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*General Survey by the Committee of Experts
on the Application of Conventions and Recommendations*

*minimum
age*



International Labour Conference

67th Session 1981

Report III (Part 4 B)

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

General Survey of the Reports relating to Convention No. 138 and Recommendation No. 146 concerning Minimum Age

**Report of the Committee of Experts on the Application of Conventions
and Recommendations (Articles 19, 22 and 35 of the Constitution)**



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INTRODUCTION

Background to the survey

1. In accordance with article 19 of the ILO Constitution, the Governing Body decided at its 208th Session (November 1978) to request reports on the Minimum Age Convention, 1973 (No. 138) from States which have not ratified it and from all States on the corresponding Recommendation (No. 146). These reports, which deal with the state of law and practice in relation to the standards laid down by the instruments in question, and the reports supplied under article 22 of the Constitution by governments which have ratified the Convention, have enabled the Committee of Experts, in accordance with its usual practice, to make a general survey of the situation.

1. The importance and magnitude of the problem

2. According to estimates published by the ILO,¹ nearly 55 million children under 15 years old were working throughout the world in 1975, representing 7.5 per cent of the child population aged 8 to 14. This corresponded to 1 1/2 million children in industrialised countries and over 53 million in developing countries. Moreover, there is reason to believe that this estimate is far below the actual number of working children. The definition of their status is a highly controversial problem with wide variations in practice, manpower statistics often do not include workers under this age or unpaid family workers (especially in agriculture), and the parties concerned are often reluctant to give information in this respect.

3. What sorts of labour do ILO instruments in this field cover? In general, they deal with work which is considered unacceptable for young persons below a particular age. The statistics quoted above refer to "children" as being below 15 years old, but some forms of work performed by persons of less than this age have been considered acceptable under certain conditions and within specified limits. The age at which an activity is considered inappropriate depends to a certain extent on the activity. In addition, there is a minimum age under which children, as a general rule, should not be allowed to work in any economic activity. As will be shown below, ILO standards set this minimum age at between 12 and 15 years, allowing only limited exceptions.

4. It should also be made clear that not every kind of activity by children should be forbidden by national legislation, nor is it by ILO standards. Work within the family circle, for example, should not in general be considered as undesirable. What ILO

¹ ILO: Yearbook of Labour Statistics, 1978.

instruments do prohibit is the imposition on children of labour which calls for greater physical and mental resources than they normally possess or which interferes with their educational development, and they attempt to regulate the conditions under which these young people may be allowed to work. This study will show, to the extent that information is available, what legislation governments have adopted to prohibit and regulate such work.

5. As the Committee has often pointed out, however, legislation alone is not sufficient to resolve such problems. Available information shows that in many countries children work in violation of national law and international standards. By the very nature of the problem reliable information is difficult to obtain on this subject, but wherever possible the Committee will indicate in this study examples of cases in which such contradictions occur. In this connection, see in particular Chapter VII concerning measures of enforcement.

6. The reason that young people go out to work below the legal age may in general be said to be the poverty of their families, and it is closely linked with the lack of development of the countries in which it is found most often. It is also linked to the lack of compulsory and generally-available educational institutions, and to gaps in the protective legislation and the difficulty of supervising its application in the absence of adequate inspection systems. If poverty is its basic cause, poverty may also be one of its consequences: where large numbers of children must go to work either to support themselves or to contribute to family incomes, they take the place of older workers who are often paid higher wages and whose work is more likely to be subject to legal supervision because it is itself legal.

7. Given that poverty and underdevelopment are basic causes of the persistence of this phenomenon, it is obviously not possible to approach child labour as an isolated problem. As is evident in the developed countries - which during their periods of development also employed large numbers of children in all kinds of jobs - the mere fact of development diminishes the extent to which children below a certain minimum age go to work. The progressive elimination of unacceptable labour by those too young to undertake it therefore requires a general improvement in the economies of the countries concerned, improvements in their educational infrastructures and efforts to promote consciousness of the need for change.

8. Pending the establishment in practice as well as in law of an acceptable minimum age for employment and work of young persons, the fact that they do work must be faced, and their work must be progressively restricted and regulated. The ILO, and the other organisations in the United Nations system, have made considerable efforts to this end.

II. Activities of other international organisations on employment and work of children and young persons

9. The ILO is, of course, not alone in its efforts to suppress undesirable work by children and young persons and to improve their welfare. In 1959 the United Nations adopted a Declaration of Rights of

the Child,¹ which contains the principle that a minimum age should be set for admission to employment and that children should be protected from dangerous or unhealthy work. The International Covenant on Economic, Social and Cultural Rights adopted in 1966² also contains a provision to this effect. In 1978 the General Assembly decided to study the question of a United Nations convention on this subject.³ On the regional level, article 7 of the European Social Charter relates to the right of children and young persons to protection, and is based on standards laid down in ILO Conventions.

10. The best-known measure in this field is the designation of 1979 as the International Year of the Child (IYC).⁴ The IYC stimulated and focused a vast amount of activity on the national and international levels in favour of children, with regard to their general welfare as well as to their work. The United Nations' efforts in this area were headed up by the United Nations Children's Fund (UNICEF) and resulted in studies throughout the world to determine what the true situation of children was, followed by major initiatives to improve their lot through direct aid, legislation and other measures. The two general objectives of the IYC were to stimulate awareness of the special needs of children, and to promote recognition of the fact that sustained activities should be undertaken at the national and international levels.⁵ Under the impetus of the IYC, national commissions on the IYC were established, studies were begun to identify areas where action was needed, international intergovernmental and non-governmental organisations adopted resolutions and called for action, and a general public awareness of the scope of the problem was aroused.⁶ It may be hoped that this awareness will result in the sustained action called for by the General Assembly, for without it the lot of children will improve all too slowly.

III. ILO activity on the employment and work of children and young persons

11. The protection of children from work and at work is one of the basic principles of the International Labour Organisation. From its very beginning the ILO called in the Preamble of its Constitution for the protection of children and young persons. Acting on this injunction, the International Labour Conference adopted the first of 11 Conventions on minimum age for employment at its first Session in 1919, along with the first of three Conventions on night work by young persons.

¹ Resolution 1386 (XIV) of 20 November 1959.

² Resolution 2200 A (XXI) of 16 December 1966, article 10.

³ Resolution 33/166 of 20 December 1978.

⁴ Resolution 31/169 of 21 December 1976.

⁵ *ibid.*

⁶ Report of the Executive Director of the United Nations Children's Fund on the International Year of the Child (IYC), circulated as UN General Assembly document A/34/452 (5 Oct. 1979). See in particular Part Two, paras. 26 to 60: "An over-all view of IYC".

A. Standard-setting work of the ILO

12. A major part of the ILO's work for the abolition of child labour and the promotion of the well-being of children has been the adoption by the International Labour Conference of a series of Conventions and Recommendations dealing with the employment or work of children and young persons, starting with the instruments adopted in 1919.

13. On the subject of minimum age for admission to employment or work, ten Conventions were adopted before the one examined in this survey. Four of these apply to various categories of maritime work;¹ the other six, including three revising Conventions, cover other sectors of economic activity.² (These ten Conventions are all revised by Convention No. 138, as provided in its Article 10. See *infra*, para. 48.) In addition, four Recommendations were adopted on the subject before the Recommendation examined in this report.³

14. Instruments have also been adopted for the regulation of conditions of work of young persons, a subject dealt with in the Recommendation being studied here. Three Conventions⁴ (one of them a revising Convention) and a Recommendation⁵ have been adopted concerning night work by young persons, four Conventions⁶ and a Recommendation⁷ have been adopted providing for medical examinations of young persons

¹ Minimum Age (Sea) Convention, 1920 (No. 7); Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15); Minimum Age (Sea) Convention (Revised), 1936 (No. 58); Minimum Age (Fishermen) Convention, 1959 (No. 112).

² Minimum Age (Industry) Convention, 1919 (No. 5); Minimum Age (Industry) Convention (Revised), 1937 (No. 59); Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33); Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60); Minimum Age (Agriculture) Convention, 1921 (No. 10); Minimum Age (Underground Work) Convention, 1965 (No. 123).

³ Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41); Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52); Minimum Age (Coal Mines) Recommendation, 1953 (No. 96); Minimum Age (Underground Work) Recommendation, 1965 (No. 124).

⁴ Night Work of Young Persons (Industry) Convention, 1919 (No. 6); Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90); Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79).

⁵ Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80).

⁶ Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77); Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78); Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16); Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124).

⁷ Medical Examination of Young Persons Recommendation, 1946 (No. 79).

in relation to employment, and one Recommendation¹ has been adopted concerning underground work by young persons.

15. Finally, seven Conventions² and two Recommendations³ dealing primarily with other subjects but containing provisions concerning minimum age - in particular for dangerous or unhealthy work - have been adopted.

1. Evolution of standards on minimum age

16. As the International Labour Conference has continued to adopt Conventions and Recommendations dealing with different aspects of the employment or work of young persons, the standards have evolved with the years. The more recent instruments contain higher norms than earlier ones, reflecting the feeling that international labour standards should progressively promote improved standards for workers. All these instruments are outlined here because many governments which have not yet ratified Convention No. 138 have ratified earlier Conventions on this subject.

(a) Basic minimum age for admission to employment or work

17. The earlier Conventions (Nos. 5, 7, 10 and 33) on the subject all contained a basic minimum age of 14 for admission to employment or work. The last of these Conventions was adopted in 1932. Then, beginning with Convention No. 58, adopted in 1936, the basic minimum age was raised to 15, and this has been followed in the other Conventions on this subject adopted since then.

18. In each case, however, there have been a certain number of exceptions or modifications to the basic minimum age. These have taken various forms. There are three types of employment or work which Conventions have allowed to be excluded totally from the minimum age -----

¹ Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125).

² White Lead (Painting) Convention, 1921 (No. 13), Article 3, para. 1; Radiation Protection Convention, 1960 (No. 115), Article 7; Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), Article 19; Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), Article 15; Maximum Weight Convention, 1967 (No. 127), Article 7; Benzene Convention, 1971 (No. 136), Article 11, para. 2; Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), Article 38, para. 2.

³ Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), Paragraphs 1 and 2; Unemployment (Young Persons) Recommendation, 1935 (No. 45), Paragraph 1.

⁴ Two Conventions, the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) contain provisions that prohibit the employment of persons below the school-leaving age during the hours when school is in session in areas where educational facilities are provided on a scale adequate for the majority of the children of school age.

requirement. The most frequent exception concerns work performed by young persons in schools (or training ships in the maritime Conventions) for vocational or technical education approved and supervised by a public authority. The Minimum Age (Agriculture) Convention, 1921 (No. 10) also includes a provision allowing the modification of hours and periods of school attendance for purposes of practical vocational training. No minimum age was stipulated for such exclusions until the adoption of Convention No. 138 in 1973, which expanded the provision on work in connection with training by including an age limit of 14 for work in undertakings as a part of vocational training (apprenticeship), while retaining the general exclusion of work done in training institutions.

19. All of the Conventions except Conventions Nos. 10 (agriculture) and 112 (fishing) provide for or allow the exclusion from the Conventions' application of work in family undertakings. Conventions Nos. 5, 7 and 58 simply exclude from their coverage undertakings in which "only members of the same family are employed". Conventions Nos. 33, 59 and 60 take a different approach in allowing the competent authorities to exempt work in family undertakings, instead of excluding it explicitly, and in addition these Conventions added a proviso that "employment which is harmful, prejudicial or dangerous" may not be exempted even in family undertakings. Convention No. 138 includes no explicit exemption for family undertakings except in agriculture, where "family and small-scale holdings producing for local consumption and not regularly employing hired workers" may be excluded. (However, under Convention No. 138, work in family undertakings may be exempted if certain criteria are complied with.)

20. The third type of permitted total exclusion from the provisions of Conventions on minimum age is found in Conventions Nos. 33 and 60 (non-industrial employment) and in Convention No. 138, allowing the exclusion of public performances. Conventions Nos. 33 and 60 contain identical provisions allowing exceptions, "by permits granted in individual cases ... to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films". These Conventions do not allow employment which is "dangerous to the life, health or morals" of the young persons, require that their health, morals, rest and education be safeguarded, and prohibit their employment after midnight. Convention No. 138 provides much more simply that exemptions may be granted in individual cases "for such purposes as participation in artistic performances", and requiring regulation of the hours and conditions of work in each case.

(b) Higher basic minimum age for admission to employment or work

21. There are three Conventions under which the minimum age for admission to employment or work may be higher than the basic minimum age specified in the Conventions. Conventions Nos. 33 and 60 (non-industrial employment), provide respectively for minimum ages of 14 and 15 years; but children older than this "who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter provided". Convention No. 138 contains a similar provision on the basis of 15 as the minimum age, except that it speaks of "the age of completion of compulsory schooling".

22. Convention No. 138, however, goes further in allowing a ratifying State to specify a higher minimum age than 15 in a

declaration appended to its ratification or submitted later. (See below, Table II, following paragraph 131, for the ages which ratifying States have specified.) This is the first time that a minimum age Convention has included such a provision.

(c) Lower basic minimum age for admission to employment or work

23. There are three Conventions which provide for a reduced basic minimum age for admission to employment or work in the fields they cover. Conventions Nos. 58 (sea) and 112 (fishing), both of which stipulate a minimum age of 15, provide that certificates may be issued by the national authorities permitting children of not less than 14 to be employed if they are satisfied "that such employment will be beneficial to the child". Convention No. 138, which applies to all categories of employment or work, contains a much wider provision that "... a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years" instead of 15. This is contemplated as a transitional measure to allow developing countries to ratify the Convention and work toward the adoption of a higher minimum age, as specified in Recommendation No. 146.

(d) Reduced minimum age for light work

24. There are four Conventions which allow young persons below the basic minimum age to perform light work. Convention No. 10 (agriculture) provides that children may be employed on light agricultural work "for purposes of practical vocational instruction", but sets no specific minimum age for admission to such work.

25. Conventions Nos. 33 and 60 (non-industrial employment) set more complicated standards concerning light work. These Conventions lay down basic minimum ages of 14 and 15, respectively, and respectively allow employment on light work from 12 and 13, subject to a number of conditions. The work itself should not be harmful to health or normal development, and should not interfere with schooling. The time given to it and the hours during which it may be performed are limited. National legislation should specify what work is included within the definition and prescribe preliminary conditions. Under Convention No. 138, light work may be permitted for persons 13 to 15 years of age if it is not likely to harm their health or development, or interfere with their schooling. Light work may be permitted between the ages of 12 and 14 if the country has specified a basic minimum age of 14: and if schooling is compulsory beyond the basic minimum age, only light work is permitted below the school-leaving age. This Convention also requires that the hours and conditions of light work for young workers be fixed, but unlike Conventions Nos. 33 and 60 lays down no limits within which this should be done.

(e) Higher minimum age for dangerous and other work

26. Four of the minimum age Conventions (Nos. 5, 7, 10 and 58) make no provision for a higher minimum age for certain kinds of work, but all the others have done so. The Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15) was the first to set a higher age than in other Conventions for particularly dangerous work, and fixed

this age at 18. This higher age for trimmers and stokers was also included later in Convention No. 112 (fishing), which fixed the minimum age for other kinds of work in fishing at 15.

27. Five Conventions dealing with particular kinds of dangerous or unhealthy employment or work contain minimum age provisions. The White Lead (Painting) Convention, 1921 (No. 13), the Benzene Convention, 1971 (No. 136), and the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), all prohibit particular kinds of employment for persons under 18. The Radiation Protection Convention, 1960 (No. 115) requires different levels of acceptable exposures to ionising radiation for persons above and below 18, and prohibits all exposure for persons under 16. Finally, the Maximum Weight Convention, 1967 (No. 127) provides that "young persons" may carry only "light loads", but defines neither term.

28. Conventions Nos. 33 and 60 (non-industrial employment) and 59 (industrial employment) all provide that "a higher age" should be specified for work which is "dangerous to the health, safety or morals" of young persons, either by its nature or by the circumstances in which it is carried out. However, they leave the definition of dangerous work to the national authorities, and do not specify the higher minimum age that should be observed. The Minimum Age (Underground Work) Convention, 1965 (No. 123) requires ratifying States to set a minimum age of not less than 16 for work underground, and permits them to specify a higher minimum age. Convention No. 138 refines the concept by setting a basic minimum age of 18 for "any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons". At the same time, it permits national laws to allow such work from 16 "on condition that the health, safety and morals of the young persons concerned are fully protected, and that the young persons concerned have received adequate specific instruction or vocational training in the relevant branch of activity".

29. In addition to the general requirement concerning dangerous work, Conventions Nos. 33 and 60 (non-industrial employment) require that higher ages than the basic minimum be fixed for admission "to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed". Recommendation No. 146 states that children and young persons working in such occupations should only be allowed to do so on the issuance of special licences.

(f) Special provisions for certain countries

30. A number of Conventions concerning employment or work of young persons have included special provisions with lower standards for certain countries. Normally, these allow named countries to adopt a lower minimum age or more restrictive definition of activities, in view of a lower level of development, at that time, to enable them to ratify the Conventions in question. These special provisions were included for India (Conventions Nos. 5, 6, 33, 59, 60, 79 and 90); Japan (Conventions Nos. 5, 6 and 59); China (Convention No. 59); and Pakistan (Convention No. 90).

31. Conventions Nos. 78, 79 and 90 included provisions of a more general nature permitting any country which came within the

definition to adopt lower standards or to exempt underdeveloped areas of the country from the application of the Convention. Convention No. 138 took this concept further by allowing ratifying countries to exclude from the application of the Convention categories of employment or work, or branches of economic activity, in so far as it is not practical initially to apply the Convention to them. This move from geographical limitations to permitting limitations on types of activity allows more selectivity in the application of the Convention and, as will be shown, is closer to the actual practice of States.

(g) Enforcement measures

32. Most of the Conventions dealing with various aspects of employment or work of young persons have contained provisions concerning their enforcement. The most frequent measure required for enforcement is that employers keep a register of all young persons working for or employed by them. The age below which inclusion in the register is required, has normally been higher than the minimum age for employment, and in most recent Conventions it is fixed at 18. (In one case, Convention No. 123, it was fixed at the minimum age for employment plus two years.) Convention No. 138 requires registration of all workers below 18.

33. Most of the Conventions after the first few also recognised that enforcement would be impossible without a system of labour inspection, and without a provision for penalties for violation of the provisions of the Convention concerned. These requirements have been stated in general terms, allowing ratifying countries to define appropriate measures and penalties. Convention No. 138 contains a requirement that penalties for violations be adopted, but does not specifically require measures concerning inspection. Instead, it requires governments to take all necessary measures to ensure the application of the Convention, and Recommendation No. 146 contains detailed suggestions for enforcement which include the institution and training of inspection services.

2. Contents of the Minimum Age Convention,
(No. 138) and Recommendation (No. 146), 1973

34. States which ratify Convention No. 138 are required to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.¹ Recommendation No. 146 amplifies on the requirements of the Convention in this respect by recommending that high priority be given to planning for and meeting the needs of young persons in national development programmes.² It refers in particular to inter-related measures that should be taken in regard to employment promotion; the alleviation of poverty to make it unnecessary for families to have recourse to the economic activity of children; the development and extension of programmes for social

1 Convention No. 138, Article 1.

2 Recommendation No. 146, Paragraph 1.

security, education and training (including compulsory schooling) and protection of children of migrant workers.¹

35. The Convention's basic requirement is that ratifying States specify a minimum age for admission to employment or work.² The use of the words "employment or work" means that all labour by young persons is covered, whether or not it is performed under a contract of employment. The basic minimum age laid down by the Convention is 15, or not less than the age of completion of compulsory schooling if this is higher.³ However, there are a number of possible exceptions to this rule to make the Convention more readily adaptable to all national circumstances. In the first place, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, initially be bound by a minimum age of 14 if it makes a declaration to that effect.⁴ On the other hand, the basic minimum age by which a ratifying government declares itself bound may be raised above 15 by a declaration on ratification or at a later stage.⁵ The Recommendation urges all Members to take as their objective the progressive raising of the minimum age to 16; and states that when the minimum age is still below 15, urgent steps should be taken to raise it to that level.⁶

36. Among the exceptions allowed by the Convention, national laws or regulations may permit the employment of young persons on light work from the ages of 13 to 15 (or to the end of compulsory schooling); and if the State has set a general minimum age for admission to employment or work of 14 it may permit light work from the age of 12.⁷ Light work is defined as work which is not likely to be harmful to the health or development of young persons and which will not prejudice their educational activities.⁸ The Convention also sets a minimum age of 18 for any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons.⁹ However, it is permitted to authorise such work from the age of 16 if health, safety and morals are fully protected and if those concerned have received adequate specific instruction or vocational training in the relevant branch of economic activity.¹⁰ Recommendation No. 146, in referring to hazardous employment or work, says that if the minimum age for admission to such labour is still below 18, urgent steps should be taken to raise it to

¹ Recommendation No. 146, Paragraph 2.

² Convention No. 138, Article 2, para. 1.

³ Convention No. 138, Article 2, para. 3.

⁴ Convention No. 138, Article 2, para. 4.

⁵ Convention No. 138, Article 2, para. 2.

⁶ Recommendation No. 146, Paragraph 7.

⁷ Convention No. 138, Article 7.

⁸ Convention No. 138, Article 7, para. 1.

⁹ Convention No. 138, Article 3, para. 1.

¹⁰ Convention No. 138, Article 3, para. 3.

that level.¹ In determining the types of hazardous employment or work to which the Convention refers, the Recommendation states that full account should be taken of relevant international labour standards, and the classification of types should be re-examined periodically and revised as necessary, particularly in the light of advancing scientific and technological knowledge.²

37. The exceptions which are provided for in the Convention also include the types of activity or economic sector concerned. Ratifying States 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,³ not including work which may be dangerous to the health, safety or morals of young persons.⁴ More specifically, work done in educational establishments for vocational training is not covered at all by the Convention; nor is work in undertakings by young persons of over 14 years of age if it is part of a training, guidance or orientation course carried out in accordance with conditions prescribed by the competent authority.⁵ Work in relation to artistic performances and similar activities may be authorised by means of individual permits by the competent authorities, under conditions prescribed in each case, without any restriction as to age.⁶

38. Another device used by the Convention to permit flexibility permits States whose economies and administrative facilities are insufficiently developed to specify only certain branches of economic activity to which the Convention will be applied initially.⁷ However, the Convention must be applied, when ratified, to a certain number of basic sectors of the economy,⁸ and the exceptions made may be renounced at any time.⁹

39. With regard to enforcement, Convention No. 138 requires that all necessary measures be taken to enforce its provisions. Three types of measures are laid down specifically in the Convention: setting penalties for violations, defining the persons responsible for compliance, and keeping registers by employers for everyone under 18 who is employed by or works for them.¹⁰ The Recommendation goes on to indicate the importance of labour inspection in ensuring the application of the Convention. It recommends strengthening inspection services, in particular by special training to detect and correct

¹ Recommendation No. 146, Paragraph 9.

² Recommendation No. 146, Paragraph 10.

³ Convention No. 138, Article 4, para. 1.

⁴ Convention No. 138, Article 4, para. 3.

⁵ Convention No. 138, Article 6.

⁶ Convention No. 138, Article 8.

⁷ Convention No. 138, Article 5, para. 1.

⁸ Convention No. 138, Article 5, para. 3.

⁹ Convention No. 138, Article 5, para. 4(b).

¹⁰ Convention No. 138, Article 9.

abuses, and stresses the role of inspection in vocational training and guidance.¹ Special measures should be taken to enforce provisions concerning hazardous employment at work, and to prevent employment or work during school hours.² The Recommendation reinforces the Convention's requirement with regard to keeping registers,³ and adds that to facilitate the verification of ages an effective system of birth registration should be maintained.⁴ Its final recommendation in this field is that young persons working in circumstances which make the checking of employers' records impracticable (such as in the streets, outside stalls, public places and itinerant occupations) should be issued licences indicating their eligibility for such work.⁵

40. With regard to conditions of work, the Convention contains only a few requirements with regard to hazardous work, light work, artistic work, and work for vocational training purposes. The Recommendation states that measures should be taken to ensure that the conditions of work of young persons under 18 reach and are maintained at a satisfactory standard.⁶ It also provides that special attention should be given to certain conditions of work of young persons, whether in regular employment or work or in light work (i.e. remuneration, limitation of hours of work, night rest, annual holidays with pay, social security coverage, and safety and health).⁷

41. The substantive provisions of the two instruments are reproduced in Appendix I.

B. Resolutions, supervisory and promotional activities, research and publications

42. In the context of the International Year of the Child, the ILO has focused many of its activities in this area. The International Labour Conference, at its 65th Session (June 1979), adopted a Resolution concerning the International Year of the Child and the Progressive Elimination of Child Labour and Transitional Measures, which called on member States to ratify and implement the relevant international labour standards, to furnish information for the present general survey and, above all, to take measures to ensure the proper protection of children with regard to work. It also called on the ILC to continue factual surveys of national situations and practices. The Third European Regional Conference of ILO member States (Geneva, 1979), in a resolution on this subject, laid particular stress on the need for adequate education and vocational guidance and training, and emphasised their link to employment.

¹ Recommendation No. 146, Paragraph 14.

² Recommendation No. 146, Paragraph 15.

³ Recommendation No. 146, Paragraph 16(b).

⁴ Recommendation No. 146, Paragraph 16(a).

⁵ Recommendation No. 146, Paragraph 16(c).

⁶ Recommendation No. 146, Paragraph 12(1).

⁷ Recommendation No. 146, Paragraph 13.

43. The Governing Body called in 1977 for ratification of Convention No. 138, and at its 208th Session (November 1978) it examined the reasons for which governments had not yet ratified it (see *infra.*, paragraph 47). The Director-General issued a Declaration concerning the International Year of the Child, which was endorsed by the Governing Body at its 209th Session (February-March 1979).

44. The Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations have continued their regular supervision of the application of all the Conventions dealing with the employment or work of young persons, and have made a number of comments to the governments which have ratified them. It should be pointed out that since the Committee of Experts began keeping track of cases of progress following its comments, nearly 100 cases of progress in relation to these Conventions have been noted. A number of other cases in which international standards in this area have affected national legislation have been noted in carrying out the present survey.

45. Another major contribution to the efforts in these areas has been in research and the dissemination of information. Statistics on the age and frequency of employment - many assembled by national administrations in conformity with their obligations under ratified ILO Conventions - have provided a basic estimate of the ages at which children work. The ILO has also published studies of work by children in various countries¹ and disseminated information on the subject through its various publications.

C. Ratification of Convention No. 138 and ratification prospects

46. As of 31 December 1980, Convention No. 138 had been ratified by 23 countries.² A number of other countries had expressed the intention of ratifying it,³ or had stated there were no obstacles to its ratification.⁴ Several others indicated its ratification was under study.⁵

47. At its 204th Session (November 1977) the Governing Body decided that the ILO's contribution to the International Year of the Child should include a special effort to promote the implementation of Convention No. 138 and of Recommendation No. 146. It therefore invited member States to consider the ratification of the Convention and any further measures necessary to implement the Convention and

¹ E.g. ILO: Children at Work, ed. E. Mendelievich, Geneva, 1979.

² Bulgaria, Byelorussian SSR, Costa Rica, Cuba, Finland, German Democratic Republic, Federal Republic of Germany, Honduras, Ireland, Israel, Kenya, Libyan Arab Jamahiriya, Luxembourg, Netherlands, Niger, Norway, Poland, Romania, Spain, Ukrainian SSR, USSR, Uruguay, Zambia.

³ Bolivia (a decree to this effect has been adopted), Djibouti, Greece (a bill for its ratification has been submitted), Peru (a bill for its ratification has been drawn up), Seychelles, Yugoslavia (the necessary steps have been taken).

⁴ Ethiopia, Guyana, Liberia.

⁵ Congo, Nepal, Portugal, Rwanda.

Recommendation, and asked them to inform the Director-General of the action taken or contemplated and of the difficulties standing in the way of ratification or implementation. A report¹ summarising the information received was presented to the Governing Body at its 208th Session (November 1978) outlining the situation in 58 States.

48. It should be noted in this connection that ratification of Convention No. 138 involves the denunciation of earlier minimum age Conventions of more limited scope, according to Article 10 of Convention No. 138. Four Conventions² shall be closed to further ratification when all the parties to them either ratify Convention No. 138 or assent to this by a declaration. In addition, each of them is automatically denounced by a State which ratifies Convention No. 138. The other six minimum age Conventions³ are automatically denounced by States which ratify Convention No. 138 and specify a minimum age at least equal to that by which they were bound under the earlier Conventions; but they are not closed to further ratifications by other States.

IV. Information available

49. Reports have been received from 107 countries (100 States and 7 non-metropolitan territories) either under article 19 of the ILO Constitution on Convention No. 138 and Recommendation No. 146, or under article 22 of the Constitution when they have ratified the Convention. In some cases, this information was communicated in 1978 in reply to the Governing Body's request for information (see *supra*, paragraph 47) and not directly in reply to the request for information for this survey. Appendix III gives detailed information on the countries that have communicated reports. The Committee has taken into account the few observations received from employers' and workers' organisations to which the governments' reports have been communicated in accordance with article 23, paragraph 2 of the ILO Constitution. It has also examined the information contained in reports communicated by governments under article 22 of the Constitution on other Conventions, in particular those dealing with minimum age and conditions of work of young persons.

50. The nature and extent of the information provided varies greatly from one report to another. Several countries⁴ have

¹ ILO document GB.208/13/23, Appendix I.

² Minimum Age (Industry), 1919 (No. 5); Minimum Age (Sea), 1920 (No. 7); Minimum Age (Agriculture), 1921 (No. 10); Minimum Age (Trimmers and Stokers), 1921 (No. 15).

³ Minimum Age (Non-Industrial Employment), 1932 (No. 33); Minimum Age (Sea) (Revised), 1936 (No. 58); Minimum Age (Industry) (Revised), 1937 (No. 59); Minimum Age (Non-Industrial Employment) (Revised), 1937 (No. 60); Minimum Age (Fishermen), 1959 (No. 112); Minimum Age (Underground Work), 1965 (No. 123).

⁴ Angola, Bahamas, Barbados, Bolivia, Cape Verde, Chad, Democratic Yemen, El Salvador, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Iraq, Jordan, Democratic Kampuchea, Lao Republic, Lebanon, Malawi, Mauritania, Mozambique, Namibia, Nigeria, Qatar, Saudi Arabia, Somalia, Swaziland, Thailand, Togo, Trinidad and Tobago, Uganda, Viet Nam, Yemen.

communicated no information at all. In addition, some countries which have ratified the Convention¹ did not communicate reports under article 19 on the Recommendation, so the Committee possesses no information on its implementation in these countries. In one of these cases,² the Convention has been ratified only very recently, and no report has yet been communicated on the application of the Convention itself, either under article 19 or under article 22 of the Constitution. Although some of the reports which were received are very full, giving a detailed account of the legal provisions dealing with the points covered in the two instruments and also outlining the practical measures taken with regard to child labour and welfare, it must be observed that in general the reports received often give an imperfect view of the situation. This is no doubt due in part to the extraordinarily wide variety and complexity of the problems dealt with in these instruments. Another difficulty certainly lies in the fact that statistics and other reliable information are often not available because of the very nature of the problem and because of gaps in the administrative structures of the countries which are most likely to have the highest incidence of child labour. In these circumstances, the Committee has attempted, as usual, to supplement the information communicated by governments so that the present survey can give a fuller account of the way in which the principles set forth in these instruments are applied.

V. Arrangement of the survey

51. Following the introductory material, Chapter I of the survey deals with the scope of the instruments, basic definitions and permitted exceptions to the Convention's coverage. Chapter II deals with the establishment of a basic minimum age for admission to employment or work and its relationship to compulsory education. In Chapter III the possibility of admitting children at a lower age to light work and work in such things as artistic performances is reviewed, while Chapter IV speaks of the establishment of a higher minimum age and standards for employment or work dangerous to health, safety or morals. Chapters V and VI deal respectively with work performed in the course of education and vocational training, and with the conditions of work of young persons. Chapter VII examines methods of application and enforcement, consultations with employers' and workers' organisations, and the situation in practice. Finally, in Chapter VIII, the Committee reviews the conclusions to be drawn from the survey.

52. Various tables will be found in the text to illustrate how the principles laid down in these instruments are applied in various countries.

53. A word should also be added on the method used to indicate in footnotes the provisions of national legislation cited. In Appendix II the Committee lists all legislation cited and assigns a number to each item. In the footnotes these are indicated thus: United Kingdom 2, section 13. This diminishes the very considerable volume of citations and simplifies reading the text.

¹ Honduras, Ireland, Israel, Kenya, Libyan Arab Jamahiriya, Romania, Zambia.

² Ireland.

CHAPTER I

SCOPE OF INSTRUMENTS

54. All the instruments on minimum age adopted before Convention No. 138 and Recommendation No. 146 were of restricted applicability, and concerned only limited economic sectors. While this attacked specific problems, it did not fulfil the purpose expressed in the preamble of Convention No. 138: "... [T]he time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour". The proposal to the Governing Body to place the subject on the agenda of the 57th (1972) Session of the Conference noted: "As they now stand, the basic Conventions on minimum age for admission to employment can no longer be an effective instrument of concerted international action to promote the well-being of children",¹ and "A re-examination of the instruments in question would afford an opportunity to extend social protection and at the same time to add greater flexibility".² In addition, the initial Office paper put before the Conference stated that the discussion of the new instruments would "offer an occasion not only for the adoption of comprehensive new instruments establishing clearer, more systematic and more up-to-date international standards but also for an appeal by the Conference to governments and to the organisations in the United Nations family for vigorous practical action against the basic causes of the problem."³

55. The need for some further action was clear from the initial Office paper setting out the dimensions of the problem. In the first place, it was evident that "child labour ... remains a widespread and persistent phenomenon".⁴ Available statistics showed that over 40 million children under the age of 14 were economically active, more than 90 per cent of whom were in the developing world. (Figures published by the ILO in 1978 showed that this figure of 40 million had by then increased significantly at twice the rate of population growth.⁵) What was more, it was virtually certain that these figures were an underestimation, because of inadequate information or different

¹ ILO: Minutes of the 181st Session of the Governing Body (Geneva, 1970), Appendix II, para. 8.

² *ibid.*, para. 12.

³ ILO: Minimum Age for Admission to Employment, Report IV(1), International Labour Conference, 57th Session, Geneva, 1972 (Geneva, 1971), p. 31.

⁴ *ibid.*, p. 21.

⁵ cf. supra., para. 2.

means of defining whether these children were economically active. It was also apparent that while some economic sectors (in particular, industry) were fairly well-regulated in most areas of the world, and mass employment of children had been reduced greatly, there were other sectors where national regulations did not exist or were inadequately enforced.

56. Against this background, the International Labour Conference adopted Convention No. 138 and Recommendation No. 146. Their scope was intended to be general, covering all economic sectors and all employment or work. An examination of the different elements of the scope of these Conventions will illustrate what is meant by this and what is required.

I. National policy

57. Article 1 of Convention No. 138 requires ratifying States to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. Of what should this "national policy" consist? It is the first time the phrase has been used in a minimum age Convention, so no guidance can be had from earlier Conventions on the subject. The first preliminary report communicated to governments suggested that under the proposed Convention the two objectives of total abolition of child labour, and the general and progressive raising of the minimum age for admission to employment or work, "would be pursued by ratifying States as a matter of national policy. Such a provision would make it clear from the beginning that the Convention is not intended simply as a static instrument prescribing a fixed minimum standard but as a dynamic one aimed at encouraging the progressive improvement of standards and of promoting sustained action to attain the objectives."¹

58. As stated at a later stage of the preparatory work, however, "Article 1 does not impose an obligation to take any specific measures beyond those described in the subsequent provisions".² The requirement is that policies and measures be oriented so as eventually to achieve the stated objectives, and thus Article 1 must be read together with the other Articles of the Convention.

59. It will be evident that the obligation to undertake such policies is a graded one, and is conditioned by national circumstances and the level of the standards already achieved in the country.³ It is more relevant for ratifying countries in which the minimum age is 14 or in which protection has been extended only to some sectors or regions. In addition, the duration of the obligation is not infinite. As also

¹ ILO: Minimum Age for Admission to Employment, Report IV(1), International Labour Conference, 57th Session, Geneva, 1972 (Geneva, 1971), p. 31.

² ILO: Minimum Age for Admission to Employment, Report IV(2), International Labour Conference, 58th Session, Geneva, 1973 (Geneva, 1973), p. 7.

³ *ibid.*

stated in the preparatory work, "A target of 16 years (as the minimum age) is suggested in the ... Recommendation, and it is unlikely that the continuance of the national policy would be expected beyond this minimum age level".¹ However, the existence of exceptions in a particular country to the coverage of legislation might necessitate a continuation of the policy.

60. The Recommendation includes suggestions for measures which should be taken to supplement and implement the national policy referred to in Article 1 of the Convention. Paragraph 1 of the Recommendation provides for high priority to be given to planning for and meeting the needs of children and youth in national development policies. Paragraph 2 calls for special attention to measures which include a firm commitment to full employment, the alleviation of poverty and ensuring "family living standards and income which are such as to make it unnecessary to have recourse to the economic activity of children", and social welfare measures for the protection of children. These provisions reflect the close link which has been pointed out between development and the attainment of adequate minimum age standards, in particular the influence of poverty on the incidence of child labour. They occasioned very little discussion when the instruments were being adopted, in view of the general acceptance of the relation. However, as pointed out by some countries, some of the objectives expressed here are long-term goals and cannot be achieved in the immediate future in view of the general social and economic conditions prevailing in developing countries in particular.²

II. All employment or work covered

61. It is important to emphasise the meaning of the term "employment or work" used in the Convention. When one member of the Conference Committee considering the adoption of the new instruments proposed that the draft Convention be amended by adding an Article which would define "employment" as including "all work done for someone's profit", the Committee was informed that "the words 'employment' and 'work' had been used together here, as in previous Conventions on minimum age, in order to cover all economic activity regardless of the formal employment status of the person concerned",³ and the proposed amendment was not adopted.

¹ *ibid.*

² See, e.g., ILO: Minimum Age for Admission to Employment, Report IV(2), International Labour Conference, 57th Session, Geneva, 1972 (Geneva, 1972), pp. 48 to 50, especially reply of India (p. 49).

³ Statement by the Assistant Legal Adviser of the International Labour Office, at ILO: Record of Proceedings, International Labour Conference, 57th Session, Geneva, 1972, page 539. In fact, some earlier Conventions, in particular Conventions Nos. 33 and 60 (non-industrial employment) refer only to a minimum age below which children "shall not be employed" (Article 2 of both Conventions), in contrast to the requirement of a minimum age for admission to "employment or work" as specified in all the other minimum age Conventions (e.g., Article 2(1) of Convention No. 138). On this point cf. footnote 5 to article 367, The International Labour Code, 1951. However, the preparatory work for Convention No. 33 indicates that no practical distinction was intended; cf. ILO: The Age of Admission of Children to Employment in Non-Industrial Occupations, International Labour Conference, 16th Session, Geneva, 1932, pp. 177 and 182-183.

62. There is also the territorial scope to be considered. Article 2(1) of the Convention states that the minimum age specified shall apply to "admission to employment or work within its territory and on means of transport registered in its territory". The reference to means of transport is clearly intended for ships, among others, and would prohibit ratifying States from omitting minimum age regulations for vessels registered in its territory but which might never visit it.

63. In examining reports of countries which have ratified the Convention, the Committee of Experts has had occasion to point out that the coverage of the legislation of several countries is not the same as that of the Convention. In these countries the relevant legislation is applicable only to labour relations in which the young worker works for payment and under contract to another person,¹ and in each case the Committee has asked the government to indicate what provisions exist to ensure that young persons under the minimum age cannot be admitted to employment or work, even in the absence of a labour relationship. In one country, following the ratification of the Convention the government adopted new legislation² which corrected a similar disparity between the terms of the Convention and national provisions. In other countries which have ratified the Convention only recently, the legislation speaks only of admission to employment,³ and the Committee will consider the question when it examines their reports.

64. An examination of the legislation of all countries for which information is available, including the ratifying countries, shows that the legislation of only a minority of them covers both employment and work in the sense of the Convention. In those in which this is the case, there are various formulations. For instance, in one country⁴ it is forbidden to make children work or exercise any activity outside the framework of their education or training. In others no one may be employed in or admitted to designated establishments before the specified age.⁵ Others provide that young persons may not be "occupied in any kind of work",⁶ or forbid the use of work of young persons.⁷ Several other countries⁸ simply prohibit the employment or work, or

¹ Costa Rica 1, section 1; Finland 2, section 1; Romania 2, section 7; Zambia 1, section 12.

² Spain 1, section 6(1).

³ Bulgaria 2, section 112; Byelorussian SSR 1, section 40 and Byelorussian SSR 2, section 173; Ireland 1, section 4(1); Kenya 1, section 25(1); Norway 1, section 34; Ukrainian SSR 2, section 74 and Ukrainian SSR 3, section 188; USSR 2, section 74.

⁴ Belgium 1, section 6.

⁵ France 1, section L.211-1; Libyan Arab Jamahiriya 1, section 92; Peru 1, section 2 and Peru 4, section 37; Sudan 1, section 5; Syrian Arab Republic 1, section 124.

⁶ Honduras 1, section 124(8) and Honduras 2, section 32.

⁷ Mexico 2, section 22; Paraguay 1, section 119; Suriname 1, section 19; Uruguay 3, section 1 (industry) and section 3 (non-industrial).

⁸ E.g., States: Algeria 5, section 180 (private sector) and Algeria 8, section 144 (socialist agricultural sector); Argentina 1, sections 187 and 189 (general) and Argentina 3, section 107 (agriculture);

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admission to work, of young persons below a certain age. In some cases the formulation may be slightly different but still have the same effect, as where the legislation forbids the employment of young persons,¹ but defines employment as any labour or work whether for wages or other compensation or not,² which would fit the requirement that all economic activity be covered.

65. In some countries, legislation concerning minimum age has been adopted by sectors and there is no general prohibition. In these cases the coverage of the legislation is sometimes inconsistent, with all employment or work covered in some sectors, and only employment in other sectors.³

66. In most other countries the legislation speaks only of admission to employment, or otherwise makes it clear that only cases in which there is an employment relationship are covered by minimum age standards. Here again, a variety of expressions of this principle can be found. The most usual expression is to the effect that no one below a specified age may be employed.⁴

(Footnote continued from previous page)

Bangladesh 1, section 66 (factories), Bangladesh 3, section 21 (tea plantations) and Bangladesh 2 (shops); Brazil 1, section 403; Burma 1, section 75 (factories) and Burma 2, section 8(1) (commerce); Cuba 4, section 385 and Cuba 2, section 41; Dominican Republic 1, section 223; Federal Republic of Germany 1, section 7(1); Luxembourg 1, section 3; Spain 1, section 6(1); Tunisia 1, section 53 (industry) and Tunisia 1, section 55 (agriculture); United States Fl, section 12; Venezuela 1, section 109 and Venezuela 2, section 179. Non-metropolitan territories: Anguilla (see under St. Kitts-Nevis); Montserrat 1, section 4(1); St. Kitts-Nevis 1, section 4(1).

¹ E.g., Austria 1, section 5 (general) and Austria 4, section 5 (agriculture); Cyprus 1, section 3; Luxembourg 1, section 3; Malta 1, section 23(1); United States Fl, section 12.

² Austria 1, section 4(1); Cyprus 1, section 2(2); Luxembourg 1, section 4; Malta 1, section 2; United States Fl, section 3(g).

³ E.g., Botswana: generally-applicable legislation covers only employment (Botswana 1, sections 76(1) and 78), while provisions applicable specifically to industrial occupations cover employment or work (Botswana 1, section 77); Guyana: in most sectors only employment is prohibited (Guyana 1, section 19; Guyana 2, sections 3(1) and 4(1); Guyana 3, section 17); but a general prohibition of employment or work exists for plantations (Guyana 3, section 18); Haiti: legislation applicable to agriculture, industry and commerce speaks only of employment (Haiti 1, section 403), but provisions on agriculture refer to employment or work (Haiti 1, section 398); India: admission to all work covered in factories (India 1, section 67) and plantations (India 2, section 24), but only to employment in mining and hazardous occupations (India 3, section 24).

⁴ E.g., States: Afghanistan 1, section 4; Australia (legislation of all States and Federal Territories); Bahrain 1, section 50; Benin 1, section 107; Bulgaria 2, section 112; Burundi 1, section 117; Byelorussian SSR 1, section 40 and Byelorussian SSR 2, section 173; Cameroon 1, section 93(1); Central African Republic 1, section 125, and Central African Republic 2, section 1; Comoros 1, section 118; Congo 1, section 116; Denmark 1, section 59(1); Djibouti 1, section 118; Fiji 1, section 59(1); Finland 2, section 1; Gabon 1, section 121; Greece 1 and

(Footnote continued on next page)

67. Another frequent formulation prohibits children under the specified age from concluding contracts of employment.¹ In some cases the legislation may prohibit work for persons under the specified age, but the definition of "work" may show that only work performed under a contract of employment is covered by the legislation.² In another case the legislation prohibits work for the account of another person.³

68. In all these cases, the divergence from the requirements of the Convention is that not all employment or work is covered. The most conspicuous lack of coverage in such cases is that children or young persons who are "self-employed", that is, who do not work for wages, are excluded from the coverage of the legislation. In cases where the legislation speaks of contracts of employment, the coverage would seem to be even more limited, since not all work performed for wages is necessarily under a contract of employment, especially where the national legislation covers only written contracts of employment. In addition, work by children in family undertakings would often not be covered (see infra., under exclusions of categories of employment or work, paragraphs 82 to 87), whether or not there was a specific provision excluding it, as work of this kind by children is usually not

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Greece 2; Iceland 1, section 41 (factories and maritime only); Ireland 1, section 4(1); Israel 1, section 2(a); Ivory Coast 1, section 1; Jamaica 1, sections 71(1) and 72(a); Japan 1, section 56(1) and Japan 2, section 85; Kenya 1, section 25(1) (industry only); Kuwait 1, section 18; Liberia 1, section 74; Madagascar 1, section 83 (general) and Madagascar 3, section 3.2.03 (maritime); Malaysia 1, sections 2(1) and 19(1); Mali 1, section 2; Mongolia 1, section 163; New Zealand 1, section 121 (general) and sectoral legislation; Niger 1, section 116; Pakistan (sectoral legislation); Papua New Guinea 3, section 103(1); Philippines 2, section 139(a); Poland 1, section 190(2); Rwanda 1, section 125; Senegal 1, sections 1 and 140; Seychelles 1, Cap. 170, section 21(1); Sierra Leone 1, section 51; Singapore 1, section 67(1) and Singapore 2, section 3; Sri Lanka 1, sections 7(1) and 9(1); Sweden 1, Chapter 5, section 1; Switzerland 1, section 30(1); Tanzania 1, section 77(1) (Tanganyika); Turkey 3, section 173; Ukrainian SSR 2, section 74 and Ukrainian SSR 3, section 188; USSR 2, section 74; United Kingdom 2, section 18(1), as amended by United Kingdom 8, section 1; Upper Volta 1, section 125; Zaire 1, section 115; Zambia 1, section 12; Non-metropolitan territories: Bermuda 1, section 3; Falkland Islands 2, section 3(1) (industry and maritime) and Falkland Islands 1, section 2(1) (others); Gibraltar 1, section 4(1) and Gibraltar 2, section 62; Hong Kong 2, 3 and 9.

