspectors and the staff of the Social and Labour Department are responsible for supervising the conditions of employment of young persons in industrial undertakings); registration of young workers (the same Department keeps a register of young persons authorised by it to work).

Supervision of the employment of young persons rests with the Ministry of Labour and Human Resources, through the Director-General of Labour, the labour inspectors and the Social and Labour Department; it is also the concern of trade union organisations.

The report also states that some flexibility should be allowed for the application of the Recommendation so that it can be adopted with the necessary reservations for the economic and social conditions existing in the country.

EGYPT

CONVENTION NO. 138 RECOMMENDATION NO. 146

Law No. 91: Labour Code (LS 1959 - UAR.1).

Orders of the Ministry of Labour Nos. 154, 155 and 156 of 1959 and No. 13 of 1964.

Law No. 47 of 1978 respecting government employees.

Law No. 48 of 1978 respecting workers in the public sector.

The minimum age for admission to employment in the private sector is fixed at 12 years by the Labour Code, which also forbids the entry of children to workplaces (section 124).

The Code provides for two exceptions to the general rule on the minimum age for admission to employment, where it is raised to 15 and 17 years, respectively, for certain activities characterised by the arduousness of work or by hazards to health. These cases have been defined by ministerial orders.

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In some cases where the minimum age for admission to work is raised to 15 years, employment of persons under that age is totally prohibited, while in others employers are not allowed to employ such persons unless they are proved to be physically fit for certain jobs. These jobs have been determined by orders of the Ministry of Labour (Orders Nos. 154 and 156 of 1959). Certificates of physical fitness are issued free of charge by the health offices at the request of the young persons concerned, their parents or guardians, or their employers.

The minimum age for admission to employment has been raised to 17 years for work in the industries listed in Order No. 155, 1959, issued by the Minister of Labour. The employment of young persons under 17 years of age to attend to customers in places of entertainment has also been prohibited by another order of the Minister of Labour (Order No. 13 of 1964).

Working hours and breaks for young persons are governed by the provisions of the Labour Code. It is unlawful to employ young persons under 15 years of age between 7 p.m. and 6 a.m. Likewise, young persons may not be employed for more than 6 hours a day or allowed to remain in any workplace for more than 7 consecutive hours. Working hours may include one or more breaks for rest and meals; these breaks must be at least one hour long and at intervals such that young persons will not work more than 4 consecutive hours (section 125). Also, under no circumstances may young persons be allowed to work overtime, remain in the workplace after working hours or be employed on a day of rest (section 127).

Under the Labour Code, labour inspectors are entitled to visit workplaces during working hours, both by day and by night, to ensure that these provisions are complied with and to report any contraventions (section 212). Employers are liable to penalties for contravening any provisions relating to young persons.

Section 128 of the Labour Code also provides that employers shall be bound to maintain an up-to-date list of the young persons employed, giving their names, ages and dates of admission to employment: to post up in a prominent place within the establishment a schedule showing the hours of work and breaks for rest; and to notify the labour inspectorate in advance of the names of any persons responsible for engaging young persons or for supervising their work. Employers are also required to post up within the workplace a copy of the provisions governing the employment of young persons.

As regards the minimum age for admission to employment in governmental departments and the public sector, Law No. 47 of 1978 respecting government employees (section 20) and Law No. 48 of 1978 respecting workers in the public sector (section 12) fix the age for admission to employment in both sectors at 16 years.

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ETHIOPIA

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Labour Proclamation, No. 64 of 1975 (Negarit Gazeta, 6 December 1975, No. 11, p. 55) (LS 1975 - Eth. 1).

As regards the minimum age to employment or work, the Proclamation sets up 18 years as a minimum age for entry into permanent or temporary employment. As regards the minimum age for entry into employment under special conditions on contract basis, the Proclamation allows the employment of young persons between 14 and 18 provided that the physical and mental development of the young person is not hampered at the time of work. The employment of young workers is possible either on the basis of a contract of employment or on the basis of contract of apprenticeship.

Only a person who is above 14 years of age may be employed as an apprentice. The so-called contract of apprenticeship is supposed to contain academic and vocational education to be given to the apprentice, duration of the apprenticeship programme, and stipend to be paid to the apprentice.

As regards minimum labour conditions, persons under 14 years of age may not work after 10.00 p.m. or be engaged in dangerous trades.

The provisions of the Proclamation are applicable as a minimum for the following types of industries or undertakings: (a) agriculture, hunting, forestry and fishing industry; (b) mining and quarrying; (c) manufacturing; (d) electricity, gas and water; (e) construction; (f) wholesale and retail trade; (g) transport, storage and communications; (h) financing, insurance and business services; (i) social services, hotels, restaurants, and recreational services.

Most of the provisions of this Convention are applicable in Ethiopia. The Proclamation ensures the effective abolition of child labour, that is, the employment or work of persons under 14 years of age, in any field of occupation.

The Ministry of Labour and Social Affairs is entrusted with the supervision of the application of the legislation. The Ethiopian Chamber of Commerce and the All-Ethiopia Trade Union representatives of employers' and workers' organisations, respectively, in Ethiopia are called upon to co-operate in this application of the minimum age for employment by employing workers only through the employment office of the Labour Department of the Ministry and submitting any information and data concerning job vacancies in every undertaking.

So far no modifications have been made in the legislation to take account of the Convention. There are no difficulties in the way of ratification, but it shall be decided by the competent authority.

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As regards the National Policy dealt with in the Recommendation, the Labour Proclamation is not contrary to this principle. It abolishes child labour. Even though the Labour Proclamation does not mention its national policy objectives in detail, this principle is supported and to promote such policy our Revolutionary Government established a Children's Commission at the end of 1979. Children's villages are under construction and our Ministry is engaged in the utilisation of such villages. The International Year of the Child is celebrated this year. The matters mentioned under Part I(2) of this Recommendation are applicable in line with the situation of economic development.

FIJI

CONVENTION NO. 138

Employment Ordinance, No. 15 of 2 July 1964 (Cap. 75).

A child under the age of 12 years shall not be employed in any capacity whatsoever except where he is employed in an agricultural undertaking owned and operated by his family. A child aged 12 years but not having attained the age of 15 years shall not be employed in an industrial undertaking nor shall he be employed in attendance on any machinery. He may be employed on a daily wage and on a day-to-day basis and not required to work for more than 6 hours in a day.

A child shall not be employed against the wishes of his parents or guardian nor can he be employed in a ship except on a ship approved by the Permanent Secretary for Education, for the purposes of training.

A young person aged 15 years but not having attained 18 years of age shall not be employed for more than 8 hours a day. This provision does not apply to an apprenticeship approved by the Fiji National Training Council.

The Permanent Secretary for Labour, Industrial Relations and Immigration and Staff are entrusted with the supervision of the legislations regarding the effect given to the provisions of the Convention. The employers' and workers' organisations may be called upon to co-operate in the Labour Advisory Board, a tripartite body which ensures effective consultation.

No modification has been made in the national legislation or practice.

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FINLAND

RECOMMENDATION No. 146

Contracts of Employment Act (320/70) of 30 April 1970 (LS 1970 - Fin. 2).

Act on the Protection of Young Workers (669/67) of 29 December 1967 (LS 1967 - Fin. 3) as amended by the Act (61/75) of 31 January 1975.

Decree on the Employment of Young Workers at Dangerous Work (212/72) of 10 March 1972.

Employment Act (946/71) of 23 December 1971 (LS 1971 - Fin. 1) and the relevant Decree (948/71).

Vocational Guidance Act (43/60) of 22 January 1960 (LS 1960 - Fin. 1) and the relevant Decree (632/64) of 23 December 1964.

Act to prohibit the use of white lead and sulphate of lead in certain kinds of painting work (101/29) of 1 March 1929 (LS 1929 - Fin. 1).

Seamen's Act (423/78) of 7 June 1978 (LS 1978 - Fin. 2).

A minor, that is a person who has not attained the age of 18 years but who is over 15, is entitled to conclude a contract of employment or to rescind it on his own behalf.

Under the Act on the Protection of Young Workers (669/67) any person over 15 who is not liable to compulsory school attendance can be admitted to employment. The compulsory attendance at school terminates in the calendar year when the young person reaches the age of 16 or when he has completed a 9-year comprehensive school or has received corresponding instruction in another way.

A higher age limit of 18 years has been provided under the Decree (212/72) on the Protection of Young Workers for certain types of work or jobs that can be harmful for a young person's physical or mental development. Under the Decree such types of work are: (1) work which is performed in such a position or in such a way that it is liable to cause permanent structural injuries to a young worker; (2) manual loading, unloading, carrying or transferring of goods that weigh more than 20 kilograms or, in case of a female worker, more than 15 kilograms; (3) work connected with manufacturing, transport or trade of alcoholic beverages other than malted beverages; (4) participation in the treatment of the mentally ill; (5) work in slaughter houses; (6) bathing of patients; (7) work which involves exposure to heat; (8) work on which special provisions have been given.

Under the authorisation of the labour protection authority young persons under 18 can be admitted to employment referred to above when it is part of the preparatory training necessary for their future occupation.

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A person who has attained the age of 14 can be admitted to an employment which consists of very light work performed during the school holidays and does not last for more than two-thirds of the holiday period.

The hours of work of the minor are limited to 7 hours in a day and 36 hours in a week. The hours of work shall fall between 7 a.m. and 7 p.m. and a daily rest of at least 14 consecutive hours and a weekly rest of at least 38 consecutive hours shall be granted to the worker. A person under 15 shall not be employed overtime.

In principle the number of hours of work for a person over 15 is the same as for an adult worker with that difference that overtime work is much more limited for the minor.

Persons over 16 can be employed at shift work if it is considered necessary for their training. A young worker shall always be granted a daily rest period of at least 12 consecutive hours. The length of young workers' annual holiday is the same as that of adult workers.

Unemployment compensation is payable under the law to every jobseeker over 16. The Resolutions of the Council of State (20/80 and 70/80) are designed to improve in particular the employment opportunities of young workers under 25; this is done by granting state subsidies to municipalities and private undertakings who create workplaces involving vocational training.

Efforts have been made to intensify vocational guidance in all comprehensive schools and senior secondary schools. In 1979, all students received orientation into secondary-level studies and made a personal choice and a place for further studies either in an institution for vocational education or in a senior secondary school could be assigned to about 90 per cent of the whole age class. There are 1,950 teachers and study instructors in schools whose task is to teach and to advise pupils on matters relating to studies.

Young workers are covered by general provisions on labour protection. In addition, the employer shall in general arrange a medical examination for persons under 18 before entry into work and keep a special register of young workers employed.

The Ministry of Social Affairs and Health supervises the application of labour protection and working hours regulations concerning young workers. Employers' and workers' organisations co-operate in this application through their representatives in the advisory bodies, which work both at the Ministry and district levels.

The minimum age for admission to employment has not yet been raised to 16 years of age in all cases as is recommended in paragraph 7(1) of the Minimum Age Recommendation in respect of the types of employment referred to in Article 2 of the Minimum Age Convention.

The raising of age limit would naturally require that the period of schooling of young persons should be lengthened correspondingly. Despite the fact that the age for the end of compulsory school attendance has not been raised the increase of

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education and training opportunities will involve that in practice the whole age class will continue to study for several years even after the completion of the compulsory comprehensive school. That will mean a considerable rise in the age at which a young person enters the employment market. Employment of young persons should be promoted by raising in particular the level of their professional skills. Then the opportunities of finding lasting employment would also be improved.

FRANCE

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Labour Code. Dalloz, 1979.

Act No. 76-1106, respecting the improvement of employment accident prevention, section L 234-6. Dated 6 December 1976 (Journal officiel (JO), 6-7 December 1976, No. 285, p. 7028) (LS 1976 - Fr. 1).

Ordinance No. 67-830 respecting the development of working conditions under the system of collective agreements, the employment of young persons and meal vouchers. Dated 27 September 1967 (JO, 28 September 1967, No. 226, p. 9557).

Order respecting the age for admission to employment in agriculture. Dated 3 December 1970 (JO, 5 January 1971, No. 5, p. 165).

Decree No. 60-865, to replace certain sections of the Maritime Labour Code by regulations. Dated 6 August 1960 (JO, 17 August 1960) (LS 1960 - Fr. 4A).

Decree No. 58-628, to provide governmental regulations governing dangerous work for children and women. Dated 19 July 1958 (JO, 24 July 1958) (LS 1958 - Fr. 3).

The rules governing the age for admission to employment in industrial and commercial establishments, public and ministerial offices, the liberal professions, non-trading corporations, occupational unions, associations and groupings of all kinds, with the exception of establishments where only the members of the family are employed under the authority of the father, mother or guardian, are contained in sections L.211-1 to L.211-14, R.211-1 to R.211-12 and D.211-1 to D.211-6 of the Labour Code. As regards agriculture specifically, the provisions of section 18 of the Ordinance of 27 September 1967 and of the Order of 3 September 1970 are applicable.

Children may not be admitted to employment of any kind in an undertaking before having completed their compulsory schooling, i.e., at present before having reached the age of 16. The following exceptions are permitted: young persons at least 15 years of age who have completed the first cycle of secondary education may enter into an apprenticeship contract; pupils taking sandwich courses may

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be admitted to in-plant training; young persons between 14 and 16 years of age may, subject to the authorisation of the labour inspector, perform light work during part of their school holidays; and young persons under 16 years of age may, subject to the authorisation of the Prefect on the recommendation of an ad hoc committee, be allowed to take part in an artistic performance. Lastly, section 18 of the Ordinance of 27 September 1967 provides for exceptions in agriculture, especially for light work performed during school holidays either by children over 12 years of age when the work is carried out under the supervision of the father, mother or guardian, or by children over 14 years of age.

The age of admission to employment presenting hazards for the health or morals of young persons is fixed at 18 years by sections L.234-2 and R.234-2 et seq. of the Labour Code.

The hours of work of young persons under 18 years of age are limited to 40 a week and 8 a day. In exceptional cases, young persons may be allowed to work up to 45 hours a week on the authorisation of the labour inspector after consulting the works doctor.

Young workers and apprentices under 18 years of age must be given 12 consecutive hours of night rest. They may not be employed between 10 p.m. and 6 a.m.

Section R.141-1 of the Labour Code provides for the possibility of applying a 20 per cent reduction in the minimum wage for young workers under 17 years of age and a 10 per cent reduction for workers over 17 and under 18 years of age. This reduction does not apply to young workers who have at least six months of occupational practice in their trade.

Undertakings are bound to keep various documents, including a register of the staff, so that the supervisory service may control the attendance of young persons under 18 years of age in the undertaking and ensure that the provisions applicable to them are observed.

The social insurance scheme established under the Rural Code provides young persons employed in agriculture with protection against occupational diseases and injuries. In particular, compulsory insurance against occupational injuries and diseases is required for children under 16 years of age taking part in farm work.

Employers' and workers' organisations are consulted during the preparation of certain laws and regulations, especially those relating to work on which young persons under 18 years of age may not be employed.

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GABON

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Labour Code, Act No. 5/78. Dated 1 June 1978 (Journal officiel (JO), No. 25, 28 November 1978, p. 1).

Decree No. 275/PR, to provide for exceptions to the rules governing the employment of young persons. Dated 5 December 1962. (JO, 15 February 1963, No. 5, p. 185) (LS 1962 - Gab. 2).

The two texts mentioned above provide that it is unlawful to employ children under 16 years of age in any undertaking, even as apprentices.

The responsibility for securing the enforcement of these texts rests with the public prosecutors, the labour inspectors, the staff delegates and their legal alternates, the Minister of National Education and the Minister of Health.

GERMAN DEMOCRATIC REPUBLIC

RECOMMENDATION NO. 146

Constitution of the German Democratic Republic of 6 April 1968 as amended by the Act of 7 October 1974 (Gesetzblatt) (GBL), Part I, No. 47, p. 432).

Youth Act of 28 January 1974 (GBL, Part I, No. 5, p. 45).

Labour Code of the German Democratic Republic of 16 June 1977 (GBL, Part I, No. 18, p. 185) (LS 1977 - Ger.D.R. 1).

Act of 25 February 1965 respecting the unified socialist educational system (GBL, Part I, No. 6, p. 83).

Vocational Guidance Order of 15 April 1970 (GBL, Part II, No. 43, p. 311);

Ordinance of 7 May 1970 respecting the descriptive standards for trades or occupations for which apprenticeship is given (GBL, Part II, No. 47, p. 348).

Order of 1 September 1972 respecting further improvements in the organisation of holidays for school pupils and students and of leave for apprentices (GBL, Part II, No. 64, p. 693).

Order of 15 October 1973 respecting voluntary productive activity of school pupils from the age of 14 years during school holidays (GBL, Part I, No. 52, p. 519).

Order of 21 March 1975 respecting the planning, financing and settlement of accounts of leisure and work centres for school pupils and students (GBL, Part I, No. 16, p. 306).

Order of 20 July 1977 respecting the organisation of theoretical and practical instruction in vocational education (GBL, Part I, No. 25, p. 311).

Order of 5 August 1977 respecting applications for apprenticeship vacancies (GBL, Part I, No. 26, p. 318).

Order of 24 February 1978 on technical examinations in socialist vocational education (GBL, Part I, No. 9, p. 117).

Ordinance of 17 November 1977 on the compulsory social insurance of wage earners and salaried employees (GBL, Part I, No. 35, p. 373).

Labour Protection Ordinance of 1 December 1977 (GBL, Part I, No. 36, p. 405).

Labour Protection Ordinance No. 5 of 9 August 1973 - Labour protection for women and young persons (GBL, Part I, No. 44, p. 465).

The permanent and comprehensive promotion of the healthy physical and intellectual development of children and young persons is one of the major principles underlining governmental policy. A permanent component of the yearly and five-yearly economic plans is the provision of measures to facilitate the all-round development of children and young persons and assistance to families with children. Thus, the principal aims of the state plans include provisions for the implementation of the national welfare policy; vocational training in particular spheres; the adaptation of young skilled workers to the production process; the building of school houses and boarding schools for public and vocational education, as well as gymnasiums and sports grounds; teacher training; and improvements in social and medical care welfare. Every year, youth advancement projects are drawn up for the districts, cities, wards and communities as well as for the undertakings in order to implement the Youth Act. They are decided upon by the representatives of the people and by managers of undertakings, as the case may be.

Within the framework of the unified socialist educational system, secondary school attendance - in the form of general polytechnic instruction divided into ten grades - is obligatory for everyone for ten years. All young persons have the right and duty to learn an occupation and the State guarantees them the opportunity to move up progressively to the highest academic level, in accordance with the principle of performance, with due regard for the requirements of society and the social structure of the population.

Special career counselling centres exist in the local governmental bodies.

Undertakings are responsible for the running and planning of vocational training. In the discharge of their duties in regard to

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vocational training, vocational guidance and propection for future skilled workers, they must act in close co-operation with the respective district council, the appropriate trade union authorities, the Free German Youth Movement and other social organisations and also with the parents or guardians of the young persons concerned.

Young persons must be released from work to such extent as may be necessary to enable them to discharge their statutory obligation to attend a vocational school.

Particular attention is given to the social security of families with children and considerable sums are spent on state subsidies of prices for basic foodstuffs, children's clothing, etc. and low-cost housing.

The citizens whose households include children receive a state family allowance, which begins with the first child and is graduated according to the number of children. Income tax as well as the amount of sickness benefit paid for long periods of incapacity are likewise graduated in accordance with the number of children.

Considerable state subsidies are expended on children's meals in kindergartens, nurseries and schools. Depending on the income of the parents, maintenance grants for secondary-school pupils and training grants for apprentices are available.

A new uniform preventive health care programme came into effect for children and young persons, from birth until the time they leave school; the programme completes the regular social welfare provisions for young citizens. Children are compulsorily insured with their parents and receive free medical care.

Every year major efforts are made to secure and guarantee leisure time facilities for young people (central pioneer camps, works holiday camps, work and leisure centres, apprentices' leisure camps).

The Labour Code established the minimum age for admission to employment at 16 years as a general principle. This applies to the conclusion of both contracts of apprenticeship and contracts of employment, and to all economic sectors. Child labour is prohibited.

An employment relationship may be entered into with a school pupil who has reached the age of 14 years if its purpose is to enable him to engage in voluntary productive and socially useful activity or participation in a work and leisure camp during the school holidays. A school pupil may be engaged only after he has attained the age of 14 and with the prior consent of a parent or guardian, the school director and physician, and the period of employment may not exceed three weeks during the summer holidays and a total of four weeks during the year. Such holiday work must have been approved by the works union committee.

Particular attention is given to the health and working capacity of young persons. In general, young persons may be employed only after they have been certified by a physician as being fit for the proposed activity, and they must undergo a regular

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medical examination at least once a year during their employment. The employment of young persons in work which is physically arduous or dangerous to their health is forbidden.

As part of his responsibilities for co-ordinating the preparation and formulation of legislation covering the protection of work, the Secretary of State for Labour and Wages must ensure that these provisions are supplemented in consultation with the competent central authorities and the national executive of the Confederation of Free German Trade Unions.

The undertaking is obliged to create for all workers, but especially for young persons, conditions of work that enable the worker to achieve a high standard of performance, encourage a conscious and creative attitude to work, increase job satisfaction and contribute to the development of a socialist personality. Undertakings also establish especially suitable workplaces which are reserved for young persons.

Labour law guarantees that young persons shall receive equal pay for equal work; apprentices are entitled to an apprentice pay which is upgraded twice a year, and bonuses and special payments are granted in accordance with the labour regulations.

The length of the working week for young persons under the age of 16 is 42 hours. The weekly hours of work are spread evenly over the five working days. Overtime is forbidden for young persons under 16 and is limited for young persons between the ages of 16 and 18 to a maximum of 60 hours per year or a maximum of 2 hours on any 2 consecutive days. The rest period granted between two shifts must amount to at least 13 hours and it is unlawful to employ young persons between 6 p.m. and 6 a.m. Apprentices who have reached the age of 16 years may be employed during this period if necessary for the purposes of their training, but employment of such apprentices between 10 p.m. and 6 a.m. is not permitted without the prior consent of the person responsible for their upbringing, the works physician and the appropriate trade union committee in the undertaking.

Apprentices receive basic annual leave with pay of 24 working days, while young persons up to the age of 18 are entitled to a basic leave of 21 working days. In addition to basic leave, supplementary leave is granted in accordance with the conditions prescribed in the relevant statutory provisions and collective agreements.

Like all workers, young people and apprentices are compulsorily insured during the period of their employment relationship under the wage earners' and salaried employees' social insurance scheme and are entitled to sickness benefits in accordance with the statutory provisions.

An undertaking must ensure that its workers have knowledge, abilities and skills in the protection of health, the protection of labour and fire prevention to the extent necessary for the performance of their work.

Each undertaking is responsible for keeping personal files on its staff, giving the name, age, date of birth, etc. of the workers.

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The representatives of the people and their Standing Committees for Youth and Sport monitor the implementation of the State's socialist youth policy in each region. The local and central bodies of the State and its departments responsible for the management of the economy control those undertakings and plants placed under their authority. The National Youth Office is a central body in charge of the preparation and development of the principles governing the State's youth policy and is responsible for organising and controlling the implementation of such policies through the local and central bodies of the State.

The Secretary of State for Labour and Wages supervises the application of laws and other regulations in this connection.

The Constitution guarantees the trade unions the right to supervise the observance of the legally established rights of the workers.

Furthermore, the Free German Youth Movement has the right to supervise the application of the Youth Law and the observance of labour law provisions concerning the promotion and protection of young persons engaged in employment.

A number of other bodies such as the labour offices of the local and district councils, the labour inspectors and the public prosecutor's office are also responsible for supervising the application of the provisions of the law.

FEDERAL REPUBLIC OF GERMANY

RECOMMENDATION NO. 146

Young Persons (Protection of Employment) Act. Dated 12 April 1976 (Bundesgesetzblatt (BGBI), Part I, 15 April 1976, No. 42, p. 965 (LS 1976 - Ger. F.R. 2)).

Vocational Training Act. Dated 14 August 1969 (BGBI, Part I, p. 1112) (LS 1969 - Ger. F.R. 2)).

Seamen's Act dated 26 July 1957 (BGBI, Part II, 7 August 1957, No. 21, p. 713) (LS 1957 - Ger. F.R. 4)).

Minimum age (Part II of the Recommendation)

The Young Persons (Protection of Employment) Act links the minimum age of employment to completion of compulsory schooling. Such schooling lasts at least nine years in all the Lands of the Federal Republic, so that in practice employment is authorised only from the age of 15 years on. The minimum age of 15 years is, besides, fixed by law. The trend in recent years has been for the Lands increasingly to adopt compulsory schooling lasting ten years, so that the actual minimum age tends to be 16 years.

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Hazardous work (Part III of the Recommendation)

The applicable provisions are sections 22 to 27 of the Young Persons (Protection of Employment) Act, which establish prohibitions and restrictions on employment.

Conditions of employment (Part IV of the Recommendation)

Paragraph 12(1). The applicable provisions are those contained in sections 8 to 21 (hours of work and rest), 22 to 27 (prohibitions and restrictions on employment), 28 to 31 (obligations of employers) and 32 to 46 (health care).

Paragraph 12(2). Vocational training is provided primarily in the undertakings' training services. At the instance of the Federal Government and the governments of the Lands, the capacity of these services has grown to the point where, in 1979, there were 660,411 applications for admission and 677,196 places available. In-plant training has been further improved by the establishment of inter-undertaking training institutions. Expansion of these institutions' capacity is fostered by the Federal Government by covering up to 80 per cent of the initial outlay and part of the operating costs as well.

