

Trade Unions & **Child Labour**

Booklet 6

Using ILO Standards to Combat Child Labour

Developing National and International Trade Union Strategies to Combat Child Labour
Project INT/96/M06/NOR

Bureau for Workers' Activities
INTERNATIONAL LABOUR OFFICE

This booklet is one of seven booklets in the series “Trade Unions and Child Labour”. The booklets were produced in the year 2000 as part of the ILO/ACTRAV project, Developing National and International Trade Union Strategies to Combat Child Labour (INT/96/M06/NOR), sponsored by the Government of Norway.

The series of booklets comprises:

- 1 Guide to the Booklets**
- 2 Union Policies and Action Plans to Combat Child Labour**
- 3 Fact Finding and Information about Child Labour**
- 4 Campaigning Against Child Labour**
- 5 Collective Bargaining to Combat Child Labour**
- 6 Using ILO Standards to Combat Child Labour**
- 7 The Tripartite Structure to Combat Child Labour**

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Preface

ILOs Bureau for Workers' Activities (ACTRAV), has been involved in issues concerning environmentally sustainable development and child labour for many years - through supporting trade unionists to develop and to implement their own policies and action plans.

Child labour is a vast and complex area, and many different groups are engaged in the elimination of child labour, and there are a large number of publications on the subject.

So, why do we need more?

Just as with the question of environmentally sustainable development, trade unions have asked for materials dealing with the issue of child labour *from the specific point of view of workers and their organizations.*

This series of booklets is designed as an introductory "one stop" guide for trade union activists who have decided that they want to get involved in child labour and want information to get them on track.

You, the reader, may be involved in trade union work at many levels: at a national centre; in a national trade union; in the regional or local structure of a national centre or national union; or as an activist in an enterprise or a public service such as a school or hospital.

It does not matter which level you work at, or what position you hold, whether you are a full time paid staff member of a trade union or a voluntary activist like a shop steward or a branch secretary. At any level, in any trade union position, you can make a contribution to the fight against child labour. The struggle is worthwhile. It is a struggle for basic human rights - the right of the child to education and childhood as well as a trade union issue because it is a question of adult employment.

You can use the materials as working papers. Often, you will think of things that you need to do. Record these points and then take the appropriate action.

Above all, the materials are tools to be used.

There are checklists, action points, quotations, case studies, reference material throughout the materials.

The booklets were produced in a collective process by trade unionists themselves. Draft booklets were prepared and were then sent out for comments to many trade union organizations and used in several workshops in Africa and Asia. They were then revised in the light of feedback at a small workshop in Geneva. Further revision took place before a final editing process.

Geneva, 2000



Else-Marie Osmundsen
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Photo ILO/ACTRAV/Child Labour Project



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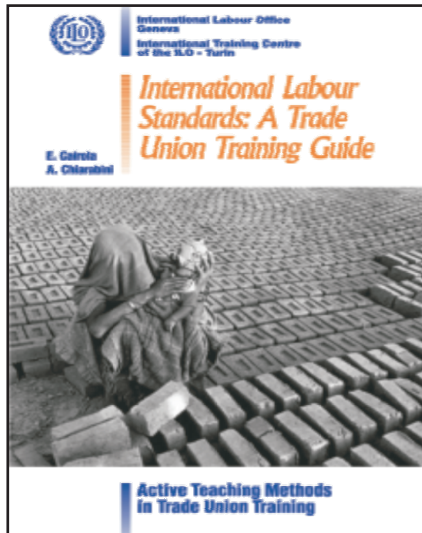
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ILO Standards on Child Labour



For unions to use the important ILO conventions on child labour, especially the new Convention on the Elimination of the Worst Forms of Child Labour, it is important to understand what ILO standards are and the process of adoption and ratification.

International conventions are drawn up under international law. A convention is usually sponsored by an existing international organization, such as the United Nations or the ILO. International organizations hold diplomatic conferences to draw up or draft the text of a convention. In the case of ILO, this is done by the annual conference, where there are delegates representing governments, and employers' and workers' organizations. In other cases, a special conference is called.

When a text is finally agreed or adopted, countries can then choose to ratify it. Just because a country voted for the text of the convention does not mean it will ratify the convention. Ratification of the convention is a separate process. Governments voluntarily ratify conventions. No country can be forced to ratify or sign a convention. When a country signs a convention, this is similar to signing a treaty with another country. Usually, a certain number of countries must ratify a convention before it comes into force. "Coming into force" is a legal term which means that the convention is now a part of international law.

Generally, an ILO convention comes into force 12 months after two ratifications have been registered by the International Labour Office. Concerning Convention No. 182, the first ratification was by the Seychelles on 28 September 1999, and the second by Malawi on 19 November 1999. The date of 19 November 2000 thus emerges as its date of coming into force, since the Convention itself provides that it would come into force 12 months after the date of the second ratification.

Afterwards, when a State ratifies the Convention, it will take 12 months before it comes into force in that specific country. If a State ratifies the Convention on, say, 30 January 2001, then the Convention will come into force in that country on 30 January 2002.

What international labour standards are



Photo J. Maillard

The term 'international labour standards' refers to the ILO conventions and recommendations. They are adopted by the International Labour Conference (ILC), held every year in Geneva.

- ◆ International Labour Conventions are open to ratification by member States. They are international treaties which are binding on the countries which ratify them. Through ratification, countries voluntarily undertake to apply the provisions of the conventions in a national context. This means adapting national law and practice to the requirements of the conventions, and accepting international supervision.

Member States have the obligation to bring the conventions before the authority or authorities in their respective countries within whose competence the matter lies, for the enactment of legislation or other action.