¹ E.g., Chile 1, section 23; Czechoslovakia 1, section ii(1); Ethiopia 1, section 6; German Democratic Republic 1, section 39(1); Hungary 1, section 18(2); Mauritius 1, sections 2 and 7(1); Yugoslavia 1, sections 165 and 168(2).

² E.g., Colombia 1, section 171, read together with section 5; Costa Rica 1, section 89(c), read together with section 1; Indonesia 1, section 2, read together with section 1(1)(a); Iran 1, section 16, read together with section 1; Italy 1, section 3, read together with section 1; Nepal 1, clause 27; Netherlands 1, sections 1(1) and 9(1), read together with section 1(5); Nicaragua 2, section 123, read together with section 1; Panama 2, sections 4 and 117; Portugal 1, section 123(1), read together with section 1.

³ Ecuador 1, section 135.

carried out within an employment relationship. Finally, so-called "home work", in which piece work is performed at home and the product sold to a distributor, would not be covered (see infra., paragraph 89).

69. There are also cases in which the coverage of the legislation in this respect is not entirely clear. For instance, in one country every able-bodied person over 16 who is not attending an educational institution must perform work,¹ and the capacity to conclude a contract of employment is achieved at age 16;² but there is not a clear prohibition of all employment or work below a specified age. In some countries, children may not be employed or be admitted into workplaces.³ While it is clear that not all employment or work is covered in these cases, the exact extent of coverage remains unclear.

70. Finally, in some countries minimum ages are laid down both for entry into an employment relationship⁴ and for membership in a collective farm (or other form of producer's co-operative).⁵ Collective farms may conclude employment contracts with non-members, in which case these persons would be covered by age restrictions in legislation on employment; but it is not clear whether there are provisions in these cases, apart from requirements as to school attendance, that define the age at which persons may perform work if they are neither employees nor members. In agriculture family members⁶ or others⁷ often participate in harvest work in particular, whether or not they are under an employment, or other legally-regulated, relationship. In such cases the question arises as to whether national legislation does in fact cover the work, as well as the employment, of young persons in all situations and economic sectors.

¹ Romania 2, section 7.

² Romania 5, section 10.

³ E.g., Egypt 1, section 124; Morocco 1, section 9 (though in other sectors there is simply a prohibition of employment - Morocco 2, section 13).

⁴ See para. 135, infra.

⁵ E.g., 16 years by Byelorussian SSR 5; Romania 6, sections 8 and 9; and USSR 8; Mongolia 1, section 3, provides that work on agricultural co-operatives is to be governed by model rules.

⁶ E.g., the ILO Statistical Yearbook 1976 (p. 151) listed nearly 5 million persons as "family workers in agriculture" in Romania, as a category separate from wage and salary earners.

⁷ E.g., in their 1980 reports on the implementation of the International Covenant on Economic, Social and Cultural Rights (see ECOSOC documents E/1980/6/Add.17 for the report of the USSR, and E/1980/6/Add.18 for the report of the Byelorussian SSR), these governments indicated that the Young Pioneers Organisation, which unites children aged from 10 to 15 years on a voluntary basis, encourages children to participate to the extent of their abilities in socially-useful work suited to their age and capabilities, and that this work includes helping adults with the harvest during the holidays.

III. Exceptions allowed under the Convention

71. As stated above, the coverage of the Convention and Recommendation is general, reflecting the objective that all forms of employment or work carried out by young persons under a specified age should be forbidden or regulated. The objective of these instruments is the progressive total elimination of child labour, and without such general coverage this could not be achieved.

72. The Conference, however, also recognised the need for flexibility in relation to the scope of the new Convention. As was said in the preparatory documents, "excessive rigidity in (relation to scope) would clearly be self-defeating. One of the main impediments to the ratification and effective implementation of the existing Conventions has been precisely such rigidity, in particular their breadth of scope within the sectors they cover coupled with their failure to provide for any but the most limited exclusions."¹

73. Provision is therefore made for several kinds of exclusions or exceptions in Convention No. 138. Limited application of the Convention in respect of work in the context of vocational training (Article 6), light work (Article 7) and artistic work (Article 8) are examined below under separate sections. However, two kinds of exceptions provided for in the Convention affect the scope of the instrument's application in ratifying countries, and thus are examined here.

A. Exclusion of categories of employment or work

74. Article 4 of the Convention allows the competent authority to exclude from the application of the Convention limited categories of employment or work in respect of which special and substantial problems of application arise. However, no dangerous work (covered by Article 3 - see Chapter IV) may be excluded.

75. The intent of this Article is to allow countries to exclude from the formal application of the Convention particular categories to which application is not feasible for such reasons as legal difficulties or difficulties of enforcement. The categories of employment or work which might be excluded were not listed in the Convention, in order to leave the competent authorities in each country a wide measure of discretion to adapt the application of the Convention to the national situation. However, during the preparatory work for the adoption of the instruments several categories were mentioned as being the sorts of work which might fall under this Article, including employment in family undertakings, domestic service in private households, and home work or other work outside the supervision and control of the employer. It should be emphasised that this list is illustrative and not exhaustive; other categories might be considered appropriate for exclusion and some of those listed above might not be considered appropriate in specific national circumstances.

76. In order not to create possibilities of exclusion that were so wide as to defeat the purpose of the Convention, the Conference also

¹ ILO: Minimum Age for Admission to Employment, Report IV(1), International Labour Conference, 57th Session, Geneva, 1972 (Geneva, 1971), p. 33.

included restrictions on the exclusions which might be made. The categories must be limited; there must be special and substantial problems of application; there must be prior consultation with the appropriate employers' and workers' organisations; the exclusions must be explained in the first report on the application of the Convention following ratification; and the position in respect of the categories excluded must be reviewed in subsequent reports. Finally, employment or work covered by Article 3 of the Convention (i.e. likely to jeopardise the health, safety or morals of young persons) may not be excluded.

77. This attempt to allow flexibility in the scope of the Convention was modelled closely on Article 2, paragraphs 2 and 3, of the Holidays with Pay Convention (Revised), 1970 (No. 132), which was drafted by a special tripartite working party of the Conference Committee concerned and adopted unanimously by that Committee.

78. There was a good deal of discussion in the Conference of the desirability of such exclusions. Several governments had made it clear in their replies to the initial questionnaire on the subject that they opposed such possibilities of exclusions as allowing too much latitude to ratifying States, and as being contrary to the objective of the general abolition of child labour.¹ Proposals to delete this Article from the draft Convention were submitted by the Workers' members and by various government members at both sessions of the Conference considering its adoption, and narrowly defeated both times.² However, following the rejection of the proposal to delete this Article during the second discussion, it was made less wide by the addition of its third paragraph, prohibiting the exclusion of hazardous employment or work.³

79. In fact, none of the countries which have ratified Convention No. 138 has made use of the possibility of excluding categories from the application of the Convention. (However, a number of ratifications have occurred only recently, and first reports have not yet been received from all ratifying States.)

80. The reports and legislation of States which have communicated reports show wide variations in practice in this respect. There are a number of cases in which no exclusions appear in the legislation.⁴ However, this cannot be considered in isolation. Governments may not have communicated all the relevant legislation,

¹ See ILO: Minimum Age for Admission to Employment, Report IV(2), International Labour Conference, 57th Session, Geneva, 1972 (Geneva, 1972), pp. 28-32.

² Record of Proceedings, International Labour Conference, 57th Session, Geneva, 1972, p. 541; and *ibid.*, 58th Session, Geneva, 1973, p. 485.

³ *ibid.*, 58th Session, p. 485.

⁴ States: Bangladesh, Benin, Bulgaria, Burundi, Byelorussian SSR, Colombia, Comoros, Costa Rica, Cuba, Czechoslovakia, Djibouti, Dominican Republic, Ethiopia, German Democratic Republic, Guyana, Hungary, Iceland, Ivory Coast, Kuwait, Liberia, Malaysia, Mauritius, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Pakistan, Panama, Papua New Guinea, Portugal, Rumania, Rwanda, Senegal, Seychelles, Sudan, Ukrainian SSR, USSR, United Kingdom, Upper Volta, Uruguay, Venezuela, Zaire. Non-metropolitan territory: Hong Kong.

some of which may include specific exceptions to the general rule which do not appear in generally-applicable legislation. In addition, some exclusions may be deduced from the lack of coverage of all employment or work dealt with above. Even where no exceptions appear, in such cases certain kinds of work by young persons - for instance, by self-employed young persons, or by those working in family undertakings outside an employment relationship - would constitute excluded categories in the sense of Article 4 of the Convention. (Some countries have been careful to cover such gaps, as in Morocco where the legislation specifically includes work in family undertakings and home work.¹)

81. Among reporting countries, the most frequent exclusions of categories of work from minimum age standards are of work in family undertakings and domestic work, but others have also been noted.

1. Work in family undertakings

82. As noted above (see paragraph 19), work in family undertakings is an allowable exception under six of the ten earlier minimum age Conventions, which are drafted in somewhat different terms from Convention No. 138. It should be noted that a number of countries which exclude work in family undertakings from their legislation have ratified one or more of these Conventions, and others may have modelled their legislation on these instruments, as the national legislation often closely parallels their language. Thus, even where their legislation does not meet the standards of Convention No. 138, it may be in conformity with earlier ILO instruments.

83. A number of countries simply exclude from their minimum age provisions work performed in undertakings where only members of the same family are employed or work.² In some cases it is specified that they must be working under the authority of a parent or guardian,³ or that they must be members of the employer's household.⁴ There are also cases in which this exclusion applies only to some economic sectors.⁵

¹ Morocco 1, sections 1(2) (d) and 3(2).

² E.g., Argentina 1, section 189; Congo 2, section 1 (however, this may have been superseded by Congo 1, section 22 - the situation is not entirely clear); Fiji 1, section 57; Indonesia 2, section 2(3) (a); Iran 1, section 7; Mali 1, section 2(1); Paraguay 1, section 119; Sierra Leone 1, section 51; Switzerland 1, section 4(1); Tunisia 1, section 54.

³ E.g., Bahrain 1, section 58; Central African Republic 2, section 1; Egypt 1, section 129; France 1, section L.211-1; Gabon 2, section 1; Nicaragua 2, section 9(1); Peru 1, section 1; Tunisia 1, section 54.

⁴ E.g., Denmark 1, section 2(2) (1) and (2); Japan 1, section 8; Libyan Arab Jamahiriya 1, section 1(a).

⁵ E.g., in employment on ships: States: India 4, section 109; Jamaica 1, section 72(a); Kenya 2, section 96(6); Malta 2, section 107(2) (a); Netherlands 1, section 92 (but exclusion omitted from 1977 amendments, not yet in force, and same situation applies in respect of agriculture by Netherlands 1, section 92 bis); Sri Lanka 1, section 9(2); Tanzania 1, section 89(1) (Tanganyika - exclusion applies only to "native vessels", not to all ships). Non-metropolitan territories: Anguilla (see under St. Kitts-Nevis); Bermuda 1, section 6(1); Falkland (Footnote continued on next page)

84. Work performed by family members even in undertakings where others may be employed is also sometimes excluded.¹ In some cases young persons employed by a close relative, without reference to whether other persons are also employed by him, are not covered by labour legislation.²

85. In some other countries only a partial exclusion of work in family undertakings is made. In such cases the minimum age for employment or work is maintained, but other special restrictions on the work of young persons are not made applicable to family undertakings.³

86. Restrictions may also be put on such exclusions. One country⁴ requires approval by the competent authorities for exclusion of family undertakings. In some cases, it is stipulated that children attending school may not work in family undertakings during school hours or if their schooling is interfered with.⁵ Most frequently, as required by Convention No. 138, work by minors in these undertakings is only excluded as long as it is not dangerous or harmful,⁶ but this restriction still appears only in a minority of countries.

(Footnote continued from previous page)

Islands 2, section 4(2); Montserrat 1, section 5; St. Kitts-Nevis 1, section 5. In industrial undertakings: States: Kenya 1, section 24(1); Sri Lanka 1, section 7(2); Syrian Arab Republic 1, section 129; Zambia 1, section 4(1) (the higher minimum age for industry does not apply to family undertakings, but the general minimum age does). Non-metropolitan territories: Anguilla (see St. Kitts-Nevis); Falkland Islands 2, section 4(2); Gibraltar 1, section 4(1); Montserrat 1, section 4; St. Kitts-Nevis 1, section 4(1). In agriculture: Israel 1, section 1(b); Suriname 1, section 17(b); Syrian Arab Republic 1, section 129; United States Fl, section 13(c) (1) (outside school hours).

¹ E.g., Indonesia 3, section 2; Iran 2, section 6(c); Singapore 1, section 69 (on vessels under personal charge of parent); Switzerland 1, section 4(2); Turkey: home work by family members and building work on farms within the scope of family economy excluded from Labour Act (Turkey 2, section 5 - but this Act includes only limited provisions on minimum age; see also Turkey 3, section 173); United States.

² Ireland 2, section 4; United States (report - apart from mining and manufacturing).

³ E.g., for hours of work: Belgium 1, section 3; for everything except night work and dangerous or harmful work: Brazil 1, sections 402, 404 and 405; for the Minister's discretion as to the extent to which legislation shall apply: Denmark 1, section 4; for night work: Dominican Republic 1, section 224.

⁴ Argentina 1, section 2(6).

⁵ E.g., Argentina 1, section 187 and Argentina 3, section 107; Gabon 2, section 1.

⁶ E.g., Argentina 1, sections 2(6) and 189; Brazil 1, section 405; Cyprus 1, section 2(1)(ii); Denmark 1, section 59(1); Mali 1, section 2(1); Paraguay 1, section 119; Switzerland 1, section 4(3) allows such restrictions to be imposed if necessary, but none have been enacted; Tunisia 1, section 54; United States Fl, section 13(c) (2).

87. In a variation on the exclusion of work in family undertakings, some countries¹ exclude from minimum age provisions children who assist their parents in carrying out their work. In such cases, if a worker is assisted by his children under a specified age, the children are not considered to be employed or working. In one of these cases as well, non-interference with schooling is specified.²

2. Domestic service

88. The next most frequent exclusion from minimum age provisions is domestic work. In most cases it is specifically excluded by law,³ but where minimum age legislation has been adopted by sectors and there is no generally-applicable rule in this respect, the Committee has simply noted that no provisions exist in this respect.⁴ There is only one case⁵ in which dangerous or harmful domestic work has not been excluded from minimum age provisions, in conformity with the Convention.

3. Home work

89. Some countries exclude work performed at home from the application of their legislation,⁶ or allow its exclusion by order.⁷

¹ E.g., Madagascar 1, section 1; Philippines 3, Book Three, Rule XI, section 2 (in a 1977 direct request under Convention No. 59 the Committee of Experts requested the Government to modify this provision as it was contrary to Article 2(2) of that Convention; and in a 1979 report the Government stated its intention of doing so).

² Philippines 2, section 139(a).

³ E.g., Argentina 1, section 2(6); Austria 1, section 1(2)(b); Bahrain 1, section 2(2); Belgium 1, section 3; Botswana 1, section 8; Cyprus 1, section 2(1); Denmark 1, section 2(2)(1); Ecuador 1, section 135; Finland 2, section 3(1); Haiti 1, sections 404 and 409 to 425 (the Government's report states that the provisions on "children in service", provide a minimum of protection; and it is intended to eliminate this heavily-criticised institution); Iran 1, section 7 (special legislation to be enacted, but no indication that it has been); Japan 1, section 8; Libyan Arab Jamahiriya 1, section 1(b); Mali 1, section 2; Peru 1, section 1; Singapore 1, section 66 (the Minister is empowered to order that any provision of the Employment Act apply to domestic servants, but there is no indication of such orders); Sweden 1, Chapter 5, section 3(1); Turkey 2, section 5 and Turkey 3, section 173; United States F1, section 13(b)(21) (the Government's report also indicates that domestic service is frequently excluded from the coverage of state laws).

⁴ E.g., India, Pakistan.

⁵ Denmark 1, section 59(1).

⁶ Haiti 1, section 439 (as far as minimum age is concerned - other provisions of legislation applicable); Philippines 2, section 153; Switzerland 1, section 3(f).

⁷ Poland 1, section 303 states that the Council of Ministers may determine the extent of application of labour legislation to persons engaged in home work (no such orders located).

4. Self-employed young persons

90. There are only a few countries which specifically exclude self-employed persons from minimum age legislation.¹ However, such work is often not covered by generally-applicable legislation which deals only with work performed in the context of an employment relationship (see supra., paragraphs 61 to 69), and it may thus be concluded that well over half of the reporting countries have no restriction on the minimum age for work when those concerned are self-employed.

5. Exclusion by competent authorities or magistrate

91. Some countries allow exceptions to the application of minimum age legislation on the decision of the competent authorities² or of a magistrate.³ No instances of the exercise of this power have in fact been reported, but in some of these cases⁴ no guidelines or restrictions on its exercise have been located. The Committee considers that a grant of such unrestricted discretion may well open up possibilities of abuses and strongly suggests that in such cases the criteria for such orders be laid down in legislation or regulations.

6. Other exclusions

92. In addition to the exclusions referred to above, other types have been noted in the legislation of various countries, including "persons covered by certain customary rules, and those who carry out their activities in the traditional framework of the

¹ E.g., Chile 1, section 8; Spain 1, first final provision.

² E.g., by the competent authorities, without restrictions: States: Algeria 5, section 182; Burma 1, section 5(1)(h) (commerce); Fiji 1, section 58 (the Government has indicated in article 22 reports on Conventions Nos. 58 and 59 that this power has not been used in spite of requests to do so); Israel 1, section 3 (for itinerant trading); Kenya 1, section 1(2)(c); Papua New Guinea 3, section 4(b)(i); Singapore 1, section 5; Suriname 1, section 19; Tanzania 1, section 1 (Tanganyika); Upper Volta; Zambia 2, section 2(2). Non-metropolitan territory: Hong Kong 1, section 73(2); by the authorities, after consultations with specified persons: State: Cameroon 1, section 1(3); Non-metropolitan territory: Gibraltar 2, section 62; if indispensable for supporting self or dependants, and if it does not interfere with minimum compulsory education: Argentina 1, section 180; Ecuador 1, section 135; Honduras 1, section 124(8) and Honduras 2, section 32; for persons engaged in home work or working on a basis other than an employment relationship: Norway 1, section 2(4); Poland 1, section 303; by the authorities if satisfied that health, welfare or safety would not be endangered: Ireland 1, section 17(1); United States Fl, section 13(a) (7).

³ E.g., Federal Republic of Germany 1, section 5(2) (3).

⁴ States: Cameroon, Fiji, Federal Republic of Germany, Papua New Guinea, Norway, Suriname, Tanzania, Upper Volta. Non-metropolitan territory: Hong Kong.

family",¹ persons who work directly for the public or who do occasional work in their homes which does not give rise to an employment contract,² services rendered by a child to its parents unless on a school day during school hours,³ non-salaried family work,⁴ and others. All of these would seem to come within the requirement of Convention No. 138 that they be "limited categories of employment or work in respect of which special and substantial problems of application arise", and thus might be excluded from the Convention's application on ratification should the other prerequisites be met.

93. Some exclusions noted, however, would not seem to be compatible with the Convention.⁵

B. Selective application to branches of economic activity

94. Article 5 of Convention No. 138 provides that a Member whose economy and administrative facilities are insufficiently developed may initially limit the Convention's scope by declaring it applicable only to some economic sectors. However, it must make regular reports on the general position as regards the employment or work of young persons and children in the excluded sectors, and may at any time extend the scope of the Convention's application.

95. The preparatory work for Convention No. 138 examined two contradictory goals: preparing an instrument of general scope to replace the earlier Conventions applicable only to some economic sectors, and allowing for its ratification by a wide range of countries (particularly developing countries) whose economies and administrative systems were not sufficiently developed to allow its implementation in all sectors. As the initial report on this subject states, "Rather than make it impossible for these countries to ratify the Convention, and thereby weaken the link of international obligations and reduce the effectiveness of international supervision, it is suggested ... that countries with insufficiently developed economies and administrative facilities should have the possibility of initially limiting their application of the Convention to specified branches of economic activity."⁶ As a safeguard against abuse, however, the Convention was to indicate a certain number of sectors to which no exceptions would be allowed.

96. The proposed approach met with general agreement from States which replied to the initial questionnaire, and was adopted with only the addition of a requirement that consultations be held with employers' and workers' organisations before excluding any sectors of the economy from the application of the Convention.

¹ Cameroon 1, section 1(3).

² Chile 1, section 8.

³ Guyana 3, section 17.

⁴ Luxembourg 1, section 5(2); Spain 1, section 3(e).

⁵ E.g., janitorial services (Turkey 2, section 5).

⁶ ILO: Minimum Age for Admission to Employment, Report IV(1), International Labour Conference, 57th Session, Geneva, 1972 (Geneva, 1971), p. 33.

97. The requirements of Article 5 should be distinguished from those of Article 4. Article 4 (examined above) allows the exclusion of "categories of employment or work", while Article 5 allows a ratifying government to specify "the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention", with a list of specified sectors to which it must be applied. Thus, while Article 4 would allow the exclusion of an occupation, Article 5 allows the exclusion of an entire economic sector.

98. There was little discussion of the list of sectors for which application would be required. The basis of the list may be found in the initial document circulated to governments before the consideration of the draft Convention, where it is stated that "many developing countries will not immediately be able to apply the minimum standards prescribed in the Convention comprehensively to every major sector, in particular to every branch of agricultural and other non-industrial activity."¹ The first six branches listed in this Article remained unchanged from the original proposals, and were taken from the International standard industrial classification of all economic activities. All are economic activities which tend to be among the best organised and most easily regulated, and which exist in virtually all countries.

99. The final sector listed here was included to ensure that the Convention covered at least "plantations and undertakings comparable to them in nature or size".² The competent committee therefore added the present wording: "plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers." (This was based on the Plantations Convention, 1958 (No. 110). The Minimum Age (Agriculture) Convention, 1921 (No. 10) allowed no such exclusion.)

100. The sectors which may not be excluded are therefore clearly indicated. The branches of economic activity which may be excluded would include, for instance, commerce in any of its forms and other non-industrial activities.

101. If a ratifying government wishes to use the possibilities afforded by this Article, it must fulfil three conditions:

- (a) consult with the organisations of employers and workers concerned, where they exist (Article 5(1));
- (b) specify, in a declaration appended to its ratification, the branches of activity or types of undertakings to which it will apply the provisions of the Convention (Article 5(2));
- (c) subsequently indicate in its reports on the application of the Convention the general position as regards the employment or work of young persons and children in the branches of activity excluded and any progress made towards wider application of the provisions of the Convention (Article 5(4)(a)).

¹ *ibid.*

² ILO: Minimum Age for Admission to Employment, Report IV(2), International Labour Conference, 58th Session, Geneva 1973 (Geneva, 1973), p. 19.

102. The declaration which has to be made to take advantage of this Article is, of course, a frequent device in ILO Conventions which permit ratifying States to modify the scope of application of an instrument. The declaration in this case is to be worded in positive form, that is, it must state the branches of economic activity or types of undertakings to which the Convention will apply. It should also be noted that, under Article 5(4)(b), the scope of application of the Convention can at any time be extended by a declaration addressed to the Director-General.

103. If a Member has limited the scope of the Convention's application under this Article, it is then obliged to indicate in its reports the general position as regards the employment or work of young persons and children in the branches of economic activity excluded, as well as any progress made towards a wider application of the Convention. While the wording of this provision is not precise, it will be evident that the reports to be submitted under this provision would have to be adapted to the particular situation in each country concerned. As a minimum they should indicate the reasons for which it was considered appropriate to maintain the exclusion, the extent to which children or young persons are working in the excluded branches as far as this is known, and their conditions of work. It would also be desirable to indicate what regulation of their conditions of work does exist, for example limitations on hours of work, the minimum age for admission to employment or work in the sector if any, provision for attending school for the children and young persons affected, and other relevant information on the extent to which protection is extended to them.

104. What is the situation in practice? First of all, none of the countries which have so far ratified the Convention has made use of the provisions of Article 5 to exclude any branch of economic activity from the scope of application of the Convention, nor has the Committee so far had occasion to make any comments to ratifying countries concerning the exclusion from national legislation of sectors not excluded by declarations from the application of the Convention.

105. In examining the situation in all of those countries which have communicated reports, the Committee finds that the general rule is to cover all sectors of economic activity by minimum age restrictions. This includes the majority of developing countries for which the exceptions provided for in this Article were intended.

106. This statement must be tempered, however, by comparing other exceptions (as in relation to Article 4, above) or gaps in the relevant legislation (as regards, e.g., the coverage of all employment or work, above) with the scope of national legislation as concerns sectors of economic activity. This section deals only with whether the national legislation regulating admission to employment or work, and the working conditions of those young persons who do work, applies to all economic sectors. To facilitate comparisons, see Table II, following paragraph 131.

107. There remain a number of cases in which the relevant national legislation or provisions on minimum age do not apply to all sectors. In some cases¹ at least some of the legislation referred to by the governments was not communicated with the report and could not be located, so the situation remains unclear.

¹ E.g., India as concerns commerce; Liberia; Seychelles; United States (legislation of the States).

108. When there are exceptions, they most frequently concern agriculture. In some cases work in agriculture is covered by special legislation which includes no standards on work by young persons and children, or no minimum age provisions.¹ In other cases, work in agriculture is explicitly excluded from national legislation,² though there is one country³ in which agricultural workers are excluded from the coverage of the legislation except for dangerous and unhealthy work. In one of these cases⁴ the Government's report states that adequate protection is provided by other means (compulsory schooling, standard agreements); but it states that in any case no provisions are necessary to fix a minimum age in agriculture because the children concerned normally work on family farms, and any abuses are immediately noted and reprimanded by the community. The Committee notes this explanation, but does not consider that truly adequate protection can be provided in this manner.

109. Another situation is that the legislation relating to agricultural undertakings does contain standards on young persons and children, but excludes smaller agricultural undertakings employing fewer than a specified number of workers⁵ or not using powered machinery.⁶ In this connection, it will be recalled that Article 5(3) does allow the exclusion from the Convention's coverage of some agricultural undertakings if they are "family and small-scale holdings producing for local consumption and not regularly employing hired workers", but the cases listed here would not fit within this rule.

110. A similar situation in relation to manufacturing exists in

¹ E.g., Egypt 1, section 129; Norway 1, section 2(2)(c) excludes agriculture from coverage of principal legislation, and the special legislation at Norway 2 contains no provisions on minimum age.

² E.g. States: Bahrain 1, section 2(5); Canada (federal legislation does not cover work in agriculture, and the report indicates that provincial legislation often does not cover it either); Cyprus 1, section 2(1)(i); Ecuador 1, section 328 (the Government's report also states that the provisions of the Labour Code regulating work by minors apply to industry, and should be extended to the agricultural and maritime sectors); Libyan Arab Jamahiriya 1, section 1(c) (for non-industrialised agriculture); Switzerland 1, section 2(1)(d); Turkey 2, section 5; United States (the Government's report indicates that a number of States do not set a minimum age for agriculture). Non-metropolitan territories: Anguilla (see under St. Kitts-Nevis); Montserrat 1, section 3; St. Kitts-Nevis 1, section 3.

³ Dominican Republic 1, section 232.

⁴ Switzerland, government report.

⁵ E.g., Bangladesh 3, section 2(g) (legislation on agriculture applies only to tea plantations, defined as being 25 or more acres and employing 30 or more people); Honduras 2, section 2(1) (excludes agricultural undertakings employing fewer than 10 persons); India 2, section 24 (excludes agricultural undertakings employing fewer than 30 persons); United States Fl, section 13(a)(6)(A) (excludes employers using fewer than a specified number of man-days of labour during an indicated period).

⁶ Peru 1, section 1.

countries¹ in which the legislation excludes undertakings employing fewer than a specified number of workers.

111. In some cases the maritime sector is excluded,² or partially excluded in that only ships of over a certain size or number of crew are covered.³

112. There are several cases⁴ in which only the sectors listed in the legislation are covered by minimum age standards, and it thus must be presumed that other economic sectors are not covered. In another situation,⁵ legislation has been adopted by sectors, and the governments have communicated no information indicating that any legislation which may have been adopted concerning some sectors contains minimum age standards.

113. This is, of course, a special problem in federal States, where only some economic sectors, or portions of them, are covered by

¹ Bangladesh 1, section 2 (excludes factories employing 10 or fewer); Burma 1, section 2(m) (excludes factories operating with power employing fewer than 10 workers, and without power employing fewer than 20); India 1, section 67 (same as Burma); Indonesia 2, section 2(l) (legislation applies only to factories in enclosed places using power or employing 10 or more); Nepal (same as Burma); Pakistan 2, section 2(j) (only factories employing 10 or more).

² Bahrain 1, section 2(4); Ecuador 1, section 328 (see above, second footnote to para. 108); Libyan Arab Jamahiriya 1, section 1(d); Turkey 2, section 5.

³ Indonesia 3, section 1.

⁴ E.g., States: Afghanistan 1 (industry only); Colombia 2, section 5 (industry, agriculture, merchant shipping, transport, mining and quarrying, construction and electricity); Iceland 1, section 41 (minimum age provisions refer only to factories and transport); Indonesia 2, section 2(l) (legislation applies only to some factories and workshops, construction, transport and ships); Kenya 1, section 25(1) (applies only to industry - maritime covered by Kenya 3); Nepal 1 (the labour legislation covers only factories); Nicaragua 2, sections 123 and 151 (minimum age provisions apply only to work in industrial undertakings and ships); Sudan 1, section 5 (factories and workshops only); Turkey 3, section 173 (minimum age legislation applies only to factories, workshops and underground work). Non-metropolitan territory: Montserrat 1, sections 4(1) and 5 (legislation refers only to industrial undertakings and shops).

⁵ Bangladesh (legislation covers only some factories, commerce, tea plantations, merchant shipping, mining); Burma (legislation covers only factories, commerce, merchant shipping, mining); Greece (legislation sets minimum ages only in industry, maritime work, and restaurants, cafés and hotels); India (government report states no legislation has been adopted concerning construction, electricity, gas and water and sanitary services (except if covered by Factories Act), storage and communication); New Zealand (minimum age provisions only in factories, seafaring, fishing and railways); Pakistan (factories and commerce are covered).

federal legislation, with regulation of the others left to the constituent government units.¹

114. In some cases² the competent authorities are empowered to exclude undertakings or sectors from provisions on minimum age or from the application of any labour legislation. No standards are laid down in these cases to modify this absolute discretion. As in the case of exemption orders for individual workers (see supra, paragraph 91) the Committee considers that guidelines should be laid down for the exercise of such discretion.

115. Administrative authorities may also have the power to grant partial exemptions from minimum age standards, and in effect lower the basic minimum age for employment in defined sectors and under restricted circumstances. In one case, waivers are granted allowing children as young as 10 years old to perform non-hazardous work in agriculture under the same conditions as adults, except for a prohibition of employment during school hours.³

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* *

¹ E.g., Canada: The sectors covered by federal legislation are listed infra, note to paragraph 146. Legislation of the provinces and territories sometimes covers all economic sectors (e.g., Alberta, Yukon Territory), but more frequently covers only those specifically listed in the legislation. In some cases only mining is covered (e.g., Newfoundland and the Northwest Territory), and in others only industry or factories (e.g., Prince Edward Island, Saskatchewan). United States: The sectors, or portions of sectors, covered by federal legislation are indicated infra, note to paragraph 146. The report indicates that in a sizeable group of states legislation applies on an industry basis, while in others it is directed toward employment in any gainful occupation or any business or service; but that farm labour is frequently not covered.

² States: Botswana 1, section 75 (any industrial or agricultural undertaking); Fiji 1, section 2 (any ship of less than a prescribed tonnage and crew size - in a 1977 direct request under Convention No. 58 the Committee noted the Government had made no use of this power); Iran 1, section 6 (note 1) (undertakings employing fewer than 10); Ireland 1, section 17 (any undertaking); Kenya 1, section 24(2)(i) (any undertaking); Pakistan 5, section 1(4) (any area or establishment may be excluded from coverage of legislation concerning commerce); Papua New Guinea 3, section 4(b)(ii) (the Minister may exclude any occupation, trade or industry); Zambia 2, section 2(2) (the Minister may exclude any person, trade or industry). Non-metropolitan territory: Hong Kong 1, section 73(2) (any undertaking).

³ United States Fl, section 13(c)(4). This provision, adopted in 1977, permits the Secretary of Labor to grant a waiver from the child labour provisions to employers of 10 and 11-year-old hand harvesters of short season crops, under conditions which include a maximum of eight weeks' work during a calendar year, and that the level of pesticides used would not have an adverse effect on their health. The Government's report states that "as a practical matter, this waiver provision is applicable with respect to the strawberry harvest in Oregon and Washington and to the potato harvest in Maine". It states that there is "a very heavy reliance on youth under 12 to harvest these crops".

116. With reference generally to the possibility of excluding categories of employment or work, or sectors of economic activity, from the Convention's coverage, the Committee recalls that the Convention provides that this may be done only under certain circumstances. It may be seen from the summary of available information above that there are a great many cases in which all of them are not covered, far beyond the limited cases specified in the Convention. The Committee recognises that there are often significant problems in extending general labour legislation to all occupations, sectors or areas of a country. Nevertheless, at least minimum age provisions or other protective legislation for young persons could be instituted in many of these cases even where protection for all workers is not yet practical. The Committee hopes that all the countries mentioned here will re-examine their legislation in this light.

CHAPTER II

ESTABLISHMENT OF A GENERAL MINIMUM AGE FOR ADMISSION TO EMPLOYMENT OR WORK

I. Requirements of the Convention

117. Article 2 of Convention No. 138 contains the central and basic requirement of the instrument, i.e., that every Member which ratifies the Convention shall specify a basic minimum age for admission to employment or work (subject to the possible exceptions allowed by the Convention). The Convention provides that this basic minimum age shall be not less than the age of completion of compulsory schooling and, in any case, not less than 15 years. However, the minimum age may be set at 14 initially, in the case of a Member whose economy and educational facilities are insufficiently developed. The age which is to apply must be specified in a declaration communicated to the Director-General of the International Labour Office at the time of ratification. This age may also be raised above the level initially specified, by means of a subsequent declaration.

118. Recommendation No. 146 (Paragraphs 6 and 7) also contains provisions in this regard. Although the Convention specifies 15 as the desirable basic minimum age, the Recommendation states that the objective of Members should be to raise this age to 16; and that if it is still below 15 years, urgent steps should be taken to raise it to that level. The minimum age should be fixed at the same level for all sectors.

119. The question of the basic minimum age to be included in the Convention was the subject of a great deal of discussion in the Conference during the consideration of these instruments. As outlined above (paragraph 16), four of the earlier minimum age Conventions had set this age at 14, and later ones raised it to 15.

120. Although the original proposal was that Convention No. 138 set a minimum age of 14, discussions in the Conference led to the adoption of an age of 15 with the possibility of an initial specification of 14 in some cases. Thus the present form of the Convention is a compromise between the interests expressed in those discussions. On the one hand, many delegates were concerned that if the minimum age were set too high, developing countries would be unable to ratify the Convention, in spite of the possibilities of exceptions offered in other Articles. On the other, the view was expressed that international labour Conventions should represent advances over earlier Conventions on the same subject, and that to adopt a Convention with a minimum age of 14 after the adoption of several with a minimum age of 15 would be retrograde. The result of the discussions was the present Article 2.

121. There have been only two cases in which governments have specified an age of 14 in ratifying the Convention (see below), and in

neither case has the first report on the Convention's application yet been received and examined by the Committee of Experts. In general, however, it may be stated that recourse to the possibilities offered by this provision would be justified when the country is unable to provide possibilities of education (through a lack of educational infrastructure, trained teaching personnel, etc.) until the age of 15. In addition, justification for adopting a minimum age of 14 could be found in economic underdevelopment resulting in the necessity for children to begin working at a lower age than 15 to contribute to their families' support or their own. It is for the ratifying State to make this determination, after consultations with the organisations of employers or workers concerned. If it has specified a minimum age of 14, a ratifying State must include in each of its reports on the application of the Convention a statement that its reasons for doing so subsist, or that it renounces recourse to this possibility.

122. A ratifying country may also specify in a declaration a higher minimum age than that laid down in paragraph 3 of this Article. Indeed, as mentioned above, Recommendation No. 146 provides that raising the minimum age progressively to 16 should be the objective of Members.

123. There is a close relationship between schooling and the minimum age for admission to employment or work. The requirement of paragraph 3 of Article 2 that the minimum age "shall not be less than the age of completion of compulsory schooling" was added to the initial working text during the first discussion, being favoured by a large majority over a formulation that would simply set a minimum age. It was pointed out during the discussions that there should be a close link between the two. Paragraph 4 of Recommendation No. 146 stresses that compulsory education should be required and ensured up to at least the age specified for admission to employment or work. This is to guarantee that there is not a period of forced idleness between the end of compulsory - or available - schooling and entry into work.

124. This necessarily implies that the educational infrastructure to provide schooling to this age must actually exist.¹ In most countries there is a system of compulsory education,² but many of these countries are unable to provide facilities for all children in all parts of their territories; or the facilities that do exist may provide education only to some children and for a few years. Thus, there is the reference in paragraph 4 of Article 2 of the Convention to insufficient development of education facilities.

125. It is also necessary that the age of admission to employment or work should not be lower than the age of completion of compulsory schooling. This requirement is to remove the possibility that young people might legally be employed while also under a legal obligation to attend school. In addition, it is meant to curb the temptation many young people will feel to begin work at the expense of their education. (However, the Convention does allow light work before the completion of compulsory schooling, in stated circumstances, as examined in the next chapter.)

¹ In this connection, see Article 15 of the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), which provides for "progressive development of broad systems of education, vocational training and apprenticeship".

² See UNESCO: Statistical Yearbook 1978-1979, and Table II.

126. The schooling referred to here includes technical and vocational training as well as academic studies. The relationship between vocational training and work is examined below (Chapter V).

II. Minimum ages set

127. There are significant variations in the minimum ages actually set for admission to employment or work in reporting States, and in the formulations of the requirement.

A. Stated in declarations accompanying ratifications

128. First of all, among ratifying States the ages specified in declarations are shown in Table I.

Table I: Minimum ages specified by ratifying countries in declarations

<u>Ratifying State</u>	<u>Minimum age specified</u>			
	14	15	16	18
Bulgaria			X	
Byelorussian SSR			X	
Costa Rica		X		
Cuba		X		
Finland		X		
German Democratic Republic			X	
Federal Republic of Germany		X		
Honduras	X			
Ireland		X		
Israel		X		
Kenya			X	
Libyan Arab Jamahiriya				X
Luxembourg		X		
Netherlands		X		
Niger	X			
Norway		X		
Poland		X		
Romania			X	
Spain		X		
Ukrainian SSR			X	
USSR			X	
Uruguay		X		
Zambia		X		
Total	2	13	7	1

129. As will be apparent from this table, 13 of the 23 ratifying countries have specified the basic minimum age of 15 laid down in Article 2(3), and another eight have specified higher minimum ages under Article 2(2). Only two countries have had recourse to Article 2(4) and specified a basic minimum age of 14, while other developing countries have been able to specify a minimum age of 15 or more on ratification.

B. Summary of ages set by all reporting countries

130. The minimum ages in force in all reporting countries, whether or not they have ratified the Convention, are shown in Table II. This table also provides an overview of the general situation in reporting countries as regards minimum age legislation.

131. As will be apparent from this table, there is a wide variation in the minimum ages set for admission to employment or work. The great majority of reporting countries have adopted minimum ages of 14 or above. Most countries have adopted a minimum of 14 (36 countries) or 15 (25 countries), and slightly fewer have a minimum age of 16 or higher (20 countries). Below the minimum allowable under the Convention, only 7 countries have a minimum age of 13, and 18 countries of 12. No country has reported a basic minimum age below 12.¹

C. Countries with no effective minimum age

132. Some countries for which information is available have no effective minimum age for admission to employment or work, and instead forbid employment of young persons during school hours and times when school is in session. While this limits the times during which young persons may work, it does not meet the Convention's requirement of setting a minimum age for all employment or work. There are several variations on this approach. In one country,² this is provided for in the legislation applicable on the national level. In others,³ this is

¹ Where a country has different minimum ages for different occupations, the lowest has been counted.

² Liberia 1, section 74 reads in part as follows: "Child Labour Prohibited. - It shall be unlawful for any person to employ or hire any child under the age of sixteen years during the hours when he is required to attend school in any portion of any month when school is in session; provided, however, that a person may employ minors under sixteen if he keeps a register and the school certificates of such employees open to inspection, which certificates shall show that each of the said minors listed in the register is attending school regularly and is able to read at sight and write simple sentences legibly."

³ Australia, in at least some States and Federal Territories, e.g. A.C.T. 3, Part II, section 9A; N.T. 2, section 10(1)(a); Q. 3, section 33; S.A. 2, section 78; W.A. 3, section 17(1); T. 3, section 9A. The Government has indicated that in New South Wales, Queensland and Western Australia employment is prohibited for persons below a specified age in some sectors; while in Victoria, Western Australia and Tasmania the level of the minimum wage or other factors tend to inhibit the employment of children below 15; Canada: see *infra.*, note to para. 147; United States: see *infra.*, note to para. 148.

Table II: Overview of minimum age provisions and exceptions

Note: The information given in this table may not reflect completely and in detail the situation in each of these countries. It is intended only to give a general picture, and for more specific information the relevant chapters of this Survey should be consulted. Countries which have ratified Convention No. 138 are marked with an asterisk (*).

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
STATES						
Afghanistan	18	-	18 to 20	X	-	Only industry covered
Algeria	16	None, but possible with per- mission	18	-	Exclusions possible	None
Argentina	14 or end schooling	-	18	-	Family under- takings, domestic ser- vice, other exclusions possible	None

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Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Australia	Varies	-	16 to 18	X	None	None
Austria	15 or end schooling	12 (but no limit in agriculture)	16 to 18	-	Domestic service	None
Bahrain	14	-	16	X	Family under- takings, domestic ser- vice	Agriculture, maritime
Bangladesh	12 to 14 (by sectors)	-	16 to 18 (some sectors)	X	Extensive	Only factories, commerce, plan- tations and mining covered
Belgium	14 or end schooling	-	16 to 21	-	Domestic service	None
Benin	14	12	18	X	None	None
Botswana	12 to 15 (by sectors)	No limit	16	Some sectors	Domestic service	Exclusion of any industrial or agri- cultural under- taking allowed

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Brazil	12 to 16 (by sectors)	12	18	-	Family undertakings	None
Bulgaria*	16	-	16 to 18	X	None	None
Burma	13	-	15 to 18	-	Exclusions possible	Small factories
Burundi	16	-	16	X	None	None
Byelorussian SSR*	16	-	18	X	None	None
Cameroon	14	-	18	X	Exclusions possible	None
Canada						
Federal	15 (some sectors)	-	-	-	-	Agriculture
Provinces	Varies	Varies	17 to 18	Varies	Varies	Agriculture (most Provinces)
Central African Republic	14	12	16 to 18	X	Family undertakings	None

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Chile	15	14	18 to 21	X	Self-employed	None
Colombia	14	No limit	18	X	None	Covers all sectors except commerce, fishing
Comoros	14	12	18	X	None	None
Congo	16	12	16 to 18	X	Family undertakings	None
Costa Rica*	12 or end schooling	-	18	X	None	None
Cuba*	15	-	18 to 21	-	None	None
Cyprus	13 to 16 (by sectors)	No limit	16 to 18	-	Domestic service	Agriculture
Czechoslovakia	End schooling - (15 or 16)	-	18	X	None	None
Denmark	15	16 to 13	14 to 18	X	Family undertakings, domestic service	None

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Djibouti	14	-	16 to 18	X	None	None
Dominican Republic	14	-	16	-	None	Agriculture (except dangerous work)
Ecuador	14	-	18	X	Domestic service, other exclusions possible	Agriculture, maritime
Egypt	12	-	15 to 17	-	Family undertakings	Agriculture
Ethiopia	14	-	18	X	None	None
Fiji	12 to 15 (by sectors)	-	15 to 18	X	Family undertakings, other exclu- sions possible	Exclusion of small ships allowed
Finland*	15 or end schooling	14	16 to 18	X	Domestic service	None

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
France	End schooling (16)	12 to 14	16 to 18	-	Family undertakings	None
Gabon	16	-	18	X	Family undertakings	None
German Democratic Republic*	16 or end schooling	14	16 to 18	X	None	None
Federal Republic of Germany*	End schooling (15)	13	18	-	Exclusions possible	None
Greece	12 to 15	-	18	X	None	Legislation covers only industry, maritime, and hotels, res- taurants, etc.
Guyana	14	-	18	Some sectors	None	None
Haiti	14	12	-	Some sectors	Domestic service, home work	None

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Honduras*	14 or end schooling	-	16	-	Exclusions possible	Small agricultural undertakings
Hungary	14 or end schooling	14	16 to 18	X	None	None
Iceland	15	14	18 to 19	X	None	Only factories and transport covered
India	12 to 15 (by sectors)	-	18	Some sectors	Family undertakings (maritime)	Only large factories, planta- tions, some work- shops covered
Indonesia	12	-	16	X	Family undertakings	Only some industry, transport, some maritime covered
Iran	12	-	14 to 18	X	Family undertakings, domestic service	Exclusion of small undertakings allowed
Ireland*	End schooling 14 (15)		18	X	Exclusion possible	Exclusion of any undertaking allowed

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Israel*	15 or end schooling	-	16 to 18	X	Family undertakings (agriculture)	None
Italy	14 or 15	14	16 to 18	X	None	None
Ivory Coast	14	12	16 to 18	X	None	None
Jamaica	12 to 15 (by sector)	No limit	16 to 17	X	Family under- takings (maritime)	None
Japan	15	12	18	X	Family undertakings, domestic service	None
Kenya*	16	-	16	X	Family undertakings (maritime and industry), other exclu- sions possible	Only industry and maritime covered, and exclusion of any undertaking allowed
Kuwait	14	-	18	X	None	None

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Liberia	-	-	-	X	None	None
Libyan Arab Jamahiriya*	15	-	18	-	Family undertakings, domestic service	Agriculture, maritime
Luxembourg*	15 or end schooling	-	18	-	None	None
Madagascar	14 to 15 (by sector)	-	16 to 18	X	Assistance to family	None
Malaysia	14	No limit	16	X	None	None
Mali	14	12	16 to 18	X	Family undertakings, domestic service	None
Malta	End school (16)	-	18	-	Family undertakings (maritime)	None

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Mauritius	15	-	18	X	None	None
Mexico	14 or end schooling	-	16	-	None	None
Mongolia	16	-	18	X	None	None
Morocco	12	-	16 to 21	-	None	None
Nepal	14	-	18	X	None	Only factories covered
Netherlands*	End schooling (15)	13 to 15	16 to 18	X	Family undertakings (agriculture, maritime)	None
New Zealand	15	-	15 to 19	X	None	Only factories, maritime, railways have minimum age
Nicaragua	14 to 15	-	18	X	Family undertakings	Only industry and maritime covered
Niger*	14	12	16 to 18	X	None	None

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Norway*	15 or end schooling	13 to 15	18	X	Exclusions possible	Agriculture
Pakistan	14 to 15 (by sector)	-	14 to 21	X	Extensive	Only large fac- tories and commerce covered, and ex- clusions allowed
Panama	14, or 15 if schooling not complete	12	18	X	None	None
Papua New Guinea	14 to 16	-	16	X	Exclusions possible	Exclusion of any trade allowed
Paraguay	15	12	18	-	Family undertakings	None
Peru	14 to 16 (by sector)	-	18	-	Family undertakings, domestic service	Small agricultural undertakings
Philippines	15	15	18	X	Assistance to family, home work	None

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Poland*	15 or end schooling	-	18	X	None	None
Portugal	14	-	18	X	None	None
Romania*	16	-	16 to 18	-	None	None
Rwanda	14	-	-	X	None	None
Senegal	12 to 14 (by sector)	12	16 to 18	X	None	None
Seychelles	14 to 15 (by sector)	12	16	X	None	Not known
Sierra Leone	12 to 16 (by sector)	No limit	16 to 18	X	Family undertakings	None
Singapore	12 to 14 (by sector)	12	16 to 18	X	Family undertakings (maritime), domestic service, other exclusions possible	None

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Spain*	16	-	18	-	Self-employed	None
Sri Lanka	14 to 15 (by sector)	-	16	X	Family undertakings (maritime and industry)	None
Sudan	12	-	18	-	None	Only factories covered
Suriname	14	-	18	-	Family undertakings (agriculture), other exclusions possible	None
Sweden	16 or end schooling	13	18	X	Domestic service	None
Switzerland	15	13	16 to 18	X	Family undertakings, home work	Agriculture

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
Syrian Arab Republic	12	-	15 to 17	-	Family undertakings (industry and agriculture)	None
Tanzania	12 to 15 (by sector)	-	18 (Tanganyika)	X	Family undertakings (maritime), other exclu- sions possible	None
Tunisia	13 to 15 (by sector)	13	15 to 18	-	Family undertakings	None
Turkey	12	-	16 to 18	X	Family undertakings, domestic service	Only factories, underground covered
Ukrainian SSR*	16	-	18	X	None	None
USSR*	16	-	18	X	None	None
United Kingdom	16 or end schooling	-	16 to 18	X	None	None

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
United States Federal	16 (some sectors)	-	-	-	Family undertakings (agriculture), domestic service	Agriculture
States	Varies	Varies	Varies	Varies	Varies	Agriculture (many States), possibly others
Upper Volta	12 to 14 (by sector)	12	14 to 18	X	Exclusions possible	None
Uruguay*	15	-	18	-	None	None
Venezuela	14	-	18	-	None	None
Yugoslavia	15	-	18	X	None	None
Zaire	16	14	18	X	None	None
Zambia*	15 to 16 (by sector)	-	18	X	Exclusions possible	Exclusions of any trade allowed

Country	Minimum ages			Exceptions to coverage (see Chapter I)		
	General age for employ- ment or work (see Chapter II)	Light work (see Chap- ter III)	Dangerous work (see Chapter IV)	Only employ- ment relations covered	Categories of work excluded	Sectors of activity excluded
<u>NON-METROPOLITAN TERRITORIES</u>						
Anguilla (see under St. Kitts-Nevis)						
Bermuda	13	No limit	15 to 18	X	Family undertakings (maritime)	None
Falkland Islands	13 to 15 (by sector)	No limit	16	X	Family undertakings (maritime)	None
Gibraltar	End schooling - (15)		15 to 18	X	Exclusions possible	None
Hong Kong	13 to 15 (by sector)	-	16 to 18	X	Exclusions possible	Exclusion of any undertaking allowed
Montserrat	14	-	-	-	Family undertakings (maritime)	Only industry covered
St. Kitts-Nevis	14	-	-	-	Family undertakings (maritime)	Only industry covered

the rule for at least some of the constituents of a federal state. In a third type,¹ a basic minimum age is set for some economic sectors, but in other sectors employment is forbidden only during school hours. Finally, those countries listed in Chapter II which have no provisions, or cover only some sectors in their legislation, have set no minimum age for some or all young persons.