Paragraph 13(1)(a). Section 10 of the Vocational Training Act provides for the payment of an appropriate allowance to young persons parties to a vocational training relationship. The law does not specify the amount of the allowance payable to young workers who are not parties to a vocational training relationship, to whom, as for the other categories of workers, the principle of freedom to contract applies. Wages are determined primarily by collective agreement. If the amount of the remuneration is not fixed either by a collective agreement or by the individual contract, the normal remuneration is assumed to have been agreed upon between the parties under section 612(2) of the Civil Code.

Paragraph 13(1)(d). Under sections 8 to 10 of the Young Persons (Protection of Employment) Act, the hours of work of young persons are fixed in principle at 8 hours a day or 40 hours a week. Overtime is not allowed.

Paragraph 13(1)(c). Sections 13 to 18 of the Young Persons (Protection of Employment) Act give effect to this provision.

Paragraph 13(1)(d). Annual holidays with pay are fixed as follows:

- at least 30 working days when the young worker has not reached the age of 16 years at the beginning of the calendar year;
- at least 27 working days when the young worker has not reached the age of 17 years at the beginning of the calendar year;
- at least 25 working days when the young worker has not reached the age of 18 years at the beginning of the calendar year.

Adult workers are entitled to at least 18 working days of annual leave with pay.

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Paragraph 13(1)(f). The instruction of young persons regarding accident and disease risks is provided for under section 22 of the Young Persons (Protection of Employment) Act.

Measures for supervising the administration of its provisions are established by sections 47 to 54 and sections 58 and 59 (penalties and fines) of the Act.

Enforcement (Part V of the Recommendation)

In accordance with section 51(1) of the Young Persons (Protection of Employment) Act, the responsibility for supervising its administration lies with the competent authorities under local legislation; as a general rule, these are the labour inspection offices.

The labour inspection offices are bound to ensure the proper administration, in every field, of the provisions of the Act. In the event of contravention, they may issue binding orders and require their execution. If they discover any irregularities prohibited by law, they must notify the public prosecutor or the competent department or, if they are themselves the competent authority, impose the fine themselves.

The competent supervisory authorities in connection with the protection of young workers are the labour inspection offices. Employers' associations and trade unions participate in the application of the Act in question.

The Vocational Training Act defines the competent authorities in the field of vocational training and the procedures for the participation of employers' and workers' associations in its application.

No further measures are contemplated for the time being in connection with the application of the Recommendation.

GUYANA

CONVENTION NO. 138
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Employment of Women, Young Persons and Children Act, Cap. 99:01.

Education Act, Cap. 39:01.

Factories Act, Cap. 95:02.

Recruiting of Workers Act, Cap. 98:06.

The Employment of Women, Young Persons and Children Act covers the restriction of the employment of women, young persons and children in industrial undertakings and of children on ships. The

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Act implements the provisions of Conventions Nos. 5 and 7. Section 3 prescribes that no child, i.e. a person under the age of 14 years, shall be employed in any industrial undertaking; and section 19 of the Factories Act prescribes that no child shall be employed in any factory, or in the business of a factory outside the factory, or in any business, trade or process ancillary to the business of a factory. Where it appears to the Labour Authority that the presence in any factory of children who cannot lawfully be employed therein may be dangerous to them or injurious to their health, the Labour Authority may require the occupier of the factory to prevent the admission of such children to the factory.

The Recruiting of Workers Act stipulates that persons under the age of 18 years shall not be recruited except that the Minister may by regulation permit persons of 14 to 18 years to be recruited with the consent of their parents or guardians for employment upon light work subject to such conditions as he may prescribe.

Section 17 of the Education Act restricts the employment of any child who is under the age of 14 years, provided that the service rendered by a child to its parents unless such service is rendered on a school day during school hours shall not be a breach. Section 24, however, provides for every child attending an industrial school to be employed in the vicinity of the school during prescribed hours in agricultural pursuits on any plantation or lands or in any workshop.

Regulation 60 of Regulations made under the Education Act stipulates that no child over 6 years and under 14 years of age shall be refused admission to any school, and that no child under 5 years of age shall be registered as a pupil.

The supervision of the application of the Employment of Women, Young Persons and Children Act, the Factories Act and the Recruiting of Workers Act is entrusted to the Minister of Labour. The Education Act is supervised by the Minister of Education.

Employers' and workers' organisations are aware of the existing legislation. Their co-operation is enlisted when there is need to deviate from existing practices.

No modification has been made to existing national legislation to give effect to the Convention or Recommendation. However, because of the expansion of the educational system to accommodate multilateral training, the tendency is that children at age 14 to 16 no longer seek employment, but are channelled to further training within the multilateral schools, etc.

There is no real difficulty to account for the reason to prevent or delay the ratification of the Convention. Nevertheless, because of the rapid changes experienced in the society in the fields of education and employment it is thought advisable not to ratify the Convention at this time. It is the Government's intention to implement the provisions of the Recommendation which are in keeping with its employment policies at the appropriate time.

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HAITI

CONVENTION NO. 138 RECOMMENDATION NO. 146

Labour Code, 1961 (LS 1961 - Hai. 1), as amended by Decree dated 10 December 1976 (Le Moniteur, No. 132, 3 Jan. 1977).

The employment of children under 14 years of age is prohibited. It is also unlawful to employ young persons under 18 years of age in unhealthy work or in operating machines that may endanger life or health

Any work, plant or equipment or industries of a type which may create conditions capable of threatening or adversely affecting the workers' health, either on account of the raw materials employed or processed or any products given off, or on account of any solid, liquid or gaseous residues, is deemed to be unhealthy. Any work, plant or equipment or industries endangering or capable of endangering directly and seriously the workers' lives, either by their own nature, or on account of the materials employed, processed or produced, or on account of any liquid or gaseous residues or on account of the stocking of toxic, corrosive, inflammable or explosive substances, irrespective of the manner in which such substances are stocked, is deemed to be dangerous. Special regulations drawn up by the General Inspectorate of Labour are to specify the operations deemed to be unhealthy or dangerous and to indicate the rules to be observed whenever such forms of activity are carried out.

No one may enter apprenticeship until he has reached the age of 14 years. The hours of work of apprentices who have not yet reached the age of 16 may not exceed 25 a week; those of apprentices between 16 and 18 years of age may not exceed 40 a week. In no case may the hours of work of apprentices exceed those of the workmen or salaried employees employed in the same establishment or, in the absence thereof, those observed in similar establishments. No apprentices may be employed on statutory holidays or at night, i.e. between 6 p.m. and 6 a.m. Employers must allow apprentices a half-yearly holiday of at least 15 days. Each employer is bound to allow his apprentices to attend theoretical instruction classes relating to the trade, without reduction of wages, and to observe the compulsory school attendance required by law.

Haiti is justified in invoking Article 4 of the Convention because of its underdevelopment and endemic unemployment. In this respect, the Government draws attention to the special status of minors in the category of "children employed in service" who are not to be assimilated to workers in industry, commerce or agriculture. The domestic work of such children has to be seen against the country's cultural background, which is strongly marked by paternalism.

The State provides protection for children who live and work away from their homes, to ensure their material well-being and moral welfare.

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No child under the age of 14 years entrusted to the care of a family may be employed on domestic work beyond his strength.

Before employing a child, the person concerned must obtain an employment permit, issued on production of a medical certificate and evidence of the age of the child.

Any person who has one or more children in his service thereby contracts an obligation to use ordinary care (diligentia boni patris familias) in looking after them, provide them with decent lodging, suitable clothing, adequate and wholesome food, and healthy amusement.

Children who are in service may not be employed on domestic tasks liable in any way to harm their health or normal development or impede their attendance and progress at school.

No child may be employed on work of any sort during school hours, on Sunday afternoons, on any afternoon of statutory public holidays, and during the night (6 p.m. to 6 a.m.). In addition, every child must be granted a period of 10 consecutive hours' rest.

Anyone who has one or more children in his service must have them taken to a health centre or dispensary every six months for medical examination. No one having a child in his service may inflict on him physical suffering by way of punishment. On reaching the age of 16, a child in service is deemed to be an apprentice. He must therefore be given a wage equal to not less than one half of the wage payable to a hired servant performing like work.

The above-mentioned statutory provisions for children employed in service constitute minimum protection; the aim is gradually to do away with a discredited institution through development and education. Progress has already been made towards that end.

HONDURAS

CONVENTION NO. 138

Constitution.

Decree No. 189, to promulgate a Labour Code, dated 1 June 1959 (La Gaceta, 15-18 and 20-23 June 1959, Nos. 16827-16834) (LS 1959 - Hon. 1).

The Government refers to section 124 of the Constitution of the Republic and the relevant sections of the Labour Code (31 to 35, 127 to 134, 391 and 395).

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HUNGARY

CONVENTION NO. 138

Act No. II of 1967 to promulgate a Labour Code (Magyar Közlöny) (MK), 8 Oct. 1967, No. 67, p. 503) (LS 1967 - Hun. 2A), as amended by Legislative Decree No. 29 of 1979 (MK, 1 Dec. 1979, No. 84, p. 1304).

Decree No. 17 of 1979 of the Ministry of Labour (MK, 1 Dec. 1979, No. 84, p. 1326).

Decree No. 34 of 1967, for the application of the Labour Code (MK, 8 Oct. 1967, No. 67).

General Regulation on prevention of accidents.

Act No. IV of 1971 on youth.

The 1979 amendment of the Labour Code raised the minimum age for admission to employment from 14 to 15 years. As an exception to this general rule, persons over 14 years of age may enter into employment provided that they have completed the primary education and do not continue studies. In Hungary the overwhelming majority of primary school leavers at the age of 14 continue their studies, so the said exception affects no more than 8 to 10 thousand children annually. In addition, pupils over 14 are allowed to undertake light work during the summer holidays.

ICELAND

CONVENTION NO. 138

Act 53 of 13 May 1966 on protection of children and young persons.

Act 46 of 28 May 1980 on facilities, hygiene and safety at workplaces, effective on 1 January 1981.

According to the article Act 53/1966 (article 41), a child younger than 15 years of age shall not be employed in a factory. Furthermore the child must have completed compulsory schooling.

It is forbidden to employ a younger male than 15 and a younger female than 18 on board a ship, except a training-ship. Males younger than 18 years shall not be employed as stokers and 19 years is the age-limit for engineworkers on board ships. A younger male than 15 and a younger female than 18 shall not be employed in an aircraft.

16 years is the age-limit for vocational education.

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According to the Act 46/1930, a "child" means an individual under the age of 14 years and a "young person" denotes a person 14-17 years of age.

Chapter X of the above cited Act provides that children shall only be employed in light work with a minimum of danger involved; that working hours for persons, 14 and 15 years of age, shall never exceed the normal working hours for adults in the same trade; that young persons shall never work longer than 10 hours per day. The working hours shall be continuous with usual breaks for meals and rest; and that young persons, 16 and 17 years of age, shall have at least 12 hours rest every 24 hours. The resting hours shall as a rule be between 19 and 7 o'clock.

INDIA

CONVENTION NO. 138

Factories Act, No. 63 of 23 Sept. 1948 (Gazette of India) (GI), 23 Sept. 1948, Extraordinary, Part IV, p. 292 (LS 1948 - Ind. 4).

Plantations Labour Act, No. 69 of 2 Nov. 1951 (GI, 3 Nov. 1951, No. 50, Part II, section 1, Extraordinary, p. 457) (LS 1951 - Ind. 5).

Constitution.

Merchant Shipping Act, No. 44 of 30 Oct. 1958 (LS 1958 - Ind. 2).

Children (Pledging of Labour) Act, No. 2 of 24 Feb. 1933 (LS 1933 - Ind. 1).

Employment of Children Act, No. 26 of 1 Dec. 1938 (LS 1938 - Ind. 5).

Mines Act, No. 35 of 15 March 1952 (GI, 17 March 1952, No. 18, Extraordinary, Part II, Sec. 1, p. 155) (LS 1952 - Ind. 3).

Motor Transport Workers' Act, 1961.

Beedi and Cigar Workers (Conditions of Employment) Act, No. 32 of 30 Nov. 1966 (GI, 1 Dec. 1966, section 1, Extraordinary).

"Labour" is a concurrent subject under the Constitution of India and both the central and state Governments are empowered to take legislative and administrative action in respect of matters covered by the Convention. Central legislation can be supplemented by state legislation whenever considered necessary. The individual central Acts define the jurisdiction of the central and state Governments in the matter of implementation. It may, however, be mentioned that there are a number of central labour laws which are entirely administered by the state governments.

The provisions in the Indian Constitution are as follows:

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Article 24. No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 45. The State shall endeavour to provide for free and compulsory education for all children until they complete the age of fourteen years.

These provisions are in the nature of directive principles of state policy and measures are being taken progressively to give effect to them. There are a number of labour laws which give effect to the provisions of the Convention in many respects.

Article 1. The Government of India fully subscribes to the provision that each member State should pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. The Government, however, feels that the period over which this ultimate goal could be achieved would be longer for developing countries like India in the light of their extant socio-economic conditions.

Article 2. There are a number of laws which prohibit the employment of children under a particular age. The Employment of Children Act, 1938 prohibits employment of children below the age of 15 years in a number of occupations, and of children below 14 years in workshops connected with beedi-making, carpet weaving, cement manufacture, manufacture of matches, etc. The Factories Act, 1948 prohibits employment of children below 14 years in all factories using power and employing ten or more workers and all non-power factories employing twenty or more persons.

The Plantations Labour Act, 1951 fixes the minimum age for admission to employment at 12 years. Under the Mines Act, 1952 the minimum age for employment in mines above ground is 15 years and employment of children below 16 years below ground is prohibited. The Merchant Shipping Act, 1958 provides that no person under 15 years of age shall be engaged or carried to sea to work in any capacity in any ship except in certain specific cases. Employment of children below the age of 18 as trimmers and stokers is also prohibited. The Motor Transport Workers Act, 1961 prohibits employment of children below 15 years. Under the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 children below 14 years are not allowed to work in any industrial premises.

Various state legislatures have passed Acts regulating the conditions of work of workers in shops, commercial establishments, restaurants, hotels, etc., and prohibit the employment of children in such establishments. The minimum age of employment is 12 years in the States of Bihar, Gujarat, Jammu and Kashmir, Karnataka, Madhya Pradesh, Manipur, Meghalaya, Orissa, Rajasthan, Tripura and West Bengal and the Union Territories of Delhi and Goa, Daman and Diu. The minimum age is 14 years in the States of Andhra Pradesh, Assam, Haryana, Himachal Pradesh, Kerala, Punjab, Tamil Nadu and Uttar Pradesh and in the Union Territories of Chandigarh and Pondicherry. The minimum age is 15 years in the State of Maharashtra. Although the minimum age under the Uttar Pradesh Shops and Establishments Act is 14 years, a child who has completed his

twelfth year of age is also allowed to work as an apprentice for the purposes of training with or without wages in any shop or commercial establishment.

Mention may also be made of the Children (Pledging of Labour) Act, 1933, which seeks to prohibit the pledging of children. The Act prohibits the making of agreements to pledge the labour of children, and the employment of children whose labour has been pledged under such an agreement. Child, under the Act, means a person who is under the age of 15 years.

Thus, except in the case of the Plantations Labour Act, 1951 and the Shops and Establishments Act in some States, the minimum age for employment is 14 years or above. Hence the requirements of paragraph 4 of Article 2 read along with Article 7 are by and large met in sectors covered by the aforesaid laws.

Article 3. The age limit of 18 years has been fixed for employment of young persons in the Radiation Protection Rules framed under the Atomic Energy Act, 1962.

Provisions with a view to protection of health, safety etc. of young persons exist in other enactments also. Briefly - under the Factories Act, 1948 a person under 18 shall not be required or allowed to work in a factory unless he has been granted a certificate of fitness by a certifying surgeon, and such certificate is renewed annually. Further no one between 14 and 18 shall work at any machine, unless he has been fully instructed as to the dangers arising and the precautions to be observed, and has received sufficient training in work at the machine and is under adequate supervision.

Under the Mines Act, 1952, a certificate of fitness is required for a person between 16 and 18 to be allowed to work in a part of a mine which is below ground. It is further provided that these persons shall not be employed in any mine except between the hours of 6 a.m. and 6 p.m.; the Central Government may, however, vary hours of employment but no employment between 10 p.m. and 5 a.m. is permitted. Under the Plantations Labour Act, 1951 no one under 18 shall be required or allowed to work in any plantation unless he has been given a certificate of fitness by the certifying surgeon.

The health of young persons is also sought to be protected by prescribing a lesser number of working hours and prohibiting night work. The Minimum Wage (Central) Rules, 1950 made under the Minimum Wages Act provide that no one below 15 shall be employed or permitted to work for more than four-and-a-half hours a day. The rules made under the Apprentices Act, 1961 prohibit employment of apprentices (the minimum age for an apprentice has been fixed at 14 under the Act) between the hours of 10 p.m. and 6 a.m. except with the approval of the apprenticeship adviser who shall give his approval if he is satisfied that it is in the interest of the training of the apprentice or in the public interest.

From the above account it would be seen that provisions exist in the relevant laws for the protection of the health, safety and morals of young persons, although the age limit is not 16 years in all the cases as provided for in paragraph 3 of Article 3. It may

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be mentioned that the various labour laws in question were enacted after due consultation with the organisations of employers and workers.

Article 5, paragraph 3. Of the specified sectors, construction, electricity, gas and water and sanitary services (except for such undertakings as are covered under the Factories Act), transport, storage and communication (except for motor transport undertakings and transport by railways) and small plantations and other comparable agricultural undertakings are not covered by any legislation prescribing a minimum age for employment.

Article 9, paragraph 1. Under most central Acts mentioned above, contravention of the provisions thereof is punishable with imprisonment, or with a fine, or both.

Paragraph 2. The rules framed under the various laws in question designate the authorities entrusted with the task of securing implementation of these Acts.

Paragraph 3. The rules framed under the various laws do provide for the maintenance of registers containing names, age or dates of birth of persons below the age of 18 years (i.e. persons as defined differently in different Acts as "child", "adolescent" and "young persons"). In the event of the person concerned not being able to give a satisfactory proof of his date of birth, the certifying surgeons are required to determine the age and issue a certificate accordingly.

In so far as Shops and Establishments Acts are concerned, the state governments have set up inspection machinery for supervising the implementation of these Acts.

The organisations of employers and workers are represented on various tripartite advisory and consultative committees, set up at the Centre and at the state and local levels. The central as well as the state Governments invariably seek the advice of these bodies not only in framing labour legislation, but also in implementing the same.

Modifications made in the national legislation. The following modifications deserve mention:

- (1) The Government of Maharashtra amended its Shops and Establishments Act in 1977 to increase the minimum age for employment from 12 to 15 years.
- (2) The Radiation Protection Rules were amended in May 1976, to increase the age for employment of radiation workers from 16 to 18 years. The amendment enabled the Government of India to ratify Convention No. 115.
- (3) The Employment of Children Act, 1938 was amended in 1979 to cover additional occupations.

Difficulties in ratification due to the provisions of the Convention. The Convention is in the form of a general instrument aimed at total abolition of child labour which would replace the existing instruments on the subject applicable to limited economic

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sectors. However laudable the objective may be, it perhaps fails to recognise the widely varying socio-economic conditions in different member countries and the compulsions flowing therefrom. A major difficulty faced by India in ratifying the Convention is the existing socio-economic conditions in the country, which force parents to send their children to work. In such a situation, how far it is desirable to have an all-comprehensive blanket legislation on the subject, oblivious to the hard realities, is a moot point. Enforcement of such a legislation in a country of India's size and population would also present imponderable problems, particularly in the rural and the unorganised sectors. A major aspect to be borne in mind in this connection is that the bulk (93 per cent) of the child labour in the country is in rural areas and 80 per cent of the children who work could be classified as unpaid family workers. The question of exploitation of children who work as unpaid family workers does not arise. In the circumstances, the Government of India feels that while it may not be possible to ratify the Convention immediately, what is actually required at this stage is to ensure that the children who work are not exploited and their health and future are not jeopardised. The Government is making efforts in this direction and would continue to do so, at the same time taking steps towards satisfying the requirements of the Convention in a progressive manner.

Further measures proposed to give effect to the Convention.
It has been decided in principle to raise the age of employment in the Plantations Labour Act, 1951 from 12 to 14 years as and when the next batch of amendments is taken up.

The Governments of Gujarat, Bihar, Rajasthan, Meghalaya and Delhi have agreed to raise the age of employment from 12 to 14 years in their Shops and Establishments Acts. The Government of Madhya Pradesh has agreed to raise the age limit from 12 to 14 years in respect of hotels and restaurants only.

The Government is at present proposing to bring forward a legislation concerning building and construction industry. It is proposed to prohibit the employment of persons below the age of 15 years in the contemplated legislation.

Conclusion

The Government of India is committed to the gradual elimination of employment of children, and pending such elimination to regulate it. The Tripartite Committee on Conventions, which considered the question in 1976, agreed that it may not be possible to ratify the Convention at this stage. It was, however, felt that consistent efforts should be made to increase the minimum age in the respective sectors, in phases, if necessary; only by taking gradual steps could there be a possibility of eventually ratifying the Convention.

The Government has had set up a number of study/working groups to study the problem in depth. A more recent committee was the Committee on Child Labour set up in February 1979, with the following terms of reference:

- (a) Examine the dimensions of child labour, the occupations in which children are employed, etc.

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- (b) Examine existing laws, their adequacy and implementation and suggest selective action to be taken to improve the implementation and to remedy defects and suggest new areas where laws abolishing/regulating the employment of children can be introduced.
- (c) Suggest welfare measures for training and other facilities which would be introduced to benefit children in employment.

The Committee recognised that: "... in the socio-economic milieu prevailing in the country, it is difficult to have an omnibus legislation for regulating employment of children in all sectors of economic activity. In other words total abolition of child labour by law for the time being is neither feasible nor possible". At the same time, the Committee felt that: "it is possible to identify certain specific areas from time to time where regulation by law is immediately called for. For instance, it is difficult at present to cover the entire agricultural sector by legislation, but there are certain activities connected with the mechanised agriculture where the employment of children is palpably dangerous".

As regards the existing legislation, the Committee recommended that the minimum age for entry into any employment should be 15 years, and that the existing laws which prescribe an age lower than this be suitably amended. Correspondingly, the age for adolescents should be specified between 15 and 18 years. The Committee's recommendations are under consideration.

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The existing legislative and administrative provisions in the country only partly fulfil the requirements of the Recommendation.

National policy

Paragraph 1. The Government of India's concern for the welfare of children is evident from the principles enshrined in Articles 24, 39 and 45 of the Constitution of India. Although a series of steps have been taken by the Government of India for accelerating the welfare of children over the years, the programmes were confined to certain sectoral groups and lacked co-ordination and comprehensiveness. Therefore in 1967, the Government of India set up a high powered committee to assess the needs of the child during various stages of development, to formulate programmes to meet those needs and to prepare an approach strategy for the welfare of the children. Following the recommendations of this Committee, a National Policy for Children was evolved in 1974 which outlines a 15-point programme with a system of priorities aimed at progressively increasing the scope of services directed towards child welfare.

In pursuance of one of the provisions in the National Policy, a National Children's Board was constituted in December 1974, to provide a focus and forum to plan and review and properly co-ordinate the multiplicity of services striving to meet the needs of

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children. The importance given to the work of the Board can be gauged by the fact that the Prime Minister of India is its President.

The measures enunciated in the National Policy on Children are being implemented in the States and Union Territories which have also set up Children's Boards at their level. The Department of Social Welfare in the Government of India is co-ordinating action for the speedy implementation of the National Policy.

The efforts made by various agencies to implement the National Policy for Children were accelerated during the International Year of the Child, and a plan of action was drawn up. The general theme of the International Year of the Child in India was "Reaching the Deprived Child".

The National Children's Board decided in September 1979 that a Perspective Plan for Child Development for the next twenty years should be prepared to provide guidelines for planners both at the central and state levels in formulating development plans. Accordingly, the Government of India had initiated action in formulating a Perspective Plan for Child Development as an integral part of the National Development Plan. By the time we reach 2000 AD, no child shall be left malnourished, no child will be left without being immunised, no child under the specific school-going age group shall be left unenrolled; no child shall be left unprotected against neglect, cruelty and exploitation; no child shall be permitted to be engaged in any hazardous occupation or be made to undertake heavy work; and no child shall be left as a destitute or unwanted.

Paragraph 2. As the ILO is aware, India has not been in a position to ratify the Employment Policy Convention (No. 122). The problem of unemployment/underemployment is quite gigantic and the efforts over the years have been to find more employment opportunities both in rural and urban areas. Thus, a firm national commitment to full employment, however desirable in itself in the long run, has no relevance in the present context.

The Government of India is fully aware of the problem of over-all poverty and the successive plans have been directed towards increasing the standard of living of the people, bridging the gap between the rich and the poor and meeting the basic minimum needs of the weaker sections of the society. The new Plan at present being formulated would strive further to achieve the above-mentioned goals.

The Scheme of Integrated Child Development (ICDS), started in 1975 on an experimental basis, aims at providing a package of integrated services essential for child development, namely, supplementary nutrition, immunisation and health care, referral services, nutrition and health, education and non-formal pre-school education. The Scheme, which was started with 33 projects, was later expanded to 100 projects. During 1979, 50 additional projects were sanctioned and launched in the field. It is proposed to launch another 50 projects during 1980-81.

Under the Service for Children in Need of Care and Protection Scheme, assistance is given to voluntary organisations through the

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State Governments/Union Territory Administrations for extending both institutional and non-institutional services. For children in the age group of 12-18 years, prevocational and vocational training are additionally provided. The scheme also provides for individual family care through foster care to children who become destitute at a very early age.