- ◆ International Labour Recommendations are not agreements, so governments do not ratify recommendations. Recommendations can be linked to conventions or be an independent instrument. In any case, they are a set of non-binding guidelines which may orient national policy and practice, as well as being a tool for trade unions in collective bargaining. They can give more detailed measures on how the provisions in a convention can be applied. The distinction between conventions and recommendations is important.


Member States have certain important procedural obligation in respect of recommendations - namely, to submit the texts to their competent authorities, to report on resulting action and to report occasionally at the request of the ILO Governing Body on the measures taken or envisaged to give effect to the provisions. Conventions that have not been ratified have the same value as recommendations.

What the core labour standards are

The term 'core conventions' or 'core labour standards' refer to a group of eight ILO conventions which deal with what are regarded as the basic human rights at work or basic workers' rights. The eight core conventions are:

◆ **Forced Labour Convention, 1930 (No. 29)**

Aims at the immediate suppression of all forms of forced or compulsory labour. There are five exceptions: compulsory military service; certain civic obligations; prison labour resulting from a conviction in court; work needed during emergencies such as war, fires and earthquakes; and minor communal services, for example, Special Youth Schemes.

 (154 ratifications at 10.11.2000 - the most widely ratified convention)

◆ **Freedom of Association and Protection of the Right to Organize, 1948 (No. 87)**

Guarantees employers and workers the right to establish and to join organizations, and to exercise freely the right to organize. Guarantees the removal of acts of discrimination against trade unions; the protection of employers' and workers' organizations against interference or restrictions by public authorities.

 (132 ratifications at 10.11.2000)

◆ **Right to Organize and Collective Bargaining, 1949 (No. 98)**

Protects workers who are exercising the right to organize; upholds the principle of non-interference between workers' and employers' organizations; and promotes voluntary collective bargaining.

 (147 ratifications at 10.11.2000)



Photo J. Maillard

◆ **Equal Remuneration Convention, 1951 (No. 100)**

Underscores the principle of equal pay between men and women for work of equal value. This concerns all payments made by an employer for work by men and women: basic wages and any additional payments, whether direct or indirect, cash or kind.

✚ (149 ratifications at 10.11.2000.)

◆ **Abolition of Forced Labour Convention, 1957 (No. 105)**

Provides for the abolition of all forms of forced or compulsory labour as a means of political coercion or education; as a punishment for the expression of certain political and ideological opinions; as workforce mobilization; as labour discipline; as a punishment for taking part in strikes; and as a measure of racial, social, national or religious discrimination.

✚ (149 ratifications at 10.11.2000.)

◆ **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

Protects the right to equal opportunity and treatment. Provides for a national policy designed to eliminate, in respect of employment and occupation, all discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin.

✚ (145 ratifications at 10.11.2000.)

Photo G. Palazzo



◆ Minimum Age Convention, 1973 (No. 138)

Requires States to pursue national policies which will effectively abolish child labour. It establishes a minimum age for admission to employment or work which shall be not less than the age of completion of compulsory schooling, so that young people can develop physically and mentally before entering the workforce.

🔗 (102 ratifications at 10.11.2000.)

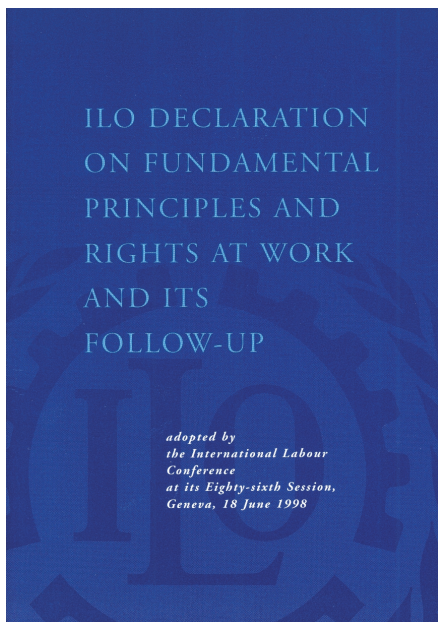
◆ Worst Forms of Child Labour Convention, 1999 (No. 182)

Defines as the worst forms of child labour such practices as child slavery, forced labour, debt bondage, trafficking, serfdom, prostitution, pornography, and various forms of work that is hazardous to a child's health, safety and morals. It calls for immediate and effective measures to secure the prohibition and elimination of these forms of child labour as a matter of urgency.

🔗 (47 ratifications at 10.11.2000.)

ILO has 175 member States (not all states which are members of the United Nations are members of the ILO).

Declaration of Fundamental Principles and Rights at Work



To safeguard and promote respect for basic workers' rights, the ILO adopted the Declaration of Fundamental Principles and Rights at Work at the International Labour Conference in 1998. The declaration recognizes that all states, by their membership in the ILO, have an obligation to respect, promote and put into practice, in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of the core conventions. The first three articles of the Declaration read as follows:

The International Labour Conference,

1. **Recalls:**
 - (a) *that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;*
 - (b) *that these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.*
2. *Declares that all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:*
 - (a) *freedom of association and the effective recognition of the right to collective bargaining;*
 - (b) *the elimination of all forms of forced or compulsory labour;*

- (c) *the effective abolition of child labour; and*
- (d) *the elimination of discrimination in respect of employment and occupation.*
- 3. *Recognizes the obligation on the Organisation to assist its Members, in response to their established and expressed needs, in order to attain these objectives by making full use of its constitutional, operational and budgetary resources, including by the mobilization of external resources and support, as well as by encouraging other international organizations with which the ILO has established relations, pursuant to article 12 of its Constitution, to support these efforts:*
 - (a) *by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions;*
 - (b) *by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those Conventions; and*
 - (c) *by helping the Members in their efforts to create a climate for economic and social development.*



Photo C. Piccinelli

There is specific follow-up to the core conventions in the framework of the “ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up”.