133. One of the countries² mentioned in the previous paragraph has stated in its report that the prohibition of employment of children and young persons only in so far as it interferes with schooling, has been adopted so that they may acquire work knowledge and the "work ethic" through casual and part-time employment. It may be pointed out in this connection that other possibilities are provided in the Convention for allowing such experience to be acquired (such as light work under Article 7), without leaving young persons and children open to the possibilities of abuse inherent in this approach. Even where the Conventions concerned have not been ratified, the governments of these countries might wish to examine the desirability of establishing a minimum age for all employment or work, and adopting other arrangements to allow children to acquire work experience.

D. Different methods of establishing a minimum age

134. Most countries have accepted the principle of a basic minimum age for admission to employment or work, even though there are frequently gaps in the coverage of these requirements. However, it is not always sufficient to state that a country has adopted a specific minimum age, as there are a number of different formulations of the principle.

1. Single specific age for admission to employment or work

135. The largest number of countries have simply adopted a specific minimum age for admission to employment or work. While in most cases the age adopted is not less than the school-leaving age, as required by Article 2 of Convention No. 138 (see Table II), the link between the two is not made explicit in the provisions in these

¹ E.g., Australia (see previous note); Colombia 1, section 171 and Colombia 2, section 5(1): no one under 14 allowed to work in agriculture if it interferes with schooling; Haiti 1, section 398: persons under 14 may not be employed or work in agriculture except outside school hours; however, a minimum age is set for other sectors (see below); New Zealand 1, section 121: no employment of persons required to attend school (persons between 6 and 15 years old, by New Zealand 1, sections 109 and 117) during school hours or when it would prevent or interfere with school attendance; however, a minimum age of 15 is set for factories, merchant shipping, fishing and railways; Sri Lanka 1, sections 7(1) and 9(1) set minimum ages of 14 for industrial undertakings and 15 for maritime; in all other sectors employment for persons below 14 is prohibited only during school hours (Sri Lanka 1, section 13(1)).

² New Zealand.

countries on minimum age for admission to employment or work. These countries have adopted minimum ages of 12,¹ 13,² 14,³ 15,⁴ 16⁵ and 18.⁶

¹ Egypt 1, section 124; Indonesia 2, section 2(1) (listed occupations) and Indonesia 3, section 2 (maritime); Iran 1, section 16 (general) and Iran 2, section 12 (agriculture); Morocco 1, section 9 (commerce, industry and professions) and Morocco 2, section 13 (agriculture); Singapore 2, section 3 (persons from 12 to 14 may be employed in industry only with the Commissioner's permission, but in its report the Government states that this is not given); Sudan 1, section 5 (factories and workshops only - and from 12 to 15 may be employed only if authorised (id., section 6)); Syrian Arab Republic 1, section 124; Turkey 3, section 173 (factories, workshops and underground only).

² State: Burma 1, section 75 (factories) and Burma 2, section 75 (commerce). Non-metropolitan territory: Bermuda 1, section 3.

³ States: Bahrain 1, section 50; Benin 1, section 107; Cameroon 1, section 93(1); Central African Republic 1, section 125 and Central African Republic 2, section 1; Comoros 1, section 118; Djibouti 1, section 118; Dominican Republic 1, section 223; Ecuador 1, section 135; Ethiopia 1, section 30(2); Guyana 1, section 3(1), Guyana 2, section 4(1) and Guyana 3, section 17; Haiti 1, sections 403, 405 and 465; Kuwait 1, section 18; Madagascar 1, section 83; Malaysia 1, sections 2(1) and 19(4); Mali 1, section 2; Nepal 1, section 27; Niger 1, section 116; Portugal 1, section 123(1) (general), Portugal 10, section 58 and Portugal 13, Base IV (agriculture), Portugal 2 (maritime); Rwanda 1, section 125; Seychelles 1, Cap. 170, section 21(1) (the Government reports this should soon be raised to 15); Suriname 1, section 17 (the report indicates this may soon be raised to 15); Upper Volta 1, section 125; Venezuela 1, section 109 and Venezuela 2, section 179. Non-metropolitan territories: Anguilla (see under St. Kitts-Nevis); Montserrat 1, section 4(1) (industry) and 5 (maritime); St. Kitts-Nevis 1, sections 4(1) (industry) and 5 (maritime).

⁴ Chile 1, section 23 (subject to approval of parents or labour inspector until age 18); Cuba 2, section 41, Cuba 3, section 4 and Cuba 4, section 385; Denmark 1, section 59(1); Iceland 1, section 41; Japan 1, section 56(1) and Japan 2, section 85; Libyan Arab Jamahiriya 1, section 92; Mauritius 1, section 7(1); New Zealand (some sectors - see para. 132, supra); Paraguay 1, sections 119 and 154; Philippines 2, section 139(a); Uruguay 3, sections 1 (industry) and 3 (non-industrial); Yugoslavia 1, sections 165 (for someone exercising activity for his own account) and 168(2) (socialist sector).

⁵ Algeria 5, section 180 and Algeria 8, section 44; Bulgaria 2, section 112 - but in exceptional cases may be authorised at 15; Burundi 1, section 117; Byelorussian SSP 1, section 40 and Byelorussian SSR 2, section 173 - but in exceptional cases can be authorised at 15; Congo 1, section 116; Gabon 1, section 121 and Gabon 2; Kenya 1, section 25(1) (industry); Mongolia 1, section 163 - but in exceptional cases can be authorised at 15 (list of jobs in which it may not be authorised at Mongolia 2); Spain 1, section 6(1); Ukrainian SSP 2, section 74 - but in exceptional cases can be authorised at 15; USSR 2, section 74 - but in exceptional cases can be authorised at 15; Zaire 1, section 3(a), Zaire 2 and Zaire 3.

⁶ Afghanistan 1, section 4 (the Government stated in its report that in the new labour legislation to be adopted soon this would probably be lowered).

2. Different minimum ages adopted for different sectors

136. There are also several countries which have adopted different minimum ages for different economic sectors or types of work. The instances given here may in some cases overlap with the examination of higher minimum ages for work which "is likely to jeopardise the health, safety or morals of young persons" (Article 3 of the Convention, examined in Chapter IV below); but these cases seem to be distinguishable from those examined in Chapter IV because they do not set the different ages with explicit reference to dangerous work, or classify entire economic sectors as being dangerous. Indeed, many of them have quite separate provisions forbidding specific kinds of dangerous work to persons below a certain age.

137. The countries in which different minimum ages have been adopted in different sectors are indicated in Table III. It will be seen that in some of these cases there is no generally-applicable minimum age, or that the ages set are contained in a number of separate legislative texts. See also paragraph 132, supra.

3. Admission to employment or work set by age in some sectors, and linked to schooling in others

138. There are a number of countries which have set minimum ages in some sectors on the basis of a specific age, and in other sectors have linked admission to employment or work to the completion of schooling.¹ These cases are dealt with both in the previous section and in the following sections in so far as they apply.

4. Admission to employment or work linked to schooling

139. All the other countries whose legislation was examined have in some way linked the age of admission to employment or work to whether the child involved is attending school.

140. It is important to emphasise the necessity of linking the age of admission to employment or work to the age limit for compulsory education, where it exists. If the two do not coincide various problems may arise. If schooling ends before young persons may work legally, there may be an enforced period of idleness, especially in countries in which no schooling beyond that required is available for some or all children; and as was pointed out during the discussion of these instruments in the Conference, this may lead to delinquency or other problems. In such cases there is a need for the school-leaving age to be raised to the minimum age generally accepted for employment, and for sufficient school facilities to be provided. On the other hand, if the age at which children may legally work is lower than the age of completion of compulsory schooling, then children required to attend school may also be legally competent to work, an obvious contradiction.

¹ E.g., States: Finland, Federal Republic of Germany, Haiti, Italy, Malta, Tunisia. Non-metropolitan territories: Falkland Islands, Hong Kong.

Table III: States which have set different minimum ages in different sectors

Note: The references to legislation are in the following form: the initial letter refers to the country concerned, followed by a reference to the legislation by number (see Appendix II). The section of the legislation is specified by the number following the s.

Country	Ages	Legislation	Sector
<u>STATES</u>			
Bangladesh	12	B2;B3,s.21	shops; tea plantations
	14	B1,s.66	factories
Botswana	12	B1,s.78	domestic service
	14	B1,s.73 (1)	general
	15	B1,s.77	industry
Brazil	12	B1,s.403	general
	14	B1,s.403 (b);B2,s.1	industry and transport
	16	B3,s.324 (1)	maritime
Cyprus	13	C1,s.3 (2)	general
	14	C1,s.3 (3)	industry
	16	C1,s.3 (1)	maritime (excluding vessels employing only members of same family)
Fiji	12	F1,s.59 (1)	general
	15	F1,s.63 (1)	industry
Finland	15	-	general; linked to schooling (see para. 138 below)
	16	F7,s.5	maritime (males)
	17	F7,s.5	maritime (females)
	18	F7,s.5	maritime (females outside European waters)

Country	Ages	Legislation	Sector
Federal Republic of Germany	15	-	general (linked to schooling - see para. 137 below)
	15	G3,s.94 (1)	maritime (not linked to schooling)
Greece	12	G1	hotels, cafés, etc.
	14	G2	industry
	15	G8,s.2	maritime
India	12	I2,s.24	plantations
	12-15	-	in shops and commerce, ages set by legislation of States and Union Territories
	14	I1,s.67;I3,s.24	factories
Italy	14	I1,s.3	in agriculture or family (see para. 142 below)
	15	I1,s.3	general
Ivory Coast	12	I3,s.1	domestic work
	14	I1,s.1	general
Jamaica	12	J1,s.71 (1)	general
	15	J1,s.72 (a)	industrial and maritime
Madagascar	14	M1,s.83	general
	15	M3,s.3.2.C3	maritime
Nicaragua	14	N2,s.123	industry
	15	N2,s.151	maritime
Pakistan	14	P1,s.11 (3) ; P2,s.50	factories
	14	P5,s.20;P.8	shops and commerce; maritime
	15	P3,s.26;P6,s.3	mines; rail transport
Peru	14	P4,s.37	agricultural, general non-industrial
	15	P4,s.37	industry
	16	P4,s.37	industrial fishing

Country	Ages	Legislation	Sector
Senegal	12	S3,s.1	domestic work
	14	S1,s.140	general
Seychelles	14	S1,Cap.170,s.21(1)	general
	15	Report	maritime
Sierra Leone	12	S1,s.51	general
	15	S1,ss.3,52,53	industry and maritime
	16	S1,s.54	mines
Sri Lanka	14	S1,s.13(1)	general (during school hours - see para. 132)
	14	S1,s.7(1)	industry
	15	S1,s.9(1)	maritime
Tanzania (Tanganyika)	12	T1,s.77(1)	general
	15	T1,s.81(1)	industry
Tunisia	13	T1,s.55	agriculture
	15	T1,s.53;T2,s.6;	industry, fishing, maritime
		T3,s.143	
Upper Volta	12	U3	domestic work
	14	U1,s.125	general
Zambia	15	Z2,s.12	general
	16	Z1,s.7(1)	industry
<u>NON-METROPOLITAN TERRITORIES</u>			
Falkland Islands	13	F1,s.2(1)	general
	15	F2,s.3(1)	industry, maritime
Hong Kong	13	-	non-industrial; linked to schooling (see para. 142)
	15	H2;H3	general

141. The situation in this respect in reporting countries may be seen from Table IV, including those countries which have no system of compulsory education.¹

142. In one group of countries² the link to schooling is only partial, in that the fact of being subject to compulsory education is not a bar to employment. Instead, in some occupations (most often agriculture) children are permitted to work at a lower age than otherwise if their school attendance is not prejudiced. This case is distinguishable from the permitted exception for light work (see below, Chapter III), in that there is no requirement that the work involved in fact be light work.

143. There are also the cases mentioned above (paragraph 132) with no definite minimum age but in which schooling and employment are linked.

144. There are a number of variations among the countries which link school attendance fully to admission to employment or work. In some countries,³ young persons are simply forbidden to work until they have completed compulsory schooling. The minimum age for admission to

¹ The information on the ages of the end of compulsory schooling are taken largely from UNESCO: Statistical Yearbook 1978-1979, table 3.1, but in some cases also from government reports.

² E.g., States: Colombia: No one under 14 may work in industrial undertakings, including mines, manufacturing, construction and transport (Colombia 1, section 171 and Colombia 2, section 5(1)), and no one under 14 can work in agriculture if this prevents school attendance (Colombia 1, section 171 and Colombia 2, section 5(2) - note that no minimum age is set for work in agriculture); Italy: No one under 15 may work, but employment in agriculture or in work inherent to family life is authorised from 14 if their health is not harmed and it does not prejudice their school attendance (Italy 1, section 3); Papua New Guinea: No one under 16 shall be employed, except persons over 14 may be employed in occupations other than industrial or commercial fishing with a medical certificate and parents' consent, and if it does not prejudice school attendance and is outside school hours. Under the same conditions it is allowed from 11 in family undertakings (Papua New Guinea 3, section 103); Non-metropolitan territory: Hong Kong: Employment in non-industrial undertakings permitted as from 13 if a designated level of education reached, subject to parents' consent and other restrictions (Hong Kong 2, section 5); but even if still subject to compulsory education, a child may be employed from 13 subject to the same conditions but outside school hours, with limits on hours during the term and in holidays (Hong Kong 2, section 6(2)).

³ States: Czechoslovakia 1, section 11(1) - the Government has stated that compulsory education is 10 years, and lasts until at least 15 and usually 16; France 1, section L.211-1 - compulsory schooling ends at 16; Federal Republic of Germany 1, sections 2(3) and 5(1) - compulsory schooling ends at 15; Ireland 1, section 4(1) and Ireland 4, section 108 - compulsory schooling ends at 15; Malta 1, section 23(1) - compulsory schooling ends at 16 (note that a minimum age of 15 is set for employment on ships by Malta 2, section 107(1), but would seem to be superseded by Malta 1); Netherlands 1, sections 8(e) and 9(1). Non-metropolitan territory: Gibraltar 2, section 62 - compulsory schooling ends at 15 (ibid., section 49);

Table IV: Basic minimum age for admission to employment or work in relation to compulsory schooling

Note: The specification of minimum ages for admission to employment or work given in this table should be read in conjunction with Table II and the more detailed information in Chapter II. It must also be taken into account that in many countries there is a requirement of compulsory schooling, but that schooling is not in fact available to children in some areas of the country. In this connection see the UNESCO Statistical Yearbook, from which the information on schooling in this table is taken.

Country	Minimum age for employment or work		Compulsory schooling	
	Stated age	At end of compulsory schooling	Required to age	No compulsory schooling
Afghanistan	18	-	15	
Algeria	16	-	15	
Argentina	14	Yes	14	
Australia	Varies	-	15	
Austria	15	Yes	15	
Bahrain	14	-	14	
Bangladesh	12-14	-	-	X
Belgium	14	Yes	14	
Benin	14	-	12	
Botswana	14-15	-	-	X
Brazil	12-16	-	14	
Bulgaria	16	-	16	
Burma	13	-	-	X
Burundi	16	-	-	X
Byelorussian SSR	16	-	15	
Cameroon	14	-	11	
Canada	Varies	-	15-16	
Central African Republic	14	-	14	
Chile	15	-	15	

Country	Minimum age for employment or work		Compulsory schooling	
	Stated age	At end of compulsory schooling	Required to age	No compulsory schooling
Colombia	14	-	11	
Comoros	14	-	15	
Congo	16	-	16	
Costa Rica	12	X	14	
Cuba	15	-	14	
Cyprus	13-16	-	12	
Czechoslovakia	15-16	X	15	
Denmark	15	-	16	
Djibouti	14	-	-	X
Dominican Republic	14	-	14	
Ecuador	14	-	14	
Egypt	12	-	12	
Ethiopia	14	-	-	X
Fiji	12-15	-	-	X
Finland	15	X	16	
France	16	X	16	
Gabon	16	-	16	
German Democratic Republic	16	X	16	
Federal Republic of Germany	15	X	15	
Greece	12-15	-	14	
Guyana	14	-	15	
Haiti	14	-	12	
Honduras	14	X	13	
Hungary	14	X	16	
Iceland	15	-	15	

Country	Minimum age for employment or work		Compulsory schooling	
	Stated age	At end of compulsory schooling	Required to age	No compulsory schooling
India	12-15	-	11	Some States
Indonesia	12	-	12	
Iran	12	-	14	
Ireland	15	X	15	
Israel	15	X	15	
Italy	14-15	-	14	
Ivory Coast	14	-	-	X
Jamaica	12-15	-	17	
Japan	15	-	15	
Kenya	16	-	-	X
Kuwait	16	-	14	
Liberia	-	-	16	
Libyan Arab Jamahiriya	15	-	15	
Luxembourg	15	X	15	
Madagascar	14-15	-	13	
Mali	14	-	15	
Malta	16	X	16	
Mauritius	15	-	12	
Mexico	14	X	14	
Mongolia	16	-	16	
Morocco	13	-	-	X
Nepal	14	-	10	
Netherlands	15	X	16	
New Zealand	15	-	15	
Nicaragua	14-15	-	12	

Country	Minimum age for employment or work		Compulsory schooling	
	Stated age	At end of compulsory schooling	Required to age	No compulsory schooling
Niger	14	-	19	
Norway	15	X	16	
Pakistan	14-15	-	-	X
Panama	14-15	X	15	
Papua New Guinea	14-16	-	-	X
Paraguay	15	-	14	
Peru	14-16	-	14	
Philippines	15	-	12	
Poland	15	X	15	
Portugal	14	-	12	
Romania	16	-	16	
Rwanda	14	-	13	
Senegal	12-14	-	12	
Seychelles	14-15	-	-	X
Sierra Leone	12-16	-	-	X
Singapore	12-14	-	-	X
Spain	16	-	15	
Sri Lanka	14-15	-	15	
Sudan	12	-	12	
Suriname	14	-	12	
Sweden	16	X	16	
Switzerland	15	-	15	
Syrian Arab Republic	12	-	12	
Tanzania	12-15	-	14	
Tunisia	13-15	-	15	

Country	Minimum age for employment or work		Compulsory schooling
	Stated age	At end of compulsory schooling	Required to age No compulsory schooling
Turkey	12	-	14
Ukrainian SSR	16	-	17
USSR	16	-	17
United Kingdom	16	X	16
United States	Varies	-	Varies
Upper Volta	12-14	-	13
Uruguay	15	-	14
Venezuela	14	-	13
Yugoslavia	15	-	15
Zaire	16	-	11
Zambia	15-16	-	-
<u>NON-METROPOLITAN TERRITORIES</u>			
Anguilla (see under St. Kitts-Nevis)			
Bermuda	13	-	16
Falkland Islands	13-15	-	15
Gibraltar	15	X	15
Hong Kong	13-15	-	11
Montserrat	14	-	14
St. Kitts-Nevis	14	-	14

employment or work thus depends on the age at which compulsory schooling ends, and this may vary depending on whether education is required until a specified age or for a fixed number of years. The effectiveness of this system obviously depends on schooling being available and compulsory for all children; otherwise in most cases children not required to attend school would be exempt from minimum age requirements.

145. In others,¹ the age and compulsory schooling criteria are combined, and the legislation provides that children may not work until a certain age or until they have finished compulsory schooling. This would cover the case mentioned above, where education is either not compulsory or not available for all children, as it sets a minimum threshold and then raises it to cover all who are obligated to attend school.

5. Approaches adopted in federal States

146. Federal States have particular difficulty in adopting consistent standards in all parts of their territories with regard to minimum age (as well as with regard to the other subjects covered in this survey). This difficulty appears to be most marked in those federal States in which the constituent States or provinces have significant regulatory power in respect of labour and education.² In

¹ E.g., Argentina 1, section 187 (general) and Argentina 3, section 107 (agriculture) - the age set is 14; Austria 1, sections 2(1) and 5 (general) and Austria 4, sections 2 and 5 (agriculture) - the age set is 15; Belgium 1, section 6 - the age set is 14; Costa Rica 1, section 89(c) and (d) - the age set is 12; Finland 1, section 5 and Finland 2, section 5 - the age set is 15 or the year in which 15 is reached; German Democratic Republic 3, section 39(1) - the age set is 16; Honduras 1, section 124(8) and Honduras 2, section 32 - the age set is 14, and in addition those between 14 and 16 may only work with the authorisation of their guardians or the labour inspector; Honduras 2, section 33; Hungary 1, section 18(2) - the age set is 14 (the Government has reported that the minimum age was raised to 15 in 1979, but the previous provisions remain in force as an exception; the great majority continue education past 14, so the exception affects only 8,000 to 10,000 children annually); Israel 1, section 2(a) and (b) - the age set is 15; Luxembourg 1, section 1(1) - the age set is 15; Mexico 2, section 22 - the age set is 14, and those between 14 and 16 who have completed compulsory schooling may work with the authorisation of their guardians; Norway 1, section 34 (general) and Norway 3, section 4 (maritime) - the ages set are 15 and 16 respectively (in maritime there is a minimum of 18 for women); Panama 1, section 117 - the age set is 14, or 15 if compulsory education not completed; Poland 1, section 191(1)(1) - the age set is 15; Sweden 1, Chapter 5, section 2 (general) and Sweden 4, section 45 (maritime) - the age set is 16 (18 for women in maritime work); United Kingdom 11, paragraphs 2 and 7 - the age set is 16.

² However, this sort of problem may occur in non-federal States which also leave a significant amount of regulatory power with local government units; for example, in the United Kingdom a number of aspects of regulation of the work of young persons are regulated by local authorities (e.g., minimum age for light work, types of employment permitted, hours and conditions of work, etc. - United Kingdom 2, section 18); the Secretary of State is empowered to replace existing local by-laws by national regulations to introduce standard

(Footnote continued on next page)

these countries the federal Government may have power to regulate conditions of work in some sectors which have national impact, such as merchant shipping¹ or other industries placed under the direct control of the federal authorities.² They may also assume power only over some aspects of economic sectors which remain otherwise under the control of constituent units.³ In such cases, the constituent units have the power to regulate the employment or work of young persons in all cases in which it is not regulated by the federal Government.

147. Within this framework, federal States show a wide variety of approaches to establishing a minimum age, both as compared to each other, and as among the constituent units and different economic sectors or occupations within each country. Thus the rules governing the subject are not uniform even within the country.

148. For those sectors regulated by the federal State itself, there is normally a specific minimum age set.⁴ However, the constituent units of these federal States may adopt whatever methods they choose in fixing a minimum age.⁵

(Footnote continued from previous page)

conditions in the country (United Kingdom 9, section 1(2)), but because of the lack of resources available to local authorities to implement regulations, they have been deferred (government report).

¹ E.g., Australia (C1) and Canada (F2).

² E.g., Canada: The Government's report indicates that the provisions of the Convention are principally for action by the provincial governments, but that certain industries or undertakings come within federal jurisdiction; these include international or interprovincial transport and communications, broadcasting, banking, the grain trade, uranium mining and smelting, and specific industries declared by Parliament to be for the general advantage of Canada. The federal jurisdiction covers 10 per cent of the total Canadian workforce.

³ E.g., United States: The legislation regulating public contracts between agencies of the federal Government and private undertakings includes a condition that no one under 16 may be employed in work under the contract (United States F2, section 35(d), as amended), though other work in the undertaking concerned may be regulated by state legislation setting lower standards. In addition, the federal Government has power to regulate the employment and work of young persons "in industries engaged in commerce or in the production of goods for commerce" between the states or outside the United States (United States F1, section 2(a); see also definition of "commerce" in *ibid.*, section 3(b)), which is defined also to include agriculture.

⁴ E.g., Australia: minimum age of 16 for maritime work (Australia C1, section 4CA(1)); Canada: minimum age of 15 for maritime work (Canada F2), of 16 and 21 for work with explosives (Canada F3), and of 18 for working with atomic energy (Canada F4); United States: in undertakings covered by federal legislation, it is forbidden to employ "oppressive child labor" (United States F1, section 12(c)), which is defined as the employment of a person under 16 (*ibid.*, section 3(1)), subject to a number of exceptions.

⁵ Australia: see *supra.*, para. 132; Canada: legislation in each province and territory sets specific minimum ages in some sectors at least. In some, all sectors seem to be covered (Alberta, Manitoba, New

(Footnote continued on next page)

III. Conclusions

149. A wide variety of approaches to fixing a minimum age for admission to employment or work have been adopted by reporting countries. While their different national situations will of course make different measures appropriate, it would be desirable for them to re-examine their positions in the light of the Convention and Recommendation.

150. In the first place, the Committee refers to its comments above (paragraph 140) on the desirability of linking the minimum age for admission to employment or work, and the school-leaving age.

151. In this connection, and while this is outside the immediate scope of the Convention and this survey, it is also important that countries which do not have a system of compulsory education, or in which the obligation does not extend to all areas of the country, should take urgent steps to fill this gap.

152. In addition, it is apparent from the information outlined above and in Chapter I that there are a number of countries where the coverage of minimum age provisions is limited to selected sectors of the economy and occupations. In these cases the governments concerned should re-examine their legislation to determine whether it might not be possible to unify and extend this coverage, so that at least a minimum age for admission to employment or work is applied to all children, whether or not the country has been able to implement legislation governing all aspects of employment or work in all sectors.

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Brunswick, Yukon Territory); but in the others employment for young persons below school-leaving age (15 or 16 in all cases) is forbidden only during school hours in some or most sectors; United States: according to the Government's report, as of November 1973 (certain changes have taken place since then but the basic position remains the same - see note to legislation list) 27 States had set a minimum age of 16 for work in manufacturing at any time, or for any employment during school hours, or both. Two States set a minimum age of 15 and the rest of 14 for work during school hours in most occupations, often permitting employment under these ages outside school hours or during school vacations, or in certain occupations at any time. For agriculture, a minimum age for work outside school hours is in effect in 15 States, the District of Columbia and Puerto Rico. This age is 14 in 10 jurisdictions, but 4 of these set a lower age or none at all for certain work during vacations. Employment in agriculture during school hours has been fixed at between 12 and 16 in 19 States, the District of Columbia and Puerto Rico. Otherwise school attendance laws prevent employment during school hours.

CHAPTER III

ADMISSION OF YOUNG PERSONS TO CERTAIN TYPES OF EMPLOYMENT OR WORK AT A LOWER AGE

153. Convention No. 138 and Recommendation No. 146 provide that in certain cases young persons may be admitted to employment or work at a lower age than that specified for work generally. Among these cases are light work, and participation in such things as artistic performances (Articles 7 and 8 of the Convention). In adopting these two Articles, the Conference recognised that in some circumstances work is not necessarily harmful to young people below 15 (or 14) years of age, if the conditions under which it is carried out are regulated and closely supervised.

I. Light work

154. As noted above (paragraphs 24 and 25), there are three Conventions which have provided that a lower minimum age may be prescribed for "light work". Of these, the Minimum Age (Agriculture) Convention, 1921 (No. 10) in fact associated the concept with work in the context of vocational training, and thus did not have the same kind of provision as is included in Convention No. 138.

155. The two Conventions on minimum age in non-industrial employment (No. 33 of 1932 and its revising Convention, No. 60 of 1937) first included a concept similar to the provisions on this subject in Convention No. 138. None of the other minimum age Conventions have allowed any exceptions in this regard.

156. Conventions Nos. 33 and 60 contained detailed requirements (Article 3 of each Convention) concerning the circumstances under which light work could be performed in non-industrial employment, in each case setting the lower limit for such work at two years below the general minimum age laid down (i.e., at 12 and 14, and at 13 and 15 respectively). These Conventions included specific requirements as to the hours and days during which work would be allowed, as well as restrictions on the work which could be performed during school holidays by children subject to compulsory schooling.

157. As was stated in the first report submitted to governments before the adoption of Convention No. 138, "The two Conventions concerning minimum age for employment in industry admit of no exceptions whatever for light work and the two concerning non-industrial employment allow light work only subject to an extremely elaborate, complex and precise set of conditions. This complete lack of adaptability to national circumstances has undoubtedly been one of

the major obstacles to ratification, especially in the case of the Conventions on non-industrial employment."¹

158. With this in mind, the Conference went on to adopt Article 7 of Convention No. 138, which lays down the general rule that light work is permitted from 13 (or from 12 if the country concerned has specified 14 as the basic minimum age), and with only a few conditions. Most of the standards to be applied are left to the discretion of governments, within certain broad guidelines. The possibility of allowing light work at a lower age is not restricted to certain economic sectors.

159. There is no explicit definition of "light work" in the Convention, except the requirements in paragraph 1 of Article 7 that it not be likely to harm the health or development of young persons, and that it not 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. It is left up to the competent authorities to determine the activities in which employment or work may be permitted under this Article, and the conditions in which it may be carried out.

160. Several of the governments which sent in comments on the proposed instruments suggested that there should be a definition of "light work", but the Conference decided that it did not wish to define the term too closely in the instrument.

A. Countries which have indicated no provisions concerning light work

161. In examining the information available, the Committee notes that nearly half the reporting countries have indicated no provisions providing for light work at a lower age than the generally-applicable age for admission to employment or work. These countries fall roughly into two categories. On the one hand, there are those in which the generally-applicable age is 14 or higher,² i.e., at the lowest level permissible under Convention No. 138. On the other, there are countries which have lower minimum ages,³ and whose legislation does not authorise work for still younger children.

162. This does not mean in all these cases, however, that no one below the specified age is allowed to work. As noted elsewhere in this

¹ Report IV(1), 57th Session, op. cit., p. 34.

² States: Afghanistan, Algeria, Argentina, Australia, Bahrain, Bangladesh, Belgium, Bulgaria, Byelorussian SSR, Cameroon, Costa Rica (in a 1980 direct request under Convention No. 138, the Committee requested measures to bring national legislation into line with the Convention), Cuba, Czechoslovakia, Djibouti, Dominican Republic, Ecuador, Ethiopia, Gabon, Greece, Guyana, Honduras, Israel, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mongolia, Nepal, New Zealand, Nicaragua, Pakistan, Papua New Guinea, Peru, Portugal, Rwanda, Spain, Sudan, Suriname, Syrian Arab Republic, Tanzania, Ukrainian SSR, USSR, Venezuela, Yugoslavia, Zambia. Non-metropolitan territories: Anguilla, Falkland Islands, Gibraltar, Hong Kong, Montserrat, St. Kitts-Nevis.

³ Burma, Egypt, Indonesia, Iran, Morocco, Sri Lanka, Turkey.

study, there are various exceptions to or omissions from the coverage of the relevant legislation in a number of countries, which have been examined in Chapter I. In these cases, the basic purpose of Article 7 of the Convention is not, or may not be, fulfilled; that is, to restrict and regulate the work that children may do before a stated minimum age and before they enter into regular employment or work.

163. In some countries, including some in which there are no provisions relating to light work, it has been noted above (paragraph 91) that exclusions from the requirements of minimum age legislation may be authorised by decision of the competent authorities or of a magistrate. In some of these cases¹ such exceptions may be granted when the child's work is considered to be indispensable for supporting himself or his family, and does not interfere with minimum compulsory education. This would take into account the requirement of Article 7(1)(b) concerning education; but in neither of these cases are the other conditions laid down (restriction to "light work", a specific lower age limit, prohibition of work harmful to health or development, restrictions on the number of hours and conditions of work) which are required by this Article. In the other cases² no guidelines or restrictions at all on this power have been reported or located. Thus, even though conditions might in some cases be put on the allowed exclusions to bring them within the requirements of Article 7, this would not necessarily be the case.

164. In other countries in which no provisions specifically on light work exist, there are sometimes provisions which, like those mentioned in the preceding paragraph, have some of the characteristics of Article 7, while not constituting light work in the sense of the Convention. In some countries³ the prohibition on work under the stated minimum age does not apply in agriculture (no lower age limit is set) unless it prevents school attendance. In another⁴ the competent minister may make regulations to allow work for persons under the stated minimum age (again, no lower age limit is set) during such periods and under such conditions as he may specify, if there are good reasons for such activity, if the work is not harmful, and if it does not prejudice education. In other countries, although the minimum age for admission to employment or work is 14, there are stricter conditions on the work of young persons between 14 and 16, including a prohibition on work which is physically or morally dangerous, requirement of a medical examination, limits on hours, and a requirement that employers allow time off for schooling.⁵ In another case, local authorities may make by-laws relating to the employment of

¹ Ecuador 1, section 135; Honduras 2, section 32.

² States: Algeria 5, section 182; Burma 1, section 5(1)(h) (commerce); Cameroon 1, section 1(3); Fiji 1, section 58; Federal Republic of Germany 1, section 5(2)(3); Madagascar 1, section 83; Norway 1, section 2(4); Papua New Guinea 3, section 4(b)(i); Poland 1, section 191(5); Tanzania 1, section 1 (Tanganyika); Upper Volta. Non-metropolitan territory: Hong Kong 1, section 73(2).

³ Colombia 1, section 171 and Colombia 2, section 5(2); New Zealand 2, section 57.

⁴ Malta 1, section 23(2) - no such regulations reported.

⁵ Mexico 2, sections 175 to 178 and 180(III); Papua New Guinea 3, section 103(3).

children under the usual minimum age for employment or work, which may in practice result in a situation similar to the conditions laid down in Article 7 of the Convention.¹ One case appears in which employment in non-industrial activity is allowed two years below the age otherwise specified, subject to educational requirements, parents' consent, and limits on working hours,² and another in which children on completion of compulsory schooling but below the minimum age for admission to employment or work, may carry out defined activities.³

165. In some countries in which some or all employment of young persons is prohibited only during hours when school is in session, the approach has been to consider part-time work and work during school holidays as valuable work experience and to allow it with few restrictions. One Government⁴ stated in its report, for example, that it "considered that school children 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. ... The type of work with which the Convention is concerned is regular labour undertaken in factories, workshops, agriculture, maritime services and others". A similar viewpoint was expressed during the discussion of these instruments, but the Conference decided to adopt the present text allowing ratifying countries to set a specific lower minimum age for light work and providing for strict safeguards.

166. The reports from the countries referred to in the previous paragraph indicate that a wide range of work is specifically allowed young workers outside school hours and during vacations, most of which resembles the light work allowed under the Convention.⁵ However, in so far as no specific standards are laid down in this regard, young persons are able legally to take up any form of work when not required to attend school, with no restrictions as to age.⁶

¹ United Kingdom 2, section 18(2) (c) (see supra., note to para. 146).

² Hong Kong 2, sections 5 and 6.

³ Suriname 1, section 18 (no decree defining such activities has been issued).

⁴ Australia.

⁵ E.g., Australia: the report states that "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"; Canada: the report states that "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". However, there is no definition of light work in provincial legislation, and a number of provinces do not set a minimum age for employment or work in all sectors; United States: the report indicates that state legislation often permits employment of children under the minimum age outside school hours or during vacations, or in some occupations at any time.

⁶ In one case which does not otherwise resemble those listed here, employment during school holidays for persons under the minimum age, or for those who have not secured admission to a suitable school, is exempt from minimum age standards (Zambia 12, section 12(3)).

167. The approach adopted in these countries is not in accord with the principles laid down in the Convention. The effect of the divergence is limited to a certain extent by the presence of compulsory school attendance, high rates of attendance by those covered, and an adequate educational infrastructure; in countries without near-total school attendance there would in effect be no protection for those children not attending school. However, even in the countries referred to here there are many possibilities of abuse inherent in this approach.

B. Light work permitted, but no minimum age set

168. All the other countries examined make some specific provision for light work below the age fixed for admission to employment or work, though in a number of different forms. First, there are the cases in which light work under the basic minimum age is excluded from the application of the legislation, within certain limitations, and no lower limit is set on the ages at which it can be performed. Some of the cases of this type which have been reported involve exemption of family members¹ and some also require specific approval by the competent authorities.² However, in one of these cases, light work in certain cases is simply excluded from minimum age restrictions.³

169. There are other cases in which the principal legislation provides that the competent authorities may lay down rules providing for children under the basic minimum age to perform light work,⁴ but no minimum age for light work is provided, though in some cases other guidelines are laid down.⁵

¹ States: Austria 4, section 77 - light work in agriculture; Botswana 1, section 76(1)(a) - light work in agriculture, horticulture or domestic occupations; Cyprus 1, section 3(2) - light work "of an agricultural or other character"; Fiji 1, section 59(1) - in agriculture; Jamaica 1, section 71(2) - employment by parents in light domestic, agricultural or horticultural work; Malaysia 1, section 2(2)(a) - any family undertaking; Sierra Leone 1, section 51 - light work in agricultural, horticultural or domestic occupations; Tanzania 1, section 77(1) - light work in agriculture (Tanganyika). Non-metropolitan territories: Bermuda 1, section 3 (in agriculture, horticulture or domestic work); Falkland Islands 1, section 2(2).

² Botswana, Cyprus, Sierra Leone.

³ Bermuda 1, section 6(2) (light work as errand boy or messenger, or in light work connected with an industrial undertaking).

⁴ Burundi 1, section 117 (in a 1980 report under Convention No. 59, the Government stated this had not yet been done); Denmark 1, section 59(4); Poland 1, section 191(4) (no such orders known); Sri Lanka 1, section 14(1); United Kingdom 2, section 18(2)(a)(i) - local authority may make by-laws authorising employment of children under 13 by parents or guardians in light agricultural work (power conferred on Secretary of State by United Kingdom 9, section 1(2), but not yet used); Uruguay 3, section 3.

⁵ Burundi 1, section 117 (not harmful to health, development or schooling); Denmark 1, section 59(5) (account to be taken of age, development and state of health, and schooling or other instruction); Sweden (see *infra*, paragraph 171); Uruguay 3, sections 4 to 7 (limits on hours, night work prohibited, defined occupations).

170. In some of these cases, as is permitted by the Convention, minimum ages for light work have been set in regulations instead of in the principal legislation. In others, however, no minimum age for some kinds of light work has been set in any manner. The Committee considers that States which permit light work below the general minimum age should examine this matter closely, and should adopt provisions in this respect.

C. Minimum ages set for light work

171. Among the countries which have set minimum ages for light work, the ages have been set variously at 10,¹ 12,² 13,³ 14,⁴ and 15.⁵ There are also cases in which a slightly different formula has been adopted to define the minimum age for light work, such as persons who have reached a specific age or will do so in the course of the calendar year,⁶ or persons who have completed compulsory schooling but not yet reached a specified age.⁷ As can be seen from Table II, the interval between the age of admission to light work and the generally-applicable minimum age is in many cases the two years provided for in the Convention (e.g., 13-15 or 12-14), but in some cases can be as long as five years.

¹ Denmark 6 (berry-picking and messengers); Tanzania 2 (Zanzibar - light agricultural).

² Austria 1, section 5(a); Benin 2; Brazil 1, section 403; Central African Republic 2, section 2; Comoros 2, section 2; Congo 2, section 2; France 3, section 18 and France 4, section 4 (agriculture only); Haiti 1, section 400; Ivory Coast 3, section 1; Japan 1, section 56(2); Mali 1, section 3; Niger 2, section 128; Panama 2, section 117; Paraguay 1, section 120; Senegal 3, section 1; Seychelles (reports); Singapore 1, section 67(1); Upper Volta 3, section 1 (domestic and light seasonal work).

³ Denmark 6 (shop assistant and laundry marking); Federal Republic of Germany 1, section 5(3); Netherlands 1, section 9(2)(d) (for agriculture, or shops forming part of dwelling for child of manager); Norway 1, section 35(a) and Norway 4, section 1(1) (light errands, cleaning or packing, delivery of periodicals, etc.); Sweden 2 (though the same legislation provides that children below 13 may also perform light work on isolated occasions for up to 5 consecutive days - no minimum age is set); Switzerland 1, section 30(2) and Ordinance I, sections 59 and 60; Tunisia 1, section 56.

⁴ Chile 1, section 23; Finland 2, section 5; France 1, section L.211-1 (other than agriculture); German Democratic Republic 3, section 39(2); Iceland 2, section 60; Ireland 1, section 4(2); Zaire 1, section 3(a), Zaire 2, section 24 and Zaire 3, section 9.

⁵ Netherlands 1, section 9(2)(e) (delivery of periodicals); Norway 4, section 1(2) (light office and library work); Philippines 4, section 107.

⁶ Finland 2, section 5 - the age referred to is 14.

⁷ Federal Republic of Germany 1, section 7(2) - the age referred to is 15; Hungary 1, section 18(2) and Government report - the age set is 14.

D. Restrictions on light work

172. As noted above (paragraphs 159 and 160) the Convention does not define the concept of "light work" except by stating what it must not be. It includes several restrictions on the kinds of employment or work which are permitted under Article 7: it must be "light work", not likely to be harmful to health or development, not likely to prejudice schooling, the activities permitted must be determined by the competent authorities, and the number of hours during which and conditions in which it may be performed must be specified.

173. Those countries whose legislation includes the concept of "light work" are mentioned above (paragraphs 168 and 169).

1. Not likely to be harmful to health or development

174. Only a minority of countries have included in their provisions on light work a stipulation similar to that in Article 7(1)(a) of the Convention. Several of these countries permit light work on condition that it not be harmful,¹ and most add that it should not affect the child's development.² There may also be a provision that it be suitable to his capacity.³

175. Generally-applicable provisions which prohibit dangerous or unhealthy employment or work for all young persons, in accordance with Article 3 of the Convention, will in many cases cover light work as well (see Chapter IV).

176. There are also cases in which the restriction to non-harmful light work is laid down with regard only to some of the economic sectors concerned,⁴ and no mention of such a restriction is made for other sectors in which light work is permitted.

177. In the countries which permit light work only in certain sectors or occupations (see below) there may also have been a determination, which is not stated in the legislation, that these sectors or occupations are by definition not harmful or injurious, so that there is de facto compliance with the Convention's provisions in this sense. Even in these cases, however, it would be useful to include a specific prohibition of harmful or injurious work in the relevant legislation, as there are some tasks in most occupations which involve at least potential dangers to health, safety or morality.

¹ Austria 1, section 5a(3)(a) and Austria 4, section 77; Brazil 1, section 403; Burundi 1, section 117; Chile 1, section 23; Haiti 1, section 400(1); German Democratic Republic 8, preamble; Iceland 2, section 60; Ireland 1, section 4(2)(a); Japan 1, section 56(2); Norway 1, section 35(a); Paraguay 1, section 120(c); Philippines 4, section 107; Sierra Leone 1, section 51 (the only condition is that the child not lift anything so heavy as to be harmful); Sweden 1, Chapter 5, section 2; Switzerland 1, section 30; Tunisia 1, section 56(1); Upper Volta 3, section 6; Uruguay 3, section 3; Zaire 2, section 24(2).