In the Government's programme for the universalisation of elementary education (classes I-VIII), provision of non-formal or part-time education has been accepted as the main strategy to attract and hold children from weaker sections of the community in the school system. The programme for universalisation of elementary education aims at bringing 90 per cent of the children of the age group 6-14 under the school system by the year 1982-83. The state governments have also proposed expanded schemes of incentive programmes for children of weaker sections of the community in order to reduce drop-out rates in primary and middle schools. Free education is already available up to various stages in all the States/Union Territories. Education up to class VIII is free in all States/Union Territories except for boys in two States, Orissa and Uttar Pradesh, where it is free for both boys and girls up to class V only. Beyond the elementary stage up to secondary stage education is also free in 16 States/Union Territories. Education is also free for girls up to secondary stage in another 5 States.

The importance of vocational training has been recognised in India for a long time now. The period for training varies from one to two years. The training in Industrial Training Institutes is given free.

Under the Apprentices Act, 1961, it is obligatory on all employers in the specified industries to engage apprentices as per the prescribed ratio in designated trades. So far, 217 industries have been specified to train apprentices in 131 trades. The minimum age for being taken as an apprentice is 14 years. Under the provisions of the Mines Vocational Training Rules, 1966 all new workers are to undergo a prescribed course of basic training before they are employed at work. These rules envisage the establishment of training centres for imparting training to workers. By the end of September, 1979, 141 vocational training centres in coal mines and 175 centres in non-coal mines were in existence.

Arrangements thus exist in the country for imparting vocational training to young persons beyond the age of 14 years. There is, of course, need for further augmenting these facilities.

Paragraph 3. The Central Children's Act, 1960 and other State Children's Acts deal with care, protection, maintenance and education and rehabilitation of neglected and delinquent children. All States except Orissa, Tripura, Nagaland and Sikkim have enacted their own supportive legislation in this field. It is compulsory under these Acts to provide institutional and non-institutional services to children under trial and rehabilitation.

Paragraph 5. In view of the fact that in India the goal of compulsory full-time schooling is still to be achieved and some of the laws prescribe a minimum age lower than the one required under Article 3 of the Convention, and is also lower than the age of completion of full-time schooling, the question of implementing the provisions in this paragraph has not arisen so far.

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Paragraph 6. The Government of India is doubtful whether it would be possible to fix the minimum age at the same level for all sectors of economic activity, particularly in view of the fact that it has not been found feasible even to fix any minimum age for some sectors of the economic activity.

Paragraph 7. While the Government would agree that the progressive raising of the minimum age for admission to employment to 16 years is a laudable objective, it appears difficult that this objective can be achieved in the near future in a developing country like India.

Paragraph 8. The Plantations Labour Act, 1951 prescribes the minimum age at 12 years. It may be mentioned that an amending Bill was introduced in the Rajya Sabha (the Upper House of the Parliament) in 1973. The Bill seeks, among other matters, to extend the applicability of the Act to plantations by lowering their acreage and employment limit, to provide for compulsory registration of plantations and to reduce weekly hours for adults and children. The Bill was referred to the Joint Select Committee of Parliament. The Joint Committee submitted its report in March 1975. The Recommendations of the Joint Committee are under consideration. Thus, as and when the amending Bill is passed into a law, a larger number of plantations would be covered by the provisions (including that regarding minimum age) of the Plantations Labour Act. It has also been decided in principle to raise the minimum age for entry into employment from 12 to 14 years, as and when the next batch of amendments is taken up for consideration.

Paragraph 9. The requirements in this paragraph are stricter than that of Article 2(3) of the Convention. In India, the Factories Act, 1948 and the Mines Act, 1952 have adequate provisions for prohibition of employment of young persons on hazardous work.

Paragraph 10. Due account is taken of the international labour standards, such as those concerning dangerous substances, agents or processes (including ionising radiation), the lifting of heavy weights and underground work. The provisions are by and large met by the Factories Act, 1948, the Coal Mines Regulation, 1957 and the Metalliferous Mines Regulations, 1961 framed under the Mines Act, 1952 and the rules framed under the Atomic Energy Act.

The schedules relating to hazardous occupations in the Factories Act are constantly kept under review by the State Inspectorate of Factories, and the Directorate General of Factory Advice Service and Labour Institute, and if any operation or process is found to be hazardous, it is added to the list. The provisions are thus constantly updated in the light of latest available information on international practice.

Paragraph 11. Provisions for appropriate minimum age in occupations presenting hazards exist only in enactments which otherwise have also a fixed minimum age for entry into employment. It may be mentioned that the Government of India is fully conscious of the need for identifying hazardous jobs which are prejudicial to the health of children and young persons. The National Policy for the Children declared as one of its objectives, that: "No child under 14 years shall be permitted to be engaged in any hazardous occupation or be made to undertake heavy work". The Committee on

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Child Labour also underlined the need for a more systematic effort for identification of hazardous occupations, and for detecting occupational diseases and the treatment. The Committee observed that there are several areas, both in the organised and unorganised sectors, whose children are exposed to serious hazards, but no efforts have so far been made to regulate their employment. The Committee's recommendations are under consideration and necessary follow-up action would be initiated as and when a final decision is taken by the Government.

Paragraph 12. In the organised sectors of the economy, where it has been possible to enforce the minimum age for employment, effective measures are taken for safeguarding the interests of children and young persons below the age of 18 years. Necessary measures to formulate standards for the protection and development of children and young persons are being taken.

Paragraph 13. The principle of fair remuneration, bearing in mind the principle of equal pay for equal work, is borne in mind by the Wage Fixing Authorities for various branches of economic activity.

No separate legislative and administrative measures have been taken specifically to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities. It must, however, be mentioned that various labour laws provide for shorter hours of work for children and young persons, thus enabling them to take advantage of (i) getting education/training in the evening classes wherever such facilities exist, and also of (ii) the non-formal or part-time education. Children and young persons are eligible for the same social security benefits to which adult workers are entitled.

Paragraphs 14 and 15. The provisions of these paragraphs are being by and large implemented. Nevertheless, efforts are being made by the Government to make enforcement stricter and more effective.

Paragraph 16. The Government of India enacted the Registration of Births and Deaths Act in 1969. The Act has been enforced in all the States and Union Territory Administrations except Pondicherry. The Rules framed by the Governments of Himachal Pradesh, Andaman and Nicobar Islands, Mizoram and Pondicherry have not been notified. The Registrar General of India, Ministry of Home Affairs, is entrusted with the task of issuing general directions and co-ordinating the work of the Chief Registrars at the state level. The enforcement of the Act has resulted in better reporting/registration of births although some improvements are still called for. In a number of far flung areas the registration machinery needs to be augmented.

The various laws which lay down minimum age for entry into employment provide for the maintenance of proper registers by the employers.

With the present magnitude of the child labour in the unorganised and the informal urban sector, it has not so far been possible to issue licences, etc. to children and young persons working in the streets, outside stalls, public places, etc.

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ITALY

CONVENTION No. 138

Act No. 977, respecting the protection of children and young persons in employment, dated 17 October 1967 (Gazzetta ufficiale (GU) (Official Gazette), 6 November 1967, No. 276, p. 6105) (LS 1967 - It. 1).

Decree No. 432 dated 20 January 1976 (GU, 24 June 1976, No. 165).

Act No. 285, respecting procedure for the employment of young persons, dated 1 June 1977 (GU, 11 June 1977, No. 158, p. 4386).

Decree No. 36 dated 4 January 1971 (GU, 15 March 1971, No. 66).

Act No. 233 dated 15 May 1954 (GU, 1 June 1954).

The minimum age for admission to employment established by the law is 15 years. This general principle is subject to some exceptions in the following sectors:

- The minimum age for employment in agriculture and domestic work is 14 years, if compatible with the necessary standards for the protection of the children's health and on condition that such employment does not interfere with their schooling. (School attendance is compulsory up to the age of 14 years.)
- In non-industrial branches of activity, children who have reached their 14th birthday may be authorised to perform specific kinds of light work, where such work is compatible with the standards required for the protection of the health and does not interfere with school attendance, and on condition that it is not performed at night or on a public holiday.

As concerns hazardous or unhealthy work, the law establishes a minimum age of 18 years for some specific activities (underground work, participation in theatrical and other performances and work in places where alcoholic beverages are sold); however, in all other work considered hazardous, onerous or unhealthy, the minimum age is 16 for boys and 18 for girls.

In the same way, the law establishes penalties for the employer and parents for non-observance of the provisions of the contract of employment.

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As regards the progressive elimination of the employment of children established by the Recommendation and the principles of full employment, safety and school attendance, provisions have been reinforced by the adoption of the following recent legislation:

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- Act No. 675/77 respecting industrial restructuring and reconversion, which grants state financing to undertakings on the condition that employment remains at the same level, and Act No. 285/77 which makes provision for the gradual integration of young persons into employment.
- The Act respecting vocational training which was approved on 21 December 1978 introduced a vocational training programme into the school education system and which, by providing a framework of training which is available to everyone free of charge, has led to a higher level of vocational skills amongst workers.
- In order to ensure a greater participation by all members of society in the running of educational establishments, Decree No. 416 of 1974 of the President of the Republic, drew up regulations respecting the establishment of collegiate bodies at the nursery, primary, secondary and specialised school levels. In the same way, regional family advice bureaux have been established (Act No. 405/1975).

As concerns social services, the entry into force of Decree No. 619 of the President of the Republic, dated 24 July 1977, authorised regional bodies to introduce regulations respecting social assistance. The implementation of the Decree has benefited young persons and has resulted in the introduction of school meals, the establishment of sport centres, holiday camps, and the granting of free holidays.

A National Conference attended by experts and social service authorities was organised to mark the end of the International Year of the Child. One of the subjects discussed by the Conference was "Child Labour in Italy".

The Inspectorate of Labour, which is the competent body responsible for the enforcement of all social regulations, carried out a national survey in 1971 on the employment of young persons. The Trade Union Federation CGIL-CISL-UIL (Italian General Confederation of Labour, Italian Confederation of Workers' Unions, Italian Workers' Union) also undertook a survey in selected regional areas in 1979.

JAPAN

CONVENTION NO. 138 RECOMMENDATION NO. 146

Labour Standards Law, No. 49 of 7 Apr. 1947 (LS 1947 - Jap. 3).

Mariners Law, No. 100 of 1 Sept. 1947 (LS 1947 - Jap. 5).

Labour Standards for Women and Minors Ordinance, No. 13 of 19 June 1954.

Enforcement Ordinance of the Labour Standards Law, No. 23 of 30 Aug. 1947.

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Enforcement Ordinance of the Mariners Law, No. 23 of 1 Sept. 1947).

Industrial Safety and Health for Mariners Ordinance, No. 53 of 31 July 1964.

Child Welfare Law, No. 164 of 1947.

The Labour Standards Law and the Mariners Law contain provisions for restrictions on work and for the protection of the working conditions of minors.

Article 1 of the Convention and
I of the Recommendation

It is stipulated in the Constitution of Japan that children shall not be exploited. Under the Labour Standards Law and the Mariners Law, minors under 15 years of age shall not in principle be employed, and in addition the Child Welfare Law contains provisions for prohibiting certain acts for the protection of children.

In Japan, persons of 12 years and over and under 15 years correspond to lower secondary school students receiving compulsory education and persons of 15 years and over and under 18 years include upper secondary school students. Persons under 15 years of age, whom it is in principle prohibited to employ as workers, may be employed except as seafarers outside of school hours with permission of the administrative office. However, viewed from the percentage of compulsory education school attendance (99.94 per cent in May 1978) and the percentage of upper secondary school entrance (93.5 per cent in the same year), it is considered that the number of those persons employed as mentioned above has been reduced year by year.

Article 2 of the Convention and
II of the Recommendation

A shipowner shall not employ a young person under 15 years of age as a mariner except in the case of a vessel on which only members of the same family are employed. It is prohibited in any case to make minors under 18 years of age perform acts injurious to the mental and bodily health such as performing circus or acrobatic feats for public amusement.

Article 3 of the Convention and
III 9 and 10 of the Recommendation

It is prohibited for the employer to employ minors under 18 years of age in certain harmful and dangerous work, including underground work and dangerous work on board a vessel.

Articles 4 and 5 of the Convention
and III 11 of the Recommendation

The Labour Standards Law is applicable to enterprises and offices in all industries except in the case of mariners and of

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enterprises or offices employing only those relations living with the employer as family member, and of domestic employees in the home.

Article 6 of the Convention and IV 12(2) of the Recommendation

With regard to education in general, there exist no special provisions to the effect as provided for in this Article. With regard to a worker receiving vocational training provided subject to the recognition under the Vocational Training Law, the employer is allowed to place trainees of 15 years and over and under 18 years in certain dangerous and harmful work and place male trainees of 16 years and over in underground work if he takes the necessary measures to prevent hazards and health impairment.

For trainees who are minors receiving vocational training, 12 working days must be given as the annual holiday with pay. No exception to restriction on work by minors in the case of their receiving vocational training, as mentioned above, is allowed to young mariners.

Article 7 of the Convention and IV 13 of the Recommendation

Children at least 12 years of age may be employed in non-industrial enterprises on light work which is not injurious to their health and welfare outside of school hours, with the permission of the administrative office. The working hours of the children who are employed under these provisions are restricted to seven hours a day and 42 hours a week, including school hours.

An employer shall not employ minors under 18 years of age between the hours of 10 p.m. and 5 a.m. (for children under 15 years of age and mariners under 18 years of age, between the hours of 8 p.m. and 5 a.m.).

The exception that the employer may employ children under 15 years of age is not allowed in the case of mariners.

Article 8 of the Convention

Children under 12 years of age may be employed, with the permission of the administrative office, in motion-picture production and theatrical performance enterprises.

Article 9, paragraph 1, of the Convention

Penalties for violations include imprisonment and fines.

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Article 9, paragraph 2, of the
Convention and V 14 of the
Recommendation

The relevant provisions of the laws and regulations as mentioned above are to be complied with by the employer.

Article 9, paragraph 3, of the
Convention and 16 of the
Recommendation

It is provided that the employer shall keep at the workplace the certificate which proves the age of the minors under 18 years of age. It is further provided that, in case he employs a child under 15 years of age on light work or in a motion-picture production enterprise, etc., the employer shall keep at the workplace the certificate issued by the schoolmaster to prove that the employment does not hinder the schooling of the child, and the document to prove the consent of the parent or the guardian of the child. As regards mariners, it is provided that the shipowner shall keep on board the vessel a crew list in which the date of birth of mariners shall be entered.

For the enforcement of the Labour Standards Law, the Labour Standards Bureau is established in the Ministry of Labour, the Prefectural Labour Standards Office in each Prefecture and Labour Standards Inspection Offices within the jurisdictional area of each Prefectural Labour Standards Office, and a necessary number of labour standards inspectors are posted in these organs. Further, with the object of hearing the views of labour and management, etc. on the enforcement and improvement of the Labour Standards Law, the Central Labour Standards Council is established in the Ministry of Labour and the Prefectural Labour Standards Council in each Prefectural Labour Standards Office, and the members of each Council are appointed from the representatives of workers, employers and the public interest. Similar provision is made for the enforcement of the Mariners Law under the jurisdiction of the Ministry for Transport.

No particular modification has been made in the national legal system with a view to giving effect to the provisions of the Convention.

While in Japan effect is generally given to the provisions of the Convention and the Recommendation through the Labour Standards Law, etc., there are some difficulties in some respects as stated below.

(1) Convention

While it is provided in the Convention that the employment or work of persons 13 to 15 years of age on light work may be permitted on certain conditions, it is provided in the Labour Standards Law that the employment of persons 12 to 15 years of age on light work may be permitted on certain conditions. In Japan, the age of completion of compulsory schooling in primary school is 12 years old.

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(2) Recommendation

- (i) While the provisions of the Recommendation aim at raising to 16 years the minimum age for admission to employment or work, it is difficult to give effect to those provisions in view of the fact that the age of completion of compulsory schooling in Japan is 15.
- (ii) With regard to the provisions of IV 13(1)(c) of the Recommendation, there are no provisions concerning the granting of a minimum consecutive period of 12 hours' night rest.
- (iii) With regard to the provisions of IV 13(1)(d) of the Recommendation, in the Labour Standards Law there are no provisions stipulating the granting to minors of a special annual holiday with pay except the provisions stipulating the giving to minors receiving vocational training of 12 working days, longer than those given to general workers, as the annual holiday with pay.
- (iv) With regard to the provisions of V 16(c) of the Recommendation, there exists no system under which children and young persons working in the streets are issued licences or other documents indicating their eligibility for such work.

There are at present no particular measures contemplated to give further effect to provisions of the Convention and Recommendation.

When children or minors are employed under the relevant provisions mentioned above, strict inspection is carried out.

KUWAIT

CONVENTION NO. 138

Act No. 38 of 1964 respecting employment in the private sector.

Ministerial Order No. 18 of 1973, to determine industrial activities in which the employment of young persons shall be prohibited.

As regards the provisions of Article 7(3) concerning the procedure for determining the activities in which employment or work may be permitted and for prescribing the number of hours and conditions of such employment or work, it should be mentioned that section 19 of Act No. 38 of 1964 respecting employment in the private sector permits the employment of young persons between 14 and 18 years of age provided -

- (1) they have obtained a permit from the Ministry for Social Affairs and Labour;

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- (2) they have passed a medical examination;
- (3) they are employed only on jobs or in activities that are not dangerous or unhealthy.

Under section 20 of the above-mentioned Act, the Ministry for Social Affairs and Labour may authorise the employment of a young person in an activity or a trade but solely for the purpose of apprenticeship and subject to the conditions mentioned above.

Also, section 22 of that Act provides that young persons may not work more than six hours a day, provided however that they do not work more than four hours consecutively, after which they must be given a break of at least one hour.

The authority responsible for the enforcement of the laws and ministerial regulations is the Ministry for Social Affairs and Labour.

The Act respecting employment in the private sector is now being revised. Under Ministerial Order No. 48 of 1980, a commission was set up to review the Act and propose amendments to some of its provisions in accordance with the provisions of Conventions which Kuwait has ratified or other Conventions which it has not ratified.

The Government considers that there are some obstacles to immediate ratification of the Convention, namely -

1. Section 17 of Act No. 38 of 1964 respecting employment in the private sector defines young persons as persons having reached the age of 14. Section 18 of that Act makes it unlawful to employ a child under 14 years of age, which conflicts with the provisions of the Convention setting the minimum age for admission to employment at 15 years.

2. Ratification of the Convention would involve amending sections 17 to 20 concerning young persons, where the minimum age provided for is 14 years, in order to raise it to 15 years.

3. Despite the various exceptions provided for in certain Articles of the Convention regarding its application, whereby the minimum age may be fixed at 14 years in countries whose economy and educational facilities are insufficiently developed, these exceptions are regarded only as an initial stage and governments are bound to indicate the reasons for maintaining them. This is difficult for a developing country like Kuwait, whose labour force is unstable and 70 per cent of which is made up of foreign workers.

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LIBERIA

CONVENTION NO. 138

Labour Practices Law, 1974.

There is no legislation, regulations or practice giving effect to Articles 3, 5, 6 or 8 of the Convention.

Article 1. A national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons has not been pursued in Liberia.

The Labour Practices Law does contain provisions on child labour which, however, merely prohibit the employment of children under the age of 16 years during hours when they should attend school. Said law, moreover, permits minors less than 16 years of age to be employed on condition that a register is maintained and their school certificates are made available for inspection.

Article 7. The Labour Practices Law does to some extent comply with Article 7, paragraph 1(b), of the Convention in that it allows the employment of children under 16 years as long as their attendance at school is not prejudiced. The other paragraphs of Article 7 are not given effect by any legislation, regulation or practice.

Article 9. The Labour Practices Law gives effect to Article 9 of the Convention by imposing a fine as a penalty on employers or guardians who violate provisions relating to the minimum age for employment, and by stipulating that a register concerning minors who are employed must be kept and made available by employers.

The Ministry of Labour, Youth and Sports is entrusted with the supervision of the application of the Labour Practices Law. Employers' and workers' associations are called upon to co-operate with regard to such application through inspection by the above-mentioned Ministry or the holding of National Tripartite Labour Conferences.

National legislation or practice have not been modified with a view to giving effect to all or some of the provisions of the Convention.

There are no difficulties envisaged which may prevent or delay the ratification of the Convention. The Government does intend to adopt measures to give effect to some of those provisions of the Convention not yet covered by national law.

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National policy. Although the national policy provided for in Article 1 of the Convention has not been fully adopted by the Government, some of the areas of planning referred to in this Part of the Recommendation have been given special attention in practice but not in any legislation or regulation. These areas include commitment to full employment, the development and progressive extension without discrimination of social security and family welfare measures aimed at ensuring child maintenance as well as child allowances, and the development and progressive extension of adequate facilities for education and vocational orientation and training appropriate in form and content to the needs of the children and young persons concerned. There is no legislation, regulation or practice given effect to other provisions of this Part.

Minimum age. The minimum age of 16 years for employment established by the Labour Practices Law applies to all sectors of economic activity in accordance with Part II of this Recommendation.

Hazardous employment or work. Existing laws or regulations do not give effect to Part III of this Recommendation. The few hazardous industries which operate in Liberia restrict themselves to the employment of adults; thus, in practice, there is no occasion for compliance with this Part of the Recommendation.

Conditions of employment. The provisions of Part III of the Recommendation are adhered to in practice, but there is no legislation or regulation giving effect to such provisions. Under the proposed Labour Law, however, the Chapter on Apprenticeship does ensure, for example, fair remuneration for young persons undergoing vocational orientation and training, limits hours of work and provides for social security coverage.

Enforcement. Part V of this Recommendation is complied with to some extent by legislation and in practice. The labour inspectorate does undergo training so as to strengthen labour inspection. Attention is focused on the prevention of the employment or work of children and young persons during the hours when instruction is available by the inspectorate. Furthermore, the Ministry of Health and Social Welfare in practice maintains an effective system of birth registration, which includes the issuance of birth certificates.

The Government is considering taking measures to give effect to the provisions of the Recommendation not yet covered by national legislation or practice.

No modifications have been found necessary to make in adopting or applying the Recommendation.

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LUXEMBOURG

RECOMMENDATION NO. 146

Act of 28 October 1969 respecting the protection of children and young workers (Mémorial A, No. 55, 28 October 1969, p. 1263), as amended by the Act of 30 July 1972 (Mémorial A, No. 54, 31 August 1972, p. 1331) and by the Act of 26 July 1975 (Mémorial A, No. 45, 28 July 1975, p. 876).

Grand-Ducal Regulations of 30 July 1972 (Mémorial A, No. 54, 31 August 1972).

The above-mentioned Act formulates the practice followed by the Grand Duchy of Luxembourg concerning the employment of children and young persons. It makes it unlawful to employ on work of any kind children who have not reached the age of 15 or completed their compulsory schooling. This prohibition is general.

It also makes it unlawful generally to employ young persons on work not appropriate to their stage of development, requiring efforts beyond their strength or liable to harm their physical or mental health, whether on account of the products handled, the type of work performed or the environmental conditions at the workplace. An appendix to the law lists the jobs and occupations prohibited up to the age of 18. That list may be extended under regulations to young persons between 18 and 21 years of age.

Another appendix to the Act of 28 October 1969 contains a list A enumerating jobs prohibited on account of inherent hazards to the health of young persons and a list B enumerating occupations prohibited on account of inherent hazards to their morals, the latter having been replaced by Grand-Ducal Regulations of 30 July 1972.

The list of jobs and occupations prohibited up to the age of 18 is not applicable however to young persons employed in agriculture, vine growing and domestic services.

As a general rule, the hours of work of young persons must not exceed 40 a week or 8 a day. Young persons must be given at least 12 consecutive hours of rest a day. In addition, they must be given a rest period of at least 44 consecutive hours during each 7-day period. Except in cases of force majeure or where the existence or security of the undertaking so require, overtime work by young persons and work on Sundays and statutory public holidays are prohibited.

Under the Act of 28 October 1969, a committee has been set up at the Ministry of Labour for the protection of young workers. This committee is responsible for propagating the provisions of the Act, keeping its implementation under close review and proposing any appropriate amendments.

The Inspectorate of Labour and Mines is responsible for ensuring enforcement of the provisions of the Act of 28 October 1969.

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MADAGASCAR

RECOMMENDATION NO. 146

Ordinance No. 75-013/DM, to promulgate a Labour Code, dated 17 May 1975 (Journal officiel (JO), 5 June 1975, No. 1059) (LS 1975 - Mad. 1).

Decree No. 62-152, to prescribe the conditions of work of children, women and pregnant women, dated 28 March 1962 (JO, 7 April 1962, No. 216) (LS 1962 - Mad. 2).

Ordinance No. 60-047 to promulgate a Merchant Marine Code. Dated 15 June 1960 (JO, 25 June 1960, No. 105).

The Labour Code of 1975 fixes the minimum age for admission to employment at 14 years. It provides for possible exceptions, however, taking into account local circumstances and the jobs that children under 14 years of age may be required to do.

Under Decree No. 62-152, it is unlawful to employ children on work of an immoral nature or on dangerous or unhealthy work. The Decree also sets limits to the loads which young persons between 14 and 18 years of age are allowed to carry, drag or push.

The labour inspectors and controllers are responsible for ensuring the enforcement of these labour laws and regulations.

The texts now in force are insufficient to give effect to all of the provisions of the Recommendation. The large-scale efforts being made by the revolutionary Government to develop school facilities constitute a definite step towards the progressive reduction, if not total abolition, of child labour.

The Recommendation is an appropriate frame of reference for the measures to be taken nationally.

MALAYSIA

CONVENTION NO. 138

Children and Young Persons (Employment) Act, No. 40 of 1966 (LS 1966 - Mal. 1).

Workmen's Compensation Ordinance, No. 85 of 1952 (LS 1952 - Mal. 1).

Wages Regulation (Shop Assistants) (Amendment) Order, 1978.

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Wages Regulation (Cinema Workers) Order, 1972.

Wages Regulation (Catering and Hotel) Order, 1967.

The Electricity Ordinance, 1949.