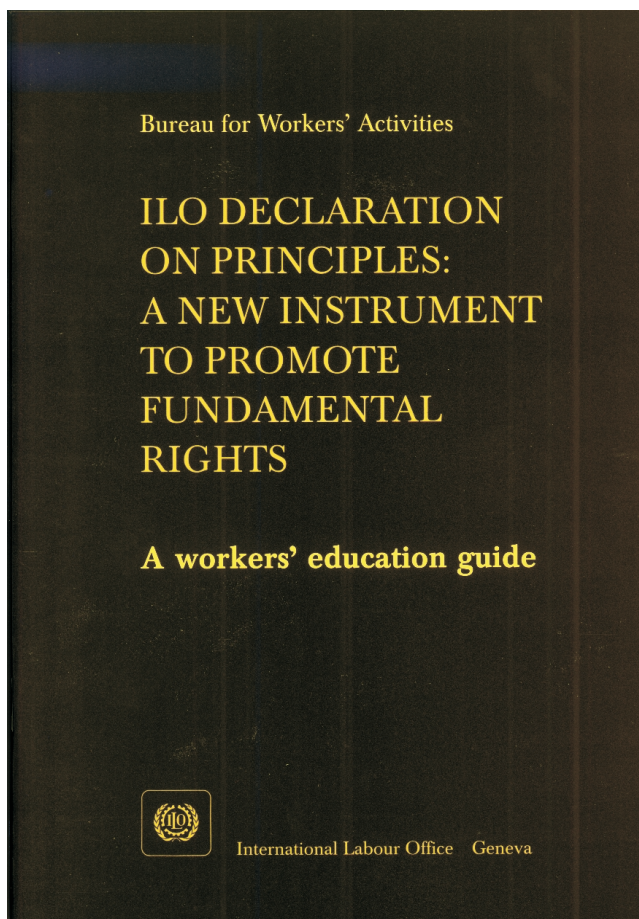
Every year, governments which have not ratified one or more of the core conventions will be asked to submit a report on the situation in their country, and how it might be improved. This is an opportunity for states to re-examine the obstacles to ratification. Employers’ and workers’ organizations are invited to provide their comments, and governments are required, in accordance with practice under article 23 of the Constitution, to identify the organizations to which they have sent copies of their annual report. If, for any reason, the employers’ and workers’ organizations have not been consulted, they should submit their own comments directly to the International Labour Organization.

In addition, a global report will be drawn up under the responsibility of the Director-General of the ILO, focusing on one of the four fundamental principles, and this will be submitted to the International Labour Conference. These reports will be an important basis for decisions on where to put the emphasis concerning technical cooperation.

The first cycle of such reports is:

- ◆ **2000** Freedom of Association and the Effective Recognition of the Right to Collective Bargaining
- ◆ **2001** Elimination of all Forms of Forced or Compulsory Labour
- ◆ **2002** Effective Abolition of Child Labour
- ◆ **2003** Elimination of Discrimination in Respect of Employment and Occupation

The cycle will then be repeated.



Find out more about the Declaration

The Bureau for Workers' Activities (ACTRAV) in ILO has published a workers' education guide to the Declaration; ILO Declaration on Principles: A New Instrument to Promote Fundamental Rights.

This guide aims at assisting trade unions all over the world to understand and make full use of the follow-up mechanism of the Declaration.

It exists in Arabic, English, French, Portuguese, Russian, and Spanish, and copies may be obtained from ILO/ACTRAV.

The UN Convention on the Rights of the Child

Before looking in depth at the two main ILO Conventions concerning child labour (Convention No. 138 and Convention No. 182), let us look at another international instrument which deals with children and their rights.

The United Nations Convention on the Rights of the Child (CRC) was adopted in 1989 and sets out the basic rights of the child. This Convention is the most ratified international instrument: there are only two countries in the world which have not yet ratified it — Somalia and the USA (November 2000). The CRC article of greatest interest for the fight against child labour is cited below. It is also important to note that it makes reference to the relevant provisions of other international instruments.

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Convention on the Rights of the Child

"Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

Early ILO Conventions on Child Labour

Protecting children from entering the workforce at too early an age has been a basic aim of the ILO since its inception. At the very first International Labour Conference in 1919, a convention on the subject was adopted, the Minimum Age (Industry) Convention No. 5. From 1920 to 1965 a number of minimum age conventions targeting specific occupations were adopted. Generally, an age of 14 years was specified, although a higher age was set for underground work (Convention No. 123, 1965) for example, and up to 18 years for “hazardous” work, which included high risk situations.

◆ **Minimum Age (Industry) Convention, 1919 (No. 5)**

🔗 (73 ratifications)

◆ **Minimum Age (Sea) Convention, 1920 (No. 7)**

🔗 (54 ratifications)

◆ **Minimum Age (Agriculture) Convention, 1921 (No. 10)**

🔗 (55 ratifications)

◆ **Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)**

🔗 (70 ratifications)

◆ **Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)**

🔗 (25 ratifications)

◆ **Minimum Age (Sea) Convention (Revised), 1936 (No. 58)**

🔗 (52 ratifications)

- ◆ **Minimum Age (Industry) Convention (Revised), 1937 (No. 59)**
🔗 (36 ratifications)
- ◆ **Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)**
🔗 (11 ratifications)
- ◆ **Minimum Age (Fishermen) Convention, 1959 (No. 112)**
🔗 (30 ratifications)
- ◆ **Minimum Age (Underground Work) Convention, 1965 (No. 123)**
🔗 (42 ratifications)

Number of ratifications, by 10 November 2000.

Photo Dorigny & Rea



“... we must not just consider using ILO Convention No. 138, but also Conventions Nos. 5 and 59 which relate to Minimum Age in Industry.

Trade unions should also file complaints on breaches of all of these Conventions with the ILO Committee of Experts. Regrettably there have been no such complaints filed to date...”