² Brazil, Burundi, Chile, German Democratic Republic, Haiti, Ireland, Norway, Philippines, Sweden, Switzerland, Tunisia, Uruguay.

³ E.g., Singapore 1, section 67(1) (suitability to be determined by a medical certificate).

⁴ Congo 2, section 2(b) - for stated tasks in agriculture.

178. Similar provisions have also been located in countries which do not provide specifically for light work, but which do have stricter conditions on work for young persons below a specified age,¹ or in which work below the normal minimum age can be allowed by decision of the competent authorities.²

2. Not likely to prejudice schooling

179. Most countries which permit light work below the generally-applicable minimum age make some provision for safeguarding the schooling of the young persons allowed to undertake such work, but there are a few countries³ which do not refer to schooling in their provisions on light work.

180. Some of the countries concerned⁴ merely state that light work should not prejudice schooling, without imposing more detailed restrictions; though others combine this with additional provisions.⁵

181. Other countries only permit light work if a certain educational level has already been attained.⁶

182. There are some countries which permit light work only during school holidays,⁷ though some of these countries limit this restriction to young persons who attend an educational institution.⁸

183. A number of countries restrict light work to times outside

¹ E.g., Mexico 2, sections 175 and 176.

² E.g., Malta 1, section 23(2).

³ States: Botswana, Cyprus, Iceland, Malaysia, Seychelles, United Kingdom (however, the power to adopt detailed rules on light work is with the local authorities - United Kingdom 2, section 18(2)(a)(i), and the by-laws actually adopted may contain such references). Non-metropolitan territory: Falkland Islands.

⁴ Benin 2; Burundi 1, section 117; Japan 1, section 57(2) (certificate from schoolmaster required); Norway 1, section 35(a); Philippines 4, section 107; Upper Volta 3, section 2; Zaire 2, section 24.

⁵ Austria 1, section 5a(3); Federal Republic of Germany 1, section 5(3); Haiti 1, section 400(2); Ireland 1, section 4; Ivory Coast 3, section 2; Norway 4, section 3(1); Paraguay 1, section 120(a); Sweden 1, Chapter 5, section 2; Upper Volta 3.

⁶ Brazil 1, section 403; Chile 1, section 23.

⁷ Finland 2, section 5 (only for two-thirds of school holiday); France 1, section L.211-1; German Democratic Republic 8, section 3(2); Hungary 1, section 18(2); Netherlands 1, section 9(2)(a) (though special rules exist for some cases - see below).

⁸ Central African Republic 2, section 3; Congo 2, section 3; Mali 1, section 3; Upper Volta 3, section 2.

school hours,¹ or limit the number of hours which can be worked on a daily or weekly basis² and prohibit night work by those covered.³ In some cases, not noted here, there will be a de facto prohibition on work during school hours because of laws on compulsory school attendance.

184. The particular importance of safe-guarding a child's school attendance and ability to profit from education should be stressed. The Convention leaves the method of doing so up to ratifying States, but it is clear that at least a prohibition of employment or work during school hours for those young persons attending school is a necessary prerequisite for realising this objective. In addition, a limitation of the hours worked outside school hours during school terms, would appear almost equally important in limiting fatigue and a diversion of their concerns if school attendance is to be of benefit.

3. Limitation of hours and conditions of work

185. As noted above (paragraph 183), most of the countries which have provisions allowing light work have imposed some limitations on the hours during which young persons may perform such work. In relation to conditions of work, a prohibition of work likely to be harmful to health or development - either in relation to light work specifically or more generally for all young people - will partially meet the requirement that conditions of work be prescribed, as will other aspects of the situation, examined below.

4. Kinds of light work permitted

186. Article 7(3) of the Convention requires that the competent authority "determine the activities in which employment or work may be permitted" under this Article. It should be noted here that there is no requirement that the types of activities should be specified in the principal legislation; this determination may instead be left to regulations issued by the administrative authorities.

¹ Austria 1, section 5a(3); Comoros 2, section 3; Federal Republic of Germany 1, section 5(3); Haiti 1, section 398 (agriculture); Ireland 1, section 4(3)(a); Japan 1, section 56(2); Netherlands 1, section 9(2)(d) and (e) for certain types of work; Niger 2, section 128; Panama 2, sections 117 and 123; Upper Volta 3, section 2.

² Austria 1, section 5a(3)(c); Comoros 2, section 3; Fiji 1, section 64(1); Federal Republic of Germany 1, section 5(2)(a) and (b); Haiti 1, section 400(3); Iceland 2, section 61; Ireland 1, section 4(3)(a) and (9); Ivory Coast 3, section 3bis; Mali 1, section 3; Netherlands 1, section 9(2)(d) and (e); Niger 2, section 128(b); Norway 4, section 3(1); Paraguay 1, section 120(e); Sierra Leone 1, section 51; Sweden 2, section 10; Switzerland 1, section 30(2); Tanzania 2, section 2 (Zanzibar); Tunisia 1, section 56; Upper Volta 3, section 3; Zaire 2, section 24(1).

³ E.g., Austria 1, section 5a(4)(b); Comoros 2, section 4(b); Federal Republic of Germany 1, section 5(3); Mali 1, section 3; Niger 2, section 128; Paraguay 1, section 120(c); Sierra Leone 1, section 51; Switzerland 1, section 30(2); Upper Volta 3, section 5; Uruguay 3, section 6.

187. There are several countries which lay down the principle of light work,¹ but which have not reported any determination of the permitted activities, either in legislation or regulations. There are also cases in which the legislation specifically allows light work in certain occupations, with others to be determined by subsequent orders.²

188. In certain countries, light work at a lower age is specifically prohibited in some sectors. This prohibition may be the only way in which restrictions are placed on types of light work,³ or it may be combined with provisions which allow light work in some occupations.⁴

189. Most countries list certain economic sectors or occupations in which light work is permitted, thus excluding by implication all other sectors. The most frequent authorisation is for light work in agriculture (and/or horticulture or viticulture).⁵ A number of countries also make specific provision for light work in domestic service at a lower age.⁶ In others, provision is made for light work in

¹ Burundi 1, section 118 (the Minister is to lay down regulations, but in a 1980 report on Convention No. 59 the Government stated this had not yet been done); Chile 1, section 23; Finland 2, section 5; German Democratic Republic 3; Ireland 1, section 4; Malaysia 1, section 2(2)(a); Philippines 4, section 107; Poland 1, section 191(4) and (5); Singapore 1, section 67(1).

² E.g., Cyprus 1, section 3(2); Federal Republic of Germany 1, section 26(1); Jamaica 1, section 71(2); Japan 1, section 56(2), read together with section 8(17).

³ E.g., Brazil 2, section 1 (no light work exemption in industry or in land or sea transport).

⁴ E.g., Light work prohibited in industry: States: Central African Republic 2, sections 2(c) and 11; Congo 2, section 2(c); Cyprus 1, section 3(2); Ireland 1, section 4; Mali 1, section 3; Niger 2, section 128; Tunisia 1, section 56(1); Uruguay 3, section 3; Non-metropolitan territory: Bermuda 1, section 6(2); Light work prohibited in agriculture: Tunisia 1, section 56(1).

⁵ E.g., States: Austria 4, section 77; Benin 2; Botswana 1, section 76(1)(a); Central African Republic 2, section 2(b) (specified tasks only); Comoros 2, section 2; Congo 2, section 2(b) (specified tasks only); Denmark 6 (fruit picking); Fiji 1, section 59(1); Federal Republic of Germany 1, section 5(1); France 3, section 18 and France 4, section 4 (under supervision of parents); Ivory Coast 3, section 1; Japan 1, section 56(2), read together with section 8(6); Mali 1, section 3(a); Mauritius 2, Second Schedule, section 6(3); Netherlands 1, section 9(2)(d); Niger 2, section 128; Panama 2, section 119; Paraguay 1, section 120; Senegal 3, section 1; Seychelles 1, Cap. 170, section 21(1); Sierra Leone 1, section 51; Tanzania 1, section 77(1) and Tanzania 2; United Kingdom 2, section 18(2)(a)(i) (subject to local by-laws); Upper Volta 3, section 1; Zaire 3, section 9. Non-metropolitan territories: Bermuda 1, section 3; Falkland Islands 1, section 2(2).

⁶ E.g., States: Austria 1, section 5a(1)(b); Benin 2; Botswana 1, section 76(1)(a); Central African Republic 2, section 2(b); Comoros 2, section 2; Congo 2, section 2(a); Ivory Coast 3, section 1; Mali 1, section 3(a); Niger 2, section 128; Panama 2, section 123; Senegal 3,

(Footnote continued on next page)

family undertakings, either as the only possibility¹ or combined with others.²

19C. A number of other cases in which light work may be performed appear in isolated instances in national legislation, such as non-industrial light work which can be done only by children,³ shop assistant,⁴ delivery of periodicals,⁵ etc. In general, however, it appears rare that detailed specification of permissible light work is made - aside from agricultural and domestic work - as most countries designate wider economic sectors in which such work may be performed.

5. Other conditions for permitting light work

191. In addition to the restrictions examined above, which are laid down in the Convention, several States have adopted additional conditions to the performance of light work. Thus, there are several countries in which some or all forms of light work may be performed only after a permit to do so has been issued by the labour inspectorate or other competent authorities.⁶ Other countries require the permission of parents or guardians.⁷

(Footnote continued from previous page)

section 1; Sierra Leone 1, section 51. Non-metropolitan territory: Bermuda 1, section 3.

¹ State: Malaysia 1, section 2(2)(a); Non-metropolitan territory: Falkland Islands 1, section 2(2) (in agriculture).

² State: Austria 1, section 5a(1)(a); Non-metropolitan territory: Bermuda 1, section 3.

³ E.g., Congo 2, section 2(c).

⁴ E.g., Denmark 6; Netherlands 1, section 9(2)(d).

⁵ E.g., Federal Republic of Germany 1, section 5(3)(2)(b); Norway 4, section 1(1); Uruguay 3, section 7; Zaire 3, section 9.

⁶ E.g., Botswana 1, section 76(1)(a); Central African Republic 2, sections 2(c) and 11; Chile 1, section 23 (authorisation of either parents or labour inspector); Congo 2, section 2(c) (for non-industrial light work if it can be done only by children); Cyprus 1, section 3(2); France 1, section L.211-1; Ivory Coast 3, section 2 (if schooling is available); Japan 1, section 56(2); Mali 1, section 3(c) (for non-industrial light work); Niger 2, section 128 (for non-industrial light work); Panama 2, section 123 (for domestic work); Senegal 3, section 2 (in cases where schooling is available); Seychelles 1, Cap. 170, section 21(1); Sierra Leone 1, section 51; Sweden 2, section 10; Switzerland 1, Ordinance I, section 60 (may be required by cantons); Tanzania 1, section 77(1) (Tanganyika); Upper Volta 3, section 6; Uruguay 3, section 3.

⁷ E.g., Austria 1, section 5a(5); Central African Republic 2, section 10; Chile 1, section 23 (authorisation of either parents or labour inspector); Comoros 2, section 6 (unless working in same undertaking with parents and at their side); Congo 2, section 10; German Democratic Republic 8, section 2(3); Federal Republic of Germany 1, section 5(3)(2); Ivory Coast 3, section 3; Japan 1, section 57(2); Norway 1, section 2(1); Paraguay 1, section 120(d); Senegal 3, section 3 (unless working in same undertaking); Sweden 2, section 10; Upper Volta 3, section 3.

192. Finally, a certain number of countries require medical examinations before admitting children to light work.¹

II. Artistic performances

193. Article 8 of the Convention provides that persons younger than the generally-applicable minimum age may work "for such purposes as participation in artistic performances", under defined conditions.

194. The two earlier Conventions on minimum age for admission to non-industrial employment (No. 33 of 1932 and its revising Convention, No. 60 of 1937) both contained far more detailed and restrictive provisions on this subject than Convention No. 138. Article 4 of both Conventions stated that such permission could only be given "in the interests of art, science or education", restricted dangerous performances (including employment in circuses, variety shows or cabarets), enjoined strict safeguards and kind treatment for the young persons concerned, and forbade employment after midnight.

195. By contrast, Article 8 of Convention No. 138 leaves the matter almost entirely up to the national authorities. The only restrictions are that permits be granted in individual cases (which means that general exemptions may not be granted by national laws or regulations, for instance), and that the permits must limit the number of hours of work and prescribe the conditions under which such work is allowed. As stated in the preparatory work, "the requirement of individual permits ... is intended to ensure strict control over the circumstances and conditions in which such participation takes place".² It should be noted that there is no minimum age laid down in the Convention for such work.³

196. More than half the reporting countries have, or have reported, no special provisions in their legislation on this subject.⁴

¹ Central African Republic 2, section 10; German Democratic Republic 8, section 2(3); Paraguay 1, section 120(b); Singapore 1, section 67(2).

² Report IV(2), 58th Session, op. cit., p. 21.

³ However, one State (Dominican Republic 1, section 228) seems to regulate artistic performances only for persons of 14 to 18, and does not refer to younger children.

⁴ States: Afghanistan, Algeria, Argentina, Bahrain, Bangladesh, Benin, Botswana, Burundi, Byelorussian SSR, Central African Republic, Colombia, Comoros (but see para. 200, *infra*.), Congo, Czechoslovakia, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Greece, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Ireland, Jamaica, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Madagascar, Malta, Mauritius, Mexico, Mongolia, Nepal, New Zealand, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Senegal, Seychelles, Sierra Leone, Singapore, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Tanzania, Turkey, Yugoslavia, Zaire, Zambia. Non-metropolitan territories: Anguilla, Bermuda, Falkland Islands, Gibraltar, Hong Kong, Montserrat, St. Kitts-Nevis.

197. This does not necessarily imply either that such work is prohibited for these young persons, or that it is performed without regulation. In some cases, of course, provisions exist but have not been reported. In others, the national provisions on light work will be of at least limited relevance, particularly in cases in which the competent authorities may grant exemptions from minimum age provisions for specified occasions.¹ There are also countries in which only some sectors of economic activity are covered by general minimum age provisions;² in none of these cases is work in public performances covered, so there would appear to be no minimum age restriction or other regulation of the conditions of work of young persons and children in performances in these countries.

198. In those countries which do have regulations on this subject, there is a wide variety of approaches. First, there are those countries which have no explicit or detailed legislation on the subject, but concerning which the Government has communicated some information.³ There are also countries in which employment in specified places in which performances are given is prohibited for children, but no mention is made of performances.⁴

199. In another country, authorisation may be given for a child to work outside a factory or workplace, in the interests of art, science or education;⁵ this implies a reference to artistic performances, especially in view of the similarity to the language used in Article 4 of Conventions Nos. 33 and 60 (see above).

200. An approach taken in several countries is simply to forbid certain kinds of performances - such as dangerous feats of strength or contortionist exercises⁶ - for anyone under 16, but to have no regulations specifically concerning any other kind of performances by young persons. While other countries also forbid such activities,⁷ they add to this prohibition regulation of other performing activities for young persons under the usual minimum age.

¹ See supra, para. 91. (In its report, the Government of Hong Kong referred to this power as the means of applying these provisions.)

² See supra, para. 112.

³ E.g., Czechoslovakia (the Government's report states there are isolated instances in which children are employed for such purposes, and that measures are taken to ensure that their health and morals do not suffer. Even though no legislation exists on the subject, its enactment is under consideration); Zambia (no provisions have been located, and the Government states that since Convention No. 138 was ratified in 1976 no exemptions from the legislation have been sought).

⁴ E.g., Honduras 2, section 129 (no one under 16 may work in theatres, circuses, cafés or cantinas).

⁵ Netherlands 1, section 9 bis (1) (b).

⁶ Cameroon 2, section 18(4); Comoros (government report - but stated also that there were no professional performers in the country); Djibouti 2, section 29; Ivory Coast 2, section 3D346; Upper Volta 2, section 26.

⁷ France 1, section L.211-11; Mali 1, section 4; Morocco 1, section 23; Niger 2, section 156; Sri Lanka 1, section 19(1); Tunisia 1, section 57; United Kingdom 2, section 23; Uruguay 1, section 247; Venezuela 3, section 96.

201. Among those countries which have adopted more detailed provisions in this area, one¹ has simply extended its provisions on light work to children under the normal minimum age for light work in motion picture and theatrical performances.

202. An important element of the exception in the Convention for "such purposes as artistic performances", is that individual permits are required before children may be employed or work in such activities. Most of the countries which have provisions in this respect require such permits, either by administrative² or judicial³ authorities. In one case there are, however, exemptions from the requirement of individual permits.⁴ In all cases in which permits are provided for, the granting of the permit is for the discretion of the authority concerned, within the basic guidelines laid down.

203. Several countries have restricted the character of the performances in which children may appear, depending upon their purposes. Some provide that permits may only be issued in the interests of art, science and education,⁵ reflecting the requirements of Conventions Nos. 33 and 60. (Such a restriction was not included in Convention No. 138.) Others clarify the concept by providing that children may not work in public performances which are put on for a profit-making motive,⁶ or that only these kinds of performances fall within the scope of the legislation.⁷ In the latter case, one country⁸ has indicated in its report that its legislation is aimed at work and not at leisure activities, so that school or youth-group activities for cultural development are not covered. The Committee recalls the

¹ Japan 1, section 56(2); see also reference to Hong Kong, supra., para. 197.

² E.g., Austria 1, section 6(5); Belgium 1, section 7; Bulgaria 8, section 2; Cuba 4, section 390; Cyprus 1, section 7; Dominican Republic 1, section 228; France 1, section L.211-7 and F.211-1; Federal Republic of Germany 1, section 6(1); Luxembourg 1, section 6; Malaysia 1, section 7(1); Mali 1, section 4; Morocco 1, section 23; Netherlands 1, section 9bis (1)(b); Niger 2, section 129; Norway 1, section 35(d); Peru 1, section 13; Spain 1, section 6(4); Switzerland 1, Ordinance I, section 56; Tunisia 1, section 57; Ukrainian SSR by USSR 6; USSR 6; Uruguay 1, section 242; Venezuela 2, section 183.

³ E.g., Brazil 1, section 406(1); Chile 1, sections 26 and 27.

⁴ United Kingdom 2, section 22(2) (permits not necessary if (a) the child has not taken part in an entertainment more than 6 times in the previous six months, or (b) proceeds of the entertainment are not for the private profit of the promoters).

⁵ E.g., Austria 1, section 6(1); Bulgaria 2, section 113; Cuba 4, section 390; Cyprus 1, section 7; Luxembourg 1, section 6; Mali 1, section 4; Netherlands 1, section 9bis (1)(b); Niger 2, section 129; Tunisia 1, section 57.

⁶ Costa Rica 1, section 90(b).

⁷ Federal Republic of Germany (report); Malaysia 1, section 19(1); Sri Lanka 1, section 14(2); United Kingdom (see para. 202); Uruguay 1, section 241; Venezuela 2, section 183.

⁸ Federal Republic of Germany.

explanations given in Chapter I on the scope of the Convention, and considers that it was not intended to regulate educational or purely cultural activities.

204. There are also provisions in some countries stating that a medical examination¹ or the permission of parents or guardians² is required before a permit may be issued. Another provision sometimes found is that a permit may be issued when it is shown that it is indispensable for the maintenance of the child or his relatives.³

205. The only guidance given in the Convention on the contents of the permits is that they limit the number of hours during which and prescribe the conditions in which employment or work is allowed. In so far as hours and conditions of work are laid down in individual permits - and it is within the discretion of the competent authorities what restrictions shall be laid down in each case - the Committee possesses no information on the application of this principle. However, some countries have imposed restrictions on the discretion allowed under the Convention.

206. With regard to hours of work, several countries provide that young persons for whom permits have been granted shall not be allowed to work after a specified hour at night.⁴ In some cases there are also restrictions on the number of hours during which permits can authorise such work,⁵ and the number of hours of rest which must be allotted.⁶

207. A number of countries have also adopted provisions restricting the discretion which may be exercised in granting permits as concerns the conditions in which such employment is allowed. They have done this in two ways: either a general requirement is laid down as to the protection of health and morality, or the kinds of establishments in which children may (or may not) appear in performances are specified.

¹ E.g., Austria 1, section 6(4); Bulgaria 8, section 2; Ukrainian SSR by USSR 6, section 3; USSR 6, section 3.

² E.g., Austria 1, section 6(4); Chile 1, section 26; Luxembourg 1, section 6; Ukrainian SSR, by USSR 6, section 2 (for under 14); USSR 6, section 2 (for under 14).

³ E.g., Brazil 1, section 406(II).

⁴ Austria 1, section 7(2)(a); Belgium 1, section 7 and Belgium 4; Cyprus 1, section 7; Dominican Republic 1, section 228; Federal Republic of Germany 1, sections 6(1) and 14(7); Israel 1, section 25(d); Luxembourg 1, section 6; Niger 2, section 129; Tunisia 1, section 57.

⁵ Federal Republic of Germany 1, section 6(1); Malaysia 1, Annex; Ukrainian SSR, by USSR 6, section 5; USSR 6, section 5; Venezuela 2, section 184. (In Direct Requests of 1979 and 1980, under Convention No. 138, the Committee asked the Government of Cuba to indicate whether regulations had been laid down limiting the permissible number of hours.)

⁶ Federal Republic of Germany 1, section 14(7); Israel 1, section 4(b); Luxembourg 1, section 6; Mali 1, section 4; Tunisia 1, section 57; Ukrainian SSR, by USSR 6, sections 6 to 8; USSR 6, sections 6 to 8.

208. Several countries have included in their legislation a requirement in general terms that any permits given for children to work as performers must be conditional on the protection of their health and morals.¹ In some cases there is an additional requirement that schooling or other education not be prejudiced.²

209. The other basic approach is to forbid permits allowing children to appear in performances of a certain kind³ or in certain kinds of establishments (such as circuses, cabarets, etc.).⁴ In two cases, exceptions are permissible for specified kinds of dangerous performances, if the child is working with his parents who exercise the same profession.⁵ Alternatively, children may be permitted to appear only in certain kinds of performances or establishments⁶, usually including theatre, cinema and television; sometimes these provisions expressly include such things as circuses, which are barred in some other countries.

210. Finally, one country regulates the manner in which money earned by child performers shall be managed.⁷

211. It will be seen from the above summary of the information available that there are wide variations and often large gaps in the

¹ Austria 1, section 6(5); Brazil 1, section 406; Bulgaria 8, section 2; Israel 1, section 4(b); Luxembourg 1, section 6; Malaysia 1, section 7(1); Mali 1, section 4(a); Nicaragua 2, section 123; Niger 2, section 129; Norway 1, section 35(d); Spain 1, section 6(4); Tunisia 1, section 57; United Kingdom 2, sections 23 and 24(1) (the latter provision extends the general requirement and forbids training to take part in dangerous performances for children under 12); Venezuela 2, section 185.

² Austria 1, sections 6(3) and 7(1); Luxembourg (report); Norway 1, section 35(d); Spain; Tunisia 1, section 57.

³ E.g., dangerous feats of strength or contortionist exercise: see above, para. 200, plus Niger 2, section 156; Tunisia 1, section 57; Uruguay 1, section 247; Venezuela 3, section 96.

⁴ Austria 1, section 6(1) (not in music-halls, cabarets or circuses); Brazil 1, section 405(3) (work in theatres, cinema, cabarets and circuses prohibited without authorisation); Chile 1, section 26 (work in cabarets and similar establishments prohibited without authorisation); Federal Republic of Germany 1, sections 6(1) and 14(7) (work in dance halls, cabarets, amusement parks, circuses and fairs prohibited); Luxembourg 1, section 6 (work in circuses, variety shows or cabarets prohibited); Morocco 1, section 23 (work in theatres unless authorised, cafés, circuses and outdoor performances is prohibited); Nicaragua 2, section 123 (theatres, circuses, cafés); Niger 2, section 129 (circuses, variety shows, cabarets); Uruguay 1, section 247.

⁵ France 1, section L.211-11 (2) (for acrobatic and animal shows or outdoor performances); Uruguay 1, section 247 (limit for feats of strength, dangerous performances or dislocation lowered to 12).

⁶ Belgium 1, section 7; Bulgaria 2, section 113; Chile 1, section 27; Cuba 4, section 390; Venezuela 2, section 184.

⁷ France 1, section L.211-8.

regulation of performances by children. In those countries which have reported no legislative provisions, measures should be taken either to regulate such work or to prohibit it. It is in the nature of the performing arts, which are practised in most countries in the world, to require children for some kinds of performances at an age below that at which they would normally be allowed to work. Because of this, and because of the significant dangers to health, morality and education which are posed by some kinds of performances, provision should be made to ensure that the conditions in which such work is carried out are subject to close supervision and regulation. The Convention's terms are very wide, and allow a great deal of discretion in this respect; but measures should be taken.

CHAPTER IV

HIGHER MINIMUM AGE FOR WORK DANGEROUS TO HEALTH, SAFETY OR MORALS

1. Provisions of the Convention and Recommendation

212. The question of hazardous or dangerous work gave rise to prolonged and complicated discussions during the adoption of the Convention and Recommendation. Through all the discussions, however, there was no disagreement on the basic point of these provisions: a higher minimum age than for other work must be prescribed for employment or work likely to jeopardise the health, safety or morals of young persons. This principle has been the subject of a large number of Conventions and Recommendations adopted by the International Labour Conference since its earliest sessions, and provisions to this effect have been included in a number of other instruments.¹ (While Article 10 of Convention No. 138 revises the earlier minimum age Conventions, it does not affect the other Conventions and Recommendations which include such provisions, and they therefore remain in force.)

213. Article 3, paragraph 1, of Convention No. 138 lays down the basic principle that a minimum age of at least 18 years shall be set for certain types of employment or work. In the original questionnaire sent to governments, this point was phrased "employment or work in any occupation",² but this was somewhat modified because of "the observation made by a number of governments that the term 'occupation' is unsuitable in this provision since it is not necessarily an entire occupation which is hazardous but possibly just certain activities within it. For greater precision, the term 'type of employment or work' has been used in this and all related provisions".³ Thus, it is activities to which this Article refers, and not necessarily entire occupations, though ratifying governments are free to set higher standards for occupations if they wish.

214. The next point to note is that the Article refers to employment or work "which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons". There should therefore be attention to the circumstances and not only the nature of a particular type of work. Certain types of activities which are not in themselves hazardous may become so in certain circumstances, and the competent authorities should take this into account. This is similar to the provisions contained in three earlier Conventions on minimum age (Conventions Nos. 33, 59 and 60).

¹ See supra., Introduction, paragraphs 16, 20 and 27 to 30.

² Report IV(1), 57th Session, op. cit., p. 38.

³ Report IV(2), 57th Session, op. cit., pp. 27 and 28.

215. The employment or work referred to is any which is dangerous to the "health, safety or morals of young persons". It will be apparent that very different kinds of activities may be dealt with by these three words. The terms "health" and "safety" obviously refer to physical dangers, though perhaps of different sorts. They would cover, respectively, dangers such as exposure to certain processes or substances which might have an effect on the general health of those concerned; and immediate physical dangers such as work with machinery or in high places. These dangers are normally simple to define, and easily identifiable. Dangers to the morals of young persons, on the other hand, are more difficult to classify, but should also be regulated by national authorities and forbidden to the young persons concerned. These must be identified within the context of the national society, and thus may differ from country to country to a wider extent than physical dangers.

216. Paragraph 2 of this Article of the Convention provides that the types of employment or work concerned "shall be determined by national laws or regulations or by the competent authority", leaving to the individual countries both the content and the method of determining these activities. Whatever the method chosen, it is necessary that a determination be made, and the Committee has requested information from several ratifying countries on the types of employment or work designated as hazardous. It should also be pointed out that consultations must be held with the organisations of employers or workers concerned, if they exist in the country, before making this determination.

217. The Recommendation, in Paragraph 10, gives guidance on the criteria which should be applied to the determination of types of employment or work under Article 3 of the Convention. In its stipulation that full account should be taken of relevant international labour standards, it recognises that a large number of instruments have been adopted concerning safety and health at the workplace. It specifies that special attention should be paid to "those concerning dangerous substances, agents or processes (including ionising radiations), the lifting of heavy weights and underground work", all of which have been the subject of provisions in Conventions and/or Recommendations with regard to the minimum ages at which young persons may be allowed to undertake work in connection with them.¹ However, there are many other instruments concerning safety and health at work, most of which do not contain specific provisions on minimum age. In determining the fields for which a higher minimum age for young persons should be fixed under Article 3 of the Convention, the national authorities may wish to establish special regulations in respect of any of the activities covered in these instruments as well.

218. It should also be noted that the Recommendation (Paragraph 10(2)) states that a periodic review of the types of employment or work designated as hazardous should be undertaken, "particularly in the light of advancing scientific and technical knowledge".² It would be desirable for this also to be done in consultation with organisations of employers and workers.

219. Paragraph 1 of Article 3 of the Convention provides for a minimum age of 18 years for dangerous work, and Paragraph 9 of the

¹ See, in this connection, paragraphs 27 and 28, supra.

² The Government of Sweden has indicated that it is now reviewing its legislation in this regard.

Recommendation states that when this minimum age is still below 18 years, immediate steps should be taken to raise it to that level. However, paragraph 3 of Article 3 of the Convention provides that a lower age of 16 may be authorised if (a) the health, safety and morals of the young persons concerned are fully protected, and (b) they have received adequate specific instruction or vocational training in the relevant branch of activity. Both these conditions must be fulfilled to allow such a lower age, along with a requirement that the organisations of employers or workers concerned must be consulted beforehand.

220. This possibility of a lower minimum age was adopted after a suggestion that some measures seemed to be appropriate on the basis of the first discussion of these instruments in the Conference. As was stated then, "The minimum age of 18 would apply to types of employment or work which are determined ... as being truly ... hazardous. ... There are, however, other occupations which may not be hazardous in this sense but which may require a certain maturity and for which a minimum age higher than the general minimum would therefore be justified. Possible examples are maritime navigation and fishing."¹ Following the replies of governments to this suggestion, the Office included the present paragraph 3 of this Article in the draft Convention. It specified that "It should be stressed that this paragraph would apply to types of employment or work which are not covered by paragraph 1 and that the standard of 18 years would still apply to those which are determined to be hazardous within the meaning of paragraph 1."² After a prolonged discussion in the Conference Committee, the present provision was adopted. In doing so, the Committee deleted a phrase contained in earlier drafts which would have required the authorisation of such a lower minimum age for hazardous work to be accorded in individual cases, so that the Convention allows a blanket determination of the types of employment or work covered here.

221. One final point that should be stressed in connection with Article 3 is that several types of exceptions provided for in the Convention are limited to the extent that work defined as hazardous under this Article may not be excluded from the application of the Convention or of national laws and regulations. If "limited categories of employment or work" are excluded under Article 4(1), paragraph 3 of that Article provides that "employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article". Article 7, concerning light work, also provides that the light work permitted at a lower age under that Article not be "likely to be harmful to their health or development", a similar, though not identical, provision. In addition, Paragraph 11 of the Recommendation refers to the possibility of excluding certain branches of economic activity under Article 5 of the Convention, and states that in any case appropriate minimum age provisions should be made applicable to types of employment or work presenting hazards for young persons.

¹ ILO: Minimum Age for Admission to Employment, Report IV(1), International Labour Conference, 58th Session, 1973 (Geneva, 1972), p. 32.

² Report IV(2), 58th Session, op. cit., p. 16.

II. Measures adopted by reporting countries

222. Almost all the countries for which information is available have adopted some measures to prohibit or restrict dangerous work by young persons. Typically, a general prohibition of such work will be laid down in the principal labour legislation, and specific prohibitions laid down in regulations, often with different minimum ages attached to different sorts of work.

223. There are, however, almost as many variations on this rule as there are countries. Some countries have reported no measures in this connection, while others have extremely limited provisions, applying only to a few types of work, or very wide exceptions. A number of countries have incorporated the principle in their legislation, but have reported no implementing measures. Others have fixed higher ages for admission to certain kinds of work than for most jobs, but not specified that this is because the work is dangerous. Finally, there are those countries with detailed provisions covering all aspects of the problem.

A. Absence of specific restrictions on dangerous work

224. One country¹ has reported that there are no provisions of national law which correspond to the requirements of Article 3 of the Convention.

225. In several other countries there is a general prohibition of dangerous work for young persons, coupled with the power to lay down regulations designating jobs which are harmful or unhealthy, at least in some sectors; however, the reports indicate that no such measures have been taken,² or the Committee has located no information on any determinations applying to any category of work.³ The Committee considers that a general prohibition of dangerous work, without additional measures, is unlikely to have much practical effect. If the types of employment or work which are too dangerous for young persons to perform are not designated specifically, there is usually no way for a young person to be prohibited from performing a particular dangerous job. The Committee considers it desirable for these countries to examine their legislation closely, and to take practical steps to designate the types of jobs covered by this prohibition.

¹ Liberia - note that there is also no effective minimum age for employment (see supra, para. 132).

² Burundi 1, section 117.

³ States: Algeria 5, section 260; Argentina 1, sections 176 and 191; Ethiopia 1, section 30(a); Guyana 1, section 6(b); Honduras 2, sections 127, 128, 134; Kenya 1, section 34 (the only specific measures are for mining and work with machinery, and the age set is the same as for employment); Nepal 1, section 17; Papua New Guinea 3, section 104; Rwanda 1, section 124; Suriname 1, section 20; Tanzania 1, section 79 (Tanganyika); Non-metropolitan territories: Anguilla (see under St. Kitts-Nevis); Falkland Islands 1, section 2(2)(b); Montserrat 1, section 15(a); St. Kitts-Nevis 1, section 15(a).

B. Higher ages set in a very few specific jobs

226. In a few countries, a general rule exists allowing restrictions to be laid down, but restrictions actually exist for so few jobs that there would seem to have been no effective exercise of this power.¹

¹ E.g., States: Bangladesh: in factories, a provincial government may restrict employment in specified jobs to 18 (Bangladesh 1, section 87(b)), and a minimum age of 18 is set for trimmers and stokers on ships (Bangladesh 4, section 37); Botswana: general prohibition on dangerous work under 16 (Botswana 1, section 81), minimum of 15 for industry (ibid., section 77), no child under 12 to lift anything so heavy as to injure him (ibid., section 6(1)(b)), and no one under 16 underground or working with machines (ibid., section 80); Costa Rica: general prohibition on dangerous work under 18 (Costa Rica 1, section 87), and a minimum of 18 for work in places that sell alcohol (ibid., section 88) and trimmers and stokers (Costa Rica 2); the Committee asked in a 1980 direct request under Convention No. 138 whether additional restrictions had been laid down; Haiti: the general rule is that persons under 18 may not be employed in dangerous work (Haiti 1, sections 396 and 465), but the only specific restriction located is for work in places where alcohol is served (ibid., section 396); Ireland: the Minister may set a higher minimum age for any type of work (general: Ireland 1, section 6, and in mining: Ireland 4, section 107(2)), but the only higher age reported is 18 for trimmers or stokers (Ireland 5, section 2(1)); Mauritius: general prohibition of dangerous work under 18 (Mauritius 1, section 7(2)), but the only restrictions are in the sugar industry (Mauritius 2, Second Schedule, section 6); Nicaragua: general prohibition on dangerous work under 18 (Nicaragua 1, section 36 and Nicaragua 2, section 123), and restrictions before 18 in underground work in mines, and in industrial painting using harmful products (Nicaragua 2, section 125); Norway: the Crown may make rules restricting admission to employment of certain categories of workers specially exposed to risks (Norway 1, section 7(2)) and the Government reports this is under study; but various jobs are prohibited under 18 in agriculture (Norway 5); Pakistan: no one under 14 may be employed in "any factory, mine or other hazardous employment" (Pakistan 1, section 11(3)), and ages of 15 are set for mines (Pakistan 3) and rail transport, and 18 and 21 in road transport; Peru: no one under 18 may be employed underground or in other jobs to be determined (Peru 1, section 12); Sri Lanka: a general prohibition of dangerous work exists for persons under 14 (Sri Lanka 1, section 13(1)(f)) and no one under 16 may participate in dangerous performances; Tunisia: ages higher than 15 are to be set for dangerous work (Tunisia 1, section 58) and 16 or higher for agriculture (ibid., section 375), and a minimum age of 18 has been set for some jobs (ibid., sections 77 and 78); Turkey: no one under 16 may be employed on dangerous work, orders shall specify jobs forbidden for persons under 16 and 18 (Turkey 2, section 78), and no one under 18 may be employed underground (ibid., section 68) or places where alcohol is sold (ibid., section 176). Non-metropolitan territories: Bermuda: minimum age of 15 set for industrial undertakings and ships (Bermuda 1, section 6(1)) and minimum of 18 for trimmers and stokers on ships (ibid., section 8); and no child in employment under 13 shall lift anything so heavy as to injure him (ibid., section 4); Gibraltar: if any child required to attend school is employed in a manner which may prejudice his health, restrictions may be imposed (Gibraltar 2, section 63(1)), and no employment as trimmer or stoker on ships before 18 (Gibraltar 1, section 7).

227. There are a number of other countries which have no general rule prohibiting dangerous or unhealthy work for young workers, but which nevertheless have set the minimum age for doing a limited number of types of work higher than for other jobs.¹

228. The Committee has described these cases in some detail in the footnotes, as the legislation noted here constitutes the only safety legislation which has been located specifically for young workers in these countries. The Committee hopes that these countries, like those listed in the previous section, will re-examine the adequacy of their legislation in this respect.

C. Measures adopted only for specified sectors or types of work

229. The Committee has noted several countries - including those listed in paragraphs 226 and 227 - in which the legislation on dangerous work for young persons applies only to the sectors or types of work specified in the legislation.² In this connection it refers

¹ Afghanistan: minimum age for painting with products containing lead is 18 (government report), and for underground work it is 20 (Afghanistan 1, section 57); Greece: minimum age of 18 set for work with benzene (Greece 3, section 6) and as trimmer or stoker (Greece 9); Iceland: minimum age for some work on ships set at 18 and 19 (Iceland 1, section 41); Indonesia: minimum age for fireman or stoker on ships set at 16 (Indonesia 3, section 3); Jamaica: minimum age set at 16 for work in sugar mills (Jamaica 1, section 75(1)) and for working with machinery in factories (Jamaica 4, section 15 - males only; all females are prohibited) and at 17 for work in mines (Jamaica 5); Malta: the Government's report states that although there is no general rule, the Department of Labour is studying the question - the minimum age for trimmers and stokers on ships is 18 (or 16 if two are doing the same job) (Malta 2, section 108); Seychelles: minimum age of 16 for the sale of liquor (Seychelles 1, Cap. 183, section 29(1)); Sierra Leone: no child under 12 shall lift anything too heavy for him (Sierra Leone 1, section 51), age for work underground in mines set at 16 (ibid., section 54), for trimmers and stokers on ships at 18, and for coastal trade in ships at 16 or 18 (ibid., section 55). In a 1980 observation concerning Convention No. 59, the Committee asked the Government, as it has since 1964, to set a higher age than 15 for dangerous work in industry; the Government has stated this is under study; Zambia: no one under 18 shall work in a mine (Zambia 3, regulation 2117(1)). In a 1981 direct request the Committee is asking for further information.

² Bangladesh (factories and certain maritime work - see note to para. 226); Burma (factories (Burma 1, sections 24, 29, 36 and 52(b)), mines (Burma 3, section 26), and certain maritime (Burma 4, section 37C(1)); Guyana (factories (Guyana 1, section 6(b)); Iceland (some work on ships - see previous note); India (factories (India 1, sections 23, 68 and 70 and India 3, section 24), mines (India 3, section 24 and India 7) and work involving exposure to radiation (government report); Indonesia (lifting of weights and firemen and stokers on ships - see previous note); Malta (trimmers and stokers - see previous note); Nepal (factories (Nepal 1, section 17)); Norway (agriculture (Norway 5)); Seychelles (sale of liquor - see previous note); Sierra Leone (lifting of weights, underground in mines, maritime - see previous note). Non-metropolitan territories: Bermuda (lifting of weights, industrial undertakings and maritime - see note to para. 226); Hong Kong (factories (Hong Kong 7, section 6), specified trades (Hong Kong 6 and

(Footnote continued on next page)

only to those cases where this specification is explicit in the legislation, and has not included the cases listed in Chapter I, in which no legislation at all concerning work by young persons exists for certain sectors or types of work. Therefore, the limitations noted here must be added to those cases. Comparison may be facilitated by reference to Table II, following paragraph 131.

230. It will be seen that in some of these cases the restrictions are fairly extensive, but in none of them is there a general prohibition on dangerous activities for young persons under a stated age. This is not necessarily incompatible with the Convention, which requires only that the types of employment or work be specified by national laws or regulations or by the competent authority. However, the approach taken in these cases might indicate that no overall determination of the types of employment or work dangerous to young workers has taken place. In the cases mentioned here, for instance, there are many kinds of obviously dangerous or unhealthy work omitted. In different cases provisions do not exist for various kinds of dangerous work concerning which international labour Conventions have been adopted setting minimum ages for employment (e.g., industrial work, dock work, exposure to harmful substances or ionising radiation, work as trimmers or stokers, etc.), as well as for other dangerous activities (e.g., work in proximity to machinery, transport, dangers to morals, etc.).

D. Specific exceptions to coverage

231. There are also a number of cases in which certain types of exceptions to provisions on dangerous or unhealthy work for young persons have been noted. As for the previous section, the cases listed here are by no means exhaustive, and reference should be made to Chapter I for countries which have no provisions concerning the work of young persons, and which therefore also lack provisions on dangerous work by them.

1. Exclusion of economic sectors

232. In a number of countries, entire economic sectors, or portions of them, are not covered by national legislation, or no provisions concerning minimum age for employment or conditions of work for young persons have been enacted concerning these sectors. These cases are listed in Chapter I (see in particular paragraphs 107 to 114). In addition to the countries listed there, several countries have no provisions on dangerous work by young persons in certain sectors.¹ One country,² however, has included dangerous work by young persons in agriculture in the coverage of minimum age provisions, while excluding all other agricultural work.

(Footnote continued from previous page)

Hong Kong 7), public dance halls and dance schools (Hong Kong 12, sections 63(1) and 113), and lifting of weights (Hong Kong 7, paragraph 7)).

¹ Austria, as concerns agriculture; Finland (see next paragraph); Luxembourg, as concerns agriculture, viticulture and domestic work.

² Dominican Republic 1, section 232.

2. Other exceptions

233. A few other exceptions have also been noted.¹ These cases involve specific exceptions to legislation otherwise applicable to young persons, and unlike the cases mentioned above must be taken to be intended expressly not to prohibit dangerous work for young persons in the activities concerned.

234. The Committee refers in this connection also to exclusion of certain categories of employment or work from minimum age provisions, which are listed in Chapter I (see in particular paragraphs 62 to 68 and 78 to 91).

E. Types of dangers covered and methods of regulation

1. Physical dangers

235. As noted above (paragraph 215), Article 3 of the Convention refers both to physical and moral dangers. Every country which has provisions in this respect limits exposure to physical dangers in some manner for young persons. The various kinds of physical dangers covered are too numerous to list in detail here, but national legislation may take one of several approaches.

236. As pointed out above (paragraphs 225 and 226) there are several countries which have made little or no determination of what specific kinds of work are covered by this prohibition.

237. Where prohibitions do exist, the most frequent method used is to forbid persons under the specified age from carrying out certain jobs or categories of jobs, e.g., from working with machinery of various sorts or in specified occupations.²

238. Another approach is to set the minimum age for employment or work in certain sectors, most often in factories or on ships, at a higher age than for other employment or work. In these cases it usually must simply be deduced that work in these sectors is considered as dangerous, to some degree at least, since the reason for the higher age is normally not given. The cases in which different ages are laid down for employment or work in different sectors are listed in detail in Chapter II.

¹ Denmark: the general prohibition of dangerous work for persons under 15 applies to members of an employer's family and household only in relation to work with dangerous equipment (Denmark 1, section 59(1)), and not to other dangerous activities. The Minister may lay down rules providing for a lower age than 15 in these cases (ibid., section 59(2)); Finland: the provisions prohibiting dangerous work for persons under 16 or 18 are specifically stated not to be applicable to agriculture, forestry and timber floating unless special regulations apply (none have been located) (Finland 3, section 9).

² The most frequent specific prohibition which appears in national legislation is for trimmers or stokers aboard ships; indeed, this sometimes appears even when no other specific prohibitions are laid down for young persons. The Committee notes that the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15) has been very widely ratified, and this is a striking case of the impact such an instrument may have.

239. In addition to prohibiting entry to certain kinds of work for young persons, a number of countries have also limited the weights which young persons are permitted to lift or transport (see Table V at the end of this chapter for ages and legislation). These weights are in most cases graded by age, and different weights are specified for boys and girls of different ages.

240. In several countries, the legislation provides that admission to certain types of employment or work shall be determined in individual cases for young persons, at least in some instances. This may be done in one of several ways. For instance, in addition to specified prohibitions, the authorities may determine in individual cases whether a particular kind of work is covered by the general prohibition of dangerous or unhealthy work, and impose conditions or prohibit the work.¹ In some countries a medical certificate may be required to determine whether the individual concerned can perform the work assigned without danger to his health.² In another kind of case, no young person may work in specified jobs except with the written permission of the competent authorities,³ or no person shall employ or continue to employ young persons in harmful work once the labour inspectorate has informed him that the work is so classified.⁴ (See also paragraph 348, *infra*.)

241. Article 3(2) of the Convention requires that the types of employment or work considered to be dangerous "shall be determined by national laws or regulations or by the competent authority". The Convention leaves the exact method of doing so up to the governments of the countries concerned. However, attention should be drawn to the difficulties inherent in not making a definite determination that at least some particular kinds of employment or work fall within the definition. A determination in individual cases is of course an acceptable method for special situations, and in some cases may be the only feasible way of indicating that a job is hazardous because of "the circumstances in which it is carried out", rather than by the nature of the job itself. However, it should not be the only method used because of the practical difficulties involved. Those governments which have not yet done so should therefore undertake an examination of their legislation in this connection, in consultation with the employers' and workers' organisations concerned.

242. In this regard, special attention should be called to Paragraphs 9 to 11 of Recommendation No. 146, and especially to the suggestion that the relevant international labour Conventions be taken into account and that the lists be revised periodically in the light of advancing scientific and technological knowledge. As countries develop, it may be appropriate to impose restrictions on work by young persons in activities not previously practised in the country (for instance, in connection with the mechanisation of agriculture).

¹ E.g., States: Austria 1, section 23; Federal Republic of Germany 1, section 27(1) and Federal Republic of Germany 3, section 94(3); Malaysia 1, section 3; Niger 2, section 138; Zaire 2, section 37. Non-metropolitan territory: Gibraltar 2, section 63(1).