The Factories and Machinery Act, No. 64 of 1967 (Government Gazette, 30 Sept. 1967, No. 9, p. 959).

Under the Children and Young Persons (Employment) Act, a child means any person who has not completed his fourteenth year of age whilst a young person means any person who, not being a child, has not completed his sixteenth year of age.

The Act specifies that only light work should be allowed. According to section 4 of the Act young children are not allowed to work in places which are hazardous to their health, limbs and life. The Act says that no child is allowed to work for more than 6 successive days, and that no child labour is allowed to work between 8.00 p.m. and 7.00 a.m. Furthermore the Act says that there should be a period of rest after working for more than 3 consecutive hours and that a child should not work more than 6 hours a day. No child or young person is allowed to work underground.

The Act provides that a child may be employed only in light work in a business carried on by his family, or as an apprentice if the approval of the Director General of Labour has been obtained, or in work carried on in a school, training institution or training vessel sponsored by the Federal or State Government.

The Workmen's Compensation Ordinance provides for the payment of Workmen's Compensations to a workman, adult or minor, as a result of an accident arising out of and in the course of the employment of the worker concerned.

The Wages Regulation (Shop Assistants) (Amendment) Order, the Wages Regulation (Cinema Workers) Order, and the Wages Regulation (Catering and Hotel) Order, provide for statutory minimum remunerations to be paid to the categories of workers as enumerated in the various Regulation Orders who are employed in specific designated areas in Peninsular Malaysia. The statutory minimum remuneration includes wages in lieu of payment in cash in respect of board and lodging which are provided free by the employer.

The above regulations are administered by the National Electricity Board and by the Factories and Machinery Department. Enforcement of the relevant provisions are part of the functions of the Labour Inspectorate of the Labour Department. Places of employment including those places where children and young persons are employed are inspected at regular intervals, either yearly or biennially or at shorter or longer intervals as the case may be. This is supplemented by surprise day or night checks carried out from time to time by the inspectorate.

Since the Children and Young Persons (Employment) Act, 1966 came into force on 1 October 1966 there has been no modification to this legislation to give effect to all or some of the provisions of the Convention. Although education is free in Peninsular Malaysia

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it is not compulsory. However the Education Ministry has extended the number of years a child should be in school from Standard 6 to Form III. This means that the drop-out age was extended from 12 years to 15 years. These drop-outs, who are not eligible to continue with their studies in a school, can apply for a course in a vocational school. Although there are 24 vocational schools throughout the country, places are limited, therefore those who cannot find a place in a vocational school invariably have to join the labour force.

MALTA

CONVENTION NO. 138

Education Act, No. XXXIX of 23 August 1974 (Malta Government Gazette (GG), 23 Aug. 1974, No. 12993, Supplement A, p. A336).

Merchant Shipping Act, No. XI of 1973 (GG, 6 April 1973, No. 128C4, Supplement, p. A232).

The employment of persons under 16 years of age (school-leaving age) is regulated at present by the provision of the Education Act which prohibits the employment of young persons of school age, except where an exemption has been issued by the Minister of Education, taking into account primarily the educational interests of the child. The Department of Education is responsible for the administration of this Act.

The Department of Labour is studying Convention No. 138 with respect to its provisions on hazardous employment or work. The restriction of employment of young persons under 18 in categories of employment falling within this definition would require legislation.

Ratification of Convention No. 138 is not contemplated in the near future.

MAURITIUS

CONVENTION NO. 138

Labour Act, No. 50 of 1975 (Government Gazette (GG, 27 Dec. 1975, No. 90, Legal Suppl., p. 165) (LS 1975 - Maur. 1).

Sugar Industry (Agricultural Workers) Remuneration Order, GN 140 of 1974 (GG, 28 Sept. 1974, No. 95, Legal Suppl., p. 274).

Construction Industry Remuneration Order, GN 101 of 1975.

The Labour Act (section 7(1)) prohibits employment of a child. A child is defined as a person under the age of 15 years. Thus, the minimum age for admission to employment is 15 years.

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Section 7(2) of the same Act prohibits the employment of young persons on work which is harmful to health, dangerous, or otherwise unsuitable for a young person. "Young person" means a person under the age of 18 years.

Section 55 provides for penalties for infringement of any provision of the Labour Act. The Enforcement Division of the Ministry of Labour and Industrial Relations is responsible for the application of the legislation.

The Labour Act gives effect to the provisions of the Convention except as regards the Sugar and Construction Industries. The Sugar Industry (Agricultural Workers) Remuneration Order 1974 and the Construction Industry Remuneration Order 1975 permit the employment of children in certain circumstances.

Sections 48 and 49 of the Labour Act impose on employers of 15 or more workers the obligation to keep records.

Following the introduction of free education at all levels in January 1977, there is a marked decline in child employment. A survey in the Sugar Industry in 1979 revealed that there were only 89 children in employment as compared to 333 in 1976. The policy of large enterprises in the Construction Industry is not to employ children. The advisability of ratifying the Convention will be considered in due course.

MEXICO

CONVENTION NO. 138

Political Constitution of the United Mexican States, 1917.

Federal Labour Act. Dated 2 December 1969. (Diario Oficial (DO), 1 April 1970, No. 26) (LS 1969 - Mex. 1).

Regulations respecting the employment of women and children in dangerous and unhealthy occupations. Dated 31 July 1934. (DO, 11 August 1934, No. 36, p. 740) (LS 1934 - Mex. 3).

Social Insurance Act. Dated 22 February 1973. (DO, 12 March 1973, No. 8) (LS 1973 - Mex. 1).

Under the Political Constitution of Mexico it is unlawful to employ persons under 16 years of age on night work in industry and to employ persons under 14 years of age in general. Young persons between 14 and 16 years of age may not work more than 6 hours a day.

Under the Federal Labour Act, it is unlawful to employ young persons between 14 and 16 years of age who have not completed their compulsory schooling. Young persons over 16 years of age may perform services subject to the limitations established by the law. Persons between 14 and 16 years of age are required to obtain the authorisation of their parents or guardians or, failing that, of the trade union to which they belong, the Conciliation and Arbitration Board, or the appropriate labour inspectors.

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RECOMMENDATION NO. 146

The employment of young persons is subject to the supervision of the Labour Inspectorate, and young persons between 14 and 16 years of age must obtain a medical certificate attesting to their fitness for the work and undergo the medical examinations periodically ordered by the Inspectorate of Labour. Employers are not allowed to employ any young person without this certificate. It is unlawful to employ any young persons under 16 years of age in premises serving intoxicating drinks for consumption on the premises, in work liable to affect their morals or conduct, in work involving travelling or itinerancy, in underground work, in dangerous or unhealthy work, in work exceeding their strength, and in establishments other than industrial establishments after 10 p.m. Young persons under 18 years of age may not be employed in night work in industry.

The term "dangerous or unhealthy work" means work which, on account of the physical, chemical or biological conditions of the environment in which it is performed, may affect the physical and mental development of young persons. The law also provides that the hours of work of young persons under 16 years may not exceed 6 a day, divided into periods not exceeding 3 hours with a rest period of 1 hour, and that it is unlawful to cause young persons under 16 years of age to work overtime or on Sundays or public holidays. If this provision is not complied with, the employer is bound to pay the worker additional wages.

The law also provides that young persons under 16 years of age are entitled to a paid annual vacation leave of at least 18 working days and that employers having young persons under 16 years of age in their service are bound to require them to produce a medical certificate attesting to their fitness for the work, keep a register of the staff, distribute the work in such a way that the young persons have time to attend school, and provide them with training and skills.

The authorities responsible for the enforcement of the provisions governing the employment of young persons are the Secretariat for Labour and Social Welfare through the General Directorate of Labour Inspection; the Solicitors' Office for the Protection of Labour; the Conciliation and Arbitration Board; and the inspection services of the federal states.

Co-operation with employers' and workers' organisations is carried out by means of written communications; when circumstances require, meetings may be held between government representatives and the representatives of these organisations.

The chief obstacle at present to the ratification of the Convention is that the country has not yet reached a state of economic development where it is possible to prevent the employment of young persons under 16 years of age in every sector of the economy in accordance with the provisions of the Federal Labour Act.

The Mexican Government has undertaken gradually to adopt, as the country's economic conditions evolve, measures to ensure that young persons under 16 years of age do not have to perform labour services in accordance with the terms of the Convention.

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RECOMMENDATION NO. 146

The applicable statutory provisions are contained in the Constitution, and especially in the Federal Labour Act. The provisions relevant to the Recommendation are the following:

- prohibition to employ young persons under 14 years of age;
- limitation of services that may be performed by young persons between 14 and 16 years of age;
- special protection for minors by the Inspectorate of Labour;
- requirement of a medical certificate of fitness for young persons;
- prohibition to employ young persons in premises selling intoxicating drinks, in work detrimental to their conduct, work involving travelling or itinerancy, work exceeding their strength and non-industrial work after 10 p.m. (young persons under 18 years of age are not allowed to work after 10 p.m. in industry);
- definition of unhealthy and dangerous work for young persons;
- limitation of hours of work to 6 a day with a rest period of 1 hour between the 3-hour periods;
- prohibition to cause young persons to work overtime or on official holidays;
- guarantee of at least 18 days of annual vacation for young persons;
- obligation on the part of employers to require medical certificates from young persons, to register them for special inspection, to distribute work in such a way that they are able to attend school courses, and to provide them with training and skills.

As regards concrete measures, it should be mentioned that a Comprehensive Development Plan has been drawn up to meet the basic needs of the population and to promote industrial development, the development of rural areas and the integration of marginal groups into active society.

A National Employment Programme is also under way to reduce unemployment and underemployment and to establish an intensive employment policy.

In due course these social projects will result in better conditions for young workers and make it possible to restrict child labour to a minimum.

The authorities responsible for enforcing the legislative provisions governing young persons are the Directorate-General of Federal Labour Inspection of the Secretariat for Labour and Social Welfare; the Solicitors' Office for the Protection of Labour; and the labour inspection and employment services of the federal states.

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The Mexican Government has stated that greater restrictions will be gradually imposed on the employment of young persons in so far as economic conditions allow growth to be achieved in the country's development and in employment.

MOROCCO

CONVENTION NO. 138

Dahir to regulate employment. Dated 2 July 1947 (Bulletin officiel (BO), 17 October 1947, No. 1825) (LS 1947 - Mor. 1).

Dahir to promulgate Act No. 1-72-219, to determine the conditions of employment and remuneration of agricultural workers. Dated 24 April 1973 (BO, 25 April 1973, No. 3156) (LS 1973 - Mor. 1).

Order to establish general regulations governing the operation of coal mines. Dated 4 July 1939 (Législation marocaine du travail, Vol. I, P-56).

Order to establish general regulations governing the operation of mines other than coal mines. Dated 18 February 1938 (ibid., P-39).

Decree No. 2-56-1019 respecting the dangerous operations prohibited to children and women. Dated 6 September 1957 (BO, 20 September 1957, No. 2343) (LS 1957 - Mor. 4).

In mines and quarries involving underground work, the responsibility for administering labour legislation is entrusted to the mining engineers.

Morocco is doing its utmost to give effect to the provisions of the Convention. The new draft Labour Code thus provides, as a first stage, that no child earning a wage or serving an apprenticeship may be employed in or permitted to enter any establishment or the house of any employer before reaching the age of 13. This falls short of the international minimum age standard primarily because of the difficulties encountered at present in providing education for all children between 12 and 14 years of age. Morocco is nevertheless making every effort to overcome the difficulties preventing it from ratifying the Convention for the time being.

RECOMMENDATION NO. 146

National policy

Morocco is endeavouring to implement an effective policy for meeting the needs of children and young persons to the fullest possible extent. The Government accordingly, under the programmes

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forming part of the economic and social development plan for the three-year period 1978-80, is doing all in its power to make schooling accessible to all children of school age and to narrow the differences existing in this respect between the country and the towns. Co-ordination has also been established between the various ministerial departments to ensure that pupils leaving school at the end of each cycle have the opportunity to attend vocational training centres to prepare them for working life.

Moreover, the Government is endeavouring to develop and promote a policy of full employment in order to reduce poverty in urban and rural areas and thus ensure in particular that young persons and their families enjoy adequate security.

The national policy will place growing emphasis on improving the standard of life and the earnings of families so that they will have to resort less and less to the economic activity of children.

As regards the provisions governing health protection for young workers, all workers under 18 years of age are required to pass a medical examination every six months. With respect to social security, benefits are granted to the children of workers registered with the National Social Security Fund.

The conditions of employment of children are governed by very strict regulations. Young workers who, beginning at the age of 14 years, are allowed to take vocational training in workshops are assigned to the vocational training centre in the area where they live. Apprentices receive an apprenticeship allowance and a grant the rate of which is fixed by decree.

The three-year plan 1978-80 provides that the vocational training policy is to be centred on the following pivotal points:

- teacher training;
- permanent training;
- unification and harmonisation of vocational training;
- guidelines of the reform of the vocational training system;
- co-ordination and planning of vocational training.

As regards rest, it is unlawful to employ an employee, worker or apprentice for more than 6 days a week. The weekly rest period must be at least 24 consecutive hours, reckoned from midnight to midnight, subject to exceptions provided for. No distinction is made between children and adults in the relevant section of the law. However, the provisions providing for the suspension or reduction of the weekly rest period in exceptional cases do not apply to children. An annual holiday is granted to every worker, employee or apprentice. In addition, for young workers under 18 years of age the duration of the leave is two days for each month of service instead one and a half days.

In order to ensure that the measures provided for by national law and practice concerning the regulation of conditions of employment and minimum age lead to the expected results, the labour inspectorate pays special attention to the strict application and observation of the provisions governing these matters.

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RECOMMENDATION NO. 146

The authorities empowered to secure enforcement of these provisions are the labour inspectors and the judicial police officers.

NEPAL

CONVENTION NO. 138

Factory and Factory Workers Act 1959, amended as to 1977.

Labour law prohibits the employment of children below 14 years. The Factory and Factory Workers Act, 1959 (Clause 2) defines "child" as a person who has not completed the age of 14 years and "minor" as a person who has attained the age of 14 years but has not attained the age of 18 years. According to the clause 15 A (2) of the same Act "minors shall be allowed to work in the factory only after they have obtained a certificate of physical fitness and a token issued by the management of the factory in consideration of such certificate".

The act is administered by the Department of Labour through its field offices. The Act has provision to employ Factory Inspectors and Labour Officers for the enforcement of the provisions of the Act and its subordinate rule.

In countries like Nepal where the cottage and small industries are in growing process, work of children in such employment and occupations as unpaid family workers cannot altogether be avoided.

Fixing of a minimum age for admission to employment has to be preceded by the creation of a suitable enforcement machinery. This is a difficult task for developing countries like Nepal, especially in so far as the unorganised sectors and cottage, village and small-scale industries are concerned.

There are no other problems which may prevent or delay the ratification of the Convention. The possibility of ratifying the Convention is now under examination.

Agriculture and plantation sectors, where a majority of the children are employed, are not covered by the Factory and Factory Workers Act. Labour legislation itself is in the process of amendment. While doing so this point will be taken into consideration.

RECOMMENDATION NO. 146

Nepal has no well-defined or comprehensive national policy for children. The Nepal child organisation, was constituted to provide a focus and undertake reform actions in the present condition of the children.

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In spite of two-and-a-half decades of developmental planning, it has not been possible to tackle effectively the high rate of unemployment and to alleviate poverty which would enable the country to eliminate child labour. Free compulsory education has been provided up to the grade III since 1972 and free books from 1975. It covers all school children, up to grade III.

NETHERLANDS

RECOMMENDATION NO. 146

Labour Act 1919, as last amended by the Act (Juveniles Statute) of 18 May 1977 (LS 1977 - Neth. 1).

Compulsory Education Act (Staatsblad (Stb.), 1968, No. 303).

Decree concerning Labour Inspection (Stb., 1920, No. 720) (LS 1924 - Neth. 6).

Royal Decree of 13 Oct. 1931.

Decree relating to Employment of Young Persons at Sea (Stb., 1946, No. G 322) (LS 1946 - Neth. 1).

Decree relating to Conditions of Work in Agriculture (Stb., 1956, No. 280) (LS 1956 - Neth. 1).

Labour (Young Persons) Decree (Stb., 1972, No. 652) (LS 1972 - Neth. 1).

Hours of Work and Rest (Young Persons) Decree (Stb., 1979, No. 588).

General Children's Allowance Act (Stb., 1980, No. 1).

Civil Code.

Minimum Wage and Minimum Allowance Act (Stb., 1968, No. 657) (LS 1968 - Neth. 1).

Constitution.

The fact that young people are the subject of unremitting concern on the part of the Government, as is also formulated in the Constitution, is tangibly reflected in the existence of a large number of regulations and provisions. The pursuit of full employment is one of the principal objectives of socio-economic policy. Now that achieving it has become an increasingly difficult task since the beginning of the seventies, a supplementary youth unemployment policy has been developed with the aim of ensuring that young people are not disproportionately hit by the unemployment problem.

A second important objective of government policy is the pursuit of security of existence and of an acceptable distribution

of income and wealth. In addition, there are many social regulations aimed at bringing basic amenities (housing, medical care, education for the children, etc.) within the financial reach of everyone. Finally, mention is made of the General Children's Allowance Act which is specifically meant to provide for the costs of bringing up children.

Experiments are at present going on with a new educational facility for 16 to 18-year olds, the final level of which may be equated with the final level of primary training in the apprenticeship system. Efforts are being made to introduce this facility generally in the mid-eighties.

In the seventies interest increasingly grew in the problems of the link between education and labour market in which the improvement of occupational counselling and vocational guidance and the expansion of occupational information programmes are central themes. Efforts are being made to gear the work of this service with the activities of private bodies for guidance on choice of school and occupation and the work of the advisers employed in district employment offices. Steps are being taken to develop participatory education in which a number of teaching activities take place outside the school (in many cases, in labour organisations). For children and juveniles of Dutch nationality who do not belong to a family or lead a family life, or who lead a migrating family life, the same facilities exist with regard to receiving vocational training and acquiring a study grant as for other children.

By virtue of the Compulsory Education Act, compulsory education begins on 1 August of the year in which a minor reaches the age of 6 years and 8 months and ends at the end of the school year after which the minor has passed through at least ten school years at one or more schools; or at the end of the school year in which the minor has reached the age of 16 years.

Matters concerning working hours and breaks are regulated in the Labour Act, 1919. As appears from the Preamble, the legislature aimed at limiting working hours in general with this Act, including those of young workers.

The scope of the above Act extends in principle to all work in an undertaking. However, those kinds of work for which there are special regulations are outside the scope of the Labour Act. The point of departure of the Act is that the regulation of working hours and breaks for the various fields of economic activity cannot be identical. The Act does not give complete regulation of working hours and breaks but leaves much of such regulation to general administrative orders.

In accordance with the Labour Act, the following categories are forbidden to work:

- (1) children who are not yet of school age;
- (2) children with regard to whom an obligation to attend full-time daytime education applies;
- (3) children with regard to whom substitute compulsory education applies, notably part-time education;

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- (4) children with regard to whom an exemption from the compulsory education applies; and
- (5) children with regard to whom compulsory education has ended and who are younger than 15 years.

The prohibition of work also applies to children younger than 15 years who are resident abroad. The prohibition of work does not apply to the performance of light work between 7 a.m. and 6 p.m. by pupils of 14 years or older in a school for primary vocational training or in a school for special education, if this work is part of the school's curriculum. The possibility exists for the district head of the Labour Inspectorate to grant permission for a deviation from the prohibition of work as explained above.

The district head or, after an appeal, the Minister of Social Affairs, can grant permission for a child to perform certain light, non-industrial work in the interests of art, science or learning. The Minister of Social Affairs can conditionally grant permission for kinds of light work designated by him that may be performed by schoolchildren of 15 years or older outside school hours.

The Labour Act, 1919, contains special regulations for countering hazard to the health, morals or life of the workers which relate to young workers. The Labour Decree for Juveniles provides that not only work that is injurious to the physical health or spiritual welfare of the young workers is forbidden. For juveniles it is further deemed necessary that the work be done in favourable circumstances (climate and lighting) and that the nature of the remuneration system is also acceptable. Exemption can be granted or withdrawn by the Minister of Social Affairs.

In accordance with the Labour Act, 1919, a young worker who is obliged by virtue of the Compulsory Education Act, 1969, to attend a course of part-time education may not perform work during the course hours. The hours in which courses are given, including the breaks, are equated with working hours up to a maximum of eight hours per day.

The head or the manager of an enterprise is obliged on request to allow a young person performing work in his enterprise with regard to whom part-time compulsory education does not apply, to attend a course during one whole or two half working days per week at an educational establishment as referred to in the Compulsory Education Act.

The work in factories or workshops, shops, offices, remaining groups, pharmacies, cafés and hotels, warehouses, cinemas, bathing establishments, swimming establishments and nursing and old people's homes is regulated by the Labour Act, 1919.

With regard to agricultural work, rules have been laid down with regard to working hours. Some of them relate to minors. The prohibition of child labour has a special exception for agriculture for living-in relatives of the head or manager of the enterprise, if they are at least 12 years old, perform only light agricultural work, the work does not exceed five hours and is not performed during school hours; however, milking dairy cattle before 12 noon is forbidden.

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RECOMMENDATION NO. 146

By Act of 18 May 1977 amending the Labour Act, 1919, the provision with regard to young persons in the latter Act was replaced by the Young People's Statute (1st phase). This amendment has not yet entered into effect but it is expected that this will happen in August 1980. The subject-matter regulated concerns the following regulations:

- (1) the prohibition of child labour;
- (2) work in connection with education;
- (3) working hours and breaks; and
- (4) special regulations concerning safety and health.

The Labour Decree (Juveniles) is considered in accordance with the amending Act to have been laid down by virtue of the Labour Act, 1919.

The definitions section of the Labour Act, 1919 (section 8) has been expanded by a definition of the concept "child". A child is a person with regard to whom:

- (1) the compulsory education in accordance with the Compulsory Education Act, 1969, has not yet commenced or not yet ended;
- (2) an exemption from the obligation referred to in the Compulsory Education Act, 1969, applies; and also a person below the age of 16 years resident abroad.

In accordance with the Act of 18 May 1977, a child may perform no work. Some exceptions to the prohibition are provided for. The age limit has been raised from 14 years to 15 years. This is necessary in order to render possible work of a light nature as part of the school's curriculum by - as a result of raising of the school-leaving age as from 1 August 1975 - pupils of 15 years or older, subject to compulsory education in the fourth year of a school for continued education or of a school for special education. The concept "primary vocational training" has been replaced by the broader concept "continued education" in order to make it possible also for participants of compulsory school age in the full-time experiments aimed at the introduction of participatory education to do in-service training in an enterprise as part of the school's curriculum. Another exception ties in with the permission-granting policy with regard to the incidental activities referred to here of 15-year-olds or older for film, radio, television and the like.

The Act of 18 May 1977 with regard to auxiliary work in agriculture is more limited while, at the same time, the age limit has been raised to 13 years. In addition to the performance of auxiliary work of a light kind in agriculture, a shopkeeper's living-in children aged 13 years or older are now allowed to do small incidental jobs outside school hours. The existing regulation with regard to the delivery of newspapers by children of 15 years and older, contained in a ministerial order of 2 August 1971, are unchanged.

The prohibition of work has been made dependent on whether parents or those in charge of the children subject to part-time

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compulsory education have complied with the obligation resting on them to have the juvenile registered at an educational establishment.

Under the Act of 18 May 1977, a young person may not perform work for longer than eight hours a day. There is a possibility of exemption which has been created only to deal with difficulties that might arise in connection with the changing of shifts for late-night shopping, which might make working hours of 8 1/2 hours necessary. Furthermore, a young person must have a daily uninterrupted break of at least 12 hours. Late evening and night work is forbidden for young persons, and after 11 p.m. young persons may not perform any further work. The district head can grant exemptions. In so far as work has nevertheless to be performed on Sundays or Saturdays for certain reasons, the Act guarantees them two days off a week. Furthermore, in principle, the uninterrupted break of 60 hours or one of the breaks of 36 hours must contain at least a full Saturday or Sunday.

The Act contains a prohibition of work in more than one undertaking by young persons. Only in special cases can this prohibition be deviated from with an exemption from the district head.

In accordance with section 74, subsection 1, of the Labour Act, 1919, it is forbidden to have work performed in violation of the provisions laid down by or by virtue of this Act.

The head or the manager of an enterprise is obliged to ensure that no work is performed by a young person unless he is in possession of a work card which complies with the regulations.

Under section 77 of the Labour Act, 1919, the officials of the Labour Inspectorate, in addition to the task imposed on them by the other Acts, are charged with enforcing the above-mentioned Act and with assisting in its implementation.

At present, Parliament is considering a bill concerning provisions in the interests of safety, health and welfare in connection with work, the Working Conditions Act, to replace the Safety Act, 1934. It also includes a number of new regulations with regard to the performance of work by young people.

The Minimum Wage and Minimum Holiday Allowance Act, 1968, guarantees a minimum wage to employed persons of 23 years and older. On the basis of the same Act, with effect from 1 January 1974 a guaranteed minimum wage was also introduced by general administrative order for employed persons of 15 to 22 years. The guarantee entails that for these employed persons a minimum wage sum has been determined at the level of the statutory minimum wage for employed persons aged at least 23 years, less 7 1/2 per cent of that amount for each year of age by which they are younger than 23 years. This percentage by which the minimum wage is reduced is based on the remuneration situation of young workers in private enterprise coming under a collective labour agreement. The statutory guarantees relate only to minimum amounts and therefore leave every scope for higher remuneration to be determined in individual or collective agreements.

The Civil Code grants every employed person below the age of 18 years a holiday of at least 4 weeks (i.e. usually 20 days a year). Collective agreements often give more than this minimum.

