

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

MINIMUM AGE (UNDERGROUND WORK) CONVENTION, 1965 (No. 123)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Minimum Age (Underground Work) Recommendation, 1965 (No. 124), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First report

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

- (a) any new legislative or other measures affecting the application of the Convention;

- (b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **replies to comments by the supervisory bodies.** The report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your Government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
-

Article 22 of the Constitution of the ILO

Report for the period from _____ to _____

made by the Government of _____

on the

MINIMUM AGE (UNDERGROUND WORK) CONVENTION, 1965 (No. 123)

(ratification registered on _____)

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.**

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the abovementioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.**

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation.

If the Committee of Experts on the Application of Conventions and Recommendations or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

1. For the purpose of this Convention, the term “mine” means any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth by means involving the employment of persons underground.

2. The provisions of this Convention concerning employment or work underground in mines include employment or work underground in quarries.

Please indicate which provision of the national legislation defines the term “mine”. If this provision does not apply to underground work in quarries, please indicate the provision which is relevant.

Article 2

1. Persons under a specified minimum age shall not be employed or work underground in mines.

2. Each Member which ratifies this Convention shall specify the minimum age in a declaration appended to its ratification.

3. The minimum age shall in no case be less than 16 years.

Please state which legislative provisions fix the minimum age of employment in mines.

Article 3

Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a minimum age higher than that specified at the time of ratification.

Please indicate any progress achieved or envisaged towards raising the minimum age specified at the time of ratification.

Article 4

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. Each Member which ratifies this Convention undertakes either to maintain an appropriate inspection service for the purpose of supervising the application of the provisions of the Convention or to satisfy itself that appropriate inspection is carried out.

3. National laws or regulations shall define the persons responsible for compliance with the provisions of this Convention.

4. The employer shall keep, and make available to inspectors, records indicating, in respect of persons who are employed or work underground and who are less than two years older than the specified minimum age:

- (a) the date of birth, duly certified wherever possible; and
- (b) the date at which the person was employed or worked underground in the undertaking for the first time.

5. The employer shall make available to the workers' representatives, at their request, lists of the persons who are employed or work underground and who are less than two years older than the specified minimum age; such lists shall contain the dates of birth of such persons and the dates at which they were employed or worked underground in the undertaking for the first time.

1. Please supply information on the inspection system designed to ensure the supervision of the application of the provisions of the Convention, indicating, in particular, to what authority or authorities such inspection is entrusted and by what methods supervision is ensured and supplying, where appropriate, the reports or extracts from the reports of the competent services.

2. Please indicate the sanctions provided for in the case of contraventions of the provisions giving effect to the Convention.

3. Please indicate what measures have been taken to give effect to paragraphs 4 and 5 of this Article and supply a specimen copy of the record provided for in paragraph 4 as well as of the list provided for in paragraph 5.

Article 5

The determination of the minimum age to be specified in pursuance of Articles 2 and 3 of this Convention shall be made after consultation with the most representative organisations of employers and workers concerned.

Please indicate what consultations have taken place with employers' and workers' organizations with a view to fixing the minimum age for admission to underground work.

III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

IV. Please give a general appreciation of the manner in which the Convention is applied in your country, indicating, for instance, the number and nature of the contraventions reported, etc.

V. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

APPENDIX

MINIMUM AGE (UNDERGROUND WORK) RECOMMENDATION, 1965 (No. 124)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-ninth Session on 2 June 1965, and

Having adopted the Minimum Age (Underground Work) Convention, 1965, and

Having decided upon the adoption of certain further proposals with regard to the minimum age for admission to employment underground in mines, which is included in the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-second day of June of the year one thousand nine hundred and sixty-five the following Recommendation, which may be cited as the Minimum Age (Underground Work) Recommendation, 1965:

1. (1) For the purpose of this Recommendation, the term "mine" means any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth by means involving the employment of persons underground.

(2) The provisions of this Recommendation concerning employment or work underground in mines include employment or work underground in quarries.

2. Where the minimum age for admission to employment or work underground in mines is less than 16 years, measures should be taken as speedily as possible to raise it to that level.

3. (1) The minimum age for admission to employment or work underground in mines should be progressively raised, with a view to attaining a minimum age of 18 years.

(2) Each Member should work towards the objective set forth in subparagraph (1) of this Paragraph within the limits of its possibilities, taking into account especially the dangers inherent in employment underground in mines, and also the development of educational facilities, including those for the vocational preparation of future miners, the minimum school-leaving age, the minimum age for admission to other industrial occupations and other relevant factors.

4. Persons between the age specified for the purpose of the Minimum Age (Underground Work) Convention, 1965, and a higher age to be laid down in each country and not to be less than 18 years should be employed or work underground in mines only:

(a) for purposes of apprenticeship or other systematic vocational training provided under adequate

supervision by competent persons with technical knowledge and practical experience of the work; and

(b) under conditions determined by the competent authority relating to the places of work and occupations permitted and the measures of systematic medical and safety supervision to be applied: Provided that if a young person to whom this Paragraph applies has completed apprenticeship or other systematic vocational training, he may, under the conditions provided for in clause (b), be employed underground for purposes other than such training.

5. (1) There should be special provisions concerning the minimum age for employment or work underground in mines:

(a) on certain specified jobs which are harmful to health;

(b) under certain specified conditions which are harmful to health; and

(c) on certain specified jobs which may endanger the safety of the worker and that of other persons.

(2) The competent authority in each country should determine the jobs and conditions in question and should specify a sufficiently high minimum age appropriate to each which in no case should be less than 18 years.

6. (1) Measures should be taken to meet the problems of persons who wish to work in mines but are too young for employment or work underground because the minimum age for admission to such employment or work is higher than the minimum school-leaving age. These measures should be related to or integrated with measures to educate, train and utilise all youth in the country.

(2) The measures to be taken in accordance with subparagraph (1) of this Paragraph might include one or more of the following:

(a) employment in surface work with appropriate training;

(b) vocational training on the surface designed to prepare the persons concerned for their future occupations;

(c) further education and vocational guidance;

(d) raising the minimum school-leaving age.

7. The competent authority in each country should consult the most representative organisations of employers and workers concerned before determining general policies of implementation and before adopting regulations in pursuance of the terms of this Recommendation.