² E.g., Kenya 2, sections 3 and 4 (maritime); Papua New Guinea 3, section 104; Singapore 2, section 11.

³ Hong Kong 7, section 6.

⁴ Mauritius 1, section 7(2); Kenya 1, section 34.

243. Finally, Paragraph 11 of the Recommendation urges governments to fix minimum age requirements for hazardous work even for sectors where minimum age standards are not otherwise applicable.

2. Moral dangers

244. Article 3 of the Convention relates not only to employment or work which is physically hazardous to young persons, but also to that which poses dangers to their morals. Even though almost all the countries for which information is available have set higher minimum ages for employment or work which is physically hazardous, about half of them have not taken, or have not reported, any measures to protect the morals of young persons at work.

245. In those countries which have taken measures in this respect, there are a number of different expressions of the principle. In some countries a general prohibition of employment or work dangerous to morals has been laid down,¹ but no specific jobs designated as constituting such a danger.

246. Among countries which have prohibited morally dangerous work for young persons, reference to the legislation may be found in Table V at the end of this chapter. The most frequent prohibition of work forbidden for young persons seems to be in establishments which sell alcoholic beverages, or more generally in cabarets, night clubs, etc.²

247. Another very frequent prohibition for young persons is employment or work in making, selling or distributing writings, pictures or other items which are likely to be injurious to their morals.³ In some countries it is stated that they may not work in such

¹ Algeria 5, section 260; Congo 2, section 4(9); Czechoslovakia 1, section 167(2); Ecuador 1, section 139; Fiji 1, sections 57 and 61(1) (specifically limiting the exemption from minimum age standards otherwise applicable to family undertakings); Gabon 1, section 3; Malaysia 1, section 2(4); Mali 1, section 1; Nicaragua 1, section 36 and Nicaragua 2, section 123; Peru 1, section 12; Tunisia 1, section 58; Uruguay 1, section 226.

² E.g., Austria 1, section 23 and Annex (males to 16 and females to 18); Brazil 1, section 405(II) (to 18); Cameroon 1, section 17 (to 18); Chile 1, section 26 (to 21); Costa Rica 1, section 88 (to 18); Dominican Republic 1, section 231 (to 16); Egypt 2 (to 17); France 1, section L.211-5 (females to 21); Haiti 1, section 396 (to 18); Luxembourg 1, Annex B (to 18); Madagascar 2, section 5 (to 18); Mexico 2, section 175(I)(a) (to 16); Panama 2, section 118 (to 18); Seychelles 1, Cap. 183, section 29(1) (to 16); Switzerland 1, Ordinance 1, section 56 (to 18); Turkey 2, section 176 (to 18); Venezuela 1, section 113 (to 18); Zaire 2, section 35 (to 18).

³ E.g., Comoros (government report on Convention No. 5); Djibouti 2, sections 12 and 13 (to 18); France 1, section R.234-2 (to 18); Honduras 2, section 134 (males to 16 and all women); Luxembourg 1, Annex B (to 18); Madagascar 1, section 3 (to 18); Mexico 3 (to 16); Morocco 5, section 11 (to 16 if the material itself is against the law; and to 16 for males and 21 for females if it is not illegal but is still immoral); Niger 1, sections 154 and 155 (to 18); Senegal 4, sections 11 and 12 (to 18); Upper Volta 2, sections 12 and 13 (to 12); Zaire 2, section 34 (to 18).

activities even where the activity is not otherwise illegal.¹ Several cases will be noted here in which certain kinds of work are prohibited to different ages for males and females.

F. Ages fixed for admission to hazardous work

248. As noted above (paragraphs 212 to 220), Article 3 of Convention No. 138 sets a very simple requirement: work designated as dangerous shall be prohibited for young persons below 18, but may be permitted from the age of 16 if their health, safety and morals are protected and they have received adequate instruction.

249. In practice the measures adopted by the countries for which information is available are usually more complex than the system described in the Convention. The ages which have been set for work designated as hazardous are set out in Table V, along with the provisions enacting them. It will be seen from that table that most countries have specified basic minimum ages of 16 to 18 for such work. Several countries, however, have specified 16² or 17³ as the highest minimum age for work designated as dangerous, which is below the general minimum set by the Convention for dangerous work. In several others,⁴ the age of 18 is set only for one or two limited kinds of work (most often for trimmers and stokers - see supra, paragraph 237), with any other minimum ages for dangerous work set at a lower limit; the effect here is the same except for that one category of work.

250. Finally, there are a number of countries which have set minimum ages below 16, which is the lowest limit allowed by the Convention under any circumstances, for some kinds of work which they designate as hazardous or dangerous.⁵ (This comment does not apply to limits put on weights which young persons of various ages are allowed to carry, as this is more a limitation on than a prohibition of certain kinds of work.) The Committee notes that most of these countries have at least placed some restrictions on dangerous work for young persons, unlike those which have adopted no provisions at all. Nevertheless, it urges them to take early steps to raise the ages at which hazardous work may be permitted to a level consistent with that set by the Convention.

251. As is apparent, many countries which have set minimum ages for admission to hazardous or dangerous work allow such work at ages

¹ E.g., France 1, section P.235-2; Morocco 5, section 11.

² E.g., States: Bahrain, Botswana, Burundi, Dominican Republic, Honduras, Indonesia, Kenya, Malaysia, Mexico, Papua New Guinea, Seychelles, Sri Lanka. Non-metropolitan territory: Falkland Islands.

³ E.g., Egypt, Jamaica, Syrian Arab Republic.

⁴ States: Costa Rica, Fiji, Greece, Iceland, Malta, Mauritius, Pakistan, Sierra Leone, Singapore, Switzerland, Upper Volta. Non-metropolitan territories: Bermuda, Gibraltar.

⁵ E.g., States: Burma, Denmark (note that in agriculture the authorities are empowered to make rules on dangerous work for children under 14, with no lower limit fixed), Egypt, Fiji, Iran, New Zealand, Pakistan, Tunisia, Upper Volta. Non-metropolitan territories: Bermuda, Gibraltar.

below 18. Many of them no doubt have judged that those types of dangerous work allowed for younger workers are less dangerous than work allowed only for young persons of 18 or older; but in only a very few cases¹ have these countries reported this is allowed only when "the health, safety and morals of the young persons concerned are fully protected and the young persons have received adequate specific instruction or vocational training in the relevant branch of activity" (Article 3, paragraph 3, of the Convention).

III. Conclusions

252. It will be evident from the explanations given above that a great number of countries have given only limited attention to the need to place special restrictions on work by young persons which may jeopardise their health, safety or morals. This is one of the subjects on which the International Labour Conference has adopted the largest number of instruments or provisions which set such limitations. In the light of all this, governments should re-examine whether their legislation and practice are adequate to provide special protection for the lives, health and morals of young persons at work. In particular, they should consider whether any lists of tasks forbidden for young workers are up to date, and whether the ages at which certain tasks are permitted should not be raised.

¹ Federal Republic of Germany 1, section 22; India 1, section 23.

Table V: Dangerous work by sectors

Note: This table shows cases in which various kinds of dangerous work are prohibited. In some cases only the general principle is laid down, and in others implementing provisions are listed. Where detailed provisions are located, this is described as "various listed", and when limitations exist only for certain kinds of work these are listed separately.

The references to legislation are in the following form: A1,s.5. The initial letter refers to the country concerned, followed by a reference to the legislation by number (see Appendix II). The section of the legislation is specified by the number following the s.

Country	General prohibition	Implementing provisions by sector		Ages
		Types of work	Legislation	
STATES				
Afghanistan	-	Painting (lead)	Report	18
		Underground	A1,s.57	20
Algeria	A5,s.260	-	-	18
Argentina	A1,ss.176 and 191	-	-	18
Australia	-	Various listed	Legislation of States and Territories	16-18
Austria	A1,s.23	Listed performances	A1,Annex	16 (males) 18 (females)
		Listed industrial	A1,Annex	16-18
Bahrain	B1,s.51	Listed jobs, and limits on weights	B2	16
Bangladesh	-	Factories (power to make rules)	B1,s.87 (b)	16-18
		Sea (trimmer or stoker)	B4,s.37	18
Belgium	B1,s.9	Various listed	B2 and B3	16-21
Benin	B1,s.107	Various listed	B3	18
Botswana	B1,s.81	-	-	16
		Underground, machines	B1,s.80	16

Country	General prohibition	Implementing provisions by sector		Ages
		Types of work	Legislation	
Brazil	B1,s.405	Various listed	Report	18
		Employment in streets	B1,s.405(2)	18
Bulgaria	B2,s.112	-	-	18
		Various listed	B7	16-18
Burma	B1,s.52(b) (factories)	Machinery in motion	B1,s.24	18
		other machines	B1,s.29	15
		Weights, if known too heavy	B1,s.36	15
		Underground	B3,s.26A	17
		Trimmer or stoker	B4,s.37C(1)	18
Burundi	B1,s.117	None adopted	Report	16
Byelorussian SSR	B2,s.175	Various listed	Report	18
United Republic of Cameroon	C1,s.93(3)	Various listed	C2,ss.9-18, 22	18
		Weights limited	C2,s.9	14-18
Canada	-	Mines	Provincial legislation	17-18
Central African Republic	C2,s.8	Various listed	C2,s.4	18
		Various listed	C2,s.5	16
		Weights limited	C2,s.9	12-17 (males) 16-18 (females)
Chile	C1,s.24	Various listed	C1,ss.12, 24, 117	18
		Cabarets, where alcohol served	C2,s.26	21
Colombia	C2,s.5(1)	Various listed	C2,s.242; C3,ss.694, 696,697	18
		Weights limited	C3,s.698	16-18 (males)

Country	General prohibition	Implementing provisions by sector		Ages
		Types of work	Legislation	
Comoros	-	Various listed	Report	18
		Weights limited	Report	14-18
Congo	C1,s.117	Various listed	C2,s.5	16
		Various listed	C2,ss.4,8,9	18
Costa Rica	C1,s.87	Where alcohol served, trimmer or stoker	C1,s.88; C2	18
Cuba	C5,s.7	Various listed	Report; C2	18
		Mines	Report	21
Cyprus	C1,ss.10-12	Various listed	C1,Schedule, Part I	18
		Various listed	C1,Schedule, Part II	16
		Various listed for females	C1,Schedule, Part III	18
Czechoslovakia	C1,s.167	Various listed	C2	18
Denmark	D1,s.59	Power to make rules -		Over 15
		Various listed (agriculture)	D3,s.1	Under 14
		Various listed	D6,s.4	15
		Various listed	D4	16-18
Djibouti	D2,s.1	Various listed	D2,ss.12,13, 21-23,32	18
		Listed for females	D2,ss.30 and 31	16
		Weights limited	D2,s.15	14-18
Dominican Republic	D2,s.3	Street trades, messengers	D1,ss.227 and 230	16 (females)
		Where alcohol served	D1,s.231	16
		Various listed	D2,s.3	16
Ecuador	E1,s.139	Various listed	E1,s.139; E2,ss.25 and 26	18

Country	General prohibition	Implementing provisions by sector		Ages
		Types of work	Legislation	
Egypt	E1,s.124	Various listed	E1,s.126; E2	15-17
Ethiopia	E1,s.30(4)	-	-	18
Fiji	F1,s.61(1)	Mines	F1,s.67(1)	18
		Trimmer or stoker	F1,s.69(1)	18
		Machinery	F1,s.63(2)	15
Finland	F2,s.4	Power to make rules	-	18
		Various listed	F3	16-18
France	F1,ss.L.211-11(1),L.234-2 and R.234-2	Various listed	F1,R.234 and R.711; F6	16-18
		Where alcohol served (female)	F1,s.L.211-5	21
Gabon	G1,s.121	Power to make rules	-	-
		Various listed	G2,ss.2 and 3	18
		Weights limited	G2,s.4	16-18
German Democratic Republic	G3,s.210	Power to make rules	-	to 18
		Various listed	G15,ss.4 and 5	to 16 and 16-18
Federal Republic of Germany	G1,s.22(1) and G3,s.94(2)	Various listed	G1,ss.22 to 26	18
Greece	-	With benzene	G3,s.6	18
		Trimmer or stoker	G9	18
Guyana	G1,s.6(b)	Power to make rules	-	to 18
Haiti	H1,ss.396 and 465	-	-	18
		Where alcohol served	H1,s.396	18
Honduras	H2,ss.128 and 134	-	-	16 (males) All females

Country	General prohibition	Implementing provisions by sector		Ages
		Types of work	Legislation	
Hungary	H1,s.20 (2) and H2, s.12 (2)	Power to make rules -		18
		Machinery	H3	16
Iceland	-	Listed maritime	I1,s.41	18 and 19
India	-	Factories	I1,ss.23, 68,70	18
		Mines	I7	18
		Radiation	Report	18
Indonesia	-	Weights, if known too heavy	I2,s.2 (2)	12
		Fireman or stoker	I3,s.3	16
Iran	General: I1,s.20	Various listed	I5	18
	Agriculture: I2,s.13	Power to make rules -		14
Ireland	General: I1,s.6	Power to make rules -		-
	Mines: I4, s.107 (2)	Power to make rules -		18
		Trimmer or stoker	I5,s.2 (1)	18
Israel	I1,ss.6 and 7	Various listed	I2	16-18
		Weights limited	I2	14-17
Italy	-	Various listed	I1,ss.5 and 6	16-18
Ivory Coast	I2	Various listed	I2,ss.30330 to 348	16-18
		Weights limited	I2,s.30333	14-18
Jamaica	-	Sugar mills	J1,s.75 (1)	16
		Factory machinery	J4,s.15	16 (males)
		Mines	J5	17
Japan	-	Various listed	J1,ss.64 and 42; J3, ss.7 and 8	18
Kenya	K1,s.34	Power to make rules -		18
		Mines, machinery	K1,s.27	16

Country	General prohibition	Implementing provisions by sector		Ages
		Types of work	Legislation	
Kuwait	K1,s.19 (c)	Various listed	K2	18
Libyan Arab Jamahiriya	L1,s.92	Various listed	L2	18
Luxembourg	L1,s.19	Various listed	L1, Annexes A and B	18
Madagascar	M1,s.83 and M2,s.1	Various listed	M2	16-18
		Weights limited	M2,s.6	14-18
Malaysia	M1,ss.2(4) and 3	Power to make rules -		16
		Various listed	M6,s.81(1) and M7,s.28	16
Mali	M1,s.1	Various listed	M1,ss.12 and 13 and Annex I	18
		Various listed	M1,ss.11 and 14	16
		Weights limited	M1,s.9	14-18
Malta	-	Trimmer or stoker	M2,s.108	18
Mauritius	M1,s.7(2)	-	-	18
		Sugar industry: various listed	M2, Second Schedule	18
Mexico	M2,s.175	Various listed	M3	16
Mongolia	M1,s.166	Various listed	M2;M3	18
Morocco	Agriculture: M2,s.17	Power to make rules -		Not stated
	General: none	Various listed	M5	16-18
		Immoral printed matter	M5,s.11	16 (males) 21 (females)
Nepal	-	Factories: power to make rules	M1,s.17	18

Country	General prohibition	Implementing provisions by sector		Ages
		Types of work	Legislation	
Netherlands	N1	Various listed	N1	16-18
New Zealand	-	Various listed	N4,s.12; N7,s.10 (1); N8,s.48; N10,s.67; N11,s.179; N13; N15,s.30	15-19
Nicaragua	N1,s.36; N2,s.123	Mines, industrial painting	N2,s.125	18
Niger	N1,s.116; N2,s.138	Various listed	N2,ss.139-144 and 147-150,154	18
		Various listed	N2,ss.145 and 146	16
		Weights limited	N2,s.151	14-17
Norway	N1,s.7 (2)	Power to make rules -	-	Not stated
		Agriculture: listed	N5	18
Pakistan	P1,s.11 (3)	Factories, mines	P1,s.11 (3)	14
		Mines, rail transport	P3	15
		Road transport	P4	18-21
Panama	P2,s.118	Various listed	P2,s.118	18
Papua New Guinea	P3,s.104 (1)	As determined by doctor	-	16
Paraguay	P1,s.121 (d)	Various listed	P2;P3	18
Peru	P1,s.12	Underground and others to be determined	-	18
Philippines	P2,s.139 (c)	Various listed	P5	18
Poland	P1,s.191 (1) (2)	Various listed	P4	18
Portugal	P1,s.122	Various listed	P12	18
Romania	R2,s.161 (1)	Government reports limits fixed for transport	-	16-18

Country	General prohibition	Implementing provisions by sector		Ages
		Types of work	Legislation	
Rwanda	Sl,s.124	Power to make rules -		Not stated
Senegal	-	Various listed	S4,ss.11 and 12	16-18
		Weights limited	S4,s.14	14-18
Seychelles	-	Places where alcohol sold	Sl,Cap.183, s.29 (1)	16
Sierra Leone	-	Mines	Sl,s.54	16
		Trimmer or stoker	Sl,s.55	18
Singapore	Sl,s.68 (1); S2,s.11 (1)	Industry	Sl,s.70	16
		Various listed	Sl,ss.71-73	16
		Work with benzene, asbestos	S4,s.18; S5,s.12 (2)	18
Spain	Sl,s.6 (2)	Various listed	S2; S3; S5; S6	18
Sri Lanka	Sl,s.13 (1) (f)	-	-	14
		Dangerous performances	Sl,s.19 (1)	16
Sudan	-	Various listed in industry	S2,s.20	18
Suriname	Sl,s.20	-	-	18
Sweden	Sl, Chapter 5, s.3	Various listed	S2;S3;S5	18
Switzerland	Sl,s.29	Various listed in industry	Sl,Ordinance I,s.55	16
		Cafés	Sl,Ordinance I,s.55	18
Syrian Arab Republic	Sl,s.124	Various listed	S2	15
		Various listed	S3	17
Tanzania				
Tanganyika	Tl,s.179	-	-	18
Zanzibar	-	-	-	-
Tunisia	General: Tl,s.58	Power to make rules -		Over 15

Country	General prohibition	Implementing provisions by sector		Ages
		Types of work	Legislation	
		Various listed	T1, ss. 77 and 78	18
	Agriculture: T1, s. 375	Power to make rules -		Over 16
Turkey	T2, s. 78	Power to make rules -		16-18
		Underground; where alcohol sold	T2, ss. 68 and 176	18
Ukrainian SSR	U2, s. 75; U3, ss. 63, 190	Various listed	Report	18
USSR	U2, s. 75	Various listed	Report	18
United Kingdom	-	Dangerous performances	U2, s. 23	16
		Mines	U5, s. 124 (2)	16
		Various listed	U6, ss. 73 to 75	18
United States	-	Various listed	State legislation (most States)	16-18
Upper Volta	U2, s. 1	-	-	18
		Sale of immoral literature	U2, ss. 12 and 13	14
		Weights limited	U2, s. 15	14-18
		Underground	U2, s. 16	No females 16 (males)
		Various listed	U2, ss. 18 to 25	16-18
Uruguay	U1, s. 226	Various listed	U1, s. 245; U8, s. 6; U11, s. 37	18
Venezuela	V1, s. 112	Various listed	V1, s. 113; V2, s. 189	18
Yugoslavia	-	Various listed in provincial legislation	Report	18
Zaire	Z2, s. 1	Various listed	Z2, ss. 32-35	18
		Weights limited	Z2, ss. 28-30	16-18

Country	General prohibition	Implementing provisions by sector		Ages
		Types of work	Legislation	
Zambia	-	Mines	Z3, Reg. 2117 (1)	18

NON-METROPOLITAN TERRITORIES

Anguilla (see under St. Kitts-Nevis)

Bermuda	-	Weights, if known too heavy	B1, s. 4	13
		Industry, sea	B1, s. 6	15
		Trimmer or stoker	B1, s. 8	18
Falkland Islands	F1, s. 2 (2) (b)	Power to make rules -	-	-
		Weights limited	F1, s. 2 (1) (f)	13-15
		Tractor drivers	F3	16
Gibraltar	G2, s. 63 (1)	Power to impose restrictions	-	15
		Trimmer or stoker	G1, s. 7	18
		Factories and industry: listed	H6; H7, s. 6	16
Hong Kong	-	Various listed	H7	16-18
		Public dance halls	H12, ss. 63 (1) and 113	18
Montserrat	M1, s. 15 (a)	Power to make rules -	-	Not stated
St. Kitts-Nevis	S1, s. 15 (a)	Power to make rules -	-	Not stated

CHAPTER V

WORK BY YOUNG PERSONS IN CONNECTION WITH EDUCATION OR TRAINING

I. Requirements of the Convention

253. Article 6 of Convention No. 138 provides that it does not apply at all to work done in schools for general, vocational or technical education or in other training institutions, whatever the age of the children involved. In addition, it does not apply to work done in the course of an apprenticeship programme in undertakings for children of 14 or older. In both cases, the work must be carried out in accordance with conditions prescribed by the competent authority, after consultations with organisations of employers and workers, and must be an integral part of one of the sorts of programmes spelled out in Article 6.

254. The earlier Conventions on minimum age for admission to employment or work have dealt with only one aspect of this question, that is with work done in training institutions. Conventions Nos. 5, 7, 10, 15, 58, 59 and 112¹ all excluded from their coverage work done by children in technical schools or training ships, as long as it was approved and supervised by the competent authorities. Convention No. 33, followed by Convention No. 60, contained slightly more detailed provisions on training for non-industrial employment or work, and excluded work done in technical and professional schools which was essentially educative in character, was not for commercial profit, and was restricted, approved and supervised by the competent authorities.² Of the earlier minimum age Conventions, Convention No. 123 (underground work) is the only one which contained no provisions on this subject.

255. Article 6 of Convention No. 138 goes somewhat further than these earlier instruments by including in its definition work done in schools for general, vocational or technical education or in other training institutions, but in essence it excludes from its coverage the same institutions as other Conventions. While it does not follow Conventions Nos. 33 and 60 expressly in requiring the additional safeguards on the type of work described above, it does state that this work must be in a course of education or training for which a school or training institution is primarily responsible, which will almost certainly involve the same restrictions.

¹ Article 3 of each Convention, except Article 4 of Convention No. 112.

² Article 1(2) (b) of Convention No. 33, and Article 1(3) (b) of Convention No. 60.

256. On the other hand, work under apprenticeship programmes was never dealt with in minimum age Conventions before Convention No. 138. The reference to such programmes was added to the instrument during the final discussion leading to its adoption,¹ and was not discussed at all in the preparatory materials. In addition, though there are some references to apprenticeship programmes in Recommendations, the Conference has never discussed the subject in detail in relation to exemption from the minimum age requirements laid down in Conventions.

II. Exemption of work in schools or other training institutions

257. The reason that such an exclusion should be allowed is plain: work in these institutions is normally purely for training purposes, and there is only a very small risk that the young persons doing it will be exposed to the detrimental effects normally associated with their being employed. This is particularly true in view of the Convention's requirement that the work be an integral part of a course of education or training for which a school or training institution is primarily responsible.

A. Countries with no provisions or for which no information is available

258. In their reports for the present survey, the governments of most countries made no mention of work in schools or training institutions. In addition, for more than half the reporting countries, no exemption of work in such institutions could be located in the legislation concerning the work of children and young persons.²

259. Two countries stated specifically in their reports that no such exemption was made.³

260. The Committee considers that a number of the countries listed here almost certainly regulate work in educational or training institutions in some manner. However, any provisions on the subject will not, in many cases, be contained in the same legislation as other provisions on the work of young persons, and in most cases governments

¹ ILO: Record of Proceedings, International Labour Conference, 58th Session, Geneva, 1973, p. 486.

² States: Afghanistan, Algeria, Argentina, Bahrain, Benin, Brazil, Bulgaria, Burundi, Byelorussian SSP, Cameroon, Central African Republic, Chile, Colombia, Comoros, Congo, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, German Democratic Republic, Federal Republic of Germany, Greece, Guyana, Honduras, Hungary, Israel, Ivory Coast, Japan, Kuwait, Liberia, Libyan Arab Jamahiriya, Madagascar, Mauritius, Mexico, Mongolia, Nepal, New Zealand, Niger, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Seychelles, Spain, Sudan, Sweden, Syrian Arab Republic, Turkey, Ukrainian SSP, USSR, United Kingdom, Venezuela, Yugoslavia, Zaire. Non-metropolitan territories: Bermuda, Falkland Islands, Gibraltar.

³ Cuba, Romania.

have not communicated them. For instance, countries which refer in their legislation only to employment of young persons and not to employment or work in the sense of the Convention are unlikely to regulate work in these institutions by the same legislation, since it is not performed within an employment relationship. In these and other cases, references to such work may be found in special legislation which has not been made available to the Committee.

B. Countries for which some information is available

261. There are several countries for which some information is available but concerning which it is not evident whether work in educational and training institutions is regulated by national legislation.

262. In one country¹ the legislation on factories provides that the authorities may exempt from the coverage of the legislation workshops attached to public institutions, but no information is available on whether this has been done. In another country,² a reference has been located in the legislation to "alternating education", within the framework of which young persons over 14 may do some work in undertakings, but it is not clear whether this refers to work under the supervision of training institutions. Another country³ indicates in its report that young persons may be admitted to secondary schools which offer technical education at the age of 12 and to technical schools at the age of 14, but does not state whether their work in these institutions is regulated. Finally, there are countries⁴ for which some provisions have been noted which place restrictions on certain conditions of work in educational or training institutions but for which no further information is available.

C. Countries which exclude some training institutions

263. There are several countries which have exempted educational and training institutions only in some sectors of activity from the coverage of labour legislation. Most often work performed on training ships, in respect of training for later maritime work, is excluded in such cases,⁵ but instances also have been found of other sectors.⁶

¹ Bangladesh 1, section 86.

² France 1, section L.211-1.

³ Hong Kong.

⁴ Costa Rica 1, section 92 (work in institutions must be appropriate for the pupils); Morocco 1, section 11 (limits hours of manual instruction in institutions); Panama 2, section 118(2) to (6) (prohibition of dangerous work before the age of 18 does not apply to vocational schools if it is approved and supervised).

⁵ Burma 4, section 37C(2)(b); Fiji 1, section 68(a) (in addition, the prohibition of work under 18 as trimmer or stoker does not apply in such cases, if approved); Fiji 1, section 69(1)); Iceland 1, section 41; India 4, section 109; Indonesia 3, section 3(a); Ireland 5, section 2(1)(a)(i) for trimmers or stokers only; Malta 2, section 107(2)(b); Sri Lanka 1, section 9(2)(b).

(Footnote continued on next page)

264. The Committee also notes that in many cases exemptions of work in educational or training institutions is contained in legislation which relates only to a given sector of economic activity, such as industry or agriculture. In these cases no provisions have been located concerning institutions which provide training for other sectors, and it is thus not possible to determine whether any training institutions concerning them are regulated. For countries whose labour legislation relates only to certain sectors, see Chapter I of this survey.

D. Countries which exclude all training institutions

265. All the other countries examined exclude from their minimum age legislation work performed in all institutions which provide training. This may be done in one of several ways.

266. A certain number of countries simply exclude work in these institutions without laying down further conditions.¹ Most, however, only exclude such work if it is approved and supervised by a public authority (thus meeting the specific requirements of earlier minimum age Conventions - see supra, paragraph 254).²

267. There are also some cases in which other restrictions or conditions have been laid down for work in these institutions to be excluded from labour legislation, such as that it not be for commercial profit³ or that it be essentially educational in character.⁴ There are a few instances where it is stated that health or morals must be protected or that the parents or guardians of the young persons concerned must give their consent to the performance of such work.⁵

268. In most cases in which any provisions on this subject have been found, it appears that the countries concerned have taken the same

(Footnote continued from previous page)

¹ Gabon, for forestry schools (1965 report under Convention No. 10); Kenya 2, section 24(1) (industry); Sri Lanka 1, section 7(2) (b) (industry and maritime); Uruguay 3, section 2 (industry).

² Austria 1, section 4(2); Jamaica 1, section 76; Netherlands 1, section 88(a); Paraguay 1, section 119; Tunisia 1, section 54(2) (for vocational schools other than in agriculture); Upper Volta (government report of 1962 on Convention No. 5).

³ Belgium 5, section 3(3); Botswana 1, section 77; Cyprus 1, section 3(4); Haiti 1, section 397; Luxembourg 1, section 5(1); Malaysia 1, section 2(2) (c); Mali 1, section 2(3); Nicaragua 2, section 124; Norway 1, section 35(c); Sierra Leone 1, sections 52 and 53; Singapore 1, section 75; Tanzania 1, sections 81(2) (general) and 89(1) (maritime) (Tanganyika); Tunisia 1, section 55 (agricultural schools); Zambia 1, section 4(2).

⁴ Luxembourg 1, section 5(1); Mali 1, section 2(3); Nicaragua 2, section 124; Suriname 1, section 17.

⁵ Mali 1, section 2(3); Nicaragua 2, section 124.

⁶ E.g., Switzerland 1, Ordinance I, section 60.

approach as in the Conventions which have dealt with this subject and excluded such work from the application of national legislation without imposing many further restrictions.

III. Exemption of work performed by apprentices over 14 years of age

269. Convention No. 138 does not apply to work done by persons at least 14 years of age in undertakings as a part of a training, guidance or orientation programme, and as long as it is carried out in accordance with conditions prescribed by the competent authority after consultation with the organisations of employers and workers concerned. In other words, apprentices over 14 years old are not covered if the other conditions are fulfilled.

270. Apprenticeship, unlike training in vocational schools, is carried out under a form of contract of employment, usually within a formalised programme under the supervision of national education authorities. As such, it is often the subject of extensive and detailed regulation, but the information governments have communicated in their reports is very limited.

A. Countries for which no information is available

271. There are a number of countries which have communicated no information in their reports concerning apprenticeship programmes.¹ The Committee considers that most of these countries probably do have some form of regulation of the apprenticeship relationship but in the absence of information cannot deal with them further here.

B. Countries with a minimum age of 14 or higher for apprentices

1. Ages set

272. The Convention does not apply to apprenticeship programmes for persons over 14. The Committee notes a number of cases in which the legislation sets a minimum age of 14 or higher for entry into an apprenticeship relationship. In several of these cases, the legislation provides that no one may be employed, "even as an apprentice", before a specified age; and in others, separate provisions

¹ States: Austria, Bangladesh, Belgium, Botswana, Bulgaria, Burma, Byelorussian SSR, Comoros, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Greece, Honduras, Iceland, Indonesia, Ireland, Ivory Coast, Kuwait, Mauritius, Mexico, Mongolia, Nepal, Nicaragua, Pakistan, Peru, Poland, Portugal, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tanzania, Ukrainian SSR, USSR, United Kingdom, Uruguay, Yugoslavia, Zambia. Non-metropolitan territories: Anguilla, Bermuda, Falkland Islands, Gibraltar, Montserrat, St. Kitts-Nevis.

of the legislation set the minimum age for apprenticeship. In these countries the ages have been set at 14,¹ 15² and 16.³

273. Some of these countries have linked the age of admission to apprenticeship programmes to schooling. In one of them,⁴ an apprenticeship agreement may be concluded at 15 if the first cycle of secondary education has been completed. In another,⁵ the minimum age for apprentices is 15, or earlier if compulsory schooling has been completed. A third⁶ permits admission to apprenticeship only after two years of secondary education, which it states is usually interpreted as 15 years of age. A fourth country⁷ has indicated that young persons are admitted to vocational training only after they have completed their compulsory education. In all these countries the minimum age for apprenticeship is higher than that stated in the Convention.

2. Compliance with other conditions

274. The Convention does not apply to these countries if (a) the work is carried out in accordance with the conditions prescribed by the competent authority after consultation with the organisations of employers and workers concerned, and (b) it is an integral part of one of the sorts of programmes specified in Article 6. These requirements are to ensure that the young persons concerned are in fact employed under an approved apprenticeship programme and that a supposed "apprenticeship contract" is not a disguised means of having young persons work for lower wages and under substandard conditions. In the absence of detailed information on apprenticeship programmes in most of these countries, the Committee is not in a position to indicate which of them have closely-regulated systems which would satisfy the Convention's requirements.

¹ E.g., States: Algeria 5, section 47 (private sector); Argentina 1, section 187; Bahrain 1, section 26; Benin 1, section 107; Cameroon 1, section 93(1); Central African Republic 1, section 61; Chile 1, section 150; Colombia 1, section 82; Comoros 1, section 118; Djibouti 1, section 118; Ethiopia 1, section 25(1); German Democratic Republic 3, section 129; Haiti 1, section 71; India (government report); Iran (government report - but Iran 1, section 16 provides an age of 12); Madagascar 1, section 83; Mali 1, section 2; Niger 1, section 116; Philippines 2, section 59; Rwanda 1, section 125; Senegal 1, section 140; Upper Volta 1, section 125; Venezuela 2, section 203. Non-metropolitan territory: Hong Kong (government report).

² Afghanistan 1, section 9; Algeria 8, section 177 (socialist sector); France 1, section L.117-3 (see also below); Federal Republic of Germany 1, section 7(2)(1) (see also below); Guyana (government report); Italy 1, section 3; Jamaica 3; Panama 2, section 281.

³ Burundi 1, section 117; Congo 1, section 116; Gabon 1, section 121; Liberia 1, section 1510(1); Spain (government report).

⁴ France 1, section L.117-3.

⁵ Federal Republic of Germany 1, section 7(2)(1), and Federal Republic of Germany 2.

⁶ New Zealand (government report).

⁷ Romania (government report).

C. Countries with minimum ages of less than 14 for apprenticeship, or no minimum age

275. Several of the countries for which information is available have minimum ages under 14 for apprenticeship.¹ There are also cases in which apprentices are excluded from the provisions of legislation concerning minimum age,² or may be excluded.³ The Convention would therefore be fully applicable to any young persons under 14 years of age who were engaged as apprentices.

276. The Committee notes that none of the countries concerned here have ratified the Convention and it therefore has not had occasion to consider in what way the Convention would be applicable in such a case. It would appear, however, that apprentices aged 12 to 14 would be permitted only to perform light work and that no one would be permitted to be employed as an apprentice under the age of 12. In addition, dangerous work would have to be forbidden for apprentices under 14. The Convention would then cease to apply when the apprentices concerned attained the age of 14.

¹ Cyprus 1, section 3 (minimum of 13 for apprenticeship in occupations other than industrial or maritime); Malaysia 1, section 2(2)(d) (the legislation refers to conditions of apprenticeship for persons "less than 14" without specifying a minimum age); Morocco 1, section 9 (12 years); Sierra Leone 1, sections 57 and 58 (12 years); Turkey 3, section 173 (12 years).

² Fiji 1, section 63(3) (in industrial undertakings).

³ Malta 1, section 23(4) (prohibition on employment of persons of compulsory school age does not apply to apprentices in so far as special provisions are made for them - none known).

CHAPTER VI

CONDITIONS OF WORK

CONDITIONS OF WORK

I. Provisions of the Convention and Recommendation

277. Convention No. 138 contains very few provisions on the conditions of work of young persons, and the cases in which it does refer to them are in specific contexts. Article 3 of the Convention concerns dangerous work (examined in Chapter IV above), while Articles 7 and 8 provide that the hours and conditions of work for light work and participation in artistic performances shall be laid down (examined in Chapter III above). The conditions which have been prescribed in such cases are examined in these chapters. However, the Convention itself contains no specific requirements as to the conditions to be observed when young persons and children are at work outside these special circumstances.

278. This subject is dealt with instead in Recommendation No. 146, in particular in its Paragraphs 12 and 13. Paragraph 12 provides that the conditions in which children and young persons under 18 are employed or work should be specified and supervised. Paragraph 13 provides for special attention to be given to several kinds of conditions of work, including remuneration, hours of work and rest periods, annual holidays, social security and safety and health. The special provisions adopted for young persons in each of these cases are examined in detail below.

II. Conditions of work prescribed in reporting countries

A. The provision of fair remuneration and its protection

279. Paragraph 13(1)(a) of the Recommendation provides that special attention should be given to "the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work". The point as submitted to the first discussion of the Conference was worded simply "the provision of fair remuneration and its protection",¹ but this was considered not to be sufficiently specific. The Workers' members therefore submitted a proposal aimed at preventing wage discrimination against young persons, and after some

¹ Report IV(2), 57th Session, op. cit., p. 96.

discussion the final part of the phrase was added.¹ This provision thus has a double purpose: to provide and protect fair remuneration for young persons, as well as to prevent discrimination against them.

1. Countries with no provisions or for which no information is available

280. Very few reporting States provided any information on this subject and in examining the legislation the Committee has located only a few cases in which countries have made specific provisions in this regard. For the largest number of countries, the Committee has located no provisions concerning the remuneration of young persons.²

281. The effect in these countries will in some cases be that sought by the Recommendation. If there are no provisions allowing different wage scales for persons of different ages, then generally-applicable wage scales will apply also to young workers. However, there are ways in which young workers may not be protected in respect of wages in such cases.

282. For instance, most countries have provisions establishing a minimum wage, and in these cases if no differences are prescribed then everyone covered by the minimum wage legislation must be paid at least at this rate, regardless of age. However, when wages above the minimum are paid, as is normally the case, then younger workers may continue to be paid at the minimum rate purely on the basis of age, and thus are discriminated against.

283. On the other hand, when standard wages are laid down for all sorts of work, as is the case in some countries, then as long as no different wages are prescribed for persons of different ages the absence of discrimination sought by the Recommendation is assured. In such cases no special provisions for young workers with regard to remuneration would be necessary.

2. Countries which provide expressly for equality of remuneration

284. A certain number of countries have provided expressly for equality of remuneration without distinction as to age. In some cases, it is provided that the wages of those who work under equal conditions,

¹ Report IV(1), 58th Session, op. cit., pp. 16 and 17.

² States: Afghanistan, Austria, Bahrain, Bangladesh, Belgium, Benin, Botswana, Bulgaria, Burma, Cameroon, Central African Republic, Chile, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Greece, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Madagascar, Mali, Malta, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Papua New Guinea, Peru, Poland, Romania, Senegal, Seychelles, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Turkey, USSR, United Kingdom, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zambia. Non-metropolitan territories: Anguilla, Bermuda, Falkland Islands, Gibraltar, Hong Kong, Montserrat, St. Kitts-Nevis.

with similar professional qualifications and efficiency, shall be paid without discrimination on the basis of age.¹ Others provide that younger workers have the right to remuneration equal to that of older workers, in proportion to the number of hours worked.² In some countries it is simply stated that there shall be no discrimination in conditions of work on the basis of age.³ Finally, four countries⁴ provide that workers under 18 who work shorter hours shall be paid the same remuneration as adult workers of the same category who work normal hours.

3. Countries with special rules for
the remuneration of young persons

285. There are several countries which have fixed separate, and lower, wage scales for young workers. This may be done in several ways.⁵

(a) Proportion of minimum wage

286. Most of the countries which have special provisions in this regard have provided for a special minimum wage to be applicable to younger workers, normally stated as a proportion of the generally-applicable minimum wage. The ages and proportions are stated in the following table. One country⁶ has provided that employed young persons shall be paid a minimum wage a set amount lower than that paid adult workers. Another country⁷ has indicated that draft legislation providing a lower minimum wage for young workers has been submitted to Congress (but not yet adopted), and that the trade unions are firmly opposed to the principle.

¹ Burundi 1, section 65; Ivory Coast 1, section 80; Niger 1, section 90; Rwanda 1, section 82.

² Argentina 1, section 187; Costa Rica 1, section 167.

³ Algeria 8, section 44; Jamaica (report); Philippines 3, Rule XI, section 3; Zaire 1, section 72.

⁴ Byelorussian SSR, by USSR 2, section 77; Mongolia 1, section 171; Ukrainian SSR 2, section 77 and Ukrainian SSR 3, sections 193 and 194; USSR 2, section 77.

⁵ Some countries have also reported special wage rates for apprentices. This does not come within the coverage of this provision of the Recommendation as apprenticeship is distinguishable from other forms of employment and work.

⁶ Canada (federal jurisdiction) - 25 cents per hour less than adults.

⁷ United States.

Table VI: Countries which provide that younger workers shall be paid a fixed percentage of the minimum wage

Country and legislation	Ages	Proportion of minimum wage
France 1, section 5.141-1	to 17 17-18	80% 90%
Luxembourg 1, section 18	15-16 16-17 17-18	60% 70% 80%
Netherlands (government report)	15-23	7.5% less than minimum wage for every year under 23
Portugal 7, section 2	to 18 18-20	50% 75%

287. It will be noted that these countries have set a lower minimum wage for young persons, but have not stated that younger workers must be paid less than older ones.

(b) Lower wages fixed for younger workers

288. There are also several countries in which specific lower wages are prescribed for younger workers. In each case, this has been done in remuneration orders applicable only to specific economic sectors, and is not generally applicable as are those referred to above.¹ It should be noted that in one of these cases, differences are laid down also for other elements of remuneration (as defined in the Protection of Wages Convention, 1949 (No. 95)) than wages, so that lower amounts are allocated for board and lodging for young workers.² Finally, one country³ has provided that the wages of persons under 18 shall be adjusted in relation to those of adult workers.

B. Limitation of hours of work and prohibition of overtime

289. Paragraph 13(1) (b) of Recommendation No. 146 provides that, in fixing the conditions of work of young persons under 18 years of

¹ Malaysia 3, section 4(i) (for ages 16 to 18 and 18 to 21) and Malaysia 5, section 3(i) (for ages 14 to 16 and 16 to 18); Mauritius 2, First Schedule (for ages 12 to 15 and 15 to 18); Tunisia 1, section 135(3) (refers to a special decree fixing lower wages for women and children in agriculture, not located).

² Malaysia 5, section 4(i) (for ages 14 to 16 and 16 to 18).

³ Paraguay 1, section 125.

age, special attention should be given to "the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities". Although the Conference had not previously laid down rules for restricting the hours of work of young persons (though it had done so in respect of night work - see below), it adopted the text as originally proposed by the Office without much discussion, except for the addition of the prohibition of overtime.¹

290. The Recommendation lays down no specific number of hours which young persons at different ages should be allowed to work, but provides only that these hours should be strictly limited on a daily and weekly basis. However, in providing for the prohibition of overtime it gives at least a point of reference in each national situation, since almost all countries lay down a standard number of hours of work beyond which work will be carried out on overtime.

291. The situation in each of the reporting countries is shown in Table VII at the end of this section.

1. No limitation found on hours of work
or overtime of young persons

292. It will be seen from Table VII that there are several countries for which no provisions have been found limiting the hours of work or overtime of young persons. This does not mean that there are no limitations on their working hours, since in most of these countries generally-applicable legislation on hours of work will apply also to young workers. It is clear, however, that the Recommendation contemplates special provisions concerning young persons, since in almost all countries the limitations of hours of work which are laid down on a general basis are not calculated to give workers enough time for education and training, and usually allow overtime under some circumstances.

2. Prohibition of overtime for
young workers, but no other
limitations on their hours
of work

293. It can also be seen from the table that several countries prohibit overtime for young workers, but do not lay down any other limits on their working hours. The spirit of this provision of the Recommendation would not seem to be fulfilled if young workers can always work a normal day of the eight to ten hours allowed in most countries.

294. Some of the countries which are not listed as prohibiting overtime for young workers have achieved the same effect by providing that they shall not be permitted to work more than a specified number of hours. These countries are listed in the following section.

295. There are a few cases in which limits have been placed on overtime for young persons, but no absolute prohibition laid down.

¹ Report IV(1), 58th Session, op. cit., p. 17.

While this is not in exact agreement with what is provided in the Recommendation, it will achieve much of the same effect, as it imposes a limit on the hours which they may work.

3. Countries which have limited the hours of work of young persons

296. It will be seen that most countries have in fact placed special limits on the hours of work which may be performed by younger workers, either on a daily or weekly basis, or both. The number of hours to which young persons are restricted are listed in the table. In most cases these hours are shorter than those laid down for adult workers.

297. Most of these countries have provided for limits on a daily basis only, with no limitation on the total number of hours which may be worked during a week. A few have provided information only on the number of hours allowed on a weekly basis.

298. A number of countries have provided for differing limits on the number of hours that young persons of different age levels may work, for instance laying down stricter requirements for persons under 16 than for those between 16 and 18. This demonstrates a clear intention to achieve the objective of the Recommendation, by allowing more time away from work for younger workers, who are more likely to be attending school.

299. There are also a number of countries noted in the table which limit the hours of work only of young persons in certain economic sectors. In other cases, not noted here, the national legislation applies only to certain sectors, or excludes from its application stated categories of work; in this connection see Chapter I of this survey. The Committee has already suggested in respect of other aspects of the regulation of the work of young persons that governments make an effort to provide protection for young persons even where they are not in a position to do so for all workers, and it reiterates this suggestion here. In addition, in some federal States¹ this subject is regulated by the constituent units, and detailed information is not available.

C. Prohibition of night work, required daily hours of rest, and weekly rest days

1. Provisions of Recommendation No. 146 and earlier instruments

300. Paragraph 13(1)(c) of Recommendation No. 146 provides that, in fixing conditions of work for young persons under 18, special attention should be given to "the granting, without possibility of exception save in genuine emergency, of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days". This is essentially the text proposed in the initial Office paper on the

¹ Australia, Canada, United States.

Table VII: Limitation of hours of work
and prohibition of overtime

Note: This table shows the legislation in reporting countries which limits the hours of work permitted for young persons on a daily or weekly basis and the ages to which these provisions apply. If more than one set of ages is given for any country, this means different criteria are applied to these groups.

The references to legislation are in the following form: A1,s.90. The initial letter refers to the country concerned, followed by a reference to the legislation by number (see Appendix II). The section of the legislation is specified by the number following the s.