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RECOMMENDATION NO. 146

As regards training in the practical side of an occupation given in a firm under an apprenticeship agreement, the employer is obliged, under the Apprenticeship System Act, to protect the apprentice against moral or physical dangers.

In accordance with the in-service training memorandum, 1979, counselling of trainees is the responsibility of the educational institution and the organisation offering the in-service training. The educational institution appoints a training instructor and the organisation offering the in-service training a training mentor.

The provision of information and advice by the Inspectorate of Education responsible for the apprenticeship system is a major part of its task.

Co-ordination of the activities of, or co-operation between, the Labour Inspectorate and the Inspectorate of Education is not legally regulated.

The municipal officials charged with supervising compulsory education have the task of ensuring that pupils subject to (part-time) compulsory education do in fact actually attend the school. Education under the apprenticeship system implies that, under an apprenticeship agreement, the apprentice receives practical training in addition to theoretical education.

Consultation with both sides of industry has recently been organised by the Directorate-General of Labour concerning the policy with respect to exemption from the ban on evening work, Sunday work and Saturday work by juveniles. The employers and the workers have been requested to give their views on proposed guidelines.

NEW ZEALAND

CONVENTION NO. 138

Education Act, 1964.

Agricultural Workers Act, 1977 (LS 1977 - NZ 1).

Factories Act, 1946 (LS 1946 - NZ 4).

Machinery Act, 1950.

Shops and Offices Act, 1955.

Apprentices Act, 1948 (LS 1949 - NZ 2).

Abrasive Blasting Regulations, 1958.

Explosives Regulations, 1959.

Electroplating Regulations, 1950.

Coal Mines Act, 1925 (LS 1925 - NZ 2).

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Mining Act, 1971.

Quarries Act, 1944.

Petroleum Regulations, 1978.

Transport Act, 1962.

Boilers, Lifts and Cranes Act, 1950.

Shipping and Seamen Act, 1952.

Fisheries Amendment Act, 1963.

Sale of Liquor Act, 1962.

Infant Act, 1908.

Government Railways Staff Regulations, 1953.

There is no legislation covering the employment of young persons but there are legal provisions in regard to the age at which schooling is completed; the minimum age for certain types of work which is likely to jeopardise the health, safety or morals of young persons; and the hours during which children must attend school.

Although some types of employment do not stipulate a minimum age for employment, the fact that they may require certain types of training and/or practical experience has the effect of creating a minimum age. Random examples of this would be certain types of apprenticeship, professions of various kinds.

The Education Act provides for the compulsory enrolment and attendance at school of all children between the ages of 6 and 15 years. Section 121 prohibits the employment of school-age children at any time within school hours, or at any other time which would prevent or interfere with attendance at school.

The Factories Act prohibits the employment in any factory of boys and girls under 15 years of age. It also provides that a boy or girl under 16 years of age shall not be employed in any factory unless the occupier holds from an inspector of factories a Certificate of Fitness relating to the boy or girl, such certificate being dependent on a certificate from the Medical Officer of Health or from a registered medical practitioner nominated by the Medical Officer of Health.

The Factories Act restricts persons of stated age from certain classes of employment. Thus, no female, irrespective of age, and boys under 16 years can be employed in any process concerning white lead, no boy or girl under 16 years in any room where dry grinding in the metal trade is carried on. The Abrasive Blasting Regulations prohibit employment of persons under 18 on such work. The Electroplating Regulations preclude employment of persons under 16 years in electroplating processes. The Machinery Act prohibits persons under 18 from cleaning moving machinery or working between fixed and moving parts of machinery.

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Under the Shops and Offices Act, no person under 16 years can be employed in connection with the business of shop or can be engaged in connection with the delivery of milk or newspapers before 7 a.m. But this hour may become 6 a.m. where the worker is not less than 14 years and is employed on delivery of milk or not less than 12 years and is employed on delivery of newspapers. Furthermore, no person under 18 years can be employed in a shop after 10.30 p.m., nor any assistant under the age of 18 years in or about a restaurant before 5 a.m. or after 10.30 p.m.

The Coal Mines Act provides that no female and no male under 14 years shall be employed in or about any mine. Under the same Act, no male between 14 and 18 shall be employed in specified jobs, and no one under the age of 16 years shall be employed underground in any mine. The Mining Act prohibits the employment of persons under 15 years in any capacity in or about a mine. No person under 18 years of age shall be employed as a lander or bracedman over any shaft. No person under 19 years of age may be employed below ground in any quartz mine except to do occasionally any class of work that they usually do above ground. Under the Quarries Act, 1977 (Amendment), similar provisions apply. The Petroleum Regulations provide that no person under the age of 15 years shall be employed in any capacity in mining operations and that a person under 18 shall not be employed in named jobs.

Under the Sale of Liquor Act, no person under the age of 20 years (other than the wife of the licensee) shall be employed by the licensee in any capacity in any bar, in any hotel or tavern or tourist house premises at any time while the bar is open for the sale of liquor.

The Transport Act provides that no person shall be employed to drive a motor vehicle without licence. A motor-driver's licence cannot be issued to any person who is under the age of 15 years. The age at which a heavy truck licence may be obtained is 18 years.

The Infants Act provides that any person who causes or procures working of children and young persons (boys under 14 and girls under 16 years of age) in the streets or other itinerant occupations is liable to a fine and/or imprisonment.

The Boilers, Lifts and Cranes Act limits the type of work to be performed by males under 18 years of age and women under 20 years of age.

The Agricultural Workers Act provides that no child under the age of 15 shall be employed on agricultural work during such times as the child is required to attend school, or be required to lift any weights or perform any task likely to be injurious to his health or work for more than 8 hours in any one day on agricultural work.

The Shipping and Seamen Act restricts employment of young persons as seamen or apprentices, to those 15 years or older. No person under the age of 13 years may be employed without a certificate signed by a medical inspector. The Fisheries Amendment Act states that persons under 15 years of age may not be employed in fishing for sale.

The Apprentices Act refers to apprenticeship orders. The Arbitration Court may make such orders or order as it may think fit

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in respect of each industry or branch thereof to which this Act applies prescribing, inter alia, the minimum age at which a person may commence to serve as an apprentice in any industry. There are currently 37 such orders. Most refer to a minimum of two years' secondary education and are interpreted as a minimum age of 15 years.

The Explosives Regulations provide that no person under the age of 18 years shall drive any vehicle which is carrying explosives.

According to the Government Railways (Staff) Regulations, minimum and maximum ages for engagement as a probationer vary from 15 to 45 years of age, as specified, for different occupations.

If it is considered that the Convention, in referring to "employment and work", covers both part-time and temporary employment of children, then a number of practices, long established, would preclude ratification of the Convention.

The part-time employment of children is permitted on newspaper rounds, milk deliveries, fruit picking, delivering groceries and selling confectionery in cinemas. In urban and rural areas, where small retail businesses are family owned, it is customary for children to assist in these. In rural areas, children of farmers assist in light work around the farm, out of school hours. It is considered that employment of children in this type of work is not harmful and may indeed be socially desirable, since it encourages a sense of independence and responsibility. The lack of work knowledge and the apparent lack of the "work ethic" in young persons are of concern at the present time and especially in view of high rates of youth unemployment.

In some respects it is thought that the protective aspects of the Convention are counter to more recent views. For example, it is now considered that work or occupations which have some danger attached to them should be made as safe as possible for all workers irrespective of age.

Aside from the points mentioned above, a possible difficulty as regards the application of the Convention arises under its Article 5(3). In New Zealand, the majority of agricultural and horticultural undertakings are in production for commercial purposes and, at the same time, are family enterprises, which may employ hired workers either permanently, seasonally or casually. In these circumstances it is quite common for children to work together with parents and relatives, and with hired workers both during school term time and vacation time. This does not constitute child labour as an abuse.

The application of Article 7 of the Convention would require a major exercise setting out all the activities considered suitable for persons 13 to 15 years old to work at, together with hours and conditions, and this is considered to be unnecessary. Abuses of child labour are able to be guarded against without the introduction of comprehensive legislation because, in general, the standard of living is such that children are not forced to take work from necessity. The question of whether children wish to work during non-school hours is a matter of how they choose to spend their free time, subject to parental approval.

It is not intended that any measures be adopted to give effect to those provisions of the Convention not yet covered by national legislation or practice.

RECOMMENDATION NO. 146

National policy

In the area of education, free education is available to all between the ages of 5 to 15 years, and to a later age for those who wish to further their education in tertiary institutions. In the area of social welfare, one of the main principles on which the Government's policy is based is that all social welfare policies should encourage or be compatible with good strong family life.

The New Zealand Government is firmly committed to a policy of full employment in accordance with the Employment Policy Convention, 1964, which New Zealand has ratified. In support of this policy are a number of job creation and work experience programmes, administered by the Department of Labour, in both rural and urban areas. Several of these are specifically oriented towards enhancing employment prospects and opportunities of young jobseekers.

The State contributes to the maintenance and education of all children. A universally available family benefit is paid from date of birth for every child under the age of 16 years and up to the age of 18 years if the child is continuing his education or is totally incapacitated from earning a living because of any physical or mental defect. Other measures of assistance for wage earners with children are available through the tax system.

Social security assistance may also be available for families who are, for some acceptable reason, unable to support themselves. Where there are dependent children, additional amounts of benefit may be payable. The rates of these child supplements are calculated in order to achieve an adequate standard of living. These provisions are consistent with the objective of making it unnecessary for families to have recourse to the economic activity of children.

Another measure which is available to assist families in need, which also removes some of the pressure for children to take up employment, is the needy family assistance scheme. This scheme grants supplementary assistance to families who, because of financial and social problems, are in danger of breaking up. Further support is given in the forms of budgetary assistance and child supervision.

In relation to facilities for the protection and welfare of children and young persons, including those in employment or available for employment, an unemployment benefit is payable under social security provisions on fulfilment of certain qualifications. Further provision is made for additional benefits to be paid during authorised retraining programmes, to provide training for the young jobseeker who clearly needs some form of vocational training before he can be referred to an employer for placement. There are two types of training courses: (a) pre-employment courses; and (b) vocational skills courses.

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An advisory committee has been established to oversee the co-ordination of student work exploration schemes at the national level and to ensure compliance with labour legislation and educational objectives. The committee consists of representatives of government departments, teachers' organisations, employers' and workers' organisations. At district level there are similar committees with similar representatives but also with inputs from the Employment and Vocational Guidance Service of the Department of Labour.

Schools work with local committees within the Factories Act, the Machinery Act, and the Accident Compensation Act. Students are made aware, within school, of safety rules and procedures in workplaces, by visual aids and other methods.

The minimum age in New Zealand for leaving school is 15 years.

New Zealand considers that 15 years is the appropriate minimum age for employment and does not propose to raise this age to 16 years. As regards employment in agriculture, there is at present no specified age for children employed on farms, although the Agricultural Workers Act prohibits employment of persons under 15, when they are required to be at school.

Conditions of employment

It is considered that the working environment should be of optimum standard for all persons irrespective of age. The Factories and Commercial Premises Bill, which is at present before a Select Committee, contains a provision to promote vocational training within undertakings, training institutions and schools under supervision.

The question of equal remuneration is covered by collective agreements and equal pay legislation.

In factories there are limits to daily and weekly hours of work for persons under 16 years (basically an 8-hour day, 40-hour, 5-day week). The Apprenticeship Act provides similar restrictions but allows parties to apprenticeship orders to agree to variations. A minimum period of 12 hours' night rest and customary weekly rest days are generally provided for, particularly in the case of factories and commercial premises. The Annual Holidays Act provides for a minimum of three weeks' annual leave with pay irrespective of age.

Accident compensation, medical care and sickness benefit (subject to income test) are available to all workers as required. Maintenance of satisfactory standards of health and of safety is, in general, not related to age. In terms of the Machinery Act, training and supervision of machine operators applies to all workers, and similar provisions are contained in the Agricultural Workers Act. The new Factories and Commercial Premises Bill provides for proper training and supervision of all workers.

Enforcement

No special strengthening of the labour inspectorate is carried out in New Zealand but study of the provisions of the law relating

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to young persons forms part of the training of inspectors. Similarly, normal inspection policy would include inspection of training in undertakings. It is agreed, in principle, that labour inspection and inspection of training should be closely co-ordinated and that labour administration should co-operate closely with education, training, welfare and guidance services. However, staffing limitations make it difficult to implement this fully.

As regards hazardous places of work, every attempt is made to inspect these more frequently than other workplaces to the extent that it is possible.

Wages and time records kept by employers under the Factories, Shops and Offices, and Industrial Relation Acts must show the age of each person under 20 years and inspectors can require such employers to verify the ages shown by statutory declaration. These provisions do not extend to vocational orientation and training schemes but such information would be available through school records.

No licenses are issued for children and young persons working in the streets, outside stalls, in public places or in itinerant occupations. Very few children would be employed in such circumstances and the issue of licences is considered to be unnecessary.

Authorities entrusted with the supervision of the application of the legislation are: Department of Education; Department of Labour; Department of Health; Department of Social Welfare; Accident Compensation Commission; and Department of Justice.

No measures are proposed to give effect to those provisions of the Recommendation not yet covered by national legislation or practice.

NICARAGUA

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Statute on the Rights and Guarantees of Nicaraguans, dated 21 August 1979.

Labour Code, 1975 edition.

Decree No. 633, dated 6 August 1977.

Section 36 of the Statute on the Rights and Guarantees of Nicaraguans stipulates that children and young persons shall be protected against any kind of social and economic exploitation. The employment of children and young persons is prohibited in work which may jeopardise their health and morals, endanger their lives or normal development or prejudice their compulsory schooling. The Labour Code establishes the following minimum ages: 12 years, with obligatory school attendance for young persons up to the age of 14;

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14 years for work in industrial undertakings; 18 years for work underground in mines or in industrial paint work involving the use of poisonous material or products. Night work by young persons under the age of 16 is also prohibited, as well as work on obligatory rest days and overtime.

Although the legislation is concerned with the employment of young persons, the present Government of Nicaragua intends to eliminate such employment when the plans for the development and improvement of living conditions have been completed. In the meantime, the Ministry of Social Welfare has drawn up a series of programmes for the protection of children, and which cover the problem of child labour.

A "Committee on the Revision and Reform of the Labour Code" will shortly be set up, which will study the contents of Convention No. 138 and Recommendation No. 146; any decision made on these matters will be communicated forthwith.

NORWAY

CONVENTION NO. 138

Act of 4 February 1977 relating to Worker Protection and the Working Environment (Norsk Lovtidend (NL), Part I, 14 Feb. 1977, No. 4, p. 77) (LS 1977 - Nor. 1).

Act of 19 December 1958 relating to Conditions of Work for Agricultural Workers (NL, 27 Jan. 1959).

Seamen's Act of 30 May 1975 (NL, Part I, 9 June 1975, No. 16, p. 266) (LS 1975 - Nor. 1).

Regulations dated 22 Sept. 1977 concerning conditions of work for basic school pupils over 13 years of age.

Regulations dated 7 Feb. 1974 on prohibition of employment of young persons under 18 on dangerous work in agriculture (NL, Part I, 4 March 1974, No. 7, p. 145).

The Working Environment Act contains no general age limit of 18 years such as that stated in Article 3 of the Convention. However, the Convention represents no obstacle to the maintenance of the practice of setting various age limits in respect of different types of work involving risk. The Working Environment Act provides authority for establishing regulations concerning restrictions on the opportunity to employ young people who may be particularly exposed to accidents or health hazards. A working group in the State Labour Inspectorate is at present engaged in preparing proposals for such regulations.

The State Labour Inspectorate also conducts supervision of work involving risk which is performed by pupils and students (Royal Decree of 17 June 1977) and co-operates with the educational authorities and teachers' organisations in order that pupils shall receive training in safety matters.

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In accordance with Article 7 of the Convention the Directorate for Labour Inspection issued on 22 September 1977 specific regulations stipulating certain areas and conditions for employment of basic-school pupils over 13.

Pursuant to the Working Environment Act the Ministry of Local Government and Labour laid down, on 24 August 1977, regulations governing the registration of workers under 18 years of age.

In Norway school attendance is compulsory up to the age of 16.

The Working Environment Act of 4 February 1977 does not encompass all types of employment. Exempt from the Act are: shipping, sealing, fishing, including processing of the catch on board ship, civil aviation, agriculture and other activities covered by the Act respecting the conditions of employment of workers in agriculture.

Under the Seamen's Act of 30 May 1975 the minimum age for employment at sea is 16 for boys and 18 for girls. For boys, moreover, the special rule applies that they may not, regardless of age, be utilised for work on board if they are still of school age. The minimum-age provision does not, however, prevent a boy who has reached the age of 15 from being employed in domestic trade shipping if this forms part of his schooling or is intended as practical vocational orientation. Terms and conditions may be stipulated for such work. The Seamen's Act lays down a special age limit of 18 years for coal trimmers in addition to the special minimum age set by the Maritime Directorate in connection with qualification requirements for a number of posts for junior crew.

Where employment on fishing, sealing and catching vessels, other than that of the regular crew, is concerned, the Directorate for Seamen has fixed the minimum age at 15.

By the terms of the current collective agreement between the Federation of Fishing Boat Owners and the Norwegian Seamen's Union, the minimum age shall be 15 for assistant crew (16 in distant waters), 16 for assistant engine man, 18 for greasers, 21 for motormen, 22 for engineer's assistants. The Federation of Fishing Boat Owners draws attention to the fact that sea duty in "boys' posts" on board vessels in the fishing fleet provides the initial competence for vocationally oriented education and promotion on board, and emphasises that young boys, who in the opinion of both the guardian as well as the skipper and the employer are suited for work on board fishing vessels, must continue to be given the opportunity of taking on such work.

The Act of 19 December 1958 relating to Working Conditions for Workers in Agriculture does not contain rules regarding a general minimum age for employment. In pursuance of the said Act (section 10) the Labour Inspection Board has, however, on 7 February 1974 laid down regulations concerning a prohibition against putting young people under the age of 18 to dangerous work in agriculture.

Norway has ratified the Convention.

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The Recommendation's objectives are presumed to be fulfilled by virtue of the Working Environment Act.

Regulations concerning exemption from the prohibition against night work for persons under 18, laid down by the Ministry of Local Government and Labour on 24 August 1977, permit departure from the 12-hour limit for trainees over 16 in the hotel and restaurant trade. The work-free period must then not be less than 10 hours.

As regards the requirement in the Recommendation concerning annual holiday for children and youngsters, reference may be made to section 39 of the Working Environment Act. It is also required that school pupils have a holiday each year in accordance with the Annual Holiday Act of 14 November 1947, i.e. at least 4 weeks' free time over the year, of which at least 3 weeks must be a continuous period in the summer half of the year.

The Recommendation was accepted in 1974. At that time no reservation was made and the necessity was not pointed out of any modifications in connection with the implementation of the Recommendation.

PAKISTAN

CONVENTION NO. 138 RECOMMENDATION NO. 146

Constitution of Pakistan, 1973.

Factories Act, 1934, as amended to 1977.

Mines Act, No. 4 of 1923 (Gazette of India, 3 March 1923) (LS 1923 - Ind. 3), as amended in 1973.

Road Transport Workers Ordinance, No. 28 of 1961 (Gazette of Pakistan, 4 July 1961, Extraordinary, p. 1075) (LS 1961 - Pak. 1).

Shops and Establishments Ordinance, No. 8 of 1969 (Gazette of West Pakistan, Extraordinary, 3 July 1969, p. 1057) (LS 1969 - Pak. 1).

Employment of Children Act, No. 26 of 1938 (LS 1938 - Ind. 5).

Children (Pledging of Labour) Act, No. 2 of 1933 (LS 1933 - Ind. 1).

Merchant Shipping Act, 1923.

The Constitution of Pakistan provides that no child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment. Further, the legislation makes special provisions for children.

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Employment of children below 14 years of age in any factory is prohibited. Employment of adolescents and children above 14 years of age is only permissible after they are certified to be medically fit to work in a factory.

Persons below 15 years of age are prohibited to be employed in mines while persons between 15 and 17 years of age are permitted to work in a mine only if they are medically certified as fit for such work.

Employment of children below 14 years of age in any shop or commercial establishment is prohibited.

Employment of children below 15 years of age in any occupation connected with the transport of passengers, goods or mails by railway or involving the handling of goods within the limits of any port is prohibited.

The pledging of the labour of children below 15 years is prohibited. Penalties for violation of these provisions may extend to 200 rupees.

Employment of children below 14 years of age on any ship is prohibited.

Provincial governments are the competent authorities to implement the relevant laws.

Under the Factories Act, 1934, and Shops and Establishments Ordinance, 1969, the minimum age for employment was raised from 12 to 14 years in 1977 and it is not possible to raise further this limit in these sectors. It is also not possible to implement the provisions of the Convention in respect of the vast unorganised agricultural sector.

There are certain socio-economic factors which hinder the ratification of this Convention. Poverty, low incomes and low living standards of the people, and lack of vocational training facilities, do not allow the total stoppage of the recourse of our children to economic activity. Social security and family welfare facilities including children's allowances, are not available to the bulk of the masses.

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PANAMA

CONVENTION NO. 138

Political Constitution, 1972 (Gaceta Oficial (GO), 24 October 1972, No. 17210).

Ministerial Decree No. 252, to approve the Labour Code. Dated 30 December 1971 (GO, 18 February 1972, No. 17040) (LS 1971 - Pan. 1).

Legislation has been enacted in the Republic of Panama governing the employment of young persons. It is unlawful to employ minors under 14 years of age, and minors under 15 who have not completed their primary education.

It is unlawful to employ young persons under 18 years of age on work which, owing to its nature or the circumstances in which it is carried out, endangers the life, health or morals of the persons performing it, including in particular:

1. employment in clubs, canteens and other places licensed to retail alcohol;
2. transport of passengers and goods by road, railway, air, and inland waterway, and work on docksides, wharves, and warehouses;
3. work connected with electric power generation plant, transformers and transmission lines;
4. handling of explosive or inflammable substances;
5. underground work in mines, quarries, tunnels or sewers;
6. handling of substances, equipment or apparatus exposing workers to the effects of radioactivity.

The provisions of clauses 2 to 5 above do not apply to work performed by young persons attending vocational schools, provided such work is approved and inspected by the competent authorities.

In agricultural undertakings young persons between 12 and 15 years of age may be employed but only in light farm work outside the time required for their schooling.

It is also unlawful to employ young persons under 18 years of age on night work, i.e., between 6 p.m. and 8 a.m., and on overtime work or work on Sundays, public holidays or days of national mourning.

Contracts for the employment of young persons under 18 must have the father or legal guardian of the minor as a party to the contract. Failing this, the contract must be entered into directly with the young person concerned, with the approval of the labour administration authority.

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In fixing the daily hours of work the young person's school attendance requirements must be borne in mind, and the hours of work must not exceed 6 a day or 36 a week for children under 16 or 7 a day or 42 a week for young persons under 18.

A child over 12 years of age may be employed as a domestic employee for light work, with the prior authorisation of the Ministry of Labour and Social Welfare, provided the work is performed outside the time required for schooling.

An employer of any young person of compulsory school age is obliged to send him to an educational institution until he has completed his primary schooling at least.

Likewise, anyone employing young workers under 18 years of age must keep a special register for each minor.

The Government does not consider it feasible to ratify the Convention for the time being since ratification would entail a number of legislative measures which are not appropriate at present owing to the economic crisis through which the country is going and a large volume of additional expenditure for adapting its infrastructure.

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The national Constitution of 1972 lays down a number of principles giving high priority to meeting young persons' needs.

Fully aware of its responsibilities, the national Government set up in 1979, under the budgetary law of that year, the National Directorate of the Child and Family (DINFA) to find practical and permanent solutions to childhood and family problems in Panama.

This new agency, which comes under the Ministry of Labour and Social Welfare and has taken over the work of the former Directorate of Social Welfare, is responsible for:

- (1) promoting responsible fatherhood and motherhood through family education;
- (2) setting up special centres for the education of the children of workers in the public and private sectors; and
- (3) protecting minors and taking custody of children who have been abandoned or deserted, whose morals are in jeopardy or conduct maladjusted, with a view to their social rehabilitation.

Likewise, under the national policy and plans under way, the Government has granted top priority to the matters covered by this Recommendation.

The National Development Plan, for example, aims at promoting full employment and ensuring workers a decent standard of life; fostering the participation of citizens in cultural activities; ensuring that they receive a proper education, health protection and

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adequate means of subsistence; ensuring social justice in the distribution of the benefits of development; increasing national production, etc.

The National Development Plan is based, inter alia, on a comprehensive priority policy of distribution and participation designed to attack the underlying causes of poverty and marginality with a view to integrating marginal groups into activities of national development through their participation therein or contribution thereto and through the benefits they receive or that result therefrom.

Various state agencies are responsible for securing enforcement of the provisions governing young persons, including the Ministry of Education, the Social Security Fund and the Ministry of Health.

PAPUA NEW GUINEA

RECOMMENDATION NO. 146

Constitution of the Independent State of Papua New Guinea, 1975.

Industrial Relations Act, 1962, as amended subsequently.

Employment Act, No. 54 of 1978.

Employment Placement Service Ordinance, No. 18 of 1967.

The Preamble of the Constitution prescribes national goals and directive principles concerning equality and participation in the development of the country.

All persons have the obligation to work according to their talents in socially useful employment.

Section 17 of the Industrial Relations Act on the powers of inspectors stipulates that an inspector may question any person in regard to any matters which in his opinion affect or may affect the employment, safety, health or welfare of employees.

According to section 103 of the Employment Act, no persons under the age of 16 years shall be employed. A person over 11 years of age but under 16 years of age may be employed if the employer first obtains (a) at the employer's own expense, a certificate from a medical practitioner indicating that the person is fit for the type of employment proposed, and (b) the written consent of his parents or guardian to the employment, where the employment is not prejudicial to attendance at school and is outside the hours prescribed for attendance at school.