Neil Kearney, General Secretary, ITGLWF, speech given at Combatting Child Labour Conference, Manchester, UK, July 1998

Minimum Age Convention, 1973 (No. 138) A Comprehensive Approach

The approach to conventions by industry was judged to be ineffective and the Minimum Age Convention, No. 138, was therefore adopted in 1973. The full text of the Convention is given as an appendix to this booklet.

At 10 November 2000, Convention No. 138 had been ratified by 102 member States of the ILO. The key points of the Convention are:

- ◆ The Convention applies to all sectors of economic activity.
- ◆ The Convention obliges states to pursue a national policy to ensure the effective abolition of child labour.
- ◆ States must declare a national minimum age for admission to employment or work.
- ◆ It applies to children when they are employed for wages, and also if they are “self-employed”.
- ◆ The Convention establishes the principle that the minimum age for entry into work shall be 15 years. In cases where the normal, legal age for leaving school is higher than 15 years, then the minimum age for entry into work must also be at least that age.
- ◆ Developing countries whose economy and educational facilities are not sufficiently developed may set an initial minimum age of 14 years. These minimum ages should be progressively raised.
- ◆ A minimum of 18 years is set for any work considered hazardous. This may be reduced to 16 years if young people are properly protected from such dangers and are being offered specific instruction or training.
- ◆ Young people aged 13 years and over may be employed in certain light work, if it is not harmful to their health and does not affect their attendance and performance at school or training courses. In developing countries, this provision may apply to young people aged 12 years and over.



Photo P. Siccardi

- ◆ The Convention does not apply to general, vocational or technical work done in schools or training institutions. It may not apply to young people over the age of 14 employed in approved and regulated apprenticeships and training programmes.

When a State ratifies Convention No. 138, this has the effect of denouncing, under the conditions established in Article 10 of Convention No. 138, the previous conventions which dealt with minimum age in different occupations.

Minimum Age for Entry into Employment in accordance with Convention No.138, 1973

General minimum age	Minimum age for light work	Minimum age for hazardous work
In normal circumstances: 15 years or more (not less than compulsory school age)	13 years	18 years, exceptionally 16 years, if protected and under training
Where economic development and educational facilities are insufficiently developed: 14 years	12 years	18 years, exceptionally 16 years if protected and under training

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The reason for adopting a new convention was clearly explained in Report VI (1), Child Labour, to the International Labour Conference in 1999: “The world community was calling for an end to the intolerable: the persistent exploitation of children in slave-like and bonded conditions, in hazardous and arduous work, in prostitution, pornography and other unspeakable situations”.

In this context, there arose the movement for a new convention which was adopted in 1999, the **Convention on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour**. Trade unions were fully involved in the efforts to draft and adopt this Convention.

A few years ago, a number of governments were saying that convention 138 was difficult to apply. We believe, to the contrary, that it is a very flexible instrument. Recently, several countries which maintained that it is “impossible to ratify”, did so under pressure from NGOs and Trade Unions. The fact remains, though, that we are increasingly seeing very serious forms of child labour. The new convention will not replace the 138, which still defines fundamental rights, a minimum working age, etc. Its job will be to supplement it.

The idea is in this way to motivate people to take action against the severest forms of exploitation. Workers, the bosses responsible for them, NGOs, and governments involved all need a starting point for a new effort which begins with the worst forms but which envisages the elimination of every form of child labour.

Bill Jordan, General Secretary of the ICFTU, in ICFTU On-Line, 3.6.1999

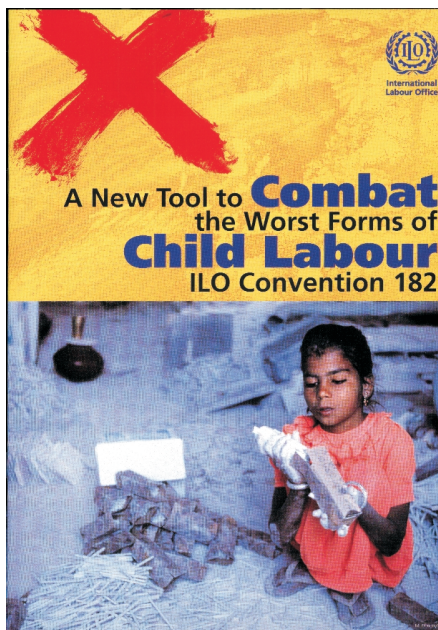


Photo Derrien

Convention on the Worst Forms of Child Labour, 1999 (No. 182)

The Convention on the Worst Forms of Child Labour was adopted unanimously in June 1999. That means it has tremendous support; it also means your government will have voted for it at Geneva - so it should have no excuse for not ratifying it! The build-up to Convention No. 182 seems to have helped in producing an increase in ratifications of Convention No. 138.

Why Convention No. 182 is so important



Some important provisions of this Convention are:

- ◆ A child is defined as being under 18 years old, the same as in the Convention on the Rights of the Child (Article 2).
- ◆ Specific activities are defined as worst forms of child labour - all forms of slavery, prostitution, using children in pornography and drug production and trafficking (Article 3).
- ◆ Apart from the listed worst forms, it is up to governments, in consultation with workers' and employers' organizations, to draw up a detailed list of what constitutes the worst forms of child labour, work which is likely to harm the health, safety or morals of children (Article 3 (d)).
- ◆ States must take immediate and effective measures to eliminate these worst forms (Article 1).
- ◆ States must establish "appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention" (Article 5).
- ◆ States must design and implement programmes of action to eliminate as a priority the worst forms of child labour, in consultation with government institutions, employers' and workers' organizations, as well other concerned groups as appropriate (Article 6).