Country	Ages	Number of hours' work permitted			Overtime prohibited
		Daily	Weekly	Legislation	
<u>STATES</u>					
Afghanistan	18-20	7	-	A1,s.58	-
Algeria	-	-	-	-	-
Argentina	to 18	6	36	A1,s.190	-
Austria	to 18 to 16	8	40	A1,s.11	A1,s.12
Bahrain	to 16	6	-	B1,s.53	B1,s.54
Bangladesh	to 18	5	-	B1,s.70 (1) (factories)	-
Belgium	to 18	10	-	B1,ss.31 to 34	B1,s.33
Benin	-	-	-	-	-
Botswana	to 16	8	-	B1,s.83	-
Brazil	to 18	-	48	B1,s.411	B1,s.413
Bulgaria	to 16	6	-	B5,s.1	-
Burma	to 15	4	-	B1,s.79 (1) (a) (factories)	-
Burundi	-	-	-	-	-
Byelorussian SSR	-	-	-	-	-
Cameroon	to 18	8	-	C2,s.4 (in- dustry)	-
Central African Republic	-	-	-	-	-

Country	Ages	Number of hours* work permitted			Overtime prohibited
		Daily	Weekly	Legislation	
Chile	to 18	8	-	C1, s. 23	-
Colombia	-	-	-	-	-
Comoros	-	-	-	-	-
Congo	-	-	-	-	-
Costa Rica	12-15	5	30	C1, s. 89 (b)	-
	15-18	7	42	C1, s. 89 (a)	-
Cuba	15-16	7	40	C2, s. 41	-
Cyprus	to 16	7.5 (general)	42 (general)	C1, s. 4 (1)	-
		6 (industry)	36 (industry)	C1, s. 4 (1)	-
	16-18	8.5	42	C1, s. 5 (1)	-
Czechoslovakia	15-16	-	36	C1, s. 83 (2)	
	to 18	-	-	-	C1, s. 166 (1)
Denmark	to 18	10	-	D1, s. 60	D1, s. 60
Djibouti	to 18	8	-	D2, s. 2	-
	16-18 (females)	6	-	D2, s. 31	-
Dominican Republic	to 16	8	-	D1, s. 225	-
Ecuador	to 15	6	33	E1, s. 137	-
	15-18	7	38.5	E1, s. 137	-
Egypt	to 15	6	-	E1, s. 125	E1, s. 127
Ethiopia	-	-	-	-	-
Fiji	to 15	6	-	F1, s. 64 (1)	-
	15-18	8	-	F1, s. 64 (2)	-
Finland	to 15	7	36	F2, s. 8	Report
	15-18	9	48	F2, s. 6	F2, s. 6
France	to 18	8	40	F1, s. L. 212-13	-
Gabon	-	-	-	-	-
German Democratic Republic	to 16	-	-	-	G. 3, s. 174 (3)
	16-18	-	-	-	Limited by G. 3, s. 174 (2)

Country	Ages	Number of hours' work permitted			Overtime prohibited
		Daily	Weekly	Legislation	
Federal Republic of Germany	to 18	8	40	G1,s.8(1) (general)	-
		8	40	G3,s.96 (maritime)	-
	16-18	9	-	G1,s.8(3) (during harvest)	-
Greece	-	-	-	-	-
Guyana	-	-	-	-	-
Haiti	-	-	-	-	-
Honduras	to 16	6	36	H1,s.124 (8) ; H2,s.32	H2,s.129
Hungary	to 16	6	-	-	H1,s.38 (4)
Iceland	to 15	10	-	I2,Chapter X	-
India	to 15	4.5 (factories)	-	I1,s.71	-
	14-18	-	-	States Shops Acts (commerce)	-
Indonesia	-	-	-	-	-
Iran	to 16	-	-	-	I1,s.12
Iraq	to 16	-	-	-	I2,s.2(3)
Ireland	to 16	8	40	I1,s.8(1) (general)	-
	16-18	9	45	I1,s.9(1) (general)	-
	to 18	-	46	I3,ss.8(1) and 9(1) (agriculture)	-
Israel	to 18	8	40	I1,s.20 (a)	-
Italy	to 15	7	35	I1,s.18	-
	15-18	8	40	I1,s.18	-
Ivory Coast	to 18	8	-	I2,s.3D320	-
Jamaica	to 17	-	-	J2,s.5(3) (shops and offices: power to make rules)	-
Japan	to 18	-	-	-	J1,s.60

Country	Ages	Number of hours' work permitted			Overtime prohibited
		Daily	Weekly	Legislation	
Kenya	-	-	-	-	-
Kuwait	to 18	6	-	K1,s.22	-
Liberia	-	-	-	-	-
Libyan Arab Jamahiriya	to 18	6	-	L1,s.93	L1,s.94
Luxembourg	to 18	8	40	L1,s.7	L1,s.12
Madagascar	-	-	-	-	-
Malaysia	to 14	6	-	M1,s.5(1) (c)	-
	14-16	7	-	M1,s.6(1) (c)	-
Mali	to 18	8	-	M1,s.5	-
Malta	-	-	-	-	-
Mauritius	to 18	6 (general)	36 (general)	M1,s.15	-
		-	48 (shops)	M1,s.15	-
Mexico	to 16	6	-	M2,s.177	M2,s.178
Mongolia	15-16	6	-	M1,s.169	M1,s.172
	16-18	7	-	M1,s.169	M1,s.172
Morocco	-	-	-	-	-
Nepal	-	-	-	-	-
Netherlands	to 18	8	-	N1,s.9(f)	-
New Zealand	to 16	8	40	N3,s.20(1) (factories)	N3,s.20(1) (factories)
	to 15	8	-	N2,s.57 (agriculture)	-
Nicaragua	to 16	6	-	N2,s.48	N2,s.56
Niger	to 18	8	-	N2,s.130	-
Norway	to 18	9	48	N1,s.38	N1,s.38
Pakistan	to 15	5	-	P2,s.54(1) (factories)	-
	to 17	7	42	P5,s.8 (shops)	Limited by P5,s.8 (shops)
Panama	to 16	6	36	P2,s.122(1)	P2,s.120(2)
	16-18	7	42	P2,s.122(2)	P2,s.120(2)

Country	Ages	Number of hours' work permitted			Overtime prohibited
		Daily	Weekly	Legislation	
Papua New Guinea	-	-	-	-	-
Paraguay	to 18	6	36	P1,s.121(c)	-
Peru	13-14	6	33	P4,s.38	-
	to 18	8	45	P1,s.5; P4,s.38	-
Philippines	to 18	-	-	P2,s.139 power to make rules	-
Poland	to 16	6	-	P1,s.202(1)	P1,s.203
	16-18	8	-	P1,s.202(2)	
Portugal	to 18	-	-	-	P5,s.21
Romania	to 18	8	48	P2	P2
Rwanda	-	-	-	-	-
Senegal	to 18	8	40	S4,s.2	-
Seychelles	-	-	-	-	-
Sierra Leone	-	-	-	-	-
Singapore	to 14	6	-	S2,s.7	-
	14-16	7	-	S2,s.8	-
Spain	to 18	-	-	-	S1,s.6(3)
Sri Lanka	-	-	-	S1,s.21(1)- power to make rules	-
Sudan	-	-	-	-	-
Suriname	-	-	-	-	-
Sweden	to 18	9	45	S1,Chapter 5, s.5	-
Switzerland	to 16	-	-	-	S1,s.31(3)
Syrian Arab Republic	to 15	6	-	S1,s.125	S1,s.127
Tanzania	to 15	6	-	T1,s.83	-
Tanganyika		-	-	-	-
Zanzibar	-	-	-	-	-
Tunisia	14-15	4.5	-	T1,s.56(6)	-
Turkey	to 16	-	-	T1,s.67	T1,s.67

Country	Ages	Number of hours' work permitted			Overtime prohibited
		Daily	Weekly	Legislation	
Ukrainian SSR	15-16	-	24	U2,s.22; U3,s.51	U2,s.78
	16-18	-	36	U2,s.22; U3,s.51	U2,s.78
USSR	to 18	-	36	U2,s.22	U2,s.78
United Kingdom	to 18	-	48	U3,s.1(1); U4,s.24(1); U5,s.125(1) (a); U6, s.86(a)	U3,s.1(1) (limited)
Upper Volta	to 18	8	-	U2	-
Uruguay	to 18	6	36	U1,s.230	-
Venezuela	to 16	6	-	V2,s.181	-
	16-18	-	-	-	V2,s.186
Yugoslavia	to 18	-	-	Provincial legislation (report)	Provincial legislation (report)
Zaire	to 18	8	-	Z2,s.25	-
Zambia	-	-	-	-	-
<u>NON-METROPOLITAN TERRITORIES</u>					
Anguilla (see under St. Kitts-Nevis)					
Bermuda	-	-	-	-	-
Falkland Islands	-	-	-	F2,s.2(2)(c) (Power to make rules - none known)	-
Gibraltar	-	-	-	-	-
Hong Kong	to 18	8	48	H1,s.5(2); H4,s.9(1)	H4,s.11(1) (industry)
Montserrat	-	-	-	-	-
St. Kitts- Nevis	-	-	-	-	-

subject except for the addition during the first discussion of a reference to a minimum period of 12 hours' night rest.¹

301. Unlike the other special conditions for young workers provided for in this Paragraph, instruments have already been adopted by the Conference on night work. The Night Work of Young Persons (Industry) Convention, 1919 (No. 6) and its revising Convention No. 90 of 1948, and the Night Work of Young Persons (Non-Industrial Occupations) Convention (No. 79) and Recommendation (No. 80), 1946, all contained detailed provisions on night work and minimum intervals between two working periods. Similarly, the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103) provides at Article 4 for longer weekly rest periods for young persons under 18 (though neither the corresponding Convention No. 106 nor the Weekly Rest (Industry) Convention, 1921 (No. 14) contain special requirements for young workers).

2. Daily hours of rest

302. As will be seen from Table VIII, at the end of this section, all but a very few countries provide for a minimum period of rest for young persons between two intervals of work.

303. It will be noted from the table that the number of hours' rest required varies from 7 to 14, according to the country and the ages to which these provisions apply. A number of countries require the 12 hours' rest provided for in the Recommendation, while others have provisions which correspond to the number of hours required in Conventions Nos. 6, 79 or 90. To aid comparison, the basic requirements of these Conventions are as follows:

Convention	Ages	Number of hours' night rest
No. 6 (industry)	All under 18 16-18	11 Possible exceptions
No. 79 (non-industrial)	All under 14 14-18 16-18	14 12 Possible exceptions
No. 90 (industry, revised)	All under 16 16-18	12 7 (13 hours' rest if work during the night) Possible exceptions

See Appendix I for the countries which have ratified these Conventions.

304. In a number of cases it is indicated in the table that the provisions apply only in certain sectors. These are noted in the table

¹ Report IV(1), 58th Session, op. cit., p. 17.

if this limitation appears in the relevant provisions; but it will be recalled that some countries are mentioned in Chapter I whose legislation does not cover all economic sectors or categories or work in respect of young persons, and which thus do not have provisions in this respect either. In some federal States,¹ this subject is regulated by the constituent units, and detailed information is not given here.

3. Prohibition of night work

3C5. The great majority of reporting countries have provisions prohibiting night work for young persons, normally up to the age of 18 but in a number of cases only for young persons of lower ages. Special note should be taken of a few countries which have placed restrictions on night work by young persons up to the age of 21.²

3C6. A number of countries (not indicated in the table) provide for some young persons (usually males between 16 and 18 years old) to be exempted from the general prohibition of night work. These are most often for the reasons laid down in earlier Conventions as permitting such exemptions, such as in work which is required to be carried on continuously day and night³ (Convention No. 6, Article 2(2)), training⁴ (Convention No. 90, Article 3(2)), or in emergencies⁵ (Convention No. 6, Article 4; Convention No. 79, Article 4(2); Convention No. 90, Article 5).

3C7. In regard to night work as for a number of other subjects, several countries have only laid down restrictions with regard to some economic sectors, which are shown in Table VIII or indicated in Chapter I.

¹ E.g., Australia, Canada, United States.

² Ecuador 1, section 31(b) (ages 18 to 21 only permitted night work with the authorisation of a juvenile judge); Peru 1, section 6 (the general rule prohibits all women, and all males to 21, from performing night work, but males who present a medical certificate may do so from the age of 18); Uruguay 1, section 244 (for occupations carried out in public streets).

³ E.g., States: Botswana 1, section 85; Chile 1, section 29 (males only); Comoros 3, section 6 (males only); Fiji 1, section 65(a) (males only); Guyana 1, section 3(1); Israel 1, section 24(c); Ivory Coast 2, section 3D321 (males only); Madagascar 1, section 79; Niger 2, section 133; Senegal 4, sections 5 to 7; United Kingdom 1, section 1(3) (industry); Upper Volta 2, section 7 (males only); Zambia 1, section 9. Non-metropolitan territories: Anguilla (see under St. Kitts-Nevis); Falkland Islands 2, section 3(3) (industry); Montserrat 1, section 7(2) (industry); St. Kitts-Nevis 1, section 7(2) (industry).

⁴ E.g., Burundi 1, section 113 (Government indicates possibility not used); Cameroon 2, section 6; Fiji 1, section 65(a) (males only); Finland 2, section 7; German Democratic Republic 3, section 170(2); Israel 1, section 24(c); Portugal 5, section 33(2); Sri Lanka 1, section 3(3) (industry - males only); Switzerland 1, section 31(4); Tunisia 1, section 67.

⁵ E.g., Comoros 3, section 5 (males only); Guyana 1, section 3(1); Indonesia 2, section 4(1); Kenya 1, section 29 (males only); Madagascar 1, section 79; Norway 1, section 37; Portugal 5, section 33(2); Sierra Leone 1, section 49; Tunisia 1, section 67.

4. Prohibition of work on weekly rest days and holidays

308. The cases in which provisions have been reported or located to prohibit the work of young persons on weekly rest days and holidays are indicated in Table VIII, along with the ages and economic sectors to which they apply.

D. Holidays with pay

309. Paragraph 13(1) (d) of Recommendation No. 146 provides that young persons under 18 should have "an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults". This point evolved considerably during the discussion of the instruments. The Office originally proposed "the granting of adequate annual holidays".¹ The Workers' members considered this too vague and during the first discussion submitted an amendment intended "to protect the health of young persons and to afford them greater leisure for such purposes as training".² During the discussion of this proposal, it was pointed out that when the Holidays with Pay Convention (Revised), 1970 (No. 132) was adopted, the idea of a longer holiday for young workers had been rejected.³ However, the Committee finally adopted the phrase "an annual holiday with pay of at least four weeks", and this was further amended in the second discussion to add the final phrase of the provision.⁴

310. No information on holidays for young persons was available for a number of countries.⁵ In so far as no special provisions are laid down in these countries, it may be assumed that younger workers have the same rights to annual paid holidays as older workers.

311. As will be seen from Table IX, there are a number of countries which have indicated specifically, in their reports or legislation, that young workers have the same rights as older ones. The Committee points out the high number of such cases in which workers under 18 do not receive an annual holiday of at least four weeks; but would also draw special attention to those which meet or exceed the standards of the Recommendation.

¹ Report IV(2), 57th Session, op. cit., p. 96.

² Report IV(1), 58th Session, op. cit., p. 17.

³ *ibid.*

⁴ ILO: Record of Proceedings, International Labour Conference, 58th Session, Geneva, 1973 (pp. 488 and 489).

⁵ States: Benin, Botswana, Brazil, Burma, Byelorussian SSR, Cameroon, Comoros, Congo, Costa Rica, Denmark, Djibouti, Egypt, Ethiopia, Fiji, Gabon, Greece, Guyana, Haiti, Honduras, Iceland, Indonesia, Ireland, Kenya, Kuwait, Liberia, Madagascar, Malaysia, Mali, Malta, Mauritius, Nepal, Nicaragua, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Senegal, Seychelles, Sierra Leone, Singapore, Sri Lanka (though there is a power to make rules - Sri Lanka 1, section 21(1)), Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Tunisia, United Kingdom, United States, Upper Volta, Venezuela, Zambia. Non-metropolitan territories: Anguilla, Bermuda, Falkland Islands, Gibraltar, Hong Kong, Montserrat, St. Kitts-Nevis.

Table VIII: Prohibition of night work, required daily hours of rest,
and prohibition of work on weekly rest days and holidays

Note: This table shows the legislation of reporting countries on these subjects, and the ages to which they apply. If more than one set of ages is given for any country, this means different criteria are applied to these groups.

The rubric "Required daily hours of rest" refers to the interval which must be observed between two periods of work. Where the number of hours appears between parentheses, it has been calculated by reference to the latest and earliest hours at which young persons are permitted to work; otherwise, specific provisions setting these limits have been located.

The references to legislation are in the following form: A5,s.194. The initial letter refers to the country concerned, followed by a reference to the legislation by number (see Appendix II). The section of the legislation is specified by the number following the s.

Country	Ages	Night work prohibited	Required daily hours of rest		Prohibition of work on weekly rest days and holidays
			No. of hours	Legislation	
<u>STATES</u>					
Afghanistan	to 18	A1,s.58	-	-	-
Algeria	to 18	A5,s.194	(10)	-	A5,ss.199 and 210
Argentina	to 18	A1,s.190	(10)	-	-
Austria	to 18	A1,s.17(1)	12 10	A1,s.16 (general) A4,s.60 (agri- culture)	A1,s.19 (general) A4 (agriculture)

Country	Ages	Night work prohibited	Required daily hours of rest		Prohibition of work on weekly rest days and holidays
			No. of hours	Legislation	
Bahrain	to 16	B1,s.52	11	B1,s.52	Report
Bangladesh	to 18	B1,s.70 (factories)	12	B1,s.70 (factories)	B1,s.70 (1) (factories)
	to 15	B3,s.22 (tea plantations)	(11)	B3,s.22 (tea plantations)	-
Belgium	to 18	B1,s.36(1)	12	B1,s.36(2)	B1,s.32
Benin	to 18	B1,ss.102-103	12	B1,ss.102-103	-
Botswana	to 18	B1,s.85 (industry)	(12.5)	B1,s.85 (industry)	-
Brazil	to 18	B1,s.404	11	B1,s.412	-
Bulgaria	to 18	B2,s.112	-	-	-
Burma	to 15	B1,s.79(1) (b) (factories)	(10)	B1,s.79(1) (b) (factories)	B1,s.79 (1) (a) (factories)
	to 18	B2,s.8(2) (commerce - power to make rules)	-	-	-
Burundi	to 18	B1,ss.108 and 110	12	B1,s.112	-
Byelorussian SSR	to 18	B2,s.177	-	-	-
Cameroon	to 18	C1,s.89(2) and C2,s.5(1) (industry)	12	C2,s.7(1)	-
Central African Republic	to 18	C2,s.4(8) (industry)	11	C1,s.121	-

Country	Ages	Night work prohibited	Required daily hours of rest		Prohibition of work on weekly rest days and holidays
			No. of hours	Legislation	
Chile	to 18	C1,s.29 (industry)	(8)	C1,s.29	C1
Colombia	to 18	C1,s.171(7); C2,s.5 (industry)	(12)	C2,s.5	-
Comoros	to 18	C3,s.6 (industry)	11	C1,s.114;C3,s.4	-
Congo	to 18	C2,s.4(8) (industry)	(11)	C2,s.4(8)	-
Costa Rica	to 18	C1,s.88(a)	(12)	C1,s.88	-
Cuba	to 18	C5,s.4	12	C5,s.4	C2,s.41
Cyprus	to 16	C1,s.7	11	C1,s.7	C1,s.4(4)
	16-18	C1,s.8	(11)	C1,s.8	C1,s.5(4)
Czechoslovakia	to 18	C1,s.166(1)	(12)	C1,s.166(1)	-
Denmark	to 18	D1,s.61(1)	12	D1,s.61(1)	-
Djibouti	-	-	11	D1,s.114	D2,s.8 (industry)
Dominican Republic	to 18	D1,s.224	12	D1,s.224	-
Ecuador	to 18	E1,ss.48 and 138	(11)	E1,s.48	E1,s.151; E2,s.23
	18-21	E1,s.31(b) (only permitted with authorisation)	-	-	-

Country	Ages	Night work prohibited	Required daily hours of rest		Prohibition of work on weekly rest days and holidays
			No. of hours	Legislation	
Egypt	to 15	E1,s.125	(11)	E1,s.125	-
Ethiopia	to 18	E1,s.30 (4)	-	-	-
Fiji	to 18	F1,s.65 (1)	(12)	F1,s.65 (1)	-
Finland	to 15	F2,s.8	14	F2,s.8	-
	15-18	F2,s.7	12	F2,s.7	-
France	to 18	F1,s.L.213-7	12	F1,s.L.212-13	-
Gabon	to 18	G2,s.3	12	G2,s.3	-
German Democratic Republic	to 18	G3,s.170 (2)	12	G3,s.170 (3)	-
Federal Republic of Germany	to 18	G1,s.14 (1) (general)	12	G1,s.13	G1,ss.16-18
		G3,s.99 (maritime)	-	-	-
Greece	to 16	G1,s.6	(11)	G1,s.6	-
Guyana	to 16	G1,s.3 (1) (industry)	-	-	-
Haiti	to 16	H1,s.396	12	H1,s.396	-
	16-18	H1,s.396	7	H1,s.396	-
Honduras	to 16	H1,s.124 (8) ; H2,ss.129,131	-	-	-
Hungary	to 18	H1,s.38 (4) ; H2,s.45	-	-	-

Country	Ages	Night work prohibited	Required daily hours of rest		Prohibition of work on weekly rest days and holidays
			No. of hours	Legislation	
Iceland	to 17	I2, Chapter X	12	I2, Chapter X	-
India		<u>By sector:</u>			
	to 14	I9, s. 24	-	-	-
	to 15	I1, s. 71; I2, s. 25			
	to 18	I7, s. 44 (1) (b)			
Indonesia	-	-	-	-	-
Iran	to 18	I1, s. 17 (general)	(8)	I1, s. 17	-
Iraq	to 14	I2, s. 13	-	-	-
	to 16	I1, s. 86; I2, s. 2 (3)	(10)	I1, s. 62	-
Ireland	to 18	I1, ss. 14 (1) and 15 (1); I4, s. 110 (2)	12	I1, s. 14 (1), I4, s. 110 (2)	I1, s. 13 (1)
Israel	to 18	I1, s. 24 (a)	12	I1, s. 24 (b)	I1, s. 24 (a)
Italy	to 18	I1, s. 16	12	I1, s. 16	I1, s. 22
Ivory Coast	to 18	C2, s. 3D321	11	C2, s. 3D322	C2, s. 3D371
Jamaica	to 16	J1, s. 72 (b) (industry)	11	J1, s. 70 (industry)	-
Japan	to 15	J1, s. 62; J2, s. 88	(9)	J1, s. 62	-
	15-18	J1, s. 62; J2, s. 88	(7)	J1, s. 62	-
Kenya	to 18	K1, s. 28 (1) (industry)	(12)	K1, s. 28 (1) (industry)	-

Country	Ages	Night work prohibited	Required daily hours of rest		Prohibition of work on weekly rest days and holidays
			No. of hours	Legislation	
Kuwait	to 18	Kl, s. 21	-	-	-
Liberia	-	-	-	-	-
Libyan Arab Jamahiriya	to 18	Ll, s. 93	(11)	Ll, s. 93	Ll, s. 94
Luxembourg	to 18	Ll, s. 16	12	Ll, s. 16	Ll, ss. 14 and 15
Madagascar	to 18	Pl, s. 79	11	Pl, s. 79	Pl, s. 85
Malaysia	to 14 14-16	Pl, s. 5(1) (a) Pl, s. 6(1) (a) (excludes agriculture, entertainments, family vessels)	14 12	Pl, s. 5(1) (d) Pl, s. 6(1) (d)	Pl, s. 4 Pl, s. 4
Mali	to 18	Pl, s. 6	11	Pl, s. 6	Pl, s. 7
Malta	-	-	-	-	-
Mauritius	to 18	Pl, s. 15(3)	(12)	Pl, s. 15(3) (a) (i)	-
Mexico	to 16 to 18	Pl, s. 123(A) (1) M2, s. 175(1) (industry)	- -	- -	- M2, s. 178
Mongolia	to 18	Pl, s. 172	-	-	Pl, s. 172
Morocco	to 16	Pl, s. 12 (industry and commerce) M2, s. 14 (agriculture)	11	Pl, s. 14 (industry and commerce)	-

Country	Ages	Night work prohibited	Required daily hours of rest		Prohibition of work on weekly rest days and holidays
			No. of hours	Legislation	
Nepal	-	-	-	-	-
Netherlands	to 18	N1,s.9 (h)	12	N1,s.9 (g)	N1,s.9 (i)
New Zealand	to 16	N3,s.19 (2) (a) (factories)	(14)	N3,s.19 (2) (a) (factories)	N3,s.19 (2) (b) (factories)
	to 18	N5,ss.13 (2) and 2C (shops and restaurants)	-	-	-
Nicaragua	to 16	N2,s.122 (general)	(10)	N2,ss.50 and 122	N2,s.122
	to 18	N2,s.123 (industry)			
Niger	to 18	N2,s.131	12	N2,s.131	-
Norway	to 18	N1,s.37	12	N1,s.37	-
Pakistan	to 17	P2,s.54 (3) (factories)	(11)	P2,s.54 (3) (factories)	-
	to 17	P5,s.7 (4) (shops)	(10)	P5,s.7 (4) (shops)	-
Panama	to 18	P2,s.120 (1)	(14)	P2,s.120 (1)	P2,s.120 (2)
Papua New Guinea	to 16	P3,s.105 (1)	(12)	P3,s.105	-
	16-17	P3,s.105 (2) (except family undertakings)	-	-	-
Paraguay	to 18	P1,s.122 (except domestic servants)	12	P1,s.122	-
Peru	to 21	P1,s.6 (general rule)	(11)	P1,s.6	P1,s.11
	to 18	P1,s.6 (males who present medical certificate)			

Country	Ages	Night work prohibited	Required daily hours of rest		Prohibition of work on weekly rest days and holidays
			No. of hours	Legislation	
Philippines	to 18	P6	(8)	P6	-
Portugal	to 16	P5,s.33(1)	(11)	P5,s.29	-
Romania	to 18	P2,s.161(1)	12	P2,s.161(1)	-
Rwanda	to 18	P1,s.120 (industry)	12	P1,s.120	-
Senegal	to 18	S4,s.3 (industry)	11	S4,ss.3 and 4	-
Seychelles	to 18	S1,Cap.109	11	S1,Cap.109	-
Sierra Leone	to 18	S1,s.48 (industry)	-	-	-
Singapore	to 16	S2,s.6; S1,s.48(2)	11	S1,s.48(3)	S2,s.10
Spain	to 18	S1,s.6(2); S4	(11)	S4	-
Sri Lanka	to 18	S1,s.2	13	S1,s.4(1)	-
Sudan	-	-	-	-	-
Suriname	to 18	S1,s.20	(11)	S1,s.20	-
Sweden	to 18	S1,Chapter 5,s.5	11	S1,Chapter 5,s.5	-
Switzerland	to 16	S1,s.31(4)	12	S1,s.31(1)	S1,s.31(4)
Syrian Arab Republic	to 15	S1,s.125	(11)	S1,s.125	S1,s.127

Country	Ages	Night work prohibited	Required daily hours of rest		Prohibition of work on weekly rest days and holidays
			No. of hours	Legislation	
Tanzania					
Tanganyika	to 18	T1,s.83	12	T1,s.83	-
Zanzibar	to 18	T2,ss.2 and 4	12	T2,ss.2 and 4	-
Tunisia	to 18	T1,ss.65, 66	12	T1,s.65	-
	16-18		10	T1,s.74 (agriculture)	-
Turkey	to 18	T2,s.69 (industry)	11	T1,s.65	-
Ukrainian SSR	to 18	U2,s.78; U3,ss.55 and 192	(8)	U3,ss.55 and 192	U2,s.78
USSR	to 18	U2,s.78	(8)	U2,ss.25 and 78	U2,s.78
United Kingdom	to 16	U5,s.126(3) (mines)	-	-	-
	to 18	U1,s.1(3) and U6,s.86(b) (industry and factories); U3,s.1(4) (general services); U4,s.31(1) (shops)	-	various	-
United States	-	State legislation	-	-	-
Upper Volta	to 18	U2,s.3 (factories, mines, construction)	11	U2	-
Uruguay	to 18	U1,s.231; U11,s.39 (all except domestic work)	(9)	U1,s.231; U11,s.39	-
	to 21	U1,s.244 (occupations in the streets)	-	-	-

Country	Ages	Night work prohibited	Required daily hours of rest		Prohibition of work on weekly rest days and holidays
			No. of hours	Legislation	
Venezuela	to 18	V1,s.111	(11)	V1,s.111 (exceptions possible: V2,s.188)	-
Yugoslavia	to 18	Provincial legislation (report)	12	Provincial legislation	-
Zaire	to 19	Z1,s.106; Z2,s.27	12	Z1,s.108	Z2,s.26
Zambia	to 18	Z1,s.8 (industry)	-	-	-
<u>NON-METROPOLITAN TERRITORIES</u>					
Anguilla (see under St. Kitts-Nevis)					
Bermuda	to 18	B1,s.7	-	-	-
Falkland Islands	to 15	F1,s.2(1) (c)	(12)	F1,s.2(1) (c)	-
	15-18	F2,s.3(3) (industry)	11	F2, Part II, Schedule (industry)	-
Gibraltar	to 17	Report (industry)	-	-	-
Hong Kong	to 15	H2,s.5(2) (b)	(12)	H2,s.5(2) (b)	-
	to 18	H4,s.8(1) (b) (industry)	(12)	H4,s.8(1) (b) (industry)	-
Montserrat	to 18	M1,s.7(1) (industry)	(7)	M1,s.7(1) (industry)	-
St. Kitts-Nevis	to 18	S1,s.7(1) (industry)	(7)	S1,s.7(1) (industry)	-

312. Finally, there are those cases in which younger workers receive longer annual holidays than other workers. Even though many of these countries do not meet the standards of the Recommendation fully, there is at least a recognition of the principle evoked in the Recommendation. Some do not provide for young persons in all sectors of the economy, some only grant longer holidays to young persons up to an age below 18, and some provide for holidays of less than four weeks. However, the principle has been recognised in these countries and it may be hoped that improvements will be made.

Table IX: Annual holidays with pay

Note: This table shows the cases in which reporting countries have adopted special provisions concerning holidays with pay for young workers. The duration may be expressed in different forms, depending on how it is designated in each country.

The references to legislation are in the following form: A1,s.194. The initial letter refers to the country concerned, followed by a reference to the legislation by number (see Appendix II). The section of the legislation is specified by the number following the s.

Country	Ages	Length of annual holiday		
		Longer than adults	Equal to adults	Duration
Algeria	-	-	A5,s.216; A8,s.44	26 days
Argentina	to 18	A1,s.194	-	15 days
Austria	to 18	A1,s.32	-	24 days
Bahrain	to 16	B1,s.55	-	1 month
Bangladesh	to 18	B3,s.27 (tea plantations) B1,s.78 (factories)	- -	1 day for 20 worked 1 day for 15 worked
Belgium	to 21	Exceptionally (Report)	Report	24 days
Bulgaria	-	-	Report	-
Burundi	to 18	B1,s.124	-	18 days
Central African Republic	to 18	C1,s.128	-	24 days
Chile	-	-	Report	15 days
Colombia	-	-	Report	15 days
Cuba	-	-	Report	1 month

Country	Ages	Length of annual holiday		
		Longer than adults	Equal to adults	Duration
Cyprus	to 18	C1,s.9 (1)	-	14 days
Dominican Republic	to 18	D1,s.168	-	12 days
Ecuador	to 16	E1,s.68	-	20 days
	16-18	E1,s.68	-	18 days
Finland	-	-	Report	-
France	to 21	F1,s.L.223-3	-	24 days
German Democratic Republic	to 18	Report	-	21 days
Federal Republic of Germany	to 16	G1,s.9 (2) (1)	-	30 days
	16-17	G1,s.9 (2) (2)	-	27 days
	17-18	G1,s.9 (2) (3)	-	25 days
Hungary	to 16	H1,s.42 (2); H2,s.50 (1)	-	12 days supplement
	16-18	H1,s.42 (2); H2,s.50 (1)	-	6 days supplement
India	to 14	I1,s.79 (factories)	-	14 days
	to 18	I2,s.30 (b) (plantations)	-	1 day for 15 worked
Iran	to 16	I1,s.15	-	18 days
Israel	to 18	I1,s.27 (a)	-	18 days
Italy	to 16	I1,s.23	-	30 days
Ivory Coast	to 18	I1,s.107	-	24 days
Jamaica	-	-	Report	-
Libyan Arab Jamahiriya	to 18	L1	-	24 days
Luxembourg	to 18	L1,s.17	-	25 days
Mexico	to 16	M2,s.179	-	18 days
Mongolia	to 18	M1,s.173	-	30 days
Morocco	to 18	M2,s.21 (agriculture)	-	24 days
Netherlands	to 18	N10,s.4	-	4 weeks

Country	Ages	Length of annual holiday		
		Longer than adults	Equal to adults	Duration
New Zealand	-	-	Report	3 weeks
Niger	to 18	N2, s. 119	-	24 days
Norway	to 18 (if still in school)	N1, s. 39	-	4 weeks
Paraguay	to 18	P1, s. 126	-	20 days
Poland	to 18	P1, s. 205	-	26 days
Portugal	to 16 16-18	P1, s. 125 (a) P1, s. 125 (a)	- -	18 days 12 days
Romania	to 18	R2	-	24 days
Rwanda	to 18	R1, s. 133	-	12 days
Spain	to 18	S1, s. 38 (4)	-	1 month
Turkey	to 18	T2, s. 49	-	18 days
Ukrainian SSR	to 18	U2, s. 33; U3, s. 75	-	1 month
USSR	to 18	U2, s. 33	-	1 month
Uruguay	-	-	Report	20 days
Yugoslavia	to 18	Report: in some provinces	-	Varies
Zaire	to 18	Z1, s. 20	-	18 days

E. Coverage by social security
and medical benefits

313. Paragraph 13(1)(e) of Recommendation No. 146 provides that, in fixing conditions of employment or work for young persons, special attention should be given to "coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be".

314. This point was not included in the original Office proposals. It was added during the first discussion, following the proposal of a new clause calling for the "provision of workmen's compensation benefits regardless of whether the minor is legally or illegally employed". It was stated that the reason behind the proposal was to ensure that in the event of employment injury to a young person who was illegally employed, the fact that he was illegally employed should not deprive him of entitlement to benefits. The responsible Conference Committee decided that the scope of the proposed provision should be widened beyond employment injury benefits alone.¹

315. It is therefore clear that the intent of this provision is that young workers should be entitled to the same benefits as other workers, whatever their conditions of employment or work. This would mean, for instance, that illegally employed young persons should be entitled to benefits; and that there should be no cut-off age below which employed or working persons could not be affiliated to social security, medical and other similar schemes.

316. Very little information on this point was communicated by governments, apart from indications from some countries that their social security schemes and entitlement to various kinds of medical benefits extended to all employed persons. Only one government indicated any explicit exclusion of younger workers in such cases.² In view of the complexity of the problem, the Committee does not feel it appropriate to explore this point in greater depth in this survey.

F. Safety and health and appropriate
instruction and supervision

317. Paragraph 13(1)(f) of Recommendation No. 146 calls for special attention to be paid to "the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision". The drafting of this point was made somewhat more specific following the first discussion of the proposed instruments,³ but it is basically the same as originally proposed by the Office and was the subject of almost no discussion.

318. This provision does not refer to the specific action that should be taken by governments, but instead calls their attention to the importance of the subject and leaves the choice of action up to them. The Committee recalls in this connection that other provisions

¹ Report IV(1), 58th Session, op. cit., pp.17 and 18.

² Jamaica - the report stated that the relevant legislation does not apply to persons under 18 (note that employment is legal for persons aged over 12).

³ Report IV(2), 58th Session, op. cit., p. 33.

of the Convention and Recommendation deal with aspects of the general field of safety and health (for instance, Article 3 of the Convention and Paragraphs 9 to 11 of the Recommendation concerning hazardous work). It also refers to the large number of other Conventions on the safety and health of workers, which have been widely ratified and which cover young workers as well as older ones.

319. One of the most effective ways of ensuring that the general injunction contained in this provision is realised is the requirement of medical examinations prior to and at intervals during the employment of young persons. Neither Convention No. 138 nor Recommendation No. 146 refer to medical examinations,¹ so the Committee has not considered the subject in detail. It will note in passing, however, that a large number of countries require young workers to undergo medical examinations as a precondition to employment, and/or at intervals while they are employed. It also recalls that the Conference has adopted four Conventions and a Recommendation on medical examinations for young workers,² and that these Conventions have been widely ratified.

¹ A proposal to include in the present Article 9 of the Convention a requirement for medical fitness certificates was rejected - Report IV(1), 58th Session, op. cit., p. 14.

² See supra., paragraph 14.

CHAPTER VII

ENFORCEMENT AND THE SITUATION IN PRACTICE

320. Measures of enforcement by ratifying States are necessary to attain the objectives laid down in the Convention and Recommendation. For this reason, Article 9 of the Convention lays down certain basic requirements, which are amplified in Part V of the Recommendation. These measures are examined in the first section of this chapter.

321. In addition to enforcement through the police powers of the State, it has been found over the years that involving the employers' and workers' organisations in each country in the formulation and implementation of the measures required under ILO Conventions, is a practical and effective means of securing their observance. Convention No. 138 requires that these organisations be consulted in respect of several of its Articles, and this subject is examined in section II of this chapter.

322. A final subject considered in this chapter is the situation in practice. This survey is an examination of the situation in law in the reporting countries; but an examination of the law alone is not sufficient. It is not possible in the context of this survey to conduct the same kind of examination of practice as of law, but certain indications based on available information are outlined in section III below.

I. Enforcement

323. Article 9 of Convention No. 138 lays down three basic requirements for the enforcement of its provisions: the establishment of measures including penalties; identification of the persons responsible for compliance; and keeping registers. In addition, Paragraph 14 of Recommendation No. 146 lays great emphasis on the utility and functioning of inspection services in securing the effective implementation of standards in this field.

A. Imposition of penalties

324. Article 9, paragraph 1, of the Convention requires that "all necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention".

325. Almost all countries have specified some sorts of penalties for violation of the legal provisions concerning the employment or work

of young persons. The variety of type and severity of penalty adopted is extremely wide, normally including either fines, imprisonment or both. In some cases, specific penalties are laid down for violations of each provision of national law, and in others general penalties are laid down to be applied in detail by judicial or administrative authorities.

326. The measures taken by each of the reporting countries to provide for penalties are not examined in detail here, in view of their variety and complexity. The Convention does not provide for any specific penalties, indicating only that they must be "appropriate" and must "ensure the effective enforcement" of the Convention. It is, of course, difficult to assess what would be appropriate and effective penalties in each case. In general it may be said that fines should not be merely nominal, thus affording no effective deterrence to violations. Imprisonment is by its nature a much harsher penalty, and it appears from governments' reports that most often it is prescribed only for repeated offences. Whatever the severity of the penalties laid down, they will only be effective if they are in fact applied, which requires measures whereby they can be brought to the attention of the judicial and administrative authorities, and if there is a will on the part of these authorities to require compliance.

B. Definition of persons responsible for compliance

327. In Article 9, paragraph 2, the Convention requires that "national laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention".

328. It should be made clear that the "persons responsible for compliance" referred to here are not the governmental bodies enforcing these provisions but those against whom they are enforced. Following some misunderstandings during the first discussion of these instruments, it was "pointed out that this paragraph related to persons - such as employers - who were required to respect legal provisions, as distinct from enforcement services ... In no circumstances would the word 'persons' require the names of particular persons to be specified by law".¹

329. As is the case for the penalties which have been laid down, the measures taken in this respect in all of the reporting countries are not examined in detail here. It will suffice to indicate that in most countries the persons defined by legislation as being responsible for compliance are those who employ young persons and determine their conditions of employment.

330. Several instances have also been found in which the parents or legal guardians of the young persons concerned are included among those responsible for violations. This is often the case in relation to compulsory schooling requirements in particular, but also may be applied to violations of prohibitions on employment or work by young persons.

¹ Report IV(1), 58th Session, op. cit., p. 14.

C. Obligation to maintain registers of young persons employed or working

331. Article 9, paragraph 3, of the Convention provides that ratifying countries shall require employers to keep and make available registers or other documents showing the names and dates of birth of all young persons under 18 employed by or working for them. Likewise, Paragraph 16(a) and (b) of the Recommendation calls for effective systems of birth registration, and for registers of young persons receiving vocational orientation or training as well as for those employed or working.

332. With regard to the form of the records required by this Article, the Convention speaks of "the registers or other documents which shall be kept and made available by the employer", thus leaving the exact means of implementation up to the governments concerned. Most of the governments indicated below have required that employers keep a register in the workplace. A number of countries have required that the labour inspectorate be notified in writing whenever anyone below the specified age is engaged, either in addition to or instead of keeping a register. The Committee has considered this to meet the requirement of this Article.

333. Most countries require employers to keep records which correspond to those required here. There are, however, a number of different approaches and gaps.

1. Countries which do not require registers to be kept

334. There are some countries concerning which the Committee has found no indication that employers are required to keep and make available the kind of documentation referred to in this Article.¹ In addition, a few countries have indicated specifically that no such requirement exists.² The general utility of maintaining such records should be emphasised, not only for the purpose of supervising minimum age legislation but also for the implementation of all provisions for the protection of workers.

2. Countries which require registers to be kept in respect of all workers

335. A substantial number of countries require employers to keep registers or equivalent documentation for all workers employed by them, regardless of age.³ As long as such documentation requires a reference

¹ Afghanistan, Botswana, Brazil, Byelorussian SSR, Dominican Republic, Hungary, Iceland, Iran, Malaysia (in a 1980 direct request under Convention No. 123 the Committee requested the Government to institute such registers for underground work), Nepal, Portugal, Senegal, Sudan, Suriname, Tanzania (Zanzibar).

² Argentina, Chile, Sierra Leone (the Government has stated that such measures are under consideration).

³ Algeria 5, sections 131 and 321; Belgium (government report); Bulgaria 2, section 17; Ethiopia 1, section 13(8); France 1, section E.321-5; German Democratic Republic (government report); Morocco 1, section 49; Netherlands (government report); Papua New Guinea 3, (Footnote continued on next page)

to the age of the worker, it would of course fulfil the objective of this provision of the Convention. There is one case, however, in which the requirement of keeping registers of all workers includes no obligation that the age of each worker be noted.¹ In another, there is a general requirement that a register be kept, coupled with a directive that a model for the register be drawn up, but the Government has not indicated whether this has been implemented.²

3. Countries which require registers of young workers

336. All the other reporting countries have a specific requirement that employers keep records of young persons who work for or are employed by them. They may also require such records to be kept for other categories of workers; but only cases in which a special requirement has been located in respect of young workers are noted here.

337. First, there are those countries which require that all employers keep registers or other records of everyone below 18 employed by or working for them.³

338. Some countries require registers to be kept for persons up

(Footnote continued from previous page)

section 117; Rwanda 1, section 168; Spain (government report); Sweden (government report); Switzerland (government report); Turkey (government report); Ukrainian SSR 3, section 189; Yugoslavia (government report).

¹ Kuwait 1, section 47.

² Madagascar 1, section 124 (however, in an article 22 report under Convention No. 123, the Government has stated that special registers are kept concerning underground work).

³ States: Austria 1, section 146; Burundi 1, section 163(c); Cameroon (government report); Central African Republic 1, section 171 and Central African Republic 2, section 11; Colombia 1, section 171(4) and Colombia 2, section 5(5); Comoros 4; Congo 2, section 11(3); Costa Rica 1, section 93; Cuba 5, section 17; Cyprus 1, section 22; Denmark 1, section 22(1); Djibouti 1, section 171; Ecuador 1, section 148; Gabon 2, sections 7 and 8; Federal Republic of Germany 1, section 49; Haiti 1, section 402; Ireland 1, section 26(1) (general), Ireland 4, section 14 (mines), Ireland 5, section 2(2) (maritime); Israel 1, section 38; Japan 1, section 57(1) (general) and Japan 2, section 18 (maritime); Kenya 2, sections 89(2)(j) and 91(2)(d) (maritime) and Kenya 1, section 31 (general - however, in a 1980 direct request under Convention No. 123, the Committee noted that model registers had not yet been drawn up); Libyan Arab Jamahiriya 1, section 83(2); Mali 1, section 18; Mongolia (government report); Nicaragua 2, section 15(15); Panama 2, section 124; Paraguay 1, section 123; Peru 2; Romania 2; Tunisia 1, sections 59 and 73; Upper Volta 2, section 32; Uruguay 1, sections 236 and 237; Venezuela 1, section 120 and Venezuela 2, section 201; Zaire 2, section 36. Non-metropolitan territories: Bermuda 1, section 19; Hong Kong 1, section 7 and Hong Kong 4, section 15.

to 21, thereby exceeding the Convention's requirements as to age.¹ However, in a number of countries the legislation provides that registers be kept only in some economic sectors,² or for young workers up to an age below the 18 years specified in the Convention.³

339. Finally, a few cases of other kinds of limited application of this principle have been located, such as one country which requires registers for everyone under 18,⁴ but reduces this age to 16 for family undertakings and altogether exempts any person employed for less than two months.⁵ There are also cases in which only employers of more than a specified minimum number of workers are covered by this requirement.⁶

340. In addition, of course, the limitations indicated in Chapter I of this survey concerning the scope of national provisions must be kept in mind.

¹ E.g., Ecuador 1, section 145 (for work in mines); Luxembourg 1, section 23; Philippines 4, section 109; Syrian Arab Republic 1, section 128(2) (but not required in agriculture).

² States: Bangladesh 1, section 72 (factories) and for merchant shipping (government report); Burma 1, section 81 (factories), and for merchant shipping (government report); Fiji 1, section 71 (industry); Greece 9 (maritime); Guyana 1, sections 3(3) (industry) and 4(2) (maritime); India (by sector); Jamaica 6, section 2 (maritime); Madagascar (see para. 335 above); Malta 2, section 109(1) (maritime); Pakistan 2, section 56 (factories); Sri Lanka 1, sections 5(1) (industry) and 10(1) (maritime); Tanzania 1, s.85 (industry - Tanganyika); United Kingdom 6, section 140 (factories) and United Kingdom 5, section 131 (mines and quarries). Non-metropolitan territories: Anguilla (see under St. Kitts-Nevis); Falkland Islands 2, section 3(4) (industry); Gibraltar (government report - industry); Montserrat 1, section 8(1) (industry); St. Kitts-Nevis 1, section 8(1) (industry).

³ States: Bahrain 1, section 56 (to 16); Burma 1, section 81 (to 15 - factories); Egypt 1, section 128 (to 17); Guyana 1, sections 3(3) and 4(2) (to 16); Honduras 2, section 133 (to 16); Liberia 1, section 74 (to 16); Mexico 2, section 180(II) (to 16); Pakistan 2, section 56 (to 15); Singapore 1, sections 79 and 82 and Singapore 2, section 16 (to 16); Sri Lanka 1, section 10(1) (maritime - to 16); Zambia 1, section 7(2) (to 16). Non-metropolitan territories: Anguilla (see under St. Kitts-Nevis); Montserrat 1, section 8(1) (to 16); St. Kitts-Nevis 1, section 8(1) (to 16).

⁴ Finland 2, section 16.

⁵ *ibid.*, read together with Finland 2, section 2(3) and (4).

⁶ E.g., Mauritius: registers must be kept for all workers, regardless of age (Mauritius 1, section 49), but this applies only to employers of 15 or more persons (Mauritius 1, section 48); Norway: the authorities may require registers to be kept concerning young persons under 18 (Norway 1, section 40), but have done so only for workplaces employing 20 or more persons (Norway 4); see also supra., paras. 109 and 110.

D. The role of inspection services

341. Paragraph 14 of Recommendation No. 146 lays special emphasis on the utility of inspection services in supervising the enforcement of the national provisions concerning the employment or work of young persons. It calls for "the strengthening as necessary of labour inspection and related services, for instance by the special training of inspectors to detect abuses in the employment or work of children and young persons and to correct such abuses". It also states that "emphasis should be placed on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions as well as in securing their enforcement".