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A person who is over 11 years of age but under 16 years of age may be employed in an undertaking in which only members of his family are employed. A person of 14 or 15 years of age may be employed in any industry other than industrial undertakings or the fishing industry. A person of 14 or 15 years of age may be employed during the hours prescribed for attendance at school where the employer is satisfied that the person no longer attends school.

Furthermore, according to section 104 of the Employment Act no person under 16 years of age shall be employed in any employment or in any place or under working conditions that are injurious or likely to be injurious to the health of the person. The certificate of a medical practitioner is conclusive evidence as to whether the employment, place of employment or working conditions is or are injurious or likely to be injurious to the health of the person. Violation is punishable by a fine.

In accordance with section 105 of the Employment Act a person under 16 years of age shall not be employed between the hours of 6 p.m. and 6 a.m. A person 16 or 17 years shall not be employed between the hours of 6 p.m. and 6 a.m. except in an undertaking in which only members of his family are employed.

Under the National Employment Placement Service Act, the functions of the Employment Placement Service are to provide services and facilities in relation to employment for the benefit of persons seeking to become employed or seeking to engage employees.

The Department of Labour and Employment is the authorised government authority to administer regulations on employment and related matters. The Government is considering measures which are not covered in the provisions of national legislations that would come in line with those covered in the Recommendation.

The provisions in the country's legislation will be reviewed and if possible to have it brought into line with provisions 6, 7 and 8 of Part II of the Minimum Age Recommendation, 1973. It is however difficult at this stage to give any firm indication to when this will be done, as other related legislation that is still under review and may have relevance to the above-mentioned Act would require further re-examination.

PERU

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Act No. 2851, dated 23 November 1918 (LS 1919 - Per. 1).

Supreme Resolution, dated 29 September 1955.

Supreme Decree No. 006-73-TR, dated 5 June 1973.

Juvenile Code (El Peruano, 7 May 1962).

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Young persons may be employed only after they have reached the age of 14 years; however, if they can read, write and count and can produce a medical certificate of physical fitness (delivered free of charge) for the work involved, they may take up employment from the age of 12. The employment of young persons between the age of 14 and 18 must not exceed 8 hours a day or 45 hours a week; night work (between 8 p.m. and 7 a.m.) is prohibited for young persons under the age of 21. However, this restriction does not apply to young persons over the age of 18 who can produce a medical certificate of physical fitness for such work.

Young persons under the age of 18 are not permitted to work on public holidays, except as authorised by the executive authorities, and the maximum number of hours of work on Saturday, at full wage, is fixed at five; young persons under the age of 18 are likewise prohibited from working underground. Young persons under the age of 14 are not permitted to appear as actors in public entertainment, except when permission is granted by the municipal authorities and provided that they do not perform after 11 p.m. Young persons under the age of 18 are authorised to work in industrial undertakings, provided that they have received a medical certificate of fitness from the Ministry of Health or the Ministry of Social Security and on the condition that the work involved is not hazardous to their health.

It is national practice to provide assistance and protection to young persons as part of an over-all promotion of family development.

The employment of young persons is the responsibility of the Authorisation of Child Labour Department of the Labour Inspection Service, Records and Studies Subsection of the General Directorate of Labour. Labour inspection in Peru is carried out on the basis of Regional Zones, in accordance with the provisions of the Convention. Contracts drawn up for the employment of young persons which have not been approved by the General Directorate of Labour are considered null and void.

Under legislation currently in force, young persons are fully protected in the various areas affecting their health, safety and morals.

A Bill has been drawn up for the purposes of ratifying the Convention which avails itself of the temporary exceptions set forth in Articles 2, paragraph 4; 5, paragraphs 1 and 2; and 7, paragraph 4.

PHILIPPINES

CONVENTION NO. 138

Constitution of the Republic of the Philippines.

Presidential Decree No. 442 of 1 May 1974 instituting a Labour Code (L.S. 1974 - Phi. 1A), as amended by PD No. 850 of 16 Dec. 1975.

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Rules and Regulations implementing the Labour Code of 19 Jan. 1975.

The Child and Youth Welfare Code, PD No. 603 of 10 Dec. 1974
(Official Gazette, 30 Dec. 1974, No. 52, p. 10774).

Order No. 4 dated 8 June 1973, of the Department of Labour.

Policy Instruction No. 23 of 30 May 1977.

The national policy in the Philippines regarding youth are contained in the Constitution of the Philippines and in the Child and Youth Welfare Code. According to the Constitution, the State recognises the vital role of youth in nation-building and shall promote their physical, intellectual and social well-being.

The Child and Youth Welfare Code states that the child is one of the most important assets of the nation and that every effort should be exerted to promote his welfare and enhance his opportunities in life. Moreover, every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.

By virtue of the Labour Code of the Philippines, no child below 15 years shall be employed except when he works directly under the sole responsibility of his parents or guardian and his employment does not in any way interfere with his schooling. Children of either sex, between 15 and 18 years of age, may be employed in any non-hazardous work. No discrimination is permitted against such persons in regard to terms and conditions of employment on account of their age (Rules and Regulations implementing the Labour Code).

According to the above-mentioned Rules and Regulations, a non-hazardous job or undertaking means any work or activity in which the employee is not exposed to any risk which constitutes an imminent danger to his safety and health. The Secretary of Labor has to furnish from time to time a list of hazardous work and activities in which persons 18 years of age and below cannot be employed.

Children below 16 years of age may be employed to perform light work which is not harmful to their safety, health or normal development and which is not prejudicial to their studies.

The technical supervision of the application of the legislation and regulations is vested in the Bureau of Women and Minors. The Bureau of Labor Standards and the regional offices of the Ministry of Labor through their Labor Regulation Officers implement these labour standards and regulations.

Organisations of employers and workers are called by the Ministry of Labor to tripartite conferences whenever their co-operation is needed in this application.

Ratification of the Convention has to be made by the Batasang Pambansa (Parliament) but because of the large number of bills of vital importance to the country, consideration of the ILO Conventions recommended for approval by the Ministry has not come up so far.

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It is intended to adopt measures to give effect to those provisions of the Convention not yet covered by the national legislation or practice.

POLAND

RECOMMENDATION NO. 146

Act dated 26 June 1974 to provide for the introduction of the Labour Code (Dziennik Ustaw (DU), No. 24 1974, Text 141 (LS 1974 - Pol. 1)).

Act dated 4 February 1950 concerning social labour inspection (DU, No. 20, 1955, Text 134 (LS 1950 - Pol. 1)).

Decree dated 10 November 1954 concerning trade unions' acceptance of the tasks related to the enforcement and execution of the laws dealing with labour protection, occupational safety and health and to the performance of the inspection, as subsequently amended (DU, No. 8, 1969, Text 47).

Council of Ministers' Order dated 26 September 1958 concerning list of jobs prohibited to young workers (DU, No. 64, 1970, Text 312; No. 71, 1970, Text 355; and No. 10, 1970, Text 86).

Order by the Minister of Labour and Social Welfare dated 18 November 1958 concerning lists of young workers (DU, No. 2, 1959, Text 19).

Council of Ministers' Order dated 20 September 1974 concerning vocational preparation of young persons and their remuneration (DU, No. 37, 1974, Text 219) (LS 1974 - Pol. 2)

Order of the Minister of Labour, Wages and Social Affairs dated 21 October 1974 concerning employment of young persons under 15 years of age and exemptions of young persons from vocational preparation and mandatory education (DU, No. 43, 1974, Text 260).

Council of Ministers' Resolution No. 110, dated 3 May 1974, concerning the development of the vocational orientation and vocational guidance system (Monitor Polski, No. 19, 1974, Text 112).

By virtue of article 197 of the Labour Code, the legal obligation has been introduced to provide young persons with further vocational education until they reach the age of 18 years. Moreover, there are facilities to set up vocation-oriented forms at the primary schools. In addition, the vocational education system is complemented by vocational training plans. Of significant importance to the vocational education system is vocational guidance conducted by the vocational and educational advisory bureaux.

The issue of children and families is given permanent concern and attention on the part of the State. In its social policy it

focuses special attention on further improvement of families' living conditions, especially of families having numerous children.

The minimum age for admission to employment is fixed at the same level for all sectors of the national economy. A "young person" is a person between 15 and 18. It is unlawful to employ a person who has not reached the age of 15 years. This ban on employment is addressed to the employers and its infringement constitutes an offence. For such an offence the head of the establishment is liable to a fine of up to 5,000 zlotys.

Young persons without vocational skills may be employed only for the purposes of their vocational preparation, provided that the young persons (a) have completed at least their basic schooling, and (b) present a medical certificate confirming that work of a particular kind does not create any hazards to their health.

A person over 14 years of age and under the age of 15 years who has not completed his basic schooling may be employed for the purpose of his vocational training at the request of his legal representative, on presentation of a certificate issued by relevant medical service confirming that employment of particular kind assumed for the purpose of vocational training or orientation does not create any hazards to the health of young person in question.

All young workers are required to receive further education until they reach the age of 18 years, unless they have acquired vocational skills through training at school.

It is not permissible to employ young persons on prohibited types of work. A list of such types of work has been drawn up by the Council of Ministers in agreement with the Central Council of Trade Unions.

In the course of their employment the young persons are given periodic examinations and medical clearance tests. Where a medical practitioner finds that a particular job presents a danger to a young person's health, the establishment is obliged to change the job of that person.

The conditions of young persons' employment are given a special concern and attention by the administration of establishments as well as by the trade unions. The rate of remuneration payable to the young persons for their work is determined by the contracts of employment concluded for the purpose of vocational preparation. The hours of work of a young person under 16 years of age shall not exceed six a day while the hours of work of a young person over 16 years of age shall not exceed eight a day. A young person's hours of work must include any period of training, irrespective of whether it is received during his hours of work, subject to a maximum of 18 hours a week. No young person may be employed on overtime or night work. A young person's rest break that includes the period of night time may not be shorter than 14 hours. Young persons are covered by the general system of social security scheme including insurance against the accidents at work. Both the young persons and other employees are obliged to attend the compulsory training courses in the field of occupational safety and health.

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The supervision and control of the enforcement of the special measures and of the effective application of the regulations regarding a special protection of young workers is conducted and maintained by the branch trade union labour inspection and the social labour inspection.

The establishments and their administrative units are obliged to keep the complete records and lists of their young workers. A personal card of a young worker includes among others, the date of his birth and the date of his admittance to the establishment.

PORTUGAL

CONVENTION NO. 138 RECOMMENDATION NO. 146

Legislative Decree No. 49408/69 (Diario do Governo (DG), 24 November 1969) (LS 1969 - Por. 3).

Legislative Decree No. 43020/60 (DG, 15 June 1960).

Legislative Decree No. 260/76 (Diario da Republica (DR), 8 April 1976).

Legislative Decree No. 538/79 (DR, 31 December 1979).

Legislative Decree No. 409/71 (DG, 27 September 1971) (LS 1971 - Por. 1).

Legislative Decree No. 874/76 (DR, 28 December 1976) (LS 1976 - Por. 5).

Legislative Decree No. 440/79 (DR, 6 November 1979).

Legislative Decree No. 47/78 (DR, 21 March 1978).

Legislative Decree No. 48/78 (DR, 21 March 1978).

Act No. 77/77 (DR, 29 September 1977).

Act No. 2127/65 (DG, 3 August 1965) (LS 1965 - Por. 1).

Decree No. 14535, dated 31 October 1927 (DG, 5 November 1927).

Executive Order to regulate employment in agriculture (Boletim do Trabalho e Emprego, No. 21, 8 June 1979).

Executive Order to regulate employment in the postal and telecommunications service (ibid., No. 28, 29 July 1977).

Collective agreement for the hotel industry (ibid., No. 41, 8 November 1978).

Collective agreement for the banking sector (ibid., No. 26, 15 July 1980).

CONVENTION NO. 138
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The minimum age for admission to employment is 14 years. Young workers are required to have completed 6 years of compulsory schooling. A bill for extending compulsory schooling to 9 years is now under consideration.

A young person performing the same work as an adult receives the same remuneration.

The employment of young persons on work which, on account of its nature or the circumstances in which it is performed, is liable to harm their physical, mental or moral development may be prohibited or made subject to the authorisation of the Ministry of Labour. In many cases the minimum age is higher than 14 years; such cases are determined by statutory provisions or collective agreements.

The minimum age is observed in all sectors and cases, including work related to vocational training.

Every undertaking is bound to present to the Ministry of Labour a register of the staff employed including, among other information, the age of the workers.

The competent authority for securing enforcement of the provisions of the Convention and the Recommendation is the Labour Inspectorate.

With the probable extension of compulsory schooling, the possibility of ratifying the Convention may be considered.

RWANDA

CONVENTION NO. 138

Act of 28 February 1967 to establish a Labour Code (Journal officiel, 1 March 1967, No. 5, p. 107).

Under article 125 of the Labour Code, children under 14 years of age shall not be employed in any undertaking whatsoever even as apprentices. Article 24 of the same Code stipulates that it is forbidden to hire the services of any person under 18 years of age without the express authorisation of the parent or guardian. Under article 124 of the Code, the types of work and categories of undertakings prohibited for minors shall be specified by order of the Minister.

The labour inspectors are responsible for the enforcement of these provisions.

The application of the Convention presents no major legislative difficulties. The Convention could be ratified as soon as the appropriate consultative bodies have been set up and the types of employment or work which are likely to jeopardise the health, safety or morals of young persons have been determined. Measures are under study for the implementation of Article 3 of the Convention.

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RECOMMENDATION NO. 146

Under article 61 of the Labour Code, no person shall be accepted as an apprentice if he is still of compulsory school age.

Article 60 of the Labour Code stipulates that the master shall employ the apprentice, within the limits of his strength, only in work and for services connected with the trade or occupation concerned. He shall notify the parents of the apprentice or their representatives without delay in the case of sickness, absence or any circumstance warranting their intervention.

Measures are under study for the implementation of the provisions of Paragraph 2 of the Recommendation.

SENEGAL

CONVENTION NO. 138

Act No. 61-34 of 15 June 1961 to establish a Labour Code (Journal officiel de la République du Sénégal (JOS), 3 July 1961, No. 3462, special issue).

Decree No. 62-017 of 22 January 1962 (JOS, 10 February 1962).

Order No. 3723/IT of 17 September 1954 to provide for exceptions to the rules governing the minimum age for admission to employment (JOS, 1 July 1954).

Order No. 3724 of 22 June 1954 respecting the employment of children (JOS, 8 July 1954).

The Labour Code provides that no child may be employed in an undertaking, even as an apprentice, before the age of 14 years, save where exceptions are authorised by order of the Minister of Labour.

The types of work and the categories of undertakings on and in which young persons may not be employed, and the age up to which the prohibition shall apply, are determined by order of the Minister of Labour and Social Security.

The labour inspector may require children to be examined by an approved physician in order to ascertain whether the work assigned to them exceeds their strength. This requirement must also be complied with at the request of the parties concerned.

Employers' and workers' organisations may refer to the labour authorities complaints and claims relating to the application of the laws and regulations which they are responsible for administering.

SEYCHELLES

CONVENTION NO. 138

Laws of Seychelles, Cap. 167, 170, 172 and 183.

National laws prohibit in practice the employment of children. A person under 16 years is incompetent to enter into a contract of service if he does not have the consent of his parents or guardians, or in their absence that of the Labour Commissioner (Cap. 170, section 20). It is prohibited to employ anyone under 14 years unless on light work of an agricultural nature of similar character which should be approved by the Labour Commissioner (section 21(1)). The latter, in practice, has not approved almost any in the last decade. The Labour Commissioner is empowered to terminate or cancel any contract of service entered into by persons under 16 years for valid reasons (section 22).

The Laws of Seychelles totally prohibit the employment of any person under the apparent age of 16 years to sell, control or supervise the sale of liquor or to have the custody or control of liquor on licensed premises (Cap. 183, section 29(1)).

The Laws of Seychelles (Cap. 167, section 5(1)(b)) prohibit anyone under the age of 16 years to take up employment overseas. In practice, no one under 18 years is allowed to go.

National policies on education make it impossible for any young persons to take up employment before they are at least 16 years. It is compulsory for children to attend at least 9 years of education as soon as they are 6 years of age.

Legislation is expected to be enacted shortly to provide, inter alia, for a minimum age of 15 years for entry into any type of employment, except light agricultural work.

Measures including the provision of appropriate penalties defining persons responsible for the application of national regulations and prescribing the maintenance of registers of employed young persons are already in application.

The Convention will be ratified in due course.

The Ministry of Labour and Social Services is the authority entrusted with the supervision and application of the legislation and regulations. Organisations of employers and workers are called upon to bring to the attention of the competent authority suggestions for proper and effective applications of the Convention and cases of breaches of legislations.

Modifications have and are being made in national policies and practice in giving effect to all the provisions of the Convention.

No major difficulties are anticipated which may prevent or delay the ratification of the Convention.

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A special department in the Office of the President deals specifically with the development of sports, youth and community life. That department gives high priority of planning for and meeting the needs of children and youth in national development. There are in existence varied programmes for providing the best possible conditions of physical and mental growth for children and young persons. There is also a Child Care Unit in the Social Services Division of the Ministry of Labour and Social Services, and a National Council for Children which deals with matters relating to children's welfare and development. The Ministry of Labour and Social Services operates a scheme which provides work on a daily basis to everyone including youths of employable age, who is registered as unemployed and is prepared to do such work. It is a labour-intensive project and is in operation in both rural and urban areas.

A national minimum wage of approximately US\$70 per month is legally prescribed and enforced. The Government and most employers pay almost double this rate to its lower paid workers. It is almost non-existent for families to have recourse to the economic activity of children for reasons of poverty.

A social security scheme exists and it caters for the following benefits: sickness; maternity; retirement at 64 years; injury; disablement; industrial death pension; handicap of all ages; infirmity. Where necessary dependants also receive benefits. It is also intended to introduce new provisions for most categories of disadvantaged children.

Adequate facilities exist for education and vocational orientation and training appropriate in form and contents to the need of children and young persons without discrimination. Students who do not wish to pursue further academic studies after primary 9 can attend practical training institutions for different trades.

The Safety, Health and Welfare Act prescribe appropriate facilities for the protection and welfare of all employed persons.

Additionally, government ministries, where appropriate, provide on-the-job training and so do large firms and organisations - such as transport and hotels industries.

The Labour Division consistently checks and inspects premises to ensure that conditions of employment of young persons are to the approved standard. Conditions in training institutions are also closely monitored.

It is definitely intended to take all practical and possible measures to give effect to the provisions of this Recommendation.

No modification is suggested at this stage, only that more time should be allowed to implement the full requirements of the Recommendation.

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SIERRA LEONE

CONVENTION NO. 138
RECOMMENDATION NO. 146

Employers and Employed Rules, Cap. 212.

Texts exist in respect of some of the provisions of the Convention and Recommendation.

Night work is forbidden under 18, with exceptions for seasonality and emergencies. The general minimum age is 12 years, except for light work of an agricultural or domestic nature. The minimum for industrial employment is 15, except for family undertakings and government-approved educational institutions. It is also 15 for employment on vessels, except on family vessels, school ships or training vessels approved by the Government. Eighteen is the minimum for work as trimmers and stokers.

The Ministry of Labour is the authority entrusted with the supervision of the application of the legislation. The organisations of employers and workers may be called upon to cooperate in the application of the legislation through the Joint Consultative Committee on which they are represented.

No modifications have been made in the national legislation but consideration will be given at the next session of the Joint Consultative Committee to giving effect to the Convention as it appears that, but for the minimum age for general employment, the national legislation conforms with the provisions of the Convention.

SINGAPORE

CONVENTION NO. 138
RECOMMENDATION NO. 146

Employment Act, No. 17 of 6 August 1968 (Government Gazette (GG), Acts Supplement, 12 Aug. 1968, No. 18, p. 141 (LS 1968 - Sin. 1)).

Employment of Children and Young Persons Regulations, 1976 (GG, Subsidiary Legislation Supplement, No. 1, 2 Jan. 1976).

Factories Act, No. 6 of 1973.

Factories (Asbestos) Regulations, 1980 (GG, Subsidiary Legislation Supplement, No. 27, 12 May 1980).

Poisons (Benzene) Rules, 1974 (GG, Subsidiary Legislation Supplement, No. 51, 8 Nov. 1974).

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The Employment Act and the Employment of Children and Young Persons Regulations, 1976 prohibit a child of below 12 years to be employed in any occupation. A child who has completed his twelfth year may be employed in light work suited to his capacity, in a non-industrial undertaking.

A child of between 12 and 14 years may be employed in industrial undertakings but only with the written permission of the Commissioner for Labour. In practice, the Commissioner has not given such permission. Employers' organisations have been advised that the Government will not grant such approval.

The Employment of Children and Young Persons Regulations, 1976, prohibit a child or young persons to be employed in any occupation or in any place or under working conditions injurious or likely to be injurious to the health of that child or young person. A child of between 12 and 14 years is in practice, not allowed to be employed in an industrial undertaking. As for young persons aged between 14 and 16 years, the Regulations do not allow them to be employed in an industrial undertaking unless they have been examined by a registered medical practitioner and certified to be medically fit for work.

A child or young person is prohibited from being employed in any underground work or as a workman during the night. He is also not allowed to work as a workman on a rest day without the written permission of the Commissioner. In practice, such permission has never been granted by the Commissioner.

A child or young person is not allowed to be employed in any service involving management of, attendance on, or proximity to any live electrical apparatus not effectively insulated.

A child or young person is also not allowed to be employed in any service involving management of, attendance on, machinery in motion without the written approval of the Commissioner. Such approval will only be granted if the child or young person is employed under a scheme of training approved by the Ministry of Education or the Vocational Industrial Training Board. Before granting approval, the Labour Inspectorate would consult the Factory Inspectorate, which will inspect the health and safety conditions in the workplace. The Factories Act also requires all workers including trainees to be given sufficient training and adequate supervision. The Factories (Asbestos) Regulations 1980 and the Poisons (Benzene) Rules, 1974 prohibit persons under 18 years old to be employed in places where asbestos dust and benzene vapour are generated.

The terms and conditions of employment laid down in the labour legislation - Employment Act, Workmen's Compensation Act and Central Provident Fund Act apply equally to adults, children and young persons. Examples are entitlements to annual leave, rest days and workmen's compensation benefit.

In terms of working hours, the Employment of Children and Young Persons Regulations, 1976, prohibit a child of below 14 years to be employed as a workman for more than 6 hours in any one day. Young persons of between 14 and 16 years are not allowed to be employed as workmen in an industrial undertaking for more than 7 hours in any one day.

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In the event of any contravention of the provisions of the Employment Act, Workmen's Compensation Act, Central Provident Fund Act or Factories Act, the offender is liable to be fined and/or imprisoned.

The authorities entrusted with the supervision of the application of the legislation and regulations are Ministry of Labour and Ministry of Health.

There is tripartite consultation and co-operation among the Government, the employers and workers organisations on the application of the legislation and regulations on the employment of children and young persons.

No modifications have been made in the national legislation with a view of giving effect to all or some of the provisions of the Convention and Recommendation.

The difficulties which prevent the ratification of the Convention or the adoption of the Recommendation are the minimum age for employment specified in the Convention (i.e. 15 years) and the fact that there is no compulsory education in Singapore. Some young persons may, for various reasons, leave school prematurely. It is not unlikely that these young persons above 12 years old may look for employment. Prohibiting these young persons from seeking employment may be counter-productive as they may take to other socially undesirable activities.

The Ministry of Labour is considering amending the legislation which allows children (12-14 years) to be employed in industrial undertakings with the written permission of the Commissioner.

The organisations of employers and workers have contributed observations which are incorporated in this Report.

SPAIN

RECOMMENDATION NO. 146

Act No. 8 of 10 March 1980, to institute the Workers' Statute (Boletín Oficial del Estado (BOE), 14 March 1980, No. 64, p. 5799).

Decree of 26 July 1957 respecting the industries and employments prohibited to women and young persons on account of their dangerous or unhealthy nature (BOE, 26 August 1957, No. 217, p. 785) (LS 1957 - Sp. 1).

Order of 28 January 1958 respecting the employment of persons under 18 years of age in mines (BOE, 3 February 1958).

Decree of 2 June 1960, to prohibit the night work of persons under 18 years of age (BOE, 23 June 1960).

Nuclear Energy Act of 28 April 1964 (No. 25) (BOE, 4 May 1964, No. 107).

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Decree No. 2869 of 21 July 1972, to prohibit the employment of persons under 18 years of age on certain work in nuclear and radioactive plants (BOE, 24 October 1972, No. 255).

Decree No. 2122 of 23 July 1971, to approve the Labour Inspection Regulations (BOE, 21 September 1971, No. 226, p. 15305) (LS 1971 - Sp. 5).

In keeping with the general trend of legislation throughout the world and the constant concern of the ILO for the progressive limitation of child labour, Spanish legislation complies wholly with the provisions of the Recommendation concerning the minimum age for admission to employment, fixed as a basic rule at 16 years.

Under section 6 of the Labour Relations Act of 18 April 1976, the minimum age, previously fixed at 14 years was raised to 16 years.

At present, section 6 of the Workers' Statute of 10 March 1980, which repeals the Labour Relations Act, prohibits the admission to employment of young persons under 16 years of age, without exception. Since the compulsory school age has now been established at 16 years, it was, as well, logical not to allow young persons under that age to work. In this way, the provisions of Paragraph 4 of ILO Recommendation No. 146 are strictly complied with.

The categorical nature of the above-mentioned provision should be stressed, for it permits no exceptions either by governmental authorisation or by authorisation of any other kind. Paragraph 1 of the section in question leaves no doubt on the matter: "The admission to employment of persons under 16 years of age shall be prohibited".