Photo G. Palazzo



- ◆ States must provide for rehabilitation and social integration of the child labourers who are removed from the worst forms of child labour (Article 7 (2)(b)).
- ◆ There should be “access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour” (Article 7 (2)(c)).
- ◆ Consideration must be given to the special situation of girls (Article 7 (2)(e)).
- ◆ A competent authority shall be designated (Article 7(3)).

Find out more about Convention No. 182 ...

The ILO/ACTRAV project “Developing National and International Trade Union Strategies to Combat Child Labour” has published a booklet entitled “Trade Union Briefing on Convention 182”.

This document analyses the requirements Convention No. 182 and Recommendation No. 190 place on national trade union confederations and, where appropriate, their sectoral affiliates, and suggests strategies through which they could fulfil the role allotted to them. In highlighting the tasks facing trade union organizations, it also indicates areas where they may need to build their capacity. The document also provides some political background to the text, which may be useful in developing arguments to support ratification and strategies for design and implementation of national action programmes.

Getting your Government to Ratify Convention No. 182

Ratification - the process

Soon after the ILO Conference adopted the Convention No. 182 and Recommendation No. 190, the ILO Secretariat sent the final text to every member State. Governments then had one year (18 months in exceptional circumstances) to submit the Convention and Recommendation to the competent authorities - this is almost always the Parliament or National Assembly. This is an obligation under the ILO Constitution (Article 19). Therefore, Convention No. 182 and Recommendation No. 190, in particular, should have been tabled for discussion in your parliament by the end of 2000 at the latest, if the timetable was respected.

When placing the text before parliament, the government must indicate what action it considers desirable. It is good practice (and an obligation under ILO Convention No. 144, if that has been adopted) for governments to consult unions and employers' organizations before making its proposals.

In practice Governments have four options:

1. If national law or practice is already of a very high standard, and are as good as those of the Convention, then the government could recommend ratification.
2. If - as is likely in many countries - national law or practice falls short of the Convention, then the government could recommend ratification and propose amendments to the law, or draft a completely new law; governments may wish to state how they propose to do this. They are supposed to involve workers' organizations and employers' organizations in these discussions.
3. The government can recommend deferring a decision on ratification so as to allow time for more consultations or research.

4. The government can recommend no action - i.e. no ratification.

Again, according to the ILO Constitution (Article 19, (5)(c) and (6)(c)), governments must inform the ILO of the measures they have taken to submit the texts. This report to the ILO must also be sent to the trade unions and employers, so that they can send in their own comments on the report (Article 23 (2)).

We must bear in mind that, as trade unionists, we want a good discussion in parliament.

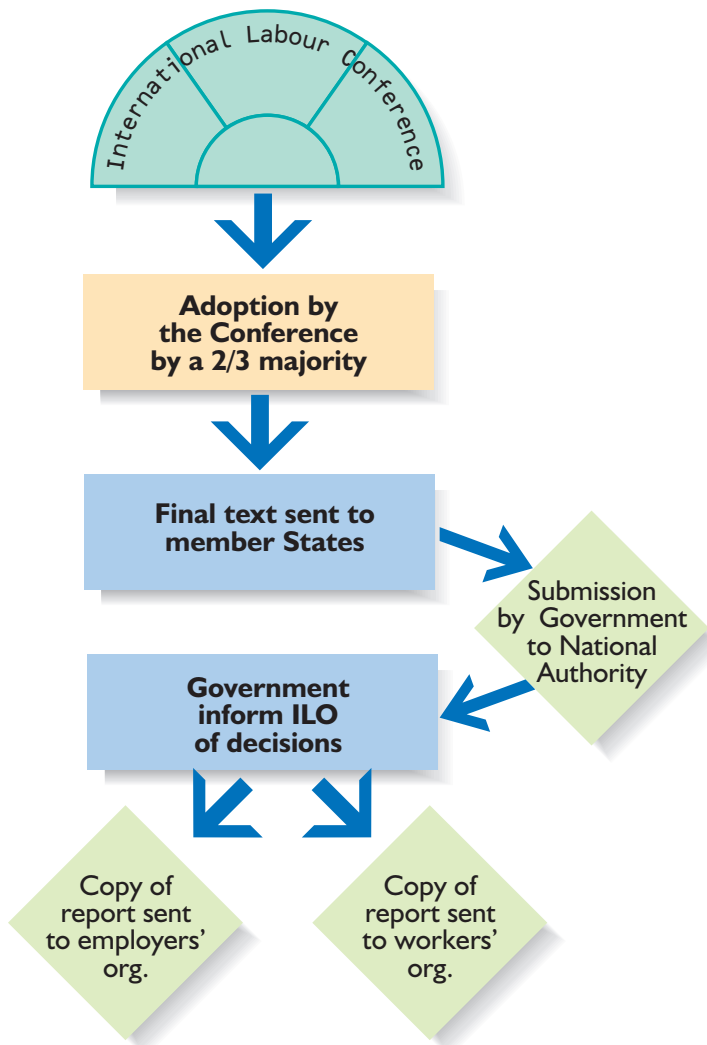
We must take the opportunity to lobby members of the parliament so as to influence the debate in favour of ratification. There are several possibilities for unions to intervene in the ratification process.

If the government has not even tabled the texts, then the union should conduct campaigns for that purpose. A debate in parliament is also a good way to publicize the child labour issue. You can also use the opportunity to ensure that the ministry consults with unions.

The ILO Governing Body has produced a memorandum giving detailed guidance on this process of placing texts before parliament. Try to get copies. (The exact reference is GB.212/SC/4/1; the text was approved at the 212th Session of ILO Governing Body in 1980.)

If the government has recommended that no action should be taken, and the Convention remains unratified, then you need to launch a campaign with the objective of having that decision reconsidered. If governments have recommended no action be taken, it is often because consultations did not take place with workers' or employers' organizations. In such situations, it is important for the trade unions to initiate a dialogue with the employers to discuss the possibility of joining forces to call for ratification.

