

***Sessional Paper No. 8 of 1975***  
***on the***  
***International Labour Organization's***  
***Conventions and Recommendations***

*Sessional Paper No. 8 of 1975*

***INTERNATIONAL LABOUR  
ORGANIZATION***

Six Conventions and five Recommendations adopted by the International Labour Conference at its 53rd, 54th, 56th and 58th Sessions, and the views thereon of the Government of Kenya, which it is proposed to communicate to the Director-General, of the International Labour Office, are hereby presented to the National Assembly.

The texts of the Conventions and Recommendations are given in the Appendix to this paper.

**CONCERNING LABOUR INSPECTION IN  
AGRICULTURE**

*(Adopted by the International Labour Conference in June, 1969)*

In this Convention the term "agricultural undertaking" means undertakings and parts of undertakings engaged in cultivation, animal husbandry including livestock production and care, forestry, horticulture, the primary processing of agricultural products by the operator of the holding or any other form of agricultural activity.

Article 3 of the Convention requires each member state of the I.L.O. that ratifies this Convention to maintain a system of labour inspection in agriculture. The instrument, however, gives option on the form of the labour inspection system which may be either a specialized agricultural inspection service or a single labour inspection department responsible for all sections of economic activity. Such labour inspections should apply to all types of employers in agricultural undertakings irrespective of the terms of service of the employees.

The Convention suggests that labour inspection staff in agriculture shall be public officers adequately trained in their work and given the necessary powers to do their duties freely. Article 16 of the Convention seeks to empower the inspection to take or remove for the purpose of analysis samples of products, etc., subject to the employer or his representative being notified of the action. Where inspectors find shortcomings, remedial measures by litigation is recommended in the Convention.

In Kenya, the primary processing of agricultural products by an occupier is classified as an industrial undertaking and falls under the Factories Act (Cap. 514). The Government maintains centrally controlled labour inspection service responsible for all sectors of economic activity including agriculture. Other aspects of the Convention are not covered by our law and practice at present, but we are working on the basis that our practice should progressively come into line with the provisions of the Convention as a whole.

The Government, therefore, proposes to ratify this Convention.

## **Convention No. 132**

### **CONCERNING ANNUAL HOLIDAYS WITH PAY (