As regards the employment of young persons under 18 years of age, paragraph 2 of the same section provides that "workers under 18 years of age shall not be employed on night work or on any activities or jobs which the Government, on proposal of the Ministry of Labour and after consultation with the most representative trade union organisations, declares to be unhealthy, arduous, harmful or hazardous either for their health or for their occupational or human development". Paragraph 3, in turn, prohibits overtime for young persons under 18 years of age, without exception.

Lastly, as a measure of caution, paragraph 4 prohibits the participation of young persons under 16 years of age in public entertainment. At the same time, however, it provides that such participation may be authorised in exceptional cases, which is reasonable and logical in every respect.

SUDAN

CONVENTION NO. 138
RECOMMENDATION NO. 146

Employment of Children Ordinance, 1930.

Industrial Safety Act, 1976.

Public Service Regulations.

Employment of children in the Sudan was abolished in 1930. Since then, no child shall be employed in any factory or workshop less he has attained the age of 12 years and is medically fit for work in such places; and no child between the ages of 12 and 15 years shall be employed in any factory or workshop unless he has been authorised by the Central Board of Public Health with approval of the competent authorities.

Moreover, in any factory where children are working such special precautions as are reasonable to secure their safety shall be taken.

According to the Industrial Safety Act, 1976, no person under 18 years of age shall be employed in any of the following works: carrying heavy weights; steam boilers and pressure receptacles; blast furnaces and foundries; works done under the ground, or underwater and mines and quarries works; works in the composition of which lead and its compounds enter; works in which workers are exposed to poisonous or injurious materials whether organic or inorganic such as lead, mercury, cyanide, calcium, petrol and its compounds; radiation works and ionising radiation; maintenance of machinery and the belts thereof.

In the public service the minimum age for employment should not be less than 16 years and the applicant for any post should produce to the unit head a birth certificate.

The laws have laid emphasis on penalties and the right of the competent sections of labour administration and inspection to ensure effective compliance with the relevant provisions as well as securing their enforcement.

It is a main objective of the national socio-economic development plan to achieve full employment.

Some modifications of the legislation were intended to cope with the provisions of the Convention.

Most of the provisions of the Recommendation are either covered by legislative provisions or by practice; however, for the rest, it is hoped that consideration may be given to them in the future so that the Sudanese situation would cope properly with the international standards under consideration.

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SWEDEN

CONVENTION NO. 138
RECOMMENDATION NO. 146

Working Environment Act, SFS 1977:1160 (LS 1977 - Sve. 4).

Proclamation AFS 1978:1 by the National Board of Occupational Safety and Health concerning the Employment of Minors in Working Life.

Proclamation SFS 1966:521 prohibiting the Use of Minors for Certain Types of Work.

Supervision of the observance of the relevant legislation is exercised by the National Board of Occupational Safety and Health and, under its superintendence and direction, by the Labour Inspectorate.

Representatives of the employers' and workers' organisations are among the members of the Directorate. The Directorate has to decide questions concerning the scope, goals and structure of the occupational safety and health organisation and other important questions, including those of principle, concerning statutes and the implementation of the law. For handling matters regarding hours of work there exists a special Working Hours Committee, which makes decisions on behalf of the Board. The main employers' and workers' organisations are represented on the Committee. The employers' and workers' organisations also co-operate in working out regulations about the work environment.

In each labour inspection district there is a labour inspection committee with representatives of the employers' and workers' organisations which, inter alia, decides questions of issuing prohibitions or orders under the work environment legislation and reports with a view to prosecutions.

No change in the substance of the provisions regarding minors have occurred since the report dated 10 August 1978 was made.

What was stated in this report concerning the possibility of ratifying the Convention is still valid.

The Proclamation issued by the National Board of Occupational Safety and Health (AFS 1978:1) concerning the Employment of Minors in Working Life is now under revision. The aim is to issue a new Proclamation including provisions corresponding to those currently found in Proclamation 1966:521 prohibiting the Use of Minors for Certain Types of Work. When these provisions become available a better evaluation can be made as to whether the requirements in Article 3 of the Convention are completely fulfilled.

Proposals for special provisions for the protection of minors against dangerous work on board ship, including the possibility of forbidding that such work be done by minors, can hardly be expected before 1981.

CONVENTION NO. 138
RECOMMENDATION NO. 146

SWITZERLAND

CONVENTION NO. 138

Federal Labour Act of 13 March 1964 (Recueil des lois fédérales, No. 4, 24 January 1966) (LS 1964 - Swi. 1) and Orders I, II and III issued in pursuance thereof.

Federal Act of 8 October 1971 respecting employment in public transport undertakings (Hours of Work Act and Ordinance of 26 January 1972 issued in pursuance thereof, OLT) (Recueil des lois fédérales, No. 11, 17 March 1972).

Federal Act of 23 September 1953 respecting sea-going vessels flying the Swiss flag.

Apart from the above-mentioned laws, there is no federal legislation relating specifically to the protection of young persons.

Agriculture is not covered by the Federal Labour Act. It should be pointed out that most cantonal standard employment contracts, which come under private law, contain provisions for the benefit of young persons. These standard contracts are applicable in every case, unless different conditions have been agreed upon between the parties.

Also, ample protection for young persons in agriculture is provided in practice under cantonal legislation on compulsory schooling, by general standards for the protection of workers in agriculture (legislation on protective devices for machines and on toxic substances, provisions on safety devices for engine-driven machines applicable to agricultural machinery) and by the fact that children and young persons work on farms belonging to their parents or guardians, in whose interest it is to see to their healthy development, physical well-being and moral welfare.

In the field of transport, young persons are defined by the Act respecting employment in public transport undertakings, as workers of both sexes up to the age of 20. Each undertaking must take the necessary steps to protect the health of young persons and, in particular, to ensure that they are not overworked. It is unlawful to employ young persons under 15 years of age. A higher age limit may be set for certain jobs under ordinances issued by the authorities or under internal regulations (section 16).

Under the ordinance issued in pursuance of the Act respecting employment in public transport undertakings, young persons under 17 years of age are not allowed to work between 11 p.m. and 5 a.m., except for purposes of training. Only young persons having reached the age of 17 may be assigned unsupervised work in the dispatch of trains. In the shunting services and services on board trains, young persons may not be assigned unsupervised work until they have reached the age of 18 (section 25).

In maritime navigation, seamen under 18 years of age are not in practice engaged on board Swiss ships, despite section 63 of the

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Federal Act respecting sea-going vessels flying the Swiss flag, which fixes the minimum age for enlistment at 15 years. Special attention is paid to the work performed by young persons within the meaning of ILO Recommendation No. 146.

The responsibility for enforcing the provisions of laws or regulations lies, as regards agriculture, with the Federal Office for Agriculture; as regards public transport undertakings, with the Federal Office for Transport; and as regards maritime navigation, with the Swiss Office for Maritime Navigation.

General responsibility for the protection of workers and the enforcement of labour law lies with the Federal Office for Industry, Arts and Crafts, and Labour especially the Division for Workers' Protection and Labour Law.

As the various laws that fall within the scope of application of Convention No. 138 now stand, ratification of the Convention by Switzerland cannot be envisaged for the time being since no changes have been recorded. Swiss legislation does not meet all of the requirements of Convention No. 138. The Federal Labour Act, in particular, does not conform with Articles 3, 4 and 7 of the Convention.

RECOMMENDATION NO. 146

Recommendation No. 146 includes objectives that go far beyond those of Convention No. 138. It provides for complex measures to be taken by member States for the benefit of young persons, relating both to employment policy and to social and educational policy. While the Government subscribes to a number of the principles set forth in the Recommendation, especially as regards social security and vocational training and guidance, it believes that many of the goals set by it are of such a nature that they will be attainable in practice only in the distant future.

SYRIAN ARAB REPUBLIC

CONVENTION NO. 138

Labour Code (LS 1959 - U.A.R. 1).

Order No. 415 of 26 August 1959, determining work forbidden for adolescents (Recueil des lois et de la législation financière, No. 8, August 1959, p. 53).

Order No. 417 of 26 August 1959, determining the industries strictly forbidden for adolescents (ibid., No. 9, Sept. 1959, p. 67), as amended by Order No. 1206 of 11 December 1974 (ibid., January 1975, p. 27).

CONVENTION NO. 138
RECOMMENDATION NO. 146

National legislation has been adopted concerning the work of young persons. The Labour Code (section 124) prohibits anyone from working before the age of 12. The Minister of Social Affairs and Labour is empowered to issue orders forbidding work in certain occupations or industries before the age of 15, and in others before the age of 17.

Children are permitted to work in ordinary work as from the age of 12, on the condition that they have completed their compulsory education, which ends at 12. This conforms with the requirement of Article 2(3) of the Convention in linking the minimum age to the school-leaving age, but the minimum age has not been raised to 15 as provided in the Convention.

Order No. 417 lists jobs prohibited for persons under 17, with an exception for training institutions. Order No. 415 lists industries and jobs prohibited for those under 15, unless they have a medical certificate proving that they can perform these jobs.

The authority responsible for the implementation of this legislation is the Ministry of Social Affairs and Labour.

No changes in national law have been made to comply with the Convention. The Government does not intend to ratify the Convention at this time.

TANZANIA

CONVENTION NO. 138
RECOMMENDATION NO. 146

Employment Ordinance, No. 47 of 10 November 1955 (LS 1955 - Tan. 1), as amended by Act No. 5 of 1 March 1969 (LS 1969 - Tan. 1).

The Employment Ordinance, section 77 states that no child under the prescribed age shall be employed in any capacity whatsoever. For the purposes of this section "prescribed age" means the apparent age of 12 years or such age between twelve years and fifteen years as the Minister may from time to time by order published in the "Gazette" declare to be the prescribed age for the purposes of this section.

The Labour Division of the Ministry of Labour and Social Welfare is entrusted with the supervision of the application of the legislation and regulations. Organisations of employers and workers may be called upon to co-operate in this application through meetings of the Labour Advisory Board which is Tripartite in structure. Direct consultations with the employers and workers organisations also provide avenues for co-operation in this application.

No modifications have been made so far. There are no special difficulties.

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It is intended to adopt measures to give effect to those provisions of the Convention not yet covered by the national legislation or practice when circumstances permit.

TUNISIA

CONVENTION NO. 138

Act No. 66-27, to promulgate a Labour Code, dated 30 April 1966 (Journal officiel (JO), 3-6 May 1976, No. 20, p. 716, 10-13 May 1966, No. 21, p. 758 and 17-24 May 1966, No. 22, p. 800 (LS 1966 - Tun. 1)).

Act No. 75-17, to promulgate a Fishermen's Code, dated 31 March 1975 (JO, 1 April 1975, No. 22, p. 616 and 4 April 1975, No. 23, p. 646).

Act No. 67-52, to promulgate a Maritime Labour Code, dated 7 December 1967 (JO, 12 December 1967, No. 52, p. 1563) (LS 1967 - Tun. 2)).

Under national legislation a distinction is made between the civil service, the public or semi-public sector, and the private sector.

As regards the civil service, section 18 of Act No. 68/12 of 3 June 1968 to establish general regulations for government employees, employees of local communities and employees of public administrative bodies, provides that no one under the age of 18 may be appointed to a post of civil servant. Most of the staff regulations of public or semi-public undertakings (offices, national companies and joint public and private companies) expressly fix the minimum age for admission to employment at 18 years.

As regards the private sector, the Labour Code fixes the minimum age for admission to employment in industrial undertakings at 15 years and the minimum age in agricultural activities at 13 years provided the work is not harmful to the child's health or normal development and is not such as to prejudice his attendance at school.

For non-industrial and non-agricultural activities, the minimum age is fixed at 15 years but may be reduced to 13 years for light work specified by joint orders of the Minister for Social Affairs and other ministers concerned.

Special hours of work are also laid down for the employment of children between 13 and 15 years of age on light work. A child over 13 and under 14 years of age may not be employed for more than 2 hours a day, even during school holidays. A child over 14 and under 15 years of age may not be employed for more than 4 1/2 hours a day.

The Labour Code also prohibits the employment of young persons under 18 years of age on work underground and in any establishment, part of an establishment or worksite where scrap metal is salvaged, processed or dumped (sections 77 and 78).

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RECOMMENDATION NO. 146

Under the Code employers are bound to keep a register indicating the names, dates of birth and hours of work of all persons under 18 years of age in their service (section 59). Moreover, the Labour Inspectorate may call upon the Medical Inspectorate of Labour to give a medical examination to any child under 18 years of age who is admitted to employment, to ascertain whether the work entrusted to him is beyond his strength.

Labour legislation is applicable to all sectors of the national economy. Since the country does not have a system of compulsory schooling, however, it is not now possible to make other improvements, especially in the private sector. In fact, children often leave primary school at a fairly early age. Their integration into active economic life then becomes an urgent necessity, especially if they are to be spared a long period of idleness conducive to delinquency.

Also, owing to the existence of seasonal activities, primarily in agriculture, difficulties are often encountered in mobilising sufficient manpower to cope with surplus work over a more or less extended period.

The Tunisian Government will nevertheless continue to pay special attention to this matter with a view to the ratification of the Convention in the next few years.

TURKEY

CONVENTION NO. 138
RECOMMENDATION NO. 146

Constitution of the Republic of Turkey, 1961.

Labour Act No. 1475, dated 25 August 1971 (Resmi Gazete, 1 September 1971, No. 13943, p. 3).

Act No. 1593 respecting general public health protection, dated 6 June 1972.

In accordance with article 43 of the National Constitution no one may be compelled to take up employment incompatible with his or her age, ability or sex. Special protection regarding conditions of employment is provided for children, young persons and women.

The Labour Act No. 1475 provides that it is unlawful to employ children under 16 years of age on any work whatsoever for more than eight hours a day. For children attending primary school, the hours of work must be so organised as not to interfere with school attendance and class hours must be included in calculating the eight-hour working day.

The Labour Act also provides that young persons under 16 years of age may not be employed on arduous or dangerous work. Under the Act, children between 12 and 18 years of age, prior to being engaged

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for work of any kind, must obtain a certificate from an approved physician stating that they are physically fit for the nature and conditions of the work in question.

The Act respecting general public health protection provides that it is unlawful to employ children under 12 years of age on work in factories or workshops or on work underground as either apprentices or workers. This Act also provides that the municipal authorities shall prohibit the employment of young persons under 18 years of age on work in bars, dance halls, cafés, casinos and Turkish baths.

The authorities responsible for the enforcement of these provisions are the Ministry of Labour and the Ministry of Health and Public Welfare.

As national legislation now stands, it is difficult to ratify the Convention. Since the provisions of the Labour Act (No. 1475) do not cover agricultural workers, it will be impossible to ratify the Convention until a law on agricultural employment has been adopted.

No specific measures have been taken to give effect to the provisions of the Convention not covered by national legislation.

UKRAINIAN SSR

RECOMMENDATION NO. 146

Constitution of the USSR and the Constitution of the Ukrainian SSR.

Fundamental principles governing the labour legislation of the USSR and Union Republics (LS 1970 - USSR 1).

Labour Code of the Ukrainian SSR.

Fundamental principles governing the education legislation of the USSR and Union Republics, dated 19 July 1973 (Vedomosti Verkhovnogo Soveta SSR, 1973, No. 30, Text 392).

Fundamental principles governing the health legislation of the USSR and Union Republics, dated 19 December 1969 (Vedomosti, 1969, No. 15, Text 313).

According to the Constitution, citizens have the right to work, in accordance with their inclinations, abilities, training and education. This right may only be enjoyed by persons over the age of 16. Only in exceptional circumstances, with the agreement of the trade union committee, may young persons who have reached their 15th birthday be employed.

All young workers under 18 years of age must undergo a preliminary medical examination and a regular medical examination at least once a year. It is unlawful to employ young persons under the

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age of 18 on arduous work or in unhealthy or dangerous conditions, or underground work. There is a list drawn up with the agreement of the AUCCTU of types of work and jobs in which it is unlawful to employ young persons under 18 years of age, approved by a decree of the State Labour Committee of 29 August 1959 with subsequent changes and additions. This list is based upon the nature of the work, i.e. on such recognised occupational health factors as may have a harmful effect on the health and physical development of young persons. Jobs undesirable from the point of view of the upbringing of young persons, for example, those connected with the production, storage and sale of alcoholic drinks, are also prohibited.

Persons under 18 years of age have the same rights as regards the legal employment relationship as persons of full age, namely in regard to remuneration, and enjoy special privileges: reduction of hours of work; increased rest time; lower maximum weights they can carry or move; a special system of output quotas and remuneration; privileges in connection with combining work with study in general educational, vocational, technical, secondary and higher educational establishments; special rules governing the cancellation of a contract of employment; prohibition of night work (from 10 p.m. to 6 a.m.).

Young persons between 15 and 16 years of age have a six-day week work 4 hours a day (24 hours a week), and those between 16 and 18 years of age - 6 hours a day (36 a week). The duration of a working shift for young persons between 15 and 16 may not exceed 5 hours a day, and for those between 16 and 18 years, 7 hours a day.

Manual and non-manual workers under 18 years of age are granted annual leave of one calendar month. In addition to ordinary leave the legislation provides for additional leave to be granted to young persons doing evening or correspondence courses.

With unbroken length of service of up to three years the benefit for temporary incapacity for adult workers who are members of a trade union amounts to 50 per cent of the average remuneration. The benefit paid to workers under 18 who are members of a trade union in the event of temporary incapacity as a result of general illness amounts to 60 per cent of the average remuneration. If the temporary incapacity is the result of an occupational accident or disease, the benefit amounts to 100 per cent of the average remuneration irrespective of length of service or membership of a trade union.

Public education is free and includes state maintenance of some of the pupils, the payment of grants to pupils and students and the grant of other forms of material assistance.

The Soviet labour legislation grants the widest privileges to manual and non-manual workers combining work with study.

Privileges for students following individual or group industrial training directly in the undertaking or at training centres are granted.

Trainees sent to full-time further training courses by the undertaking continue to be paid the official rate for the job they were doing before being sent on the course. They are paid their fares to and from the training establishment and an allowance during travelling time.

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The legislation regulating the work of minors and young persons is a constituent part of the labour legislation, the inspection and supervision of the observance of which is exercised by various ministries and departments. The Soviets of Working People's Deputies have also the right to supervise the observance of the labour legislation. Various forms of supervision over the observance of labour legislation are exercised by the trade union bodies ranging from the AUCCTU to the occupational group bodies. Supreme supervision over the exact and uniform observance of the law, including the labour legislation, in the Ukrainian SSR is exercised by the Attorney-General of the USSR as well as the Attorney-General of the Ukrainian SSR and the procurators placed under him.

USSR

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Constitution of the USSR and Constitutions of the federate and autonomous republics.

Fundamental principles governing the labour legislation of the USSR and the union republics (LS 1970 - USSR 1).

Labour Code of the RSFSR (LS 1971 - USSR 1) and Labour Codes of the other federate republics. Fundamental principles governing public education legislation of the USSR and the union republics, approved by an Act of the USSR dated 19 July 1973 (Vedomosti Verkhovnogo Soveta SSR, 1973, No. 30, Text 392).

Fundamental principles governing the public health legislation of the USSR and the union republics, approved by an Act of the USSR dated 19 December 1979 (Vedomosti Verkhovnogo Soveta SSR, 1969, No. 15, Text 313).

Order No. 17 of the People's Labour Commissariat of the RSFSR respecting employment of children and young persons (film industry) (LS 1933 - Russ. 4).

Circular of the Ministry of Culture of the USSR and the Central Committee of Cultural Workers, No. 29-36/01 of 12 April 1958.

The minimum age for admission to employment in the USSR is 16 years.

The minimum age established by the USSR legislation is an important guarantee for protecting the health of the young generation, enforcing the obligatory general secondary education and for improving the rest periods and working and living conditions of the Soviet people.

The law prohibits the employment of young persons under the age of 18 in arduous work, or work in unhealthy working conditions, or underground work. All such activities, to which persons under

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the age of 18 are refused access, are regulated by national legislation (a "list of production processes, professions, special activities, and work in which it is unlawful to employ persons under the age of 18" is currently in force. It was approved by the USSR State Committee on Labour, after agreement with the Central Council of Soviet Trade Unions, on 29 August 1959 and amendments have frequently been introduced to improve the level of labour protection provided for young workers).

Under the Constitution, there is a single public education system which is responsible for the general education and vocational training of Soviet citizens, the education, physical and intellectual development of young persons and their preparation for social and professional activity; in addition, the State is obliged to seek ways to improve conditions of work and labour protection.

Account is taken of the interests of young persons in the guarantees which are provided for the exercise of the right to work (socialist organisation of the national economy, the steady growth of the production forces, free vocational training, the improvement of skills, refresher training, and the development of vocational guidance and integration systems).

The Constitution guarantees citizens the right to free health and medical care, the development and improvement of occupational health and safety techniques, and prohibits child labour.

The protection of the young generation's health is based upon the system in force by which the State and society enforce compliance with labour legislation.

The contents of Recommendation No. 146 do not require any modifications to be made to the national legislation and practice of the USSR.

UNITED KINGDOM

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RECOMMENDATION NO. 146

Employment of Women, Young Persons and Children Act 1920, 10 and 11 Geo. 5, Ch. 65.

Children and Young Persons Act 1933, 23 Geo. 5, Ch. 12.

Young Persons (Employment) Act 1938, 1 and 2 Geo. 6, Ch. 69 (LS 1938 - G.B.6).

Shops (Consolidated Text) Act 1950, 14 Geo. 6, Ch. 28 (LS 1950 - UK1).

Mines and Quarries Act 1954, Ch. 70.

Factories Act 1961, Ch. 34 (LS 1961 - UK1).

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Children and Young Persons Act 1963, Ch. 37.

Children Act 1972, Ch. 44.

Employment of Children Act 1973, Ch. 24.

The Education (School Leaving Dates) Act 1976, Ch. 5.

Circular 4/76 dated 30 March 1976 of the Department of Education and Science.

The full-time employment of anyone below the minimum school-leaving age (between 15 and 16 years) is prohibited.

Registers of young persons employed must be maintained.

It should be noted that in Great Britain all employers are required to ensure the health, safety and welfare at work of all their employees, including children and young persons.

Young persons are subject to a maximum working week of 48 hours. Overtime is limited to 50 hours a year. The maximum period for which young persons may be employed without a break is 5 hours. They must be allowed an interval of at least three-quarters of an hour for a meal. Young persons must be allowed an interval of at least eleven consecutive hours free of work which must include the period 10 p.m. to 6 a.m. There are minor variations of all these conditions to meet the special requirements of certain trades, principally the catering trade, the supply of aircraft and motor vehicle accessories and early morning deliveries of milk, bread or newspapers.

On at least one day each week young persons must be allowed a weekly half-holiday beginning at 1 p.m. Sunday. Employment is allowed only if the young person receives a whole day's holiday on a weekday other than that appointed for his weekly half-holiday, in either the week proceeding or the week following the Sunday concerned.

Children may be employed in the company of their parents in light agricultural or horticultural work.

It is prohibited to employ children of school age before the close of school hours or for more than 2 hours on any day on which they are required to attend school; before 7 o'clock in the morning or after 7 o'clock in the evening on any day; for more than 2 hours on any Sunday; or to lift, carry or move anything so heavy as to be likely to cause injury.

Local bye-laws differ from authority to authority but many of them permit children under 15 to work a maximum of 5 hours a day on Saturdays and school holidays, subject to a maximum of 25 hours a week, and children of 15 and over a maximum of 8 hours a day, subject to a maximum of 35 hours a week. Many bye-laws require employers to notify the local authority of the hours and conditions of a child's employment, and the production of a medical certificate that the employment will not be prejudicial to the health or physical development of the child, and will not render him unfit to obtain proper benefit from his education.

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The employment of any person under the age of 17 in street trading, is prohibited.

Except in certain circumstances a child may not take part in any performance in a theatre or in a film, etc. without a licence granted by the local authority. Licences are subject to detailed restrictions on hours and conditions in relation to the age of the children laid down in the regulations, and to such other restrictions as the local authority may impose in the interests of the children's health and welfare.

The responsibility for the administration and enforcement of the provisions of the relevant acts rests with the local authorities.

The Health and Safety Commission, which includes representatives of workers' and employers' organisations, is responsible for determining policy in respect of the legislation and for making recommendations to the Secretary of State.

The Government supports the general trend of the Convention and welcome the flexibility in which its main provisions are expressed. Standards in the UK, where compulsory education lasts until the age of 16, are at least as high as those set out in the Convention. Enforcement, however, is to be through the compulsory keeping of records by all employers of young workers an arrangement which, in view of the school attendance requirements, is not compulsory in the UK except when specified in local bye-laws.

The Convention further requires permits in individual cases where school children take part in artistic performances whereas UK law provides certain limited exemption from the need to obtain these individual permits. For these reasons the Government do not propose to ratify the Convention.

The Government has accepted the greater part of the Recommendation but could not undertake to apply paragraphs 13 (1)(b), (c) and (d) on conditions of employment or paragraph 16(b) and (c) dealing with enforcement. It is not proposed at present to take any measures to give effect to those provisions not yet covered by national legislation or practice.

Bermuda

CONVENTION NO. 138

Employment of Children and Young Persons Act, No. 213 of 1963.

Education Act, No. 29 of 1954.

The Employment of Children and Young Persons Act 1963 has been overtaken by other legislation, i.e. the Education Act and general policy. Since the operative date of the Act, the compulsory school-leaving age has been increased to 16 years. Hence, in practice,

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young persons found working or training at the workplace on a full time basis would be over the age of 16 years. Moreover, the great majority of young persons remain in school after the age of 16 years to pursue various forms of training at the tertiary level.

Although the Employment of Children and Young Persons Act is out of step with the current employment situation as it relates to children and young persons, very few exceptions are made under the Act and where it is found necessary, adequate supervisors are provided by the competent authorities.