Checklist on ratification



- ✓ Contact the Ministry (it should be the Ministry of Labour) and ask for a report on the submission process.
- ✓ Contact Members of Parliament and discuss the matter with them.
- ✓ Talk to other national centres (if any), and see if there is any scope for cooperation on this issue.
- ✓ Talk to the employers and see if their organization has a view on ratification of the Convention. Even if the answer is negative, then at least you are prepared.
- ✓ Have the Convention and Recommendation been laid before the 'competent authority'? (i.e. the Parliament or National Assembly) If not, campaign for it to be tabled.
- ✓ Obtain a copy of the report on Government action sent to the ILO.
- ✓ Has the Ministry of Labour called any tripartite meetings to discuss ratification? If not, raise that demand.
- ✓ If the texts have been laid before parliament, and no decision to ratify was taken, then seek to get the issue re-opened. Call for an ILO tripartite workshop as an initial action.
- ✓ Launch a public campaign, using the news media.

Supervision and Complaints

Once a member State has ratified a convention, it is binding on the State to put the convention into effect. There is a procedure, laid down in the ILO Constitution, for supervising and monitoring the actions of States once they have ratified.

In supervising how a country applies conventions, the ILO depends mainly on two types of procedure:

1. Regular supervision in the form of reporting, and examination of these reports by a committee of experts.
2. Examination of specific allegations, through:
 - representations and
 - complaints.

Reporting

In this case, governments must submit reports to the ILO on each ratified Convention, according to the list prepared by the Governing Body, describing:

- ◆ the arrangements made to achieve the goals of a convention;
- ◆ how to overcome any obstacles in the way of its full application;
- ◆ how it is applied in practice.

Trade unions are entitled to receive copies of these reports and to comment on them.

At the ILO, the reports are examined by the **Committee of Experts on the Application of Conventions and Recommendations**. This committee is not limited to the information supplied by governments. Information on a country's legislation can also be found in official gazettes and similar publications where laws and regulations are printed. Other sources can include direct observations made by trade unions. Comments by trade unions are of great impor-

tance in that they let workers participate fully in the supervisory system of the ILO at any time. The comments by trade unions are also important because they give complementary views on the conditions in a certain country, and help to give the real picture of the situation.

If the committee finds that a government is not fully applying a ratified convention, it can suggest either:

- ◆ a “direct request”, usually made in the case of minor failures;
- ◆ an “observation” - usually used for more serious or long-standing offences.

Each year, the Committee of Experts then publishes a report entitled the “Report of the Committee of Experts on the Application of Conventions and Recommendations”, which is studied during the International Labour Conference by the Tripartite Committee on the Application of Conventions and Recommendations. Many problems concerning individual cases can be sorted out at this forum, and it is here that trade union representatives can play what is perhaps their major role.

Another stage of the reporting process is a general survey on a special topic decided by the Governing Body, and describing the situation in all the countries whether they have ratified the conventions concerned or not. This survey is based on information received from members according to Article 19 (5)(c) and (6)(d) of the ILO Constitution.

Representations

Any trade union - national or international - can make a representation to the ILO to the effect that a member State has violated a particular ratified convention. Representations are receivable by the Governing Body if they are presented by:

- ◆ a national union directly interested in the matter;
- ◆ an international workers’ organization having consultative status with the ILO; or
- ◆ an international federation where the allegations relate to matters directly affecting its affiliates.

The submission must be in writing, signed, and be as fully documented as possible with proofs in support of the allegations.

The representation is examined by a committee of three members of the Governing Body, one from each of the three groups. The Governing Body presents the representation to the government concerned. If the Governing Body is not satisfied with their response, or if no reply is forthcoming, then the Governing Body publishes the representation along with the government's reply, if any, and its own conclusions concerning further action.

Complaints

Making a complaint to the ILO is a more formal procedure and can be taken by one member State against another if the former is not satisfied that the latter is observing a convention they have both ratified. A complaint can also come from the Governing Body on its own, or if it has received a complaint from a trade union or an employers' organization. Delegates to the International Labour Conference may also make complaints.

When a complaint has been received, the Governing Body may appoint a commission of inquiry to examine the case. It may call for statements and documents from all parties concerned, hear witnesses and call on any member State for relevant information, even if it is not directly concerned by the complaint.

After fully considering the complaint, the commission prepares a report of its findings and recommendations to give to the Governing Body and to each of the governments concerned in the complaint. The report is also published. Each government is allowed three months in which to indicate whether or not it accepts the commission's recommendations.

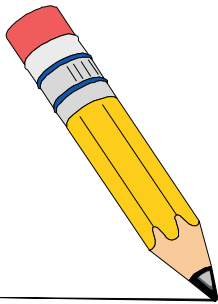
If a government does not accept the recommendations, it may, within three months, refer the complaint to the International Court of Justice, whose decision on the matter is binding. No country has yet found it necessary to take this final step.

Checklist on ILO supervision

- ✓ If your country has ratified Convention No. 138 and/or Convention No. 182, or any of the earlier minimum age conventions, get copies of reports submitted by your Government to the ILO.
- ✓ If you think the law and/or practice does not conform to a convention adopted in your country, consider reporting to the ILO. Your ACTRAV representative at the ILO Area Office or ACTRAV at the Headquarters should help by explaining the procedure.

You are strongly advised to discuss this with any national and/or international organization to which you are affiliated.

- ✓ If regular and repeated reporting has not given any results, you should consider making a representation to the ILO.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Campaign for Ratification of Convention No. 182

You should now be ready to start planning a campaign for ratification of Convention No.182. You should also press for ratification of Convention No.138, if your government has not already ratified it.

Proposed work plan

CHILD LABOUR ACTION PLAN: ILO STANDARDS				
Objective	What needs to be done?	Who should be responsible for doing it?	What is the timetable?	What help will they need?