342. In addition, this provision of the Recommendation states that inspection services should be provided for improving and supervising training in undertakings, and should be closely co-ordinated with regular labour inspection services.

343. Labour inspection services have been the subject of several Conventions and Recommendations, in particular the Labour Inspection Convention (No. 81) and Recommendation (No. 81), 1947, and the Labour Inspection (Agriculture) Convention (No. 129) and Recommendation (No. 133), 1969. Both of these Conventions provide for the functions of the system of labour inspection to include the enforcement of legal provisions relating to the employment of "children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors".¹ They have been very widely ratified, so that more than 100 countries are bound by Conventions expressly requiring the labour inspection services to enforce the provisions referred to in this survey.

1. General responsibility for enforcing legislation

344. There are some reporting countries which have made no reference in their reports to the role of inspection services in enforcing legal provisions concerning young workers, and in whose legislation no information on this subject has been located. The majority, however, have stated in their reports that the responsibility for enforcing labour legislation, including the special provisions concerning young workers, lies with the labour inspectorate. There are five countries² in which available information indicates that special inspection services or divisions of the labour inspectorate deal with the employment of young persons.

2. Responsibilities in specific areas

345. There are also a number of cases in which the legislation provides for the labour inspectorate to have specific powers or responsibilities in defined areas affecting the employment or work of children and young persons. These normally grant a measure of discretion to labour inspectors to decide whether the conditions laid down in law under which young persons may work are met and to authorise their work or subject it to further conditions.

¹ Article 3(1)(a) of Convention No. 81 and Article 6(1)(a) of Convention No. 129.

² Austria, Cyprus, Ireland, Israel, Peru.

(a) Minimum age

346. There are several cases in which the competent authorities may exempt some categories of young persons from the basic minimum age requirements (see supra., paragraph 91); in some of these cases the competent authority is a magistrate, but in most it is the labour inspectorate or other administrative authorities responsible for labour matters. There are also cases in which admission of young persons to regular employment or work (as distinguished from light work or dangerous work - see below) is subject to authorisation by the labour inspectorate.¹

(b) Light work and artistic performances

347. Several cases are listed in Chapter III (see supra., paragraphs 191 and 202 respectively), in which persons below the normal minimum age for admission to employment or work may do light work or participate in artistic performances only on the authorisation of the labour inspectorate or similar authorities.

(c) Hazardous or dangerous work

348. Several countries have conferred special responsibilities on labour inspectors for measures connected with dangerous or hazardous work by young persons. The largest number of these countries provide that labour inspectors may require that young workers undergo a medical examination to determine whether the work they are assigned is beyond their strength.² In addition, some countries specify that labour inspectors may determine whether specific jobs are covered by the general prohibition of dangerous or unhealthy work for young persons.³

II. Consultations with employers' and workers' organisations

349. There are several Articles of Convention No. 138 which include specific requirements that measures to implement their provisions be taken only "after consultation with the organisations of employers and workers concerned, where such exist". These provisions are the following:

¹ E.g., Chile 1, section 23 (admission to employment of young persons between 15 and 18 is subject to the authorisation of their parents or guardian, or if they have none, to that of the labour inspector); Kenya 3, section 3(1) (no one under 16 may be employed without permission - no minimum age is set except in industry); in addition, see para. 135, supra., for cases in which, in exceptional circumstances and with the authorisation of the labour inspectorate, young persons may be admitted to employment at 15 instead of at 16.

² E.g., Burundi 1, section 119; Brazil 1, section 407; Cameroon 1, section 94; Comoros 1, section 119; Congo 2, section 7; Madagascar 1, section 83; Morocco 2, section 113 (in agriculture); Niger 1, section 117; Rwanda 1, section 126; Senegal 1, section 114; Zaïre 3.

³ See supra., para. 240.

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- Article 2(4): initial specification of a basic minimum age of 14 years;
 - Article 3(2): determination of dangerous or unhealthy work;
 - Article 3(3): authorisation of dangerous or unhealthy work at a lower age;
 - Article 4(1): exclusion of limited categories of employment or work from the Convention's application;
 - Article 5(1): limitation of the Convention's application to specified branches of economic activity or types of undertakings;
 - Article 6: determination of conditions of work in training institutions or training work in undertakings;
 - Article 8(1): granting of exceptions to the minimum age for such purposes as participation in artistic performances.

350. Attention should also be called to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152).¹ This Convention requires ratifying States to hold consultations with organisations of employers and workers on the effect to be given to other ILO instruments (including Convention No. 138 and Recommendation No. 146), whether under article 19 or article 22 of the ILO Constitution.

351. This sort of requirement appears frequently in ILO Conventions. In practical terms the Committee has not, of course, considered that these Conventions require that measures already taken by ratifying countries at the time of ratification should have been taken only after consultations. However, any new measures taken subsequent to ratification, and any review or modification of the provisions contained in national legislation or regulations to comply with the Convention's requirements, should be carried out only after the consultations to which the Convention refers.

352. A number of the reporting countries stated generally in their reports that organisations of employers and workers were consulted on the application of the legislation and regulations on this subject, most often through standing tripartite consultative bodies.²

353. In most countries in which mechanisms for tripartite consultations have been established, there would appear to be a general arrangement for consultations with the organisations concerned, with regular meetings or other methods to ensure that their views be heard

¹ The situation under these instruments will be the subject of the general survey to be carried out by the Committee in 1982.

² E.g., States: Bahrain, Botswana, Brazil, Burma, Cameroon, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Ethiopia, Fiji, Finland, France, German Democratic Republic, Federal Republic of Germany, Guyana, India, Israel, Japan, Kenya, Liberia, Mexico, Philippines, Poland, Senegal, Seychelles, Sierra Leone, Singapore, Sweden, Tanzania, Ukrainian SSR, USSR, United Kingdom. Non-metropolitan territories: Gibraltar, Hong Kong.

on any matters that concern them. However, several instances have been located in which the relevant legislation or government reports indicate specifically that employers' and workers' organisations must be consulted before taking measures connected with the employment or work of children and young persons. For instance, there may be a requirement that these organisations or standing tripartite bodies be consulted before exercising the permitted discretionary powers or in any amendments to the relevant provisions.¹

354. Some more specific instances have also been noted, as in one country² which reported that the organisations of workers and employers participated in drafting the legislation concerning young workers. There are also cases in which these organisations³ or standing tripartite bodies⁴ must be consulted before admitting young persons to employment or work at a lower age than applies normally.

355. The importance of tripartite consultations in this field should not be overlooked by governments, whether or not any Conventions requiring it have been ratified. The representatives of the employers and workers in each country can make a valuable contribution to the decisions the government makes in all the broad range of policy questions involved, from the establishment of systems of compulsory education for all young persons to the definition of jobs that are too dangerous for workers below a particular age to perform. Unless their active co-operation, as well as their advice, is obtained, the national policy of abolition of child labour referred to in Article 1 of the Convention will be very much more difficult to achieve.

III. COMMENTS ON THE SITUATION IN PRACTICE

356. This survey is concerned principally with the legislation and regulations of States, and with the framework they have established in law for the control and eventual abolition of the labour of children. The purpose of the legislation and other measures adopted by governments is a very practical one: to ensure that children do not work except under defined circumstances, that they are not abused when they do work, and that they have the opportunity to grow up as children before they are thrust into the adult world of work. To what extent has this purpose been achieved?

357. It is clear from the preceding chapters that the legislation of most reporting countries does not cover all the categories of children and young persons contemplated in the Convention and Recommendation. On the other hand, while it is possible to arrive at definite conclusions concerning the coverage of legislation, it is not possible to obtain a clear idea of the ages at which children work in practice, the activities which they perform, and the conditions under which they work.

¹ E.g., Austria 1, section 28; Belgium 1, section 47; Burundi 1, sections 264-266; Cameroon 1, section 126; Cyprus (government report); Denmark (government report); Ireland 1, section 6.

² Federal Republic of Germany.

³ Mali 1, section 3.

⁴ Djibouti (government report).

358. There are a number of reasons for which it is difficult to gather reliable information in this field. The primary one is that it is illegal in most countries for children to work, at least in some sectors, and it is therefore very difficult for governments to gather information on the extent of the practice. In addition most children who do work do so in the informal and traditional sectors. In both situations it is difficult to gather reliable statistics.

359. Another major problem is in defining the information to be collected. Most countries have legislation prohibiting the employment or work of children below a specified age, but in many cases they have not defined what is to be considered as "work". They may therefore not collect information on all the various types of economic activity.

360. A number of countries seem to be reluctant to admit the fact that children do work. Only a very small number mentioned in their reports whether difficulties were encountered in implementing legislation, and none gave any indication of the extent to which children worked in the sectors which were not regulated. Information available in the ILO shows, however, that children are working in many countries which provided no information on this point.

361. In spite of the problems in gathering enough information to make authoritative statements about the extent to which children work in all countries, enough information is available concerning enough countries to gain some idea of the magnitude and character of the problem. It should be noted that the statistical data, as well as other information given below concerning child labour, will not always disclose whether the work they perform is in full conformity with the Convention or with national legislation.¹ It should also be made clear that the fact that a country is not mentioned here does not mean that children do not work in that country. The countries which are mentioned below are simply examples of those for which there is information. Where the information is from government sources, this indicates that the government has at least gathered some data, which is the first step toward being able to deal with the problem effectively.

362. A certain amount of information can be obtained from official statistics. In the ILO Statistical Yearbook for 1980, information concerning the number of persons below 15 years old who are employed or work is available only for 30 countries.² The statistics indicate, for example, that in Ethiopia, 12.1 per cent of all children under this age are employed, and that in the United Republic of Cameroon 9.3 per cent are employed. When the figures are broken down by sex, they show that in Egypt, for example, 10.4 per cent of all males under 15 are employed, as compared with 2.4 per cent of all females; and in Pakistan 9.4 per cent of males and 0.8 per cent of females under 15 are employed. The Government of Colombia, following

¹ As regards the extent to which the practices cited are in conformity with national legislation and the provisions of the Convention, reference should be made to Table II following paragraph 131 for an overview of the legislation in each country, and to the more detailed information contained in the body of the survey.

² It should be recalled here that the Convention allows work in some cases for children over 12, as well as allowing a number of exclusions; therefore, the fact that children under 15 are working does not necessarily mean that they are doing so in violation of the Convention.

a study conducted for the International Year of the Child, estimated that more than 3,000,000 children were working.¹

363. There are other countries for which more detailed statistics give an even better picture. For instance, the Yearbook shows that in Argentina 2.2 per cent of children under 15 are working. However, another recent ILO publication² quoted statistics made available by the National Directorate of Rural Economy and Sociology and the State Secretariat of Agriculture and Stockbreeding, to show that in the Chaco cotton plantations of Argentina, 39 per cent of all children between 6 and 9, 88 per cent of those aged 10 to 13, and 100 per cent of young persons between 14 and 17 were working. It also noted that in the tobacco-growing area of Salta and Jujuy, extensive use was made of the practice of hiring entire families to farm the crops, and that 66 per cent of those aged between 6 and 9, 82 per cent of those aged 10 and 11, and 100 per cent of all children aged 12 and above were working.

364. The same publication³ showed that according to the 1971 census in India, there were 10.7 million workers in the country under 15 years of age, totalling 4.7 per cent of the total child population, and 5.9 per cent of the total work force. It indicated that 7.9 million of these were males, and 2.8 million were females. The figures here show a close correspondence with those mentioned in the preceding paragraph, in that the great majority of these children were working in agriculture (over 7 million), although nearly 700,000 were working in manufacturing, mining and construction jobs. The Indian Government stated in its report for this survey that existing socio-economic conditions forced parents to send their children to work, and enforcement of any generally-applicable legislation which might be adopted would present great problems, especially in the rural and informal sectors. It also indicated that 93 per cent of child labour in the country was in rural areas and 80 per cent of the children who worked could be classified as unpaid family workers.

365. The information available concerning other countries also shows that when children work it is most frequently in agriculture and in family undertakings. It can be seen from Chapter I of this survey, that a number of countries do not have any regulations on work in agriculture, or that the provisions which do exist do not set a minimum age for work in this sector. It can also be seen how many countries exclude work in "family undertakings" from the coverage of labour legislation, in some or all sectors. This illustrates the difficulty felt by many countries of enforcing any legislation which might be adopted for these sectors. For instance, the Government of Pakistan stated in its report that it was not possible to implement provisions of the Convention in respect of the "vast unorganised agricultural sector". The Government of Nepal also stated in its report that the agricultural and plantation sectors, where a majority of children are employed, are not covered by the only national legislation which sets minimum age standards.

366. Several of those countries which did provide information in their reports on the situation in practice drew attention to the link

¹ Draft child-labour legislation, Committee to Study Child Labour Legislation, Ministry of Labour and Social Security, 1979.

² Children at work (op. cit., para. 47), pp. 65-72.

³ *ibid.*, pp. 82 and 83.

between child labour on the one hand, and poverty and lack of educational infrastructure on the other. For instance, the Government of Mauritius stated that following the introduction of free education at all levels in January 1977, there had been a marked decline in child employment. The Government of Madagascar stated that the large-scale efforts being made by the Government to develop school facilities constituted a definite step toward the progressive reduction, if not total abolition, of child labour. More generally, other available statistics tend to substantiate the link between low rates of school enrolment and high rates of child employment. For instance, the 1980 ILO Statistical Yearbook shows that in Bangladesh 6.8 per cent of children under 15 were working; the UNESCO Statistical Yearbook for 1978-79 showed that only 23 per cent of children aged 5 to 14 were attending school in 1977. In the Ivory Coast, where 8.8 per cent of children under 15 are working, in 1976 only 52 per cent of children aged 6 to 11 were attending school.

367. A similar correspondence between school attendance rates and the rates of child labour may be found in most other countries for which information is available. It was for this reason that Recommendation No. 146 stated that "full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively ensured up to an age at least equal to that specified for admission to employment". There is also, of course, a close relationship between the degree of economic development of a country, or certain regions within the country, and its educational infrastructure. Where insufficient development or outright poverty is the general rule, governments often do not have the resources or the facilities to institute full-time, free and compulsory education, and families cannot afford to send their children to school instead of having them work even where schooling is available.

368. Statistics gathered by government agencies are the most reliable method for showing the extent of child labour and other associated phenomena. Even those countries mentioned above would not affirm that their statistics were fully reliable, since they necessarily omit many children who work in the informal and traditional sectors. However, for most countries no statistics at all are available in this field. The Committee has therefore taken into consideration information available from other sources. The information quoted below has been submitted to the United Nations, where governments have had an opportunity to reply to it.

369. The Working Group of Experts on Slavery, established by the United Nations Sub-Commission for the Prevention of Discrimination and Protection of Minorities, has been considering the problem of child labour for several years. In its 1979 report¹ the Working Group reported that it had received information indicating the widespread sale of children in Thailand (which did not communicate a report for this survey), to work in many types of industrial, commercial and other establishments. In addition, it reported extremely difficult working conditions for those children who were employed in small industry. The report indicated that most of these children, numbering many thousands, came from one particularly poverty-stricken area of the country. Other information, gathered by officials of the Labour Protection Division of

¹ United Nations document E/CN.4/Sub.2/434, of 24 August 1979.

the Department of Labour,¹ showed that in 1976 nearly 1 million children between 11 and 14 were working, totalling 5.3 per cent of the total work force.

370. The UN Working Group has also had before it information indicating that girls as young as 8 years old worked in carpet factories in Morocco. The Government has replied to the information the Working Group has received, indicating that, while it is difficult to regulate the conditions in the large number of small carpet-making undertakings in the country, a great effort has at least been made to eliminate such practices in state-owned carpet factories. There are also indications of similar practices concerning carpet-making in Pakistan.

371. The information available does not indicate that children work only in developing countries. Another report to the Working Group has indicated extensive child labour (an estimated one-half million) in Italy, in all sectors of the economy, and similar figures for Spain. It can be seen from the information communicated by the United States, for this survey, that children of 10 and 11 years old may work for up to eight weeks a year harvesting a small class of short-season crops, under the same conditions as adults except for hours of work and a prohibition of dangerous work.² Children of the same age are permitted to do light work in Denmark.³ For the USSR, reference should be made to the activities of the Young Pioneers Organisation.⁴ A distinction may be drawn between these cases and those of the other countries mentioned above, in that the latter countries do not so much explicitly permit these children to work as that they simply cannot enforce existing legislation; while the more developed countries have sometimes made a conscious decision, for varying reasons, that these children should be allowed to work.

372. These points give rise to another consideration, that of practical problems of enforcement. As mentioned above, some countries have not adopted legislation for sectors in which it would be impossible to enforce it. Information available from the examination of reports on the two principal Conventions concerning labour inspection (Nos. 81 and 129), show that many countries do not have a sufficient number of labour inspectors even when they have an otherwise effective system of labour inspection. This applies in agriculture in particular, where the difficulties of inspection are greater than in the urban, organised sectors. Some countries which have large areas to which effective labour inspection in agriculture cannot be extended (for instance, India and Pakistan, mentioned above) acknowledge frankly that this cannot be done at this stage in their development. Again, however, the problem is not confined only to these countries. For instance, the information available concerning the United Kingdom shows that while some categories of employment are the responsibility of various inspectorates operating under the Health and Safety Executive, other legislation, including in particular that relating to employment of school-aged children in non-industrial occupations and employment in shops, is enforceable by local authorities. A 1972 study carried out

¹ Children at work, op. cit., p. 139.

² See supra, para. 115.

³ See supra, para. 171.

⁴ See supra, para. 70.

for the Department of Health and Social Security pointed to inadequate enforcement of local authority by-laws, and recommended measures to standardise provisions on employment of school-aged children and the adequate staffing of enforcement services. As a result, legislation adopted in 1973 conferred on the national authorities the power to replace local by-laws, but the Government stated in its report for this survey that these provisions had never been brought into force because of the lack of resources available to implement them.

373. The examples cited above show that children work, to a greater or lesser degree, in countries at all stages of economic development. The nature of the problem is such that very few countries will be able confidently to assert that no children are working contrary to Convention No. 138. The philosophy behind the Convention and Recommendation is that of a progressive elimination of child labour in all sectors. It must be recognised that, despite the best efforts of governments, where there is widespread poverty children have to work. The only long-term solution is the creation of economic and social conditions which will ensure that no recourse to child labour contrary to the Convention is necessary. Progress toward this objective can be made in many countries, however gradually, by combining measures for economic development and education with the adoption of legislation to regulate child labour and adequate staffing of inspection services to supervise its implementation.

374. Those countries mentioned above are only indicative of the scope and range of the problem. The information available concerning them gives some indication of the sorts of problems that occur. It is particularly important that, in order to be able to resolve the problems that exist in this connection in a large number of countries, governments should understand the full dimensions of the phenomenon. Therefore, those countries which have not yet done so should undertake an examination of the extent to which children actually do work, they should examine the activities which they perform, and they should begin a concentrated effort to abolish child labour contrary to the terms of the Convention wherever it is found.

CHAPTER VIII

CONCLUSIONS

375. The Committee has had available to it a larger amount of information than is usual, from a larger number of States, on the measures taken to implement the provisions of the instruments covered by this survey. Given the nature of the subject and its complexity, the survey has taken a very detailed form, and an attempt has been made in a number of cases to indicate the position of every reporting State with regard to individual subjects. It is thus possible, by examining the text and the various tables included in the survey, to arrive at certain conclusions concerning the success different States have had in fixing a minimum age for admission to employment or work for all sectors of the economy and categories of workers, and in establishing the conditions under which young persons should be allowed to work.

376. It will be apparent that only a few States have achieved anything approaching full compliance with all the detailed requirements of the Convention and the provisions of the Recommendation. In most cases, this is understandable. The standards set in these instruments are more comprehensive than those of previous instruments adopted on the subjects covered in them, and these are in addition rather recent instruments. A number of States have ratified the Convention only recently, and not all have been able to adopt the measures necessary in the few years since ratification.

377. The Committee is struck, however, with the extent to which the general principle of a minimum age for admission to employment or work has been recognised. There is not a single State among all those which have provided information which has not set some standards in this field. In addition, most have adopted measures which go at least some way to fixing higher standards for the conditions of work of young workers after they have been admitted to employment or work, but before they can be considered as adults. That there are significant gaps and problems of interpretation and definition will be readily apparent from the survey, but at least a beginning has been made.

378. Another thing worth mentioning as an over-all impression from the preparation of the survey is the enormous influence of international labour standards, which is evident in the legislation of a great number of countries. A number of countries have incorporated directly into their legislation the ILO's earliest Conventions on various aspects of the subject, in particular the Minimum Age (Industry) Convention, 1919 (No. 5), the Night Work of Young Persons (Industry) Convention, 1919 (No. 6) and the Minimum Age (Sea) Convention, 1920 (No. 7). It should be remarked that a number of the cases in which the provisions of Convention No. 138 and Recommendation No. 146 are only partially applied, are a result of the incorporation into national law of the texts or concepts found in those Conventions adopted more than 50 years earlier; it is to be hoped that these

countries will gradually adopt the approach of the most recent instruments as they did with regard to the earlier ones. Indeed, it is apparent from governments' reports that the adoption of the 1973 Convention and Recommendation has provided an occasion for an over-all review of legislation in this field which, in a number of countries, has already resulted in the enactment of new provisions. Apart from this, the legislation of a large number of countries reflects strongly, though less directly, the scope, definitions, concepts and requirements of the many ILO instruments which deal with the employment and work of young persons.

379. The Conference adopted the 1973 instruments in order to widen the scope of provisions on minimum age contained in earlier instruments and to promote the application of the principles contained in them to all children and young persons instead of only those in certain economic sectors. It always takes some time for member States to incorporate the principles contained in instruments, and this Convention has a wider scope than most; however, it is necessary to begin the process of expanding the coverage of legislation which now protects only some young workers, so that it will cover all the youth of each country.

380. Apart from these over-all conclusions, there are a number of areas in which the survey has indicated that measures need to be taken in some or all States to comply with the basic principles of the Convention and Recommendation, even where it is not possible immediately to implement them fully.

I. Scope of national legislation

381. There are three fundamental ways in which national legislation frequently does not cover all the kinds of employment or work covered by the Convention: exclusion or omission of persons working otherwise than under a contract of employment, exclusion of categories of employment or work from the coverage of the legislation, and exclusion of branches of economic activity.

382. It can be seen from Chapter I that a large number of countries, including several which have ratified Convention No. 138, have adopted legislation which applies only to persons who are working under a contract of employment. However, this fails to regulate the conditions of work of many persons in the country who are economically active, and is particularly inadequate in relation to the kinds of work that children perform most often. The largest omission is in relation to children who are engaged in street trading on their own account, or on a commission basis, which is often seen in the developing countries in particular. Young persons may be engaged in a number of sorts of work in which they are "self-employed", and thus not covered by the legislation in these countries. A similar situation exists when a family is engaged to perform certain types of work, such as in agriculture or in the production of goods on a piece-work basis.¹ In this sort of indirect employment relationship, the children in a family may perform work for which the head of the family is paid; but since they are not themselves employed, there is no legislation protecting them from even the most dangerous and onerous work.

383. There are also many countries which exclude from the application of their legislation, or simply fail to cover, some

¹ Report IV(1), 57th Session, op. cit., pp. 25-26.

categories of employment or work. In addition to the categories mentioned in the previous paragraph, domestic work is excluded quite often, and in a certain number of countries the competent administrative or judicial authorities are empowered to make exceptions. Article 4 of the Convention allows the exclusion of limited categories of employment or work in respect of which special and substantial problems of application arise, and many of the cases of exclusion from national legislation would be in compliance with this restriction. However, whether this is true for any particular country would depend on the national situation. Where it might not be possible to supervise the application of legislation concerning some categories of employment or work in one country, it might well be possible to do so in another. The competent authorities in member States should re-examine their legislation in the light of the Convention and Recommendation, and of this survey, to determine whether the exceptions they have made comply with these standards and are truly necessary in each case.

384. The exclusion of sectors of economic activity is much more closely restricted by the Convention, and it appears from the available information that the legislation of reporting countries is frequently not in accord with what it requires. This occurs either because national legislation has been adopted by sectors, and some have not yet been regulated, or because certain sectors are specifically excluded from labour legislation. This occurs most frequently with regard to agriculture (including plantations), but instances have also been found where manufacturing, maritime work or others are not covered. Some countries have pointed to the difficulty of adopting and enforcing legislation with regard to some sectors, and it appears that in some cases this would indeed be a major problem at this time. However, there are also a number of countries which should be able to extend the coverage of their legislation in this respect. As already stated in the body of the survey, governments should examine whether they could adopt at least minimum age provisions and legislation regulating to some extent the work of children in these sectors, even if it has not been possible to regulate a sector fully for all workers.

II. Establishment of a general minimum age

385. Chapter II of the survey shows the variety and complexity of the measures adopted by reporting countries to fix the ages below which children shall not work. Some countries fix a definite age, some fix ages only for some sectors, and others link admission to employment or work in some manner to the completion of compulsory schooling. The important point here, whether or not the age fixed is initially in full compliance with the Convention and Recommendation, is that measures be taken in this respect for all economic sectors and categories of employment or work for which it is possible to do so, taking into account the terms of the Convention. As stated above, all the reporting countries have taken at least some steps toward this, but it is clear that many of them should re-examine the scope and levels of protection provided by their legislation.

386. The problem of coverage of all sectors and activities has already been mentioned. The next most important point to consider in this connection is the relationship between schooling and admission to work. The Convention requires that the age of admission to employment or work be no less than the age of completion of compulsory schooling, and a great number of countries are in compliance with this objective. Many others, however, have problems in this regard. Where the

educational infrastructure is not sufficiently developed to provide facilities for all children to attend school, it is obviously impractical to link the two concepts; and it is apparent from the UNESCO Statistical Yearbook that many countries have been unable to achieve the goal of providing schooling for all children. However, where these facilities are available, it is necessary to make sure that children's schooling is not interfered with by beginning to work too early.

387. A connected problem referred to in the survey is that in some countries work for children is prohibited only during school hours, when the children concerned are required to be in school. This is not in accordance with the Convention, and the reasons for which the Convention did not take this approach are evident. If a child is permitted to work while also attending school, his schooling may easily be prejudiced by the drain on his time and energies of having to work outside school hours as well. Several countries have referred to the benefits which may be derived by introducing children to work while they are also attending school, and the Conference implicitly recognised that this could be the case when it adopted the provisions of the Convention allowing light work under certain defined circumstances. However, the countries referred to here often go beyond the solution adopted by the Conference, by failing to regulate in any manner the types and duration of work and the ages at which children may be engaged before completing schooling. Attention should also be drawn to the fact that most of the countries which support the concept of prohibiting work only during school hours are highly developed countries in which the children concerned are likely to take up only occasional work to earn pocket money or to provide for their future education. In these cases they are unlikely to have to work in order to support themselves, and the character and duration of the work they do undertake is different from cases in which children who should be giving their full attention to schooling are working to feed and clothe themselves.

388. The previous chapter points out some cases in which the rates of school attendance are low, while the rates of child employment are high. This appears to be a general rule in nearly all countries in which rates of school attendance are low. In these countries the problem is not a simple one. It will take time, effort and a large investment to correct - and in many cases the countries concerned do not have the means to do what they themselves recognise is necessary. Where schooling is not available for all children, reliance cannot be placed on legislation requiring compulsory school attendance to enforce any aspect of the regulation of work by children and young persons. Other solutions must be found to the problem of ensuring that children begin work only at an appropriate age.

389. It can also be seen from the information above that the ages which have been established for admission to employment or work are frequently below that required by the Convention, even taking into account the exception allowed in this regard for developing countries. Article 1 of the Convention provides that the age at which young persons should be allowed to work should be raised progressively until it reaches an appropriate level; and the Committee has noted several instances in which the minimum age has recently been raised. It urges governments to examine this question, to see whether it would not be possible to come into closer compliance with the Convention even where full accord cannot yet be achieved.

III. Light work and artistic performances

390. Reference was made in the previous section to the reason for which these exceptions are allowed by the Convention. Children will often undertake some forms of economic activity at a lower age than that at which they should be allowed to perform regular work. When measures have been adopted by reporting countries, they show a certain amount of consistency in this respect. A large number of countries, however, seem to have adopted no provisions to allow and regulate the work of young persons below the minimum age for admission to regular employment, and they should examine their situations to determine whether some regulations are not needed.

391. There are very few countries which have decided that light work should not be allowed for younger children. Those which do allow it seem to be divided generally into two categories. First, there are those in which the aid of children is important to the family economy, especially during harvest time or for helping in some light tasks connected with the family business. In such cases there is a certain danger that children will be looked upon as an economic asset to a family, and will be called upon to undertake work that is too heavy for them, or for too many hours. Measures are therefore necessary to try to ensure that their work is truly limited to helping the family instead of becoming a major element in the family's work. This is a difficult standard to supervise, especially when so many small family farms or undertakings are within the informal and traditional sectors and thus are outside the capabilities of inspection of most countries. However, if rules are laid down and attempts made to enforce them, the scope of supervision should gradually expand to the point where it can cover a large proportion of the children involved.

392. The other basic situation is a phenomenon of developed countries, with young persons undertaking occasional work outside school hours to earn money and experience for themselves rather than for their families. In such cases they undertake jobs such as the delivery of periodicals, assistants in shops during holidays, etc. The extent of regulation of such activities varies considerably among reporting countries, with some having made an effort to define what types of work shall be permitted in this framework and under what conditions, and others apparently having decided that abuses are unlikely or that this type of work cannot adequately be regulated. However, an attempt should be made to define what sorts of activities are permitted for younger children, to ensure that their work does not interfere with their schooling, to regulate the conditions under which it may be performed, and above all to fix an absolute minimum age for such work.

393. Work for such things as artistic performances falls into another category. A very large number of countries have not reported any regulations concerning this type of work; but children are required for performances, at least to some extent, in nearly all countries. Some countries have enacted regulations to cover only a small proportion of the types of performances in which children may be involved, such as prohibiting their work in night clubs, cabarets or circuses, where there are obvious dangers to the health and morals of young persons. However, there are also dangers in allowing children to perform regularly in plays, films and other entertainments if their hours and other conditions of work are not closely supervised.

IV. Dangerous work

394. Chapter IV and the table which follows it show that a number of countries have adopted detailed regulations concerning types of work that may be dangerous to the health, safety and morals of young persons. These countries have recognised the dangers pointed out in the discussions leading to the adoption of Article 3 of the Convention and the more detailed provisions of the Recommendation, and have acted on the principle that some kinds of work present dangers from which younger workers should be protected. Aside from the general objective of these instruments, which is to provide special protection to young persons at and from work, allowing younger persons to perform hazardous operations and to handle dangerous materials and substances before they have formed the judgement necessary to do so safely, presents a danger to the workers around them as well as to themselves. Special emphasis should be laid on the injunction of the Recommendation to re-examine periodically the kinds of work which should be classified as dangerous in the light of advancing scientific and technical knowledge.

395. There are far too many countries, however, which have taken only very limited measures or none at all to protect young workers in this connection. Their governments, in consultation with employers' and workers' organisations, should undertake to determine the areas in which measures should be taken and the appropriate ages for different sorts of dangerous work. Special attention should be paid to industrial and maritime work as a first step, since work in these sectors is inherently hazardous, but the dangers found in agriculture and other forms of activity should by no means be ignored. Even where it has not been possible to fix a minimum age for employment or work, it should be possible in most countries to prohibit some types of work for children too young to perform it.

V. Work in connection with education or training

396. So little information was available from reporting countries on this subject that very few conclusions can be drawn. Work performed in educational institutions under the control of government authorities is unlikely to lead to abuses, and several countries have recognised this by excluding it from the application of national legislation concerning work by young persons, as is permitted by the Convention.

397. Work performed in undertakings under an apprenticeship contract is another matter, however. The Convention excludes such work from its application if the apprentice is over 14 years old, in recognition of the fact that training in many activities can be gotten only by work performed under the supervision of experienced workers. It is nevertheless important that supervision be carried out in such cases. Work by apprentices under 14 is covered by the Convention, but very little information was provided on how the principles laid down in the Convention are applied to such work.

398. Another aspect of this problem that should be mentioned is the possibility that a "training" relationship may be a subterfuge to enable an employer to demand heavy and continuous work from children before the legal minimum age for employment, and to benefit from lower labour costs. The competent authorities should take special care to ensure that, when an apprenticeship programme is in operation in a country and allows children under the legal minimum age to become apprentices, supervisory and inspection activities are carried out to

"safeguard and supervise the conditions in which children and young persons undergo vocational orientation and training" (Paragraph 12(2) of Recommendation No. 146).

VI. Conditions of work

399. The information assembled in the survey on this subject shows a great number of differences among member States and gaps in the measures they have taken to regulate the conditions of work of young persons and children who have begun their working life. While some of the Recommendation's provisions have found wide recognition, others have been the subject of regulation by only a few countries. It is therefore particularly important that governments examine carefully the information assembled in Chapter VI of this survey and the provisions of Recommendation No. 146 when they are considering the action that should be taken in this regard.

400. Young workers are particularly vulnerable to discrimination as concerns wages, but it is evident from the information above that only a few countries have taken measures in this regard. The approach that is best in any particular country will depend on the means by which wages are determined for all workers. But it would seem that an arrangement whereby young workers are paid at a rate which takes into account their shorter hours of work, where this is the case, and their lack of experience, where this is a factor, should be combined with measures to ensure that they are not exploited as cheap labour, thus displacing other workers and undermining wage standards.

401. The limitation of hours of work and overtime, the prohibition of night work, and the fixing of daily and weekly rest periods, have been undertaken to some degree in most countries, though there are still a number which have not adopted any measures to regulate these important aspects of the work of young persons. It is essential that young workers be protected with regard to the time and duration of the work they are allowed to perform. The standards adopted by the ILO do not set definite limits in most of these areas, so the determination of the specific measures which may be appropriate must be left to national authorities. It is clear, however, that the Conference intended that young workers should not be allowed to work for the same duration as adults. In the first place, those young persons who are still attending school, on a full-time or part-time basis, should have enough time to garner the benefit of the instruction they are receiving. In addition, their limited strength as compared to adult workers should be taken into account by ensuring that they have sufficient time to rest between work periods. Those countries which have taken no measures are clearly indicated in Chapter VI, as are the limitations which have been imposed by other countries. This subject merits close examination by national authorities, in consultation with workers' and employers' organisations.

VII. Enforcement

402. The need for effective measures to enforce the provisions of national legislation in connection with the work of children and young persons is apparent; what is not clear is the extent to which these measures are actually taken in the reporting countries. Some countries did provide information on, e.g., the number of violations of legislation noted by labour inspectors and the number of convictions registered in regard to them, but in general the Committee possesses no

direct evidence of what is being done in this field. Certainly it is clear from the information contained in the last section of Chapter VII that many countries are not able to ensure that children do not work in all areas of the country and sectors of the economy, and some of these countries have acknowledged this in their reports for this survey and under ratified Conventions. The Committee can only suggest that these countries continue to reinforce their labour administrations, with the assistance, where appropriate, of the International Labour Office.

403. An essential step in the enforcement of legislation adopted in this connection is that registers of young persons employed be kept by every employer. Nearly 20 per cent of the countries dealt with in this survey reported no requirement that this be done, and a number of others reported only limited application of the principle. It is worth noting that those countries which do require registers range over the entire spectrum of states of economic development, even if some have not been able to extend the requirement to all employers. Immediate measures should be taken in this connection by all national administrations, and the International Labour Office can provide models of legislation and registers to any country which may request them.

404. Other measures of enforcement are less simple to implement, but are even more necessary if the provisions of national and international standards are to be respected. The importance of a trained and effective system of labour inspection cannot be stressed too strongly if labour legislation is to be translated into practice. This applies, of course, to the implementation of all labour legislation, but is particularly important in the supervision of the work of children and young persons, who are often unable to exercise any control over their own situations. It is also apparent that, when different kinds of inspection services have responsibility in this field, their activities must be co-ordinated. Supervision of labour legislation should not be left to the services responsible for ensuring that children attend school, for example, since they are unlikely to have the training needed to assess compliance with the various provisions of labour law, and their responsibility ends in most cases with achieving the objective of school attendance. Those countries which have not done so should ratify and apply the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and all countries should ensure that their labour inspectorates pay particular attention to the need to prohibit work for children under the specified age and supervise closely the conditions of work of those children who are employed.

VIII. Concluding comments

405. It is an inescapable fact that children work in most countries and in most regions, and that in far too many of those they do so in violation of international standards and of national law. The figures given above indicate that at least 55 million young persons under 15 years old are working in the world; while many of these are working in conformity with national and international standards, many more are working in violation of these standards. Commentators agree that even this figure is a gross underestimation of the real size of the phenomenon. In addition, the examples given in the previous chapter indicate that in some countries up to 12 per cent of the children under 15 are known to be working. Other figures quoted there show that virtually all the children in some regions have entered the workforce, and that children make up a substantial proportion of workers in many countries. It is evident that there is a great

distance to be travelled before the objectives stated in Article 1 of Convention No. 138 are realised: "to ensure the effective abolition of child labour and to raise progressively the minimum age for employment or work to a level consistent with the fullest physical and mental development of young persons."

406. In examining the information communicated by member States of the ILC, the Committee has been struck with the general recognition of the need to achieve these goals, combined with the absence of effective measures to do so in many countries. In many cases the governments are simply unable to arrest child labour until their countries have achieved a level of economic development which will make it a less important factor in the survival of their citizens; in most of these countries improvements could be made even now.

407. What measures can be taken? In the larger context of poverty and underdevelopment, it is apparent from the figures quoted in this survey and others available that there are specific areas in some countries where children work to a greater extent than in others. These areas should be identified by investigations on the national level, and specific efforts made, with the assistance of the ILO and of other international agencies where appropriate, to undertake priority development programmes there. It will be necessary to conduct pilot programmes to determine what measures are the most effective, but action can be taken if the will is found.

408. In addition, and equally important, national governments should not delay the adoption of legislation, in accordance with international standards wherever possible, until they consider that the problem has already been resolved in practice. The ILO's experience demonstrates that the adoption of standards can in itself serve as an important impetus to the achievement of the objectives they represent. As economic development continues, and as labour administrations gradually are able to extend their effectiveness, these laws can be applied to wider areas and to more sectors of the national economy.

409. The Committee has emphasised at many points in this survey the crucial importance, explicitly recognised in the Convention itself, of consultations with the organisations of employers and workers in formulating measures to achieve the goals of these two instruments. It must be evident that the purposes of these instruments can also be served if workers' organisations and employers will act voluntarily to apply the standards of the Convention, even in the absence of full regulation. Such a broadening acceptance, in practical application, of the aim of eliminating child labour will both lessen the burdens of government supervision and also provide another example of the great potential in responsible tripartism. Voluntarism is no substitute for government responsibility; it may however be an effective supplement and spur to such action. All elements of society which have an effect on employment have both a responsibility and an opportunity to reduce child labour.

410. The fact that children are working, and are suffering because of it, is too important a problem to be set aside wholly until economic conditions can be improved to the point where it will no longer be necessary or profitable for children to work. The International Labour Conference realised that child labour could not be abolished and controlled all at once. It must remain an objective for many countries for many years to come. However, these countries should begin to take measures at once, and they should increase the efforts already begun, in order to halt a practice which is universally recognised as being unacceptable. It has often been said that a nation's children are its future; indeed they are the future of all mankind.

APPENDICES

APPENDIX I

TEXT OF THE SUBSTANTIVE PROVISIONS OF THE MINIMUM AGE CONVENTION (NO. 138) AND RECOMMENDATION (NO. 146), 1973

Minimum Age Convention, 1973 (No. 138)

Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2

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

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

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisation of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement -

- (a) that its reason for doing so subsists; or
- (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

Article 5

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

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

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

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

- (a) shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
- (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of -

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is -

- (a) not likely to be harmful to their health or development; and
- (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes

approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in subparagraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

Article 8

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

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

Article 9

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

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

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Minimum Age Recommendation, 1973 (No. 146)

I. NATIONAL POLICY

1. To ensure the success of the national policy provided for in Article 1 of the Minimum Age Convention, 1973, high priority should be given to planning for and meeting the needs of children and youth in national development policies and programmes and to the progressive extension of the inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.

2. In this connection special attention should be given to such areas of planning and policy as the following:

- (a) firm national commitment to full employment, in accordance with the Employment Policy Convention and Recommendation, 1964, and the taking of measures designed to promote employment-oriented development in rural and urban areas;
- (b) the progressive extension of other economic and social measures to alleviate poverty wherever it exists and to ensure family living standards and income which are such as to make it unnecessary to have recourse to the economic activity of children;
- (c) the development and progressive extension, without any discrimination, of social security and family welfare measures aimed at ensuring child maintenance, including children's allowances;
- (d) the development and progressive extension of adequate facilities for education and vocational orientation and training appropriate in form and content to the needs of the children and young persons concerned;
- (e) the development and progressive extension of appropriate facilities for the protection and welfare of children and young persons, including employed young persons, and for the promotion of their development.

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

4. Full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively ensured up to an age at least equal to that specified for admission to employment in accordance with Article 2 of the Minimum Age Convention, 1973.

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

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

II. MINIMUM AGE

6. The minimum age should be fixed at the same level for all sectors of economic activity.

7. (1) Members should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work specified in pursuance of Article 2 of the Minimum Age Convention, 1973.

(2) Where the minimum age for employment or work covered by Article 2 of the Minimum Age Convention, 1973, is still below 15 years, urgent steps should be taken to raise it to that level.

8. Where it is not immediately feasible to fix a minimum age for all employment in agriculture and in related activities in rural areas, a minimum age should be fixed at least for employment on plantations and in the other agricultural undertakings referred to in Article 5, paragraph 3, of the Minimum Age Convention, 1973.

III. HAZARDOUS EMPLOYMENT OF WORK

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

10. (1) In determining the types of employment or work to which Article 3 of the Minimum Age Convention, 1973, applies, full account should be taken of relevant international labour standards, such as those concerning dangerous substances, agents or processes (including ionising radiations), the lifting of heavy weights and underground work.

(2) The list of the types of employment or work in question should be re-examined periodically and revised as necessary, particularly in the light of advancing scientific and technological knowledge.

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

IV. CONDITIONS OF EMPLOYMENT

12. (1) Measures should be taken to ensure that the conditions in which children and young persons under the age of 18 years are employed or work reach and are maintained at a satisfactory standard. These conditions should be supervised closely.

(2) Measures should likewise be taken to safeguard and supervise the conditions in which children and young persons undergo vocational orientation and training within undertakings, training institutions and schools for vocational or technical education and to formulate standards for their protection and development.

13. (1) In connection with the application of the preceding Paragraph, as well as in giving effect to Article 7, paragraph 3, of the Minimum Age Convention, 1973, special attention should be given to

- (a) the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work;
- (b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities;
- (c) the granting, without possibility of exception save in genuine emergency, of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days;
- (d) the granting of an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults;
- (e) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be;
- (f) the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.

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

V. ENFORCEMENT

14. (1) Measures to ensure the effective application of the Minimum Age Convention, 1973, and of this Recommendation should include

- (a) the strengthening as necessary of labour inspection and related services, for instance by the special training of inspectors to detect abuses in the employment or work of children and young persons and to correct such abuses; and

- (b) the strengthening of services for the improvement and inspection of training in undertakings.

(2) Emphasis should be placed on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions as well as in securing their enforcement.

(3) Labour inspection and inspection of training in undertakings should be closely co-ordinated to provide the greatest economic efficiency and, generally, the labour administration services should work in close co-operation with the services responsible for the education, training, welfare and guidance of children and young persons.

15. Special attention should be paid -

- (a) to the enforcement of provisions concerning employment in hazardous types of employment or work, and
- (b) in so far as education or training is compulsory, to the prevention of the employment or work of children and young persons during the hours when instruction is available.

16. The following measures should be taken to facilitate the verification of ages:

- (a) the public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates;
- (b) employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;
- (c) children and young persons working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make the checking of employers' records impracticable should be issued licences or other documents indicating their eligibility for such work.

APPENDIX II

LISTS OF LEGISLATION BY COUNTRY

Explanatory note: This Appendix lists all the legislation cited for each reporting country, and assigns a number to each item. In the footnotes in the survey these are indicated thus: Algeria 1, section 67. This diminishes the volume of the citations and simplifies reading the text.

AFGHANISTAN

1. Regulations to govern the employment of persons in industrial establishments in Afghanistan, dated 16 January 1946 (LS 1946 - Afg. 1).

ALGERIA

1. 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).
2. Ordinance No. 76-57 dated 5 July 1976, respecting the publication of the National Charter (JO, 30 July 1976, No. 61).
3. Ordinance No. 71-74 dated 16 November 1971, respecting the socialist organisation of undertakings (JO, 13 December 1971, No. 101, p. 1350) (LS 1971 - Alg. 2).
4. 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).
5. 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).
6. 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).
7. 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).
8. 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).

9. Ordinance No. 76-80 dated 23 October 1976, respecting the establishment of a Maritime Code (JQ, 10 April 1977, No. 29).
10. Ordinance No. 75-33 dated 29 April 1975 respecting the powers and duties of the Inspectorate of Labour and Social Affairs (JQ, 16 May 1975, No. 39, p. 459) (LS 1975 - Alg. 4).

ARGENTINA

1. 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 1976 (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).
2. Act No. 11317 of 30 September 1974, to approve the rules governing the employment of women and young persons (Cronica Mensual del Departamento Nacional del Trabajo, year VII, No. 81, September 1974, p. 1417), as amended by Act No. 18624 of 13 March 1970 (BO, 20 March 1970, No. 21893) (LS 1970 - Arg. 2).
3. Act No. 22248 of 3 July 1980 to approve a national system for agricultural work.

AUSTRALIA

Commonwealth

- C1. Navigation Act and Regulations, 1912

Federal jurisdiction

- F1. Metal Trades Award, 1952
- F2. Timber Workers' Consolidated Award, 1970

States

Australian Capital Territory

- ACT1. Education Ordinance, 1937
- ACT2. Child Welfare Ordinance, 1957

Northern Territory

- NT1. Education Ordinance, 1957-73
- NT2. Mines Regulation Ordinance, 1939-62

New South Wales

- NSW1. Public Instruction (Amendment) Act, 1916, as amended
- NSW2. Child Welfare Act, 1939, as amended
- NSW3. Factories, Shops and Industry Act, 1962, as amended
- NSW4. Mines Inspections Act, 1901, as amended

NSW5. Coal Mines Regulations Act, 1912, as amended

Victoria

- V1. Education Act, 1958
- V2. Social Welfare Act, 1970
- V3. Labour and Industry Act, 1958
- V4. Mines Act, 1958y
- V5. Coal Mines Act, 1958
- V6. Wages Boards Determinations
- V7. Lifts and Cranes Act
- V8. Labour and Industry (Employment Records) Regulations

Queensland

- Q1. Education Act, 1971-73
- Q2. Apprenticeship Act, 1964-74, and Regulations
- Q3. The Children Services Act, 1965-75
- Q4. Factories and Shops Act, 1960-75
- Q5. Coal Mining Act, 1925-74
- Q6. Mines Regulation Act, 1964-68

South Australia

- SA1. Industrial Conciliation and Arbitration Act
- SA2. Education Act, 1972-76
- SA3. Mines and Works Inspection Act, 1920-74

Western Australia

- WA1. Education Act, 1928-77
- WA2. Child Welfare Act, 1947-77
- WA3. Mines Regulation Act, 1946-74
- WA4. Coal Mines Regulation Act, 1946-76
- WA5. Factories and Shops Act, 1963-76
- WA6. Act No. 63 of 1974

Tasmania

- T1. Industrial Relations Act, 1975
- T2. Education Act, 1932

- T3. Child Welfare Act, 1960
- T4. Mines Inspection Act, 1968

AUSTRIA

1. Federal Act of 1 July 1948 respecting the employment of children and young persons (Bundesgesetzblatt für die Republik Oesterreich (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).
2. 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).
3. Federal Act respecting school organisation. Dated 25 July 1962 (BGBl, text 241).
4. 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).

BAHRAIN

1. Labour Law for the Private Sector, Amiri Decree Law No. 23 of 1976, with subsidiary legislation enacted thereunder.
2. Ministerial Order No. 6 of 1976 respecting industries and dangerous occupations harmful to health of juveniles.

BANGLADESH

1. Factories Act, No. IV of 1965 (The Dacca Gazette, 1 Sept. 1965, Extra., p. 1535) (LS 1965 - Pak. 2).
2. Shops and Establishment Act, 1965.
3. Tea Plantations Labour Ordinance, No. 29 of 1962 (Gazette of Pakistan, 4 June 1962, Extra., p. 864) (LS 1962 - Pak. 1).
4. Merchant Shipping Act, 1923.

BELGIUM

1. Labour Act, dated 16 March 1971 (Moniteur belge (MB), 30 March 1971, No. 62, p. 3931).
2. 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).
3. 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).

4. Royal Decree dated 15 February 1978 (MB, 26 April 1978, No. 81, p. 5019).
5. Royal Decree dated 28 February 1919 to co-ordinate the acts related to the employment of children.

BENIN

1. Ordinance No. 33 PP/MPPTT, to promulgate a Labour Code, dated 28 September 1967 (Journal Officiel (JC), 15 December 1967, No. 27, p. 831) (LS 1967 - Dah. 1).
2. Order No. 1783 ITLS/D, to provide for exceptions to the rules governing the minimum age for admission to employment of children, dated 12 July 1954 (JC, 16 July 1954, special number).
3. Order No. 1781 ITLS/D respecting the employment of children and young persons, dated 12 July 1954 (ibid.).

BOTSWANA

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

BRAZIL

1. Consolidation of Labour Laws, updated.
2. Decree No. 66280 of 27 February 1970 on conditions in which children from 12 to 14 years of age may work (Diario oficial (DO), 2 March 1970).
3. Merchant Marine Regulations, Decree No. 5798 of 11 June 1940 (DO, 11 July 1940), as amended by Decree No. 50114 of 26 January 1961.

BULGARIA

1. Constitution of the People's Republic of Bulgaria. Dated 16 May 1971. (D'vijaven vestnik, 18 May 1979, No. 39).
2. 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).
3. Decision No. 36, to promulgate the Ordinance on holidays of wage earners and salaried employees (Izv., 11 March 1958, No. 20).
4. 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).
5. Ordinance respecting employment cards (Izv., 31 March 1953, No. 26).
6. 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).
7. 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).

8. 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).

BURMA

1. Factories Act, No. 65 of 1951 (LS 1951 - Bur. 6).
2. Shops and Establishments Act, No. 59 of 1951 (Burma Labour Gazette, Vol. V, No. 2, p. 3) (LS 1951 - Bur. 5).
3. Mines Act, No. 4 of 1923 (Burma Code, Vol. II, p. 599).
4. Merchant Shipping Act (ibid., Vol. VII).

BURUNDI

1. Labour Code, Act No. 001/31 of 2 June 1966 (Bulletin officiel, No. 9bis, 15 September 1966).

BYELORUSSIAN SSR

1. Constitution of the Byelorussian SSR.
2. Labour Code of the Byelorussian SSR dated 23 June 1972.
3. Public Health Act of the Byelorussian SSR.
4. Public Education Act of the Byelorussian SSR.
5. Model collective farm rules, approved by Resolution of the Central Committee of the Communist Party of the Soviet Union and the USSR Council of Ministers, dated 28 November 1969.

UNITED REPUBLIC OF CAMEROON

1. Law No. 74-14, instituting the Labour Code, dated 27 November 1974 (Official Gazette (GC), 5 December 1974, No. 4, Suppl. (LS 1974 - Cam. 1).
2. Order No. 17, relating to the employment of children, dated 27 May 1969 (GC, 1 June 1969, No. 10) (LS 1969 - Cam. 2B).

CANADA

Federal legislation

- F1. Labour Code, Revised Statutes 1970 (P.S., c.L-1).
- F2. Shipping Act, Revised Statutes 1970 (P.S., c.S-9).
- F3. Explosives Act, Revised Statutes 1970 (P.S., c.E-15).
- F4. Atomic Energy Control Regulation.

Provincial legislationAlberta

- A1. School Act, 1970, Cap. 329.
- A2. Alberta Labour Act, 1973, Cap. 33.

British Columbia

- BC1. Control of Employment of Children Act (Revised Statutes, 1960, Vol. 7, c.75, pp. 859-861).

Manitoba

- M1. School Attendance Act (Revised Statutes, 1970, c.S-20).
- M2. Employment Standards Act (ibid., c.E-11C).

New Brunswick

- NB1. Schools Act (Revised Statutes, 1952 ed., Vol. III, p. 3427).
- NB2. Minimum Employment Standards Act, 1964, Cap. 8.

Newfoundland

- N1. School Attendance Act (Revised Statutes, 1952 ed., Vol. II, p. 1352).
- N2. Labour Standards Act.

Northwest Territory

- NT1. Labour Standards Ordinance.

Nova Scotia

- NS1. Education Act (Revised Statutes, 1967, Cap. 81).
- NS2. Labour Standards Code.

Ontario

- O1. Industrial Safety Act (Revised Statutes, 1970, Vol. 2, Cap. 220).
- O2. Construction Safety Act (ibid., Vol. 1, Cap. 81).

Prince Edward Island

- PEI1. School Act.
- PEI2. Minimum Age of Employment Act.

Quebec

- Q1. Education Act (Revised Statutes, 1964, Cap. 235).
- Q2. Industrial and Commercial Establishments Act (ibid., Cap. 150).

Saskatchewan

- Sl. Education Act, 1978.
- S2. Minimum Wage Order, No. 3 of 1977.

Yukon Territory

- YT1. Labour Standards Ordinance 1968.

CENTRAL AFRICAN REPUBLIC

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

CHILE

- 1. 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).

COLOMBIA

- 1. Labour Code.
- 2. Decree No. 995 of 26 June 1968.
- 3. Resolution No. 02400 of 22 May 1979, to establish rules on housing and safety and health at workplaces (Diario Oficial, 20 August 1979, No. 35330).

COMORES

- 1. Labour Code (Overseas Territories), Act No. 52-1322 of 15 December 1952 (LS 1952 - Fr. 5).
- 2. 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).
- 3. Order No. 66-84/IT-C, to establish the conditions of night work for women and children. Dated 22 January 1966.
- 4. Order No. 67-18/IT-C of 5 January 1967 creating an employer's register for young persons under 18 years of age.

CONGO

- 1. Act No. 45-75, to establish the Labour Code. Dated 15 March 1975 (Journal officiel, 17 March 1975, special number).
- 2. 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.

CCSTA_PICA

1. Labour Code, 1978/79 edition.
2. 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).

CUBA

1. Constitution of the Republic of Cuba.
2. Occupational Safety and Health Act (No. 13) dated 28 December 1977 (Gaceta Oficial (GO), 29 December 1977, No. 48, p. 749).
3. 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).
4. Resolution of the Council of Ministers dated 8 September 1964 containing the general principles for the organisation of occupational safety and health.
5. 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).

CYPRUS

1. Children and Young Persons (Employment) Law, No. 33 of 30 Sept. 1953 (LS 1953 - Cyp. 2).
2. Law No. 80 of 1966 ratifying the Minimum Age (Underground Work) Convention.

CZECHOSLOVAKIA

1. Consolidated text (1975) of the Labour Code of 16 June 1965 (Šbirka zákonu (Sz), 18 June 1975, No. 16, text 55) (LS 1975 - Cz. 2).
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).
3. Act respecting state technical supervision of occupational safety. Dated 20 December 1968. (Sz, 27 December 1968, No. 47, text 174).
4. Act to establish a single system for the census (registration) of workers (Sz, 1968, text 18).
5. Act to establish a single system of socio-economic information (Sz, 1971, text 21).
6. Apprenticeship Act. Dated 12 December 1958 (Sz, 30 December 1958, text 89) (LS 1958 - Cz. 3).

7. Act respecting measures taken in the primary and secondary-school system. Dated 21 June 1978. (Sz, 23 June 1978, No. 14, text 63).
8. 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).

DENMARK

1. Act No. 681 of 23 December 1975 on the Working Environment (Lovtidende A, 1975, No. LXV, p. 1951) (LS 1975 - Den. 1).
2. 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).
3. 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).
4. Order No. 31 of 12 February 1969 on dangerous work by children and young persons (ibid., 1969, No. IV, p. 61).
5. 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).
6. Order No. 333 of 23 June 1977 on the performance of light, paid work by children (ibid., 1977, No. XXXII, p. 968).
7. 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).

DJIBOUTI

1. 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).
2. Order No. 786 respecting the employment of children. Dated 17 June 1955.
3. Order No. 1012/SG/CG, to amend and repeal two previous orders respecting the employment of children. Dated 3 July 1968.

DOMINICAN REPUBLIC

1. Labour Code
2. Resolution No. 4 dated 30 April 1958.

ECUADOR

1. Labour Code (Registro Oficial (20), 16 August 1978, No. 650) (LS 1978 - Ec. 1).
2. Children's Code, Act No. 187-CLP (EC, 3 December 1969, No. 320, p. 2397).

EGYPT

1. Law No. 91: Labour Code (LS 1959 - UAP.1).
2. Orders of the Ministry of Labour Nos. 154, 155 and 156 of 1959 and No. 13 of 1964.
3. Law No. 47 of 1978 respecting government employees.
4. Law No. 48 of 1978 respecting workers in the public sector.

ETHIOPIA

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

FIJI

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

FINLAND

1. Contracts of Employment Act (320/70) of 30 April 1970 (LS 1970 - Fin. 2).
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.
3. Decree on the Employment of Young Workers at Dangerous Work (212/72) of 10 March 1972.
4. Employment Act (946/71) of 23 December 1971 (LS 1971 - Fin. 1) and the relevant Decree (948/71).
5. Vocational Guidance Act (43/60) of 22 January 1960 (LS 1960 - Fin. 1) and the relevant Decree (632/64) of 23 December 1964.
6. 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).
7. Seamen's Act (423/78) of 7 June 1978 (LS 1978 - Fin. 2).

FRANCE

1. Labour Code. Dalloz, 1979.
2. 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).
3. 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).
4. Order respecting the age for admission to employment in agriculture. Dated 3 December 1970 (JO, 5 January 1971, No. 5, p. 165).

5. Decree No. 60-865, to replace certain sections of the Maritime Labour Code by regulations. Dated 6 August 1960 (JQ, 17 August 1960) (LS 1960 - Fr. 4A).
6. Decree No. 58-628, to provide governmental regulations governing dangerous work for children and women. Dated 19 July 1958 (JQ, 24 July 1958) (LS 1958 - Fr. 3).

GABON

1. Labour Code, Act No. 5/78. Dated 1 June 1978 (Journal officiel (JQ), No. 25, 28 November 1978, p. 1).
2. Decree No. 275/PR, to provide for exceptions to the rules governing the employment of young persons. Dated 5 December 1962. (JQ, 15 February 1963, No. 5, p. 185) (LS 1962 - Gab. 2).

GERMAN DEMOCRATIC REPUBLIC

1. Constitution of the German Democratic Republic of 6 April 1968 as amended by the Act of 7 October 1974 (Gesetzblatt) (GBI), Part I, No. 47, p. 432).
2. Youth Act of 28 January 1974 (GBI, Part I, No. 5, p. 45).
3. Labour Code of the German Democratic Republic of 16 June 1977 (GBI, Part I, No. 18, p. 185) (LS 1977 - Ger.D.R. 1).
4. Act of 25 February 1965 respecting the unified socialist educational system (GBI, Part I, No. 6, p. 83).
5. Vocational Guidance Order of 15 April 1970 (GBI, Part II, No. 43, p. 311);
6. Ordinance of 7 May 1970 respecting the descriptive standards for trades or occupations for which apprenticeship is given (GBI, Part II, No. 47, p. 348).
7. Order of 1 September 1972 respecting further improvements in the organisation of holidays for school pupils and students and of leave for apprentices (GBI, Part II, No. 64, p. 693).
8. Order of 15 October 1973 respecting voluntary productive activity of school pupils from the age of 14 years during school holidays (GBI, Part I, No. 52, p. 519).
9. Order of 21 March 1975 respecting the planning, financing and settlement of accounts of leisure and work centres for school pupils and students (GBI, Part I, No. 16, p. 306).
10. Order of 20 July 1977 respecting the organisation of theoretical and practical instruction in vocational education (GBI, Part I, No. 25, p. 311).
11. Order of 5 August 1977 respecting applications for apprenticeship vacancies (GBI, Part I, No. 26, p. 318).
12. Order of 24 February 1978 on technical examinations in socialist vocational education (GBI, Part I, No. 9, p. 117).
13. Ordinance of 17 November 1977 on the compulsory social insurance of wage earners and salaried employees (GBI, Part I, No. 35, p. 373).

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14. Labour Protection Ordinance of 1 December 1977 (GBl, Part I, No. 36, p. 405).
 15. Labour Protection Ordinance No. 5 of 9 August 1973 - Labour protection for women and young persons (GBl, Part I, No. 44, p. 465).

FEDERAL REPUBLIC OF GERMANY

1. 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.P. 2).
2. Vocational Training Act. Dated 14 August 1969 (BGBI, Part I, p. 1112) (LS 1969 - Ger. F.P. 2).
3. Seamen's Act dated 26 July 1957 (BGBI, Part II, 7 August 1957, No. 21, p. 713) (LS 1957 - Ger. F.P. 4).

GREECE

1. Act No. 4029 of 24 January 1912 respecting the employment of women and minors.
2. Act No. 2271 of 1920.
3. Act No. 61 of 1975 on the protection of workers from risks arising from the use of benzene and products containing benzene.
4. Royal Decree No. 14 of 20 August 1913.
5. Act No. 1976 of 1920.
6. Act No. 2994 of 1922.
7. Legislative Decree No. 187 of 1973 on the Public Code of Maritime Law.
8. Presidential Decree No. 543 of 21 June 1980 concerning recruitment for maritime work.
9. Act No. 4505 of 5 April 1930.

GUYANA

1. Employment of Women, Young Persons and Children Act, Cap. 99:01.
2. Education Act, Cap. 39:01.
3. Factories Act, Cap. 95:02.
4. Recruiting of Workers Act, Cap. 98:06.

HAITI

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

HONDURAS

1. Constitution.

2. 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).

HUNGARY

1. 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).
2. Decree No. 17 of 1979 of the Ministry of Labour (MK, 1 Dec. 1979, No. 84, p. 1326).
3. Decree No. 34 of 1967, for the application of the Labour Code (MK, 8 Oct. 1967, No. 67).
4. General Regulation on prevention of accidents.
5. Act No. IV of 1971 on youth.

ICELAND

1. Act 53 of 13 May 1966 on protection of children and young persons.
2. Act 46 of 28 May 1980 on facilities, hygiene and safety at workplaces, effective on 1 January 1981.

INDIA

1. Factories Act, No. 63 of 23 Sept. 1948 (Gazette of India) (GI), 23 Sept. 1948, Extraordinary, Part IV, p. 292 (LS 1948 - Ind. 4).
2. 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).
3. Constitution.
4. Merchant Shipping Act, No. 44 of 30 Oct. 1958 (LS 1958 - Ind. 2).
5. Children (Pledging of Labour) Act, No. 2 of 24 Feb. 1933 (LS 1933 - Ind. 1).
6. Employment of Children Act, No. 26 of 1 Dec. 1938 (LS 1938 - Ind. 5).
7. 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).
8. Motor Transport Workers' Act, 1961.
9. Beedi and Cigar Workers (Conditions of Employment) Act, No. 32 of 30 Nov. 1966 (GI, 1 Dec. 1966, section 1, Extraordinary).

INDONESIA

1. Law No. 1, to bring the Labour Law (No. 12) of 1948 into operation throughout Indonesia. Dated 6 January 1951 (Lembaran Negara, 1951, No. 2) (LS 1951 - Indo. 1).

2. Employment of Women, Children and Young Persons Ordinance of 17 December 1925 (State Gazette, No. 647 of 1925).
3. Ordinance of 27 February 1926 concerning the Work of Children and Young Persons Aboard Ships (State Gazette, No. 87 of 1926).

IRAN

1. Labour Law of 17 March 1959 (LS 1959 - Iran 1).
2. Agricultural Labour Act, 1973, and related regulations.
3. Compulsory Schooling Act, 1943.
4. Carpet Industry Act, 1969.
5. Regulation on Dangerous and Harmful Work, 1961.

IRELAND

1. Protection of Young Persons (Employment) Act, No. 9 of 1977.
2. Protection of Young Persons (Employment) (Exclusion of Close Relatives) Regulations, 1977 (Statutory Instruments (SI), No. 303 of 1977).
3. Protection of Young Persons (Employment) (Agricultural Workers) Regulations, 1977 (SI, No. 22C of 1977).
4. Mines and Quarries Act, No. 7 of 1965.
5. Merchant Shipping (International Labour Conventions) Act, No. 29 of 1933 (LS 1933 - IPS 2).

ISRAEL

1. Employment of Young Persons Law, 1953 (LS 1953 - Isr. 2), as amended to 1973.
2. Youth Labour Regulations (Prohibited and Restricted Work) (Kovet Hatakanot, No. 419 of 1954), as amended (ibid., No. 1147 of 1961).

ITALY

1. 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).
2. Decree No. 432 dated 20 January 1976 (GU, 24 June 1976, No. 165).
3. Act No. 285, respecting procedure for the employment of young persons, dated 1 June 1977 (GU, 11 June 1977, No. 158, p. 4386).
4. Decree No. 36 dated 4 January 1971 (GU, 15 March 1971, No. 66).
5. Act No. 233 dated 15 May 1954 (GU, 1 June 1954).

IVORY COAST

1. Labour Code, Act No. 64-290 of 1 August 1964 (Journal officiel (JQ), 17 August 1964, No. 44, Special, p. 1058) (LS 1964 - IC 1).
2. Decree No. 67-265 of 2 June 1967, codifying the regulations issued in application of Title V (Conditions of Work) of the Labour Code (JQ, 30 April 1968, No. 22).
3. Decree No. 61-189 of 18 May 1961, supplementing the provisions of Order No. 3151/ITLS/CI of 28 April 1954 which lays down exceptions to the age of admission of children to certain kinds of work (JQ, 8 June 1961, No. 32).

JAMAICA

1. Juveniles Act of 1 July 1951, as amended to 1974.
2. Shops and Offices Act, No. 27 of 17 September 1957 (LS 1957 - Jam. 1).
3. Apprenticeship Act, No. 55 of 10 November 1954 (Jamaica Gazette (JG), 20 December 1954) and orders issued under it.
4. Factories Regulations, 1961 (JG, Regulations Supplement, 1 September 1961).
5. Mining (Safety and Health) Regulations, 1947.
6. United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, made applicable to Jamaica by Imperial Order in Council No. 715 of 25 July 1927.

JAPAN

1. Labour Standards Law, No. 49 of 7 Apr. 1947 (LS 1947 - Jap. 3).
2. Mariners Law, No. 100 of 1 Sept. 1947 (LS 1947 - Jap. 5).
3. Labour Standards for Women and Minors Ordinance, No. 13 of 19 June 1954.
4. Enforcement Ordinance of the Labour Standards Law, No. 23 of 30 Aug. 1947.
5. Enforcement Ordinance of the Mariners Law, No. 23 of 1 Sept. 1947).
6. Industrial Safety and Health for Mariners Ordinance, No. 53 of 31 July 1964.
7. Child Welfare Law, No. 164 of 1947.

KENYA

1. Employment Act, No. 2 of 1976 (Kenya Gazette (KG), 15 April 1976, No. 16, Supplement No. 19, p. 51) (LS 1976 - Ken. 1).
2. Merchant Shipping Act, No. 35 of 1967 (KG, 29 December 1967, No. 104, Supplement).

3. Employment (Children) Rules, 6 June 1977, L.N. No. 155 (KG, 17 June 1977, No. 25, Supplement No. 37, p. 373).
4. Employment of Juveniles at Sea (Medical Examination) Rules, 6 June 1977, L.N. No. 158 (*ibid.*, p. 376).

KUWAIT

1. Act No. 38 of 1964 respecting employment in the private sector.
2. Ministerial Order No. 18 of 1973, to determine industrial activities in which the employment of young persons shall be prohibited.

LIBERIA

1. Labour Practices Law, 1974.

LIBYAN ARAB JAMAHIRIYA

1. Labour Code, Act No. 58-2970 of 1970 (Al-jarida al-rasmiya, 1 May 1970, special supplement) (LS 1970 - Libya 1).
2. Order by the Minister of Labour and Social Affairs, dated 18 October 1972 (Official Gazette, No. 23, 31 May 1973).

LUXEMBOURG

1. 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).
2. Grand-Ducal Regulations of 30 July 1972 (Mémorial A, No. 54, 31 August 1972).

MADAGASCAR

1. 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).
2. 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).
3. Ordinance No. 60-047 to promulgate a Merchant Marine Code. Dated 15 June 1960 (JO, 25 June 1960, No. 105).

MALAYSIA

1. Children and Young Persons (Employment) Act, No. 40 of 1966 (LS 1966 - Mal. 1).
2. Workmen's Compensation Ordinance, No. 85 of 1952 (LS 1952 - Mal. 1).
3. Wages Regulation (Shop Assistants) (Amendment) Order, 1978.
4. Wages Regulation (Cinema Workers) Order, 1972.

5. Wages Regulation (Catering and Hotel) Order, 1967.
6. The Electricity Ordinance, 1949.
7. The Factories and Machinery Act, No. 64 of 1967 (Government Gazette, 30 Sept. 1967, No. 9, p. 959).

MALI

1. Decree No. 98/PG-RM dated 5 June 1975 establishing the types of work and categories of undertakings prohibited to young persons and the maximum age to which the prohibition applies.

MALTA

1. Education Act, No. XXXIX of 23 August 1974 (Malta Government Gazette (GG), 23 Aug. 1974, No. 12993, Supplement A, p. A336).
2. Merchant Shipping Act, No. XI of 1973 (GG, 6 April 1973, No. 12804, Supplement, p. A232).

MAURITIUS

1. Labour Act, No. 50 of 1975 (Government Gazette (GG, 27 Dec. 1975, No. 90, Legal Suppl., p. 165) (LS 1975 - Maur. 1).
2. Sugar Industry (Agricultural Workers) Remuneration Order, GN 140 of 1974 (GG, 28 Sept. 1974, No. 95, Legal Suppl., p. 274).
3. Construction Industry Remuneration Order, GN 101 of 1975.

MEXICO

1. Political Constitution of the United Mexican States, 1917.
2. Federal Labour Act. Dated 2 December 1969. (Diario Oficial (DO), 1 April 1970, No. 26) (LS 1969 - Mex. 1).
3. 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).
4. Social Insurance Act. Dated 22 February 1973. (DO, 12 March 1973, No. 8) (LS 1973 - Mex. 1).

MONGOLIA

1. Labour Code of the Mongolian People's Republic, of 1 January 1974.
2. Decision No. 200/137 of the State Labour Committee and the Central Council of Mongolian Trade Unions, of 27 December 1973.
3. Decision No. 221/149 of the State Labour Committee and the Central Council of Mongolian Trade Unions, of 27 December 1973.
4. Decision No. 202/138 of the State Labour Committee and the Central Council of Mongolian Trade Unions, of 27 December 1973.

MOROCCO

1. Dahir to regulate employment. Dated 2 July 1947 (Bulletin officiel (BO), 17 October 1947, No. 1825) (LS 1947 - Mor. 1).
2. 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).
3. Order to establish general regulations governing the operation of coal mines. Dated 4 July 1939 (Législation marocaine du travail, Vol. I, P-56).
4. Order to establish general regulations governing the operation of mines other than coal mines. Dated 18 February 1938 (ibid., P-39).
5. 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).

NEPAL

1. Factory and Factory Workers Act 1959, amended as to 1977.

NETHERLANDS

1. Labour Act 1919, as last amended by the Act (Juveniles Statute) of 18 May 1977 (LS 1977 - Neth. 1).¹
2. Compulsory Education Act (Staatsblad (Stb.), 1968, No. 303).
3. Decree concerning Labour Inspection (Stb., 1920, No. 720) (LS 1924 - Neth. 6).
4. Royal Decree of 13 Oct. 1931.
5. Decree relating to Employment of Young Persons at Sea (Stb., 1946, No. G 322) (LS 1946 - Neth. 1).
6. Decree relating to Conditions of Work in Agriculture (Stb., 1956, No. 280) (LS 1956 - Neth. 1).
7. Labour (Young Persons) Decree (Stb., 1972, No. 652) (LS 1972 - Neth. 1).
8. Hours of Work and Rest (Young Persons) Decree (Stb., 1979, No. 588).
9. General Children's Allowance Act (Stb., 1980, No. 1).
10. Civil Code.
11. Minimum Wage and Minimum Allowance Act (Stb., 1968, No. 657) (LS 1968 - Neth. 1).
12. Constitution.

¹ At the time of writing, the 1977 amendments had not yet come into force, though this had been planned for July 1980, and it was not certain when they would do so. However, this text has been cited on the expectation that it would soon be applicable.

NEW ZEALAND

1. Education Act, 1964.
2. Agricultural Workers Act, 1977 (LS 1977 - NZ 1).
3. Factories Act, 1946 (LS 1946 - NZ 4).
4. Machinery Act, 1950.
5. Shops and Offices Act, 1955.
6. Apprentices Act, 1948 (LS 1948 - NZ 2).
7. Abrasive Blasting Regulations, 1958.
8. Explosives Regulations, 1959.
9. Electroplating Regulations, 1950.
10. Coal Mines Act, 1925 (LS 1925 - NZ 2).
11. Mining Act, 1971.
12. Quarries Act, 1944.
13. Petroleum Regulations, 1978.
14. Transport Act, 1962.
15. Boilers, Lifts and Cranes Act, 1950.
16. Shipping and Seamen Act, 1952.
17. Fisheries Amendment Act, 1963.
18. Sale of Liquor Act, 1962.
19. Infant Act, 1908.
20. Government Railways Staff Regulations, 1953.

NICARAGUA

1. Statute on the Rights and Guarantees of Nicaraguans, dated 21 August 1979.
2. Labour Code, 1975 edition.
3. Decree No. 633, dated 6 August 1977.

NIGER

1. Act No. 52-12 dated 13 July 1962 establishing a Labour Code (Journal officiel, 25 August 1962, special issue).
2. Decree No. 67-126 MFP/T dated 7 September 1967 respecting the regulations of the Labour Code (Journal officiel, 15 September 1967, No. 18).

NORWAY

1. 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).
2. Act of 19 December 1958 relating to Conditions of Work for Agricultural Workers (NL, 27 Jan. 1959).
3. Seamen's Act of 30 May 1975 (NL, Part I, 9 June 1975, No. 16, p. 266) (LS 1975 - Nor. 1).
4. Regulations dated 22 Sept. 1977 concerning conditions of work for basic school pupils over 13 years of age.
5. 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).

PAKISTAN

1. Constitution of Pakistan, 1973.
2. Factories Act, 1934, as amended to 1977.
3. Mines Act, No. 4 of 1923 (Gazette of India, 3 March 1923) (LS 1923 - Ind. 3), as amended in 1973.
4. Road Transport Workers Ordinance, No. 28 of 1961 (Gazette of Pakistan, 4 July 1961, Extraordinary, p. 1075) (LS 1961 - Pak. 1).
5. Shops and Establishments Ordinance, No. 8 of 1969 (Gazette of West Pakistan, Extraordinary, 3 July 1969, p. 1057) (LS 1969 - Pak. 1).
6. Employment of Children Act, No. 26 of 1938 (LS 1938 - Ind. 5).
7. Children (Pledging of Labour) Act, No. 2 of 1933 (LS 1933 - Ind. 1).
8. Merchant Shipping Act, 1923.

PANAMA

1. Political Constitution, 1972 (Gaceta Oficial (GC), 24 October 1972, No. 17210).
2. Ministerial Decree No. 252, to approve the Labour Code. Dated 30 December 1971 (GC, 18 February 1972, No. 17040) (LS 1971 - Pan. 1).

PAPUA NEW GUINEA

1. Constitution of the Independent State of Papua New Guinea, 1975.
2. Industrial Relations Act, 1962, as amended subsequently.
3. Employment Act, No. 54 of 1978.
4. Employment Placement Service Ordinance, No. 18 of 1967.

PAPAGUAY

1. Labour Code, Act No. 729 of 31 August 1961 (Gaceta Oficial, 31 August 1961) (LS 1961 - Par. 1), as amended by Act No. 506 of 27 December 1974.
2. Resolution No. 678 of 16 July 1979 concerning exposure to ionising radiation.
3. Resolution No. 350 of 8 November 1973, determining occupations in which persons under 18 may not work.

PERU

1. Act No. 2851, dated 23 November 1918 (LS 1919 - Per. 1).
2. Supreme Resolution, dated 29 September 1955 (El Peruano, 3 October 1955).
3. Supreme Decree No. 006-73-TR, dated 5 June 1973.
4. Juvenile Code (El Peruano, 7 May 1962).

PHILIPPINES

1. Constitution of the Republic of the Philippines.
2. Presidential Decree No. 442 of 1 May 1974 instituting a Labour Code (LS 1974 - Phi. 1A), as amended by PD No. 850 of 16 Dec. 1975.
3. Rules and Regulations implementing the Labour Code of 19 Jan. 1975.
4. The Child and Youth Welfare Code, PD No. 603 of 10 Dec. 1974 (Official Gazette, 30 Dec. 1974, No. 52, p. 10774).
5. Order No. 4 dated 8 June 1973, of the Department of Labour.
6. Policy Instruction No. 23 of 30 May 1977.

POLAND

1. 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)).
2. Act dated 4 February 1950 concerning social labour inspection (DU, No. 20, 1955, Text 134 (LS 1950 - Pol. 1)).
3. 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, 1968, Text 47).
4. 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).
5. Order by the Minister of Labour and Social Welfare dated 18 November 1958 concerning lists of young workers (DU, No. 2, 1959, Text 19).

6. 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)
7. 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).
8. 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).

PORTUGAL

1. Legislative Decree No. 49408/69 (Diario do Governo (DG), 24 November 1969) (LS 1969 - Por. 3).
2. Legislative Decree No. 43020/60 (DG, 15 June 1960).
3. Legislative Decree No. 260/76 (Diario da Republica (DR), 8 April 1976).
4. Legislative Decree No. 538/79 (DR, 31 December 1979).
5. Legislative Decree No. 409/71 (DG, 27 September 1971) (LS 1971 - Por. 1).
6. Legislative Decree No. 874/76 (DR, 28 December 1976) (LS 1976 - Por. 5).
7. Legislative Decree No. 440/79 (DR, 6 November 1979).
8. Legislative Decree No. 47/78 (DR, 21 March 1978).
9. Legislative Decree No. 48/78 (DR, 21 March 1978).
10. Act No. 77/77 (DR, 29 September 1977).
11. Act No. 2127/65 (DG, 3 August 1965) (LS 1965 - Por. 1).
12. Decree No. 14535, dated 31 October 1927 (DG, 5 November 1927).
13. Executive Order to regulate employment in agriculture (Boletim do Trabalho e Emprego, No. 21, 8 June 1979).
14. Executive Order to regulate employment in the postal and telecommunications service (ibid., No. 28, 29 July 1977).
15. Collective agreement for the hotel industry (ibid., No. 41, 8 November 1978).
16. Collective agreement for the banking sector (ibid., No. 26, 15 July 1980).

ROMANIA

1. Constitution.
2. Labour Code, Act No. 10 of 23 November 1972 (Buletinul oficial (BO), Part I, 1 December 1972, No. 140, p. 1168) (LS 1972 - Rom. 1).

3. Decree No. 207 of 17 February 1977 on the Organisation and Functioning of Schools.
4. Decree No. 208 of 12 July 1977 concerning the Organisation and Functioning of Occupational Teaching (BO, Part I, 12 July 1977, No. 67, p. 13).
5. Decree No. 31 of 30 January 1954 concerning Physical and Legal Personality (BO, Part I, 30 January 1954, No. 8).
6. Rules of the Agricultural Co-operative.

RWANDA

1. Act of 28 February 1967 to establish a Labour Code (Journal officiel, 1 March 1967, No. 5, p. 107).

SENEGAL

1. 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).
2. Decree No. 62-017 of 22 January 1962 (JOS, 10 February 1962).
3. 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).
4. Order No. 3724 of 22 June 1954 respecting the employment of children (JOS, 8 July 1954).

SEYCHELLES

1. Laws of Seychelles, Cap. 167, 170, 172 and 183.

SIERRA LEONE

1. Employers and Employed Rules, Cap. 212.

SINGAPORE

1. Employment Act, No. 17 of 6 August 1968 (Government Gazette (GG), Acts Supplement, 12 Aug. 1968, No. 18, p. 141 (LS 1968 - Sin. 1)).
2. Employment of Children and Young Persons Regulations, 1976 (GG, Subsidiary Legislation Supplement, No. 1, 2 Jan. 1976).
3. Factories Act, No. 6 of 1973.
4. Factories (Asbestos) Regulations, 1980 (GG, Subsidiary Legislation Supplement, No. 27, 12 May 1980).
5. Poisons (Benzene) Rules, 1974 (GG, Subsidiary Legislation Supplement, No. 51, 8 Nov. 1974).

SPAIN

1. Act No. 8 of 10 March 1980, to institute the Workers' Statute (Boletín Oficial del Estado (BOE), 14 March 1980, No. 64, p. 5799).

2. 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).
3. Order of 28 January 1958 respecting the employment of persons under 18 years of age in mines (BOE, 3 February 1958).
4. Decree of 2 June 1960, to prohibit the night work of persons under 18 years of age (BOE, 23 June 1960).
5. Nuclear Energy Act of 28 April 1964 (No. 25) (BOE, 4 May 1964, No. 107).
6. 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).
7. 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).

SPAIN

1. Employment of Women, Young Persons and Children Act, No. 47 of 1956 (LS 1956 - Cey. 2), as amended by Act No. 43 of 12 November 1964.

SUDAN

1. Employment of Children Ordinance, 1930.
2. Industrial Safety Act, 1976.
3. Public Service Regulations.

SURINAME

1. Employment Ordinance, of 19 December 1963 (Gouvernementsblad, 1963, No. 163).

SWEDEN

1. Working Environment Act (Svensk för fattningssamling (SFS) 1977:1160) (LS 1977 - Swe. 4).
2. Proclamation AFS 1978:1 by the National Board of Occupational Safety and Health concerning the Employment of Minors in Working Life.
3. Proclamation SFS 1966:521 prohibiting the Use of Minors for Certain Types of Work.
4. Seamen's Act, SFS 1973:228 (LS 1973 - Swe. 1), as amended by Act SFS 1975:1338.
5. Act on Safety on Board Ships, SFS 1965:719, as amended, and Regulations No. 12 of 15 June 1973 issued under the Act by the National Maritime Board to prohibit employment of young persons in dangerous work.

SWITZERLAND

1. 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.
2. 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).
3. Federal Act of 23 September 1953 respecting sea-going vessels flying the Swiss flag.

SYRIAN ARAB REPUBLIC

1. Labour Code (LS 1959 - U.A.R. 1).
2. 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).
3. 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).
4. Agricultural Labour Code, Act No. 134 of 1958 (Al-jarida al-rasmiya, 4 September 1958), as amended.

TANZANIATanganyika

1. Employment Ordinance, No. 47 of 10 November 1955 (LS 1955 - Tan. 1), as amended in 1960 (LS 1960 - Tan. 1), 1962 (LS 1962 - Tan. 2) and 1969 (LS 1969 - Tan. 1).

Zanzibar

2. Employment of Children, Young Persons and Adolescents (Restriction) Decree, No. 8 of 9 April 1952 (Revised Laws of Zanzibar, Cap. 56).

TUNISIA

1. 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).
2. 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).
3. 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).

TURKEY

1. Constitution of the Republic of Turkey, 1961.
2. Labour Act No. 1475, dated 25 August 1971 (Pesmi Gazete, 1 September 1971, No. 13943, p. 3).
3. Act No. 1593 respecting general public health protection, dated 6 June 1972.

UKRAINIAN SSR

1. Constitution of the USSR and the Constitution of the Ukrainian SSR.
2. Fundamental principles governing the labour legislation of the USSR and Union Republics (LS 1970 - USSR 1).
3. Labour Code of the Ukrainian SSR.
4. 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).
5. Fundamental principles governing the health legislation of the USSR and Union Republics, dated 19 December 1969 (Vedomosti, 1969, No. 15, Text 313).

USSR

1. Constitution of the USSR and Constitutions of the federate and autonomous republics.
2. Fundamental principles governing the labour legislation of the USSR and the union republics (LS 1970 - USSR 1).
3. Labour Code of the RSFSR (LS 1971 - USSR 1) and Labour Codes of the other federate republics.
4. 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).
5. 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).
6. 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).
7. Circular of the Ministry of Culture of the USSR and the Central Committee of Cultural Workers, No. 29-36/01 of 12 April 1958.
8. Model collective farm rules, approved by Resolution of the Central Committee of the Communist Party of the Soviet Union and the USSR Council of Ministers, dated 28 November 1969.

UNITED KINGDOM

1. Employment of Women, Young Persons and Children Act 1920, 10 and 11 Geo. 5, Ch. 65.
2. Children and Young Persons Act 1933, 23 Geo. 5, Ch. 12.
3. Young Persons (Employment) Act 1938, 1 and 2 Geo. 6, Ch. 69 (LS 1938 - G.B.6).
4. Shops (Consolidated Text) Act 1950, 14 Geo. 6, Ch. 28 (LS 1950 - UK1).
5. Mines and Quarries Act 1954, Ch. 70.
6. Factories Act 1961, Ch. 34 (LS 1961 - UK1).
7. Children and Young Persons Act 1963, Ch. 37.
8. Children Act 1972, Ch. 44.
9. Employment of Children Act 1973, Ch. 24.
10. The Education (School Leaving Dates) Act 1976, Ch. 5.
11. Circular 4/76 dated 30 March 1976 of the Department of Education and Science.

Anguilla

Anguilla has recently separated from St. Kitts-Nevis, but for the moment the legislation remains the same. Whenever citations are made to Anguilla, reference is made to the legislation of St. Kitts-Nevis.

Bermuda

1. Employment of Children and Young Persons Act, No. 213 of 1963.
2. Education Act, No. 29 of 1954.

Falkland Islands (Malvinas)

1. 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).
2. 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).
3. Collective agreement between the Falkland Islands Sheepowners' Association Limited and the Falkland Islands General Employees' Union, 1 October 1979.

Gibraltar

1. Employment of Women, Young Persons and Children Ordinance, Cap. 50.

2. Education Ordinance, No. 11 of 28 March 1974 (Gibraltar Gazette, First Supplement, No. 1495, 29 March 1974).

Hong Kong

1. Employment Ordinance 1968 (Laws of Hong Kong, Revised Edition, Cap. 57).
2. 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).
3. Employment (Miscellaneous Provisions) Ordinance, No. 55 of 19 July 1979 (GG, 20 July 1979, No. 29, Legal Supplement No. 1, p. A159).
4. 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).
5. Apprenticeship Ordinance 1976 (ibid., Cap. 47) and subsidiary legislation made thereunder.
6. Factories and Industrial Undertakings Ordinance 1955 (ibid., Cap. 59).
7. Factories and Industrial Undertakings Regulations 1955 (ibid., Cap. 59).
8. Education Ordinance 1971 (ibid., Cap. 279).
9. Merchant Shipping (Recruitment of Seamen) Ordinance 1966 (ibid. Cap. 135).
10. Employment of Young Persons and Children at Sea Ordinance 1932 (ibid., Cap. 58).
11. Dutiable Commodities (Liquor) Regulations 1970 (ibid., Cap. 109).
12. Miscellaneous Licences Ordinance 1933 (ibid., Cap. 114) and subsidiary legislation made thereunder.
13. Radiation (Control of Irradiating Apparatus) Regulations, 1965 (ibid., Cap. 303).

Montserrat

1. Employment of Women, Young Persons and Children Act (Cap. 270).

St. Kitts-Nevis

1. Employment of Women, Young Persons and Children Act (Cap. 29C) as amended by Act No. 14 of 1966.
2. Education Act, No. 18 of 1975.

UNITED STATES

Federal

- Fl. Fair Labor Standards Act of 1938, as amended (29 USC 201-219).

- F2. Walsh-Healey Public Contracts Act (41 USC 35-45).
- F3. Code of Federal Regulations (provisions relating to labour) (29 CFR 500-1899).

States

Information on the legislation of the various states and other areas within the jurisdiction of the United States is not available in the International Labour Office. However, information on recent modifications in states' labour legislation concerning young persons may be found in the following publication, communicated with the Government's report (which was received too late to be summarised): US Department of Labor, Employment Standards Administration, Division of State Employment Standards: State labor legislation adopted in 1979 (as well as for other years). The information in this survey on the provisions of state legislation is taken from the summary communicated with the Government's report.

UPPER VOLTA

1. 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.
2. Order No. 539/ITLS/HV of 29 July 1954 respecting the employment of children.
3. Order No. 545/ITLS/HV of 2 August 1954 to provide for exceptions to the rules governing the age for admission to employment.

URUGUAY

1. Children's Code, Act No. 9342 dated 6 April 1934 (Registro Nacional de Leyes y Decretos 1934, p. 842).
2. Act No. 14008 dated 11 August 1971 (Diario Oficial (DO), 23 August 1971).
3. Decree No. 852/971 dated 16 December 1971 (DO, 23 November 1971).
4. Act No. 14385 dated 17 June 1975 (DO, 27 June 1975, No. 19546).
5. Decree 403/976 dated 1 July 1976 (DO, 13 July 1976).
6. Act No. 14101 dated 4 January 1973 (DO), 9 January 1973, No. 18951).
7. Act No. 13318 dated 28 December 1964 (DO), 13 January 1965).
8. Act No. 10471 dated 3 March 1944.
9. Act No. 11577 dated 14 October 1950 (DO), 4 November 1950, No. 13194) (LS 1954 - Ur. 1 B).
10. Decree 287/980 dated 21 May 1980 (DO), 30 June 1980, No. 20771).
11. Decree 647/978, dated 21 November 1978 (DO), 7 December 1978, No. 20392).

VENEZUELA

1. Labour Act, as amended up to 1975 (Gaceta Oficial (GO), 5 May 1975, No. 1736, Extraordinary).
2. Regulations under the Labour Act (GC, 31 December 1973, No. 631, Extraordinary) (LS 1971 - Ven. 1).
3. Decree No. 390, to publish the Statute of Minors, dated 30 December 1949.

YUGOSLAVIA

1. Federal Act respecting associated labour, dated 25 November 1976 (Sluzbeni List (SL), 3 December 1976, No. 53, text 764).
2. Acts respecting employment relationships in the federated republics and autonomous provinces.
3. Constitution promulgated on 21 February 1974 (SL, 21 February 1974, No. 9, text 153) (LS 1974 - Yug. 1 [Extracts]).
4. Act respecting maritime and inland navigation, dated 15 March 1977 (SL, 22 April 1977, No. 22, text 294).

ZAIRE

1. Legislative Ordinance No. 67/310 to establish a Labour Code. Dated 9 August 1967 (Moniteur congolais, 15 August 1967, No. 16) (LS 1967 - Congo (Kin.) 1).
2. Order No. 68/13 of 17 May 1968 to lay down conditions of work for women and children (LS 1968 - Congo (Kin.) 2).
3. Departmental Order No. 28/75 of 30 October 1975 concerning medical examinations required for hiring, for exposure to specific risks, and for the performance of light and healthy work (Journal officiel, 15 February 1976, No. 4, p. 170).

ZAMBIA

1. Employment of Women, Young Persons and Children Act, Cap. 505.
2. Employment Act, Cap. 512 (LS 1965 - Zam. 2), as amended by the Employment (Amendment) Act, 1971.
3. Mining Regulations, 1971, Statutory Instruments, No. 107 of 1971 (Government Gazette, Suppl., 21 May 1971, No. 56, p. 301). 9

APPENDIX III

RELEVANT CONVENTIONS RATIFIED AND REPORTS EXAMINED

[illegible]

[illegible]

[illegible]

COUNTRY	Other relevant Conventions ratified																			Reports on present survey		
	5	6	7	10	13	15	20	33	58	59	60	79	90	112	115	117	123	127	136	152	Convention No. 138	Recommendation No. 146
TURKEY						X			X						X			X			A	A
UGANDA	X																	X			—	—
UKRAINIAN SSR		.		C		C			C	C	C	X	X	C	X			C			X	A
UNITED ARAB EMIRATS																					—	—
UNITED KINGDOM	X		X	X		X									X						A	A
UNITED STATES*									X												A	A
UPPER VOLTA	X	X			X			X													A	—
URUGUAY	C				C	X	C		C	C	C	X	X	C					X		X	A
USSR					C		C		C	C	C	X	X	C	X			C			X	A
VENEZUELA*	X	X	X		X																A	A
VIET-NAM																					—	—
YEMEN																					—	—
YUGOSLAVIA	X		X		X	X			X				X	X				X		X	A	A
ZAIRE*																		X			A	A
ZAMBIA	C																	X	X	X	X	—

X Convention ratified.

A Convention not ratified and article 19 report (1980) on Convention and Recommendation examined.

B Convention not ratified, no article 19 report received in 1980, but article 19 report (1978) examined.
(for distinction between A and B, see text of survey, paragraph 47)

C Convention denounced on ratification of Convention No. 138.

D Convention No. 138 ratified, but article 22 report not yet due and article 19 report received.

* Report received too late to be summarised in Report III (Part 2).

NOTE:

In addition, article 19 reports were received concerning the following non-metropolitan territories: United Kingdom (Bermuda, Falkland Island, Gibraltar, Hong Kong, Montserrat, St. Kitts-Nevis-Anguilla (now divided into Anguilla and St. Kitts-Nevis)).