Falkland Islands

CONVENTION NO. 138

Employment of Children Ordinance No. 1 of 1 June 1966 (Falkland Islands Gazette (FIG), No. 7, 2 June 1966, p. 105), as amended by Ordinance No. 13 of 7 Nov. 1968 (FIG, No. 13, 7 Nov. 1968, p. 146).

Employment of Women, Young Persons and Children Ordinance No. 1 of 12 May 1967 (FIG, No. 7, 1 June 1967, p. 93), as amended by Ordinance No. 11 of 7 Nov. 1968 (FIG, No. 13, 7 Nov. 1968, p. 144).

Collective agreement between the Falkland Islands Sheepowners' Association Limited and the Falkland Islands General Employees' Union, 1 October 1979.

"Child" means a person under 15 years of age. A young person is one who is no longer a child but is under 18 years of age. Generally, no child shall be employed until he has attained the age of two years below the upper limit of compulsory school age (which is now 15 years of age); or before the close of school hours on any school day; or before 7.00 a.m. or after 7.00 p.m.; or for more than two hours on any school day; or for more than two hours on any Sunday; or to lift anything so heavy as to be likely to cause injury.

Employers acting in breach of the legislation or regulations made thereunder may be fined up to prescribed limits.

No child shall be employed on any industrial undertaking or in any ship; no young person shall be employed at night in any industrial undertaking, except so far as permitted by the Convention concerning the Night Work of Young Persons employed in industry; a register must be kept of young persons employed in any industrial undertaking; no female young person shall be employed in underground work in any mine or quarry; there shall be included in any agreement under the Merchant Shipping Act, 1894, a list of young persons under 16 years of age who are members of the crew.

The legislation does not apply to an industrial undertaking or ship in which only members of the same family are employed.

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According to the above mentioned collective agreement, the minimum age for tractor drivers is 16 years of age; boys and girls from 15 to 18 years of age may attain adult pay according to ability.

The supervision of the administration of the legislation referred to above is carried out by the Colonial Secretariat.

The existing legislation is considered by the Government to be reasonably satisfactory having regard to the small population of the territory (approximately 1,800). The Convention must be ratified by the United Kingdom before it can be declared to be applied to the territory. There are no immediate plans for further legislative reforms.

Gibraltar

CONVENTION NO. 138

Employment of Women, Young Persons and Children Ordinance, Cap. 50.

Education Ordinance, No. 11 of 28 March 1974 (Gibraltar Gazette, First Supplement, No. 1495, 29 March 1974).

There is no child labour in Gibraltar.

The combined effect of the legislation is to set the minimum age for employment at 15, which is the upper limit of compulsory school age. The Director of Education may, after consulting a child's parents and head teacher, give written consent for the employment of a child under that age in employment (other than non-industrial employment as defined in Convention No. 59) provided that such employment does not appear to be prejudicial to the child's health or render him unfit to obtain the full benefit of his education. In practice, this consent is very rarely asked for.

Young persons are not employed on night work in any industrial undertaking.

Both Ordinances mentioned above prescribe penalties for breaches thereof.

Organisations of employers and workers are equally represented on the Labour Advisory Board which, inter alia, advises the Government on existing and proposed labour legislation, and on the application of international labour Conventions in Gibraltar.

Employers are required to keep registers of employees who are under 18 years of age, only if they are employed in an industrial undertaking.

It is not intended to adopt measures to give effect to those provisions of the Convention not covered by national legislation or practice.

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The employment of aliens is regulated in order, inter alia, to maintain the Government's commitment to full employment of Gibraltarians, including young persons.

Poverty is not a problem in Gibraltar and it is unnecessary to have recourse to the economic activity of children to enable families to maintain a satisfactory living standard.

Several matters dealt with in the Recommendation which are not covered by the legislation above, such as, for example, the objective of raising the minimum age for employment in all sectors of economic activity; questions of pay; minimum 4 weeks' paid holidays; prohibition of overtime working; sickness benefit; measures of enforcement, etc., would create undue economic, financial and other difficulties for Gibraltar.

It is not intended to take measures to give effect to them. In any event, terms and conditions of employment are matters generally governed by collective bargaining.

Hong Kong

CONVENTION NO. 138

Employment Ordinance 1968 (Laws of Hong Kong, Revised Edition, Cap. 57).

Employment of Children Regulations 1979, L.N. 195 of 7 Aug. 1979 (Government Gazette (GG), 10 Aug. 1979, No. 32, Legal Supplement No. 2, p. B551).

Employment (Miscellaneous Provisions) Ordinance, No. 55 of 19 July 1979 (GG, 20 July 1979, No. 29, Legal Supplement No. 1, p. A159).

Women and Young Persons (Industry) Regulations 1980, L.N. 86 of 1 April 1980 (GG, 3 April 1980, No. 14, Legal Supplement No. 2, p. B205).

Apprenticeship Ordinance 1976 (*ibid.*, Cap. 47) and subsidiary legislation made thereunder.

Factories and Industrial Undertakings Ordinance 1955 (*ibid.*, Cap. 59)

Factories and Industrial Undertakings Regulations 1955 (*ibid.*, Cap. 59).

Education Ordinance 1971 (*ibid.*, Cap. 279).

Merchant Shipping (Recruitment of Seamen) Ordinance 1966 (*ibid.* Cap. 135).

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Employment of Young Persons and Children at Sea Ordinance 1932 (ibid., Cap. 58).

Dutiable Commodities (Liquor) Regulations 1970 (ibid., Cap. 109).

Miscellaneous Licences Ordinance 1933 (ibid., Cap. 114) and subsidiary legislation made thereunder.

Radiation (Control of Irradiating Apparatus) Regulations, 1965 (ibid., Cap. 303).

Article 1. The Hong Kong Government has been pursuing a policy designed to eliminate child labour and progressively raise the minimum age for employment.

Article 2. As from 1 September 1980 the minimum age for admission to employment will be raised to 15 years in all sectors and school attendance shall be compulsory for children aged from 12 to 15 years old.

Article 3. It is prohibited to employ young persons under the age of 18 on underground work in any mine or quarry or in tunnelling operations, under the age of 16 in any dangerous trade except with the written permission of the Commissioner for Labour, under the age of 16 on any woodworking machine, under the age of 18 to operate a lifting appliance, under the age of 15 (girls under the age of 18) from 8 p.m. to 6 a.m. in licensed premises, under the age of 18 in public dance halls and dancing schools, under the age of 18 in any radiation work or work or process involving the handling or transport of unsealed radioactive substances.

The Commissioner for Labour consults the Labour Advisory Board, which consists of equal numbers of employers' and workers' representatives, on all major labour and related matters.

Article 4. There will be certain permitted exceptions to the general minimum age for employment (a) children who have reached the age of 14 but are aged under 15 may be employed as registered apprentices; (b) children who have reached the age of 13 and completed Form III may be employed in the non-industrial sector subject to certain conditions; children who have reached the age of 13 but who have not completed Form III are permitted to take up part-time employment in the non-industrial sector subject to more stringent conditions.

Employment or work covered by Article 3 is not excluded from the application of the Convention in pursuance of this Article.

Article 5. The ordinances and regulations applying the provisions of this Convention cover all the sectors listed under paragraph 3 of this Article.

Article 6. In Hong Kong, the educational institutions providing technical education include all technical institutions, secondary schools offering technical and commercial subjects and vocational training centres. For technical institutes and vocational training centres, the normal age of admission is 14 years.

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The only exemptions granted so far by the Commissioner for Labour under regulation 9 of the Factories and Industrial Undertakings (Woodworking Machinery) Regulations for the employment of any person under the age of 16 on woodworking machines have been for the purpose of obtaining practical training.

Article 7. The employment of children who have reached the age of 13 and have completed Form III is permitted provided that they are not employed: (a) before 7 a.m. or after 7 p.m. on any day; (b) for more than eight hours on any day.

Overtime employment for young persons is prohibited. However, this restriction does not apply to work in the non-industrial sector.

Apprentices aged 14 and 15 are not allowed to work for more than 8 hours in any day and their period of employment, which should not exceed 9 hours, must fall between 6 a.m. and 7 p.m. Apprentices aged 16 and above are allowed to work 2 hours of overtime per day but their period of employment should end before 9 p.m.

Article 8. The Commissioner for Labour may allow exceptions to the regulations governing the minimum age of employment in cases he thinks fit (such as cases of child entertainers) and subject to such conditions as he may specify, including the number of hours of work.

Article 9. The Commissioner for Labour or any public officer authorised by him are empowered to make inspections at places where persons are employed. The legislation prescribes penalties for persons who contravene the provisions giving effect to this Convention.

Every employer of a child has to keep records of such employees in such form as may be specified by the Commissioner for Labour.

The Hong Kong Government already applies most of the provisions of this Convention but, as a Non-Metropolitan Territory, it cannot formally apply this Convention until it has been ratified by the United Kingdom Government.

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Paragraph 1. The Hong Kong Government has always accorded high priority to planning for and meeting the needs of children and youth in order to maintain the best possible conditions of physical and mental growth for children and young persons. The Education, Social Welfare, Home Affairs, Medical and Health and Labour Departments are actively involved in promoting the welfare of children and young persons.

Paragraph 2. The Government aims to maintain an efficient and flexible administrative machinery, create and maintain an adequate infrastructure and encourage investment which in turn will generate employment; the Social Welfare Department administers a public assistance scheme which is primarily designed to help needy

individuals such as the elderly, sick, disabled or widowed with dependant children; as a result, it is not necessary for children to take up paid employment in order to help support their families. At present there are no social security and family welfare measures aimed at ensuring child maintenance. The Education and Social Welfare Departments are constantly monitoring the development and progressive extension of facilities for education and vocational orientation and training appropriate to the needs of children and young persons.

Paragraph 3. There are a number of voluntary agencies in Hong Kong which provide board, lodging and education to children and young persons who either do not have families or do not live with their families. They usually remain in these centres until they are 18 years old or until they are self-supporting. There are no itinerant families in Hong Kong.

Paragraph 4. As from 1 September 1980 school attendance will be compulsory up to the age of 15 years.

Paragraph 5. Permissions may be granted to operate machinery for the purpose of obtaining practical training.

Paragraph 6. The enactment of the Employment (Miscellaneous Provisions) Ordinance and the Employment of Children Regulations, 1979, extended the general minimum age of employment in all sectors to 15 years as from 1 September 1980. Exceptions are permitted in certain circumstances in the non-industrial sector. Young persons aged 14 years are permitted to work as registered apprentices in industrial undertakings.

The minimum age for employment liable to involve hazards to the safety, health, welfare and morals of young persons is higher than 15 years.

Paragraph 7(1). There is, at present, no intention to raise the minimum age for employment further to 16 years.

Paragraph 7(2). Children who have reached 13 years may be employed in certain occupations in the non-industrial sector; the types of employment and the conditions thereof will depend, inter alia, upon whether or not the child has completed Form III.

Paragraph 8. Children who have reached the age of 13 and have completed Form III may, with the written consent of one of their parents, be employed in agricultural undertakings under certain conditions designed to protect their health, welfare and morals.

Paragraph 9. Whilst accepting the general principle that a minimum age of 18 should be prescribed for occupations liable to give rise to hazards to health, safety and morals, it is considered that the flexibility provided under Article 3(3) of Convention No. 138 is desirable.

Paragraph 10(1). Relevant international labour standards have always been taken into account in respect to this paragraph of the Recommendation.

Paragraph 10(2). The Labour Department regularly examines and reviews the types of employment or work in question.

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Paragraph 11. No previous use has been made of the flexibility allowed under Article 5 of Convention No. 138.

Paragraph 12. Labour inspectors enforce legislation regarding safety and health, hours of work, meal breaks, rest days and overtime for young persons in industry as well as the prohibition of child employment.

Paragraph 13(1). (a) Wage rates in Hong Kong are determined by the supply and demand of labour; usually work of equal value is remunerated equally. (b) Young persons may work eight hours a day in industry. Overtime employment for young persons is prohibited. However, similar restrictions do not apply to work in the non-industrial sector. (c) As from 1 January 1980, for persons aged 16 and 17, the term "night" may cover a period of 10 consecutive hours. However, in practice, almost all young persons have a rest period of at least 12 consecutive hours at night. With effect from 1 July 1980, the permissible hours of employment for young persons in industry, other than registered apprentices, will be from 7 a.m. to 7 p.m. All young persons are entitled to one day off per week and are not permitted to work on their rest days. No registered apprentice is allowed to be employed for more than six days in a week. (d) The benefits of the annual leave with pay apply to all employees irrespective of age. (e) There are no state-operated contributory social security schemes. However, an employee under a continuous contract with an employer is entitled to a sickness allowance at the rate of one paid sickness day at two-thirds normal daily wages for each completed month of employment, accumulative up to a maximum of 36 days. In addition, compensation for personal injury or death caused by accidents or occupational diseases arising out of and in the course of employment is provided. Legislation to cover all employees is expected to be enacted in July 1980. Some employers provide free medical care to their workers and the medical care provided by the Government is very cheap with current charges set at \$2 per visit for out-patients and \$5 per day for hospitalisation. (f) Investigations are conducted into industrial accidents with a view to establishing the causes and preventing their recurrence. Management and workers are instructed in accident prevention and safe working practices, free of charge.

Paragraph 13(2). Every seafarer is required to enter into a service agreement with the company employing him. The conditions contained in the agreement must not be less favourable than those contained in the Standard Format of Articles of Agreement which give effect to the items mentioned in subparagraph 13(1) above.

Paragraph 14(1). (a) Labour inspectors visit industrial undertakings both day and night to ensure that the working conditions of women and young persons employed therein are in accordance with the law and that no children are employed. (b) Inspectors of Apprentices are responsible for ensuring that adequate facilities are provided by employers for the training of apprentices and that legal provisions concerning conditions of employment are properly observed.

Paragraph 14(2). The inspectors advise both employers and workers on the most effective ways of complying with the legal provisions with which they are concerned, co-operate effectively with them to promote good relations and better understanding of

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problems of mutual concern, and often address meetings and conferences on matters within their own respective fields. They also maintain close contacts with trade or industrial organisations through ad hoc meetings or safety committees, such as those in the cargo handling trade, the shipbuilding and ship-repairing industry and the construction industry.

Paragraph 14(3). All the related bodies responsible for education, training, welfare and guidance of children and young persons work in close co-operation to provide the greatest economic efficiency. Members of the inspectorates attend regular and ad hoc meetings with representatives of other government departments on matters of mutual interest.

Paragraph 15. (a) The provisions concerning hazardous work are vigorously enforced; (b) under the Employment of Children Regulations, children who have reached the age of 13 but have not completed Form III cannot be employed: (i) during school hours on any school day; (ii) during the school term for more than: 2 hours on any school day; or 4 hours on any other day.

Paragraph 16. (a) The Government maintains an effective system of birth registration; failure to register the birth of a child is a contravention. Further, it is required to be registered at the age of 11 years, with the issue of an identity card bearing a photograph, full personal name and the date of birth of the child. (b) Every employer of a child has to keep records in such form as may be specified by the Commissioner for Labour, and they must specify, inter alia, the names, age, and address of the young person employed. (c) As street trades are very rare in Hong Kong, it is not considered necessary to issue licences for children and young persons engaged in them.

There are no proposals to give effect to the other provisions of this Recommendation which are not yet applied. These provisions include child maintenance (Paragraph 2), revising the general minimum age for admission to employment to 16 years of age (Paragraph 7), raising the minimum age for admission to employment which is liable to give rise to hazards to the health, welfare and morals of young persons, to 13 years (Paragraph 9) and granting of at least four weeks' paid annual leave (Paragraph 13(1)(d)). It is not feasible for Hong Kong to assume these obligations in the near future.

Montserrat

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Employment of Women, Young Persons and Children Act (Cap. 270).

There is no specific legislation governing in toto the requirements of this Convention but the compulsory school-leaving age of 15 at primary level and the Employment of Women, Young

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Persons and Children Act (Cap. 270) of the Revised Laws of Montserrat afford some protection. Most of the provisions of the Convention are covered by practice and the existing legislation referred to above.

The existing legislation provides inter alia for annual holidays with pay, social security and sickness benefits, compensation to workers who have been injured on the job and the protection of the safety or health of any workman.

St. Kitts-Nevis-Anguilla

CONVENTION NO. 138

Employment of Women, Young Persons and Children Act (Cap. 290) as amended by Act No. 14 of 1966.

Education Act, No. 18 of 1975.

Legislation provides for compulsory schooling for all persons up to the age of 16. Legislation also defines young persons as persons between the ages of 16 and 18; and further restricts their employment at night or private and public industrial undertakings.

All institutions of learning and Employers are compelled by law to keep appropriate records for supervision of the authorities.

UPPER VOLTA

CONVENTION NO. 138

Act No. 26/62/AN of 7 July 1962 to establish the Labour Code (Journal officiel, 18 August 1962, No. 33 bis, special), as amended by Act. No. 9/73/AN of 7 June 1973.

Order No. 539/ITLS/HV of 29 July 1954 respecting the employment of children.

Order No. 545/ITLS/HV of 2 August 1954 to provide for exceptions to the rules governing the age for admission to employment.

Under section 125 of the Labour Code, children may not be employed in any undertaking, even as apprentices, before reaching the age of 14, save where exceptions are jointly authorised by the Minister of Labour and the Minister of Public Health after consultation with the Labour Advisory Council, taking into account local circumstances and the jobs which the children may be required to do.

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Order No. 539/ITLS of 29 July 1954 prohibits the employment in establishments of any kind of children of either sex under 18 years of age in work beyond their strength, or presenting hazards or liable to be harmful to their morals because of the circumstances in which it is carried out. The order limits the hours of work of children and the weight of loads which they may carry according to their age and sex and the means of transport used or type of undertaking. An approved physician must ascertain that the work assigned to the child is not beyond his strength. A child may not be kept on any job which has been found to be beyond his strength and must be transferred to more suitable work. If this is impossible, the contract must be terminated and a severance allowance with notice paid to the worker, as provided for in section 126 of the Labour Code.

Order No. 545/ITLS of 2 August 1954 to provide for exceptions to the rules governing the age for admission to employment, fixes the minimum age at 12 years for domestic work and light seasonal work such as picking, gathering and sorting on farms and tending to flocks. Children between 12 and 14 years of age may only be employed with the express authorisation of their parents or guardian, unless they work with their parents or guardian in the same establishment; and they may not work more than four hours a day.

The labour and labour law inspectors and controllers are responsible for the enforcement of legislative and statutory provisions governing the employment of children.

No amendments have been made to legislation or regulations in this field.

Upper Volta is one of the countries whose economy and educational facilities are insufficiently developed (Article 2(4) of the Convention), whose economy and administrative facilities are insufficiently developed (Article 5(1) of the Convention) and where, as far as work and employment are concerned, a modern formal sector, an urban informal sector and a traditional sector exist side by side. The rate of school attendance is low. Children's work in the traditional sector and even in the urban informal sector are such that it is carried out alongside their parents or guardians, that in rural areas it contributes to their physical and moral development, and that in the urban informal sector it enables them to meet their needs.

It cannot be denied that the conditions of work are difficult but the conditions of life in Upper Volta are difficult and precarious for most of the population. It is not possible to raise the minimum age to 16 or 18 years. Since the country does not intend to avail itself of the exceptions authorised by Articles 2(4) and 5(1) of the Convention, it is unable in the short and even medium term to give effect to the provisions of this international instrument not yet covered by national law or practice.

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URUGUAY

RECOMMENDATION NO. 146

Children's Code, Act No. 9342 dated 6 April 1934 (Registro Nacional de Leyes y Decretos 1934, p. 842).

Act No. 14008 dated 11 August 1971 (Diario Oficial (DO), 23 August 1971).

Decree No. 852/971 dated 16 December 1971 (DO, 23 November 1971).

Act No. 14385 dated 17 June 1975 (DO, 27 June 1975, No. 19546).

Decree 403/976 dated 1 July 1976 (DO, 13 July 1976).

Act No. 14101 dated 4 January 1973 (DO), 9 January 1973, No. 18951).

Act No. 13318 dated 28 December 1964 (DO), 13 January 1965).

Act No. 10471 dated 3 March 1944.

Act No. 11577 dated 14 October 1950 (DO), 4 November 1950, No. 13194) (LS 1954 - Ur. 1 B).

Decree 287/980 dated 21 May 1980 (DO), 30 June 1980, No. 20771).

Decree 647/978, dated 21 November 1978 (DO), 7 December 1978, No. 20392).

The Children's Code of 1934, the aim of which was to protect the life, health and morals of young persons who are obliged to work and which made the completion of primary education compulsory, prohibited the employment of all young persons under the age of 14 in public and private establishments and the employment of young persons under the age of 12 in rural work except during the school holidays. The Government subsequently raised this minimum age to 15 years for all activities in a Decree of 1971 respecting international Conventions Nos. 53 and 60 on minimum age.

The present minimum age for the employment of young persons is 16 years, in accordance with the provisions of Article 3, paragraph 3, of Convention No. 138.

Education is compulsory, free and secular for all children up to the third year of the basic secondary level. Instruction in all careers and other specialised disciplines is dispensed free of charge in the state universities, as are the specialised post-graduate courses. Children complete their primary education between the ages of 11 and 12 and their secondary education between the ages of 14 and 15.

Protection is granted to minors by the allocation of family allowances to their parents, guardians or legal representatives who are dependent on third persons for employment.

CONVENTION NO. 138
RECOMMENDATION NO. 146

The Uruguayan State has always taken steps to ensure that the socio-economic transformations of the country are complemented by the publication of legislation and regulations which are constantly aimed at protecting the life, health, morals, education and welfare of young persons, and in particular young persons who work.

Young persons under the age of 18 years who are engaged as apprentices or workers in industrial establishments shall not be employed for more than 6 hours a day or 36 hours a week, and shall be entitled to a break of 2 hours at midday and 1 day's rest for every 6 days' work.

Young persons between the ages of 16 and 18 may be employed exceptionally in various industries with the prior authorisation of their father and/or mother, guardian or legal representative and the Children's Council. This provision applies to manual work requiring no special physical effort and which is an excellent source of training for the young person. Young persons are not permitted to work overtime.

A minimum age of 21 years is required for work which may be detrimental to the health, safety and morals of young persons, and in particular, for work declared to be unhealthy.

The Inspectorate-General of Labour and Social Security is responsible for enforcing legislation which concerns the safety and health requirements applicable to the working environment as well as for ensuring compliance with the other obligations resulting from the contract of employment.

The minimum wage for all workers, including young persons, is established and controlled by the National Office for Costs, Prices and Incomes.

A nightly rest period of not less than 12 consecutive hours must be granted. Young persons, like other wage earners, are entitled to 20 days' annual paid leave.

As concerns the social security coverage for accidents at work and occupational diseases, young persons are protected in exactly the same way as other workers: employers are responsible for such insurance, which is compulsory. Like other workers, young persons are also insured against illness by social security.

The employment of young persons under the age of 21 years is prohibited in cafés, concerts, cabaret shows or reviews and the same prohibition applies to young persons under the age of 18 for work in editing, delivery or sale of printed matter, advertisements, sketches, etc. or in any kind of work connected with such articles considered contrary to morality and decency.

The Children's Council, the Inspectorate-General of Labour and Social Security and the other social security bodies are responsible for enforcing the provisions of the law. Although these departments act independently of one another, they co-ordinate their activities when and where necessary.

A young person under the age of 18 years shall not be admitted to employment unless he holds a certificate of physical fitness

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issued free of charge by an official medical practitioner designated by the Children's Council. All young persons under the age of 18 years who are employed shall be medically examined every year in order to ascertain whether the work which they perform is beyond their physical powers. If this is found to be the case, they shall be bound to leave such work for other more suitable work.

The inspection services under the Inspectorate-General of Labour and Social Security have been organised in accordance with regulations based on international labour Conventions Nos. 81 and 129. Contraventions are punished by various kinds of fines.

YUGOSLAVIA

CONVENTION NO. 138 RECOMMENDATION NO. 146

Federal Act respecting associated labour, dated 25 November 1976 (Sluzbeni List (SL), 3 December 1976, No. 53, text 764).

Acts respecting employment relationships in the federated republics and autonomous provinces.

Constitution promulgated on 21 February 1974 (SL, 21 February 1974, No. 9, text 153) (LS 1974 - Yug. 1 [Extracts]).

Act respecting maritime and inland navigation, dated 15 March 1977 (SL, 22 April 1977, No. 22, text 294).

Under the Federal Act respecting associated labour (section 168), the minimum age for entering into an employment relationship is fixed at 15 years.

The legislation of the republics and autonomous provinces concerning employment relationships, especially the Act respecting labour protection in the Republic of Bosnia and Herzegovina, make it unlawful to employ workers under 18 years of age on work involving tasks that have to be performed in certain specific conditions, arduous manual work, underground work, underwater work, and any other work involving hazards for their health or life.

The laws of the federated republics and autonomous provinces respecting employment relationships provide for special protection for workers under 18 years of age, namely limitation of working hours, prohibition of overtime, and a guarantee of at least 12 hours of night rest and an annual leave the duration of which may not be less than that of other workers.

The laws respecting employment relationships, especially those of Montenegro, Macedonia, Slovenia, and Bosnia and Herzegovina, provide for an additional six or seven days of annual leave for workers under 18 years of age. Under the law respecting employment relationships in Croatia, the annual leave of workers under 18 years of age may not be less than 25 working days.

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The above conditions also apply to the admission to employment of persons entering into an employment relationship with self-employed persons under a collective agreement concluded within the framework of existing legislation. Under the laws respecting employment relationships in the federated republics and autonomous provinces, the terms of such agreements may not be less favourable than those established for organisations of associated labour.

The Government does not consider that acceptance of the obligations arising from Convention No. 138 will require the enactment of new legislation or the amendment of existing legislation.

The Federal Executive Council has approved the steps taken by the competent bodies to adopt the necessary measures for ratifying the Convention.