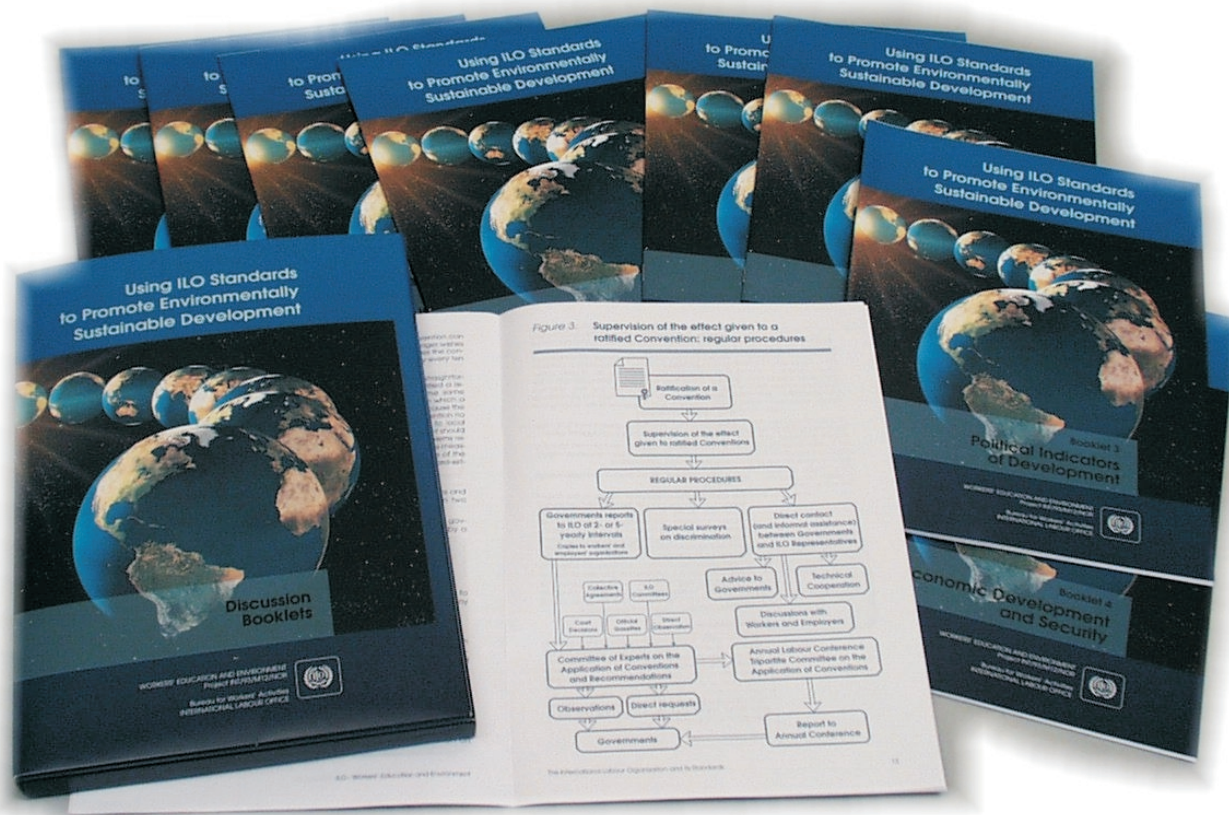
- 1** Where can you find out about what child labour conventions your country has ratified?
- 2** Which child labour conventions has your country ratified? Are the most important ones - Convention No. 138 and Convention No. 182 - among them?
- 3** Has your union ever been involved in the procedures leading up to ratification of a child labour convention in your country? Give examples.
- 4** Do national laws or regulations in your country reflect the provisions of conventions or recommendations?
- 5** Has your union ever been involved in reporting or reviewing any unratified child labour conventions? Give examples.
- 6** Are there any unratified child labour conventions you would like to see put into practice in your country? How can your union go about getting a convention you support considered for legislation?

Find out more about ILO Standards...

The ILO/ACTRAV project “Workers’ Education and Environment” has published a folder with a series of booklets entitled “Using ILO Standards to Promote Environmentally Sustainable Development”

Booklet one in this series looks at the different forms of ILO instruments and how they are formulated and adopted. In the case of conventions, it also looks at how they are ratified and supervised.

This booklet shows how the unique strength of the ILO stems from the way in which its tripartite system allows representatives of workers and employers to take part in all discussions and decision-making on an equal footing with government representatives.



Full Texts of International Labour Standards on Child Labour

Minimum Age Convention, No. 138, 1973

Convention Concerning Minimum Age for Admission to Employment

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 Fifty-eighth Session on 6 June 1973, and

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

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the 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, and

Having determined that this instrument shall take the form of an international Convention,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

Article I

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 organisations 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 sub-paragraphs (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 provision 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.

Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.
2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.
3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.
4. When the obligations of this Convention are accepted-
 - (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,
 - (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to

that Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

(c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

(d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall *ipso jure* involve the immediate denunciation of that Convention,

(e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall *ipso jure* involve the immediate denunciation of that Convention,

(f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention-

(a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

(c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,

if and when this Convention shall have come into force.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides-

a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

Minimum Age Recommendation, No. 146, 1973

Recommendation Concerning Minimum Age for Admission to Employment

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 Fifty-eighth Session on 6 June 1973, and

Recognising that the effective abolition of child labour and the progressive raising of the minimum age for admission to employment constitute only one aspect of the protection and advancement of children and young persons, and

Noting the concern of the whole United Nations system with such protection and advancement, and

Having adopted the Minimum Age Convention, 1973, and

Desirous to define further certain elements of policy which are the concern of the International Labour Organisation, and

Having decided upon the adoption of certain proposals regarding minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Minimum Age Convention, 1973,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Recommendation, which may be cited as the Minimum Age Recommendation, 1973:

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 or 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) Sub-paragraph (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.

Worst Forms of Child Labour Convention, No. 182, 1999

Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term “child” shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term “the worst forms of child labour” comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
 - (a) prevent the engagement of children in the worst forms of child labour;
 - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
 - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
 - (d) identify and reach out to children at special risk; and
 - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 11

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides -

(a) the ratification by a member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

Worst Forms of Child Labour Recommendation, No. 190, 1999

Recommendation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Having adopted the Worst Forms of Child Labour Convention, 1999, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Worst Forms of Child Labour Convention, 1999;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Recommendation, which may be cited as the Worst Forms of Child Labour Recommendation, 1999.

1. The provisions of this Recommendation supplement those of the Worst Forms of Child Labour Convention, 1999 (hereafter referred to as “the Convention”), and should be applied in conjunction with them.

I. Programmes of action

2. The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers’ and workers’ organizations, taking into

consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programmes should aim at, inter alia:

- (a) identifying and denouncing the worst forms of child labour;
- (b) preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;
- (c) giving special attention to:
 - (i) younger children;
 - (ii) the girl child;
 - (iii) the problem of hidden work situations, in which girls are at special risk;
 - (iv) other groups of children with special vulnerabilities or needs;
- (d) identifying, reaching out to and working with communities where children are at special risk;
- (e) informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

II. Hazardous work

3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

4. For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers' and employers' organizations concerned, authorize employment or work as from the age of 16 on condition that the health,

safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

III. Implementation

5. (1) Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms as a matter of urgency.

(2) As far as possible, such information and statistical data should include data disaggregated by sex, age group, occupation, branch of economic activity, status in employment, school attendance and geographical location. The importance of an effective system of birth registration, including the issuing of birth certificates, should be taken into account.

(3) Relevant data concerning violations of national provisions for the prohibition and elimination of the worst forms of child labour should be compiled and kept up to date.

6. The compilation and processing of the information and data referred to in Paragraph 5 above should be carried out with due regard for the right to privacy.

7. The information compiled under Paragraph 5 above should be communicated to the International Labour Office on a regular basis.

8. Members should establish or designate appropriate national mechanisms to monitor the implementation of national provisions for the prohibition and elimination of the worst forms of child labour, after consultation with employers' and workers' organizations.

9. Members should ensure that the competent authorities which have responsibilities for implementing national provisions for the prohibition and elimination of the worst forms of child labour cooperate with each other and coordinate their activities.

10. National laws or regulations or the competent authority should determine the persons to be held responsible in the event of non-compliance with national provisions for the prohibition and elimination of the worst forms of child labour.

11. Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the prohibition and elimination of the worst forms of child labour as a matter of urgency by:

(a) gathering and exchanging information concerning criminal offences, including those involving international networks;

(b) detecting and prosecuting those involved in the sale and trafficking of children, or in the use, procuring or offering of children for illicit activities, for prostitution, for the production of pornography or for pornographic performances;

(c) registering perpetrators of such offences.

12. Members should provide that the following worst forms of child labour are criminal offences:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.

13. Members should ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and elimination of any type of work referred to in Article 3(d) of the Convention.

14. Members should also provide as a matter of urgency for other criminal, civil or administrative remedies, where appropriate, to ensure the effective enforcement of national provisions for the prohibition and elimination of the worst forms of child labour, such as special supervision of enterprises which have used the worst forms of child labour, and, in cases of persistent violation, consideration of temporary or permanent revoking of permits to operate.

15. Other measures aimed at the prohibition and elimination of the worst forms of child labour might include the following:

- (a) informing, sensitizing and mobilizing the general public, including national and local political leaders, parliamentarians and the judiciary;
- (b) involving and training employers' and workers' organizations and civic organizations;
- (c) providing appropriate training for the government officials concerned, especially inspectors and law enforcement officials, and for other relevant professionals;
- (d) providing for the prosecution in their own country of the Member's nationals who commit offences under its national provisions for the prohibition and immediate elimination of the worst forms of child labour even when these offences are committed in another country;
- (e) simplifying legal and administrative procedures and ensuring that they are appropriate and prompt;
- (f) encouraging the development of policies by undertakings to promote the aims of the Convention;
- (g) monitoring and giving publicity to best practices on the elimination of child labour;

(h) giving publicity to legal or other provisions on child labour in the different languages or dialects;

(l) establishing special complaints procedures and making provisions to protect from discrimination and reprisals those who legitimately expose violations of the provisions of the Convention, as well as establishing helplines or points of contact and ombudspersons;

(j) adopting appropriate measures to improve the educational infrastructure and the training of teachers to meet the needs of boys and girls;

(k) as far as possible, taking into account, in national programmes of action:

(i) the need for job creation and vocational training for the parents and adults in the families of children working in the conditions covered by the Convention; and

(ii) the need for sensitizing parents to the problem of children working in such conditions.

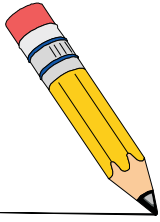
16. Enhanced international cooperation and/or assistance among Members for the prohibition and effective elimination of the worst forms of child labour should complement national efforts and may, as appropriate, be developed and implemented in consultation with employers' and workers' organizations. Such international cooperation and/or assistance should include:

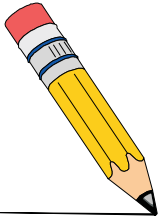
(a) mobilizing resources for national or international programmes;

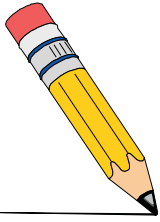
(b) mutual legal assistance;

(c) technical assistance including the exchange of information;

(d) support for social and economic development, poverty eradication programmes and universal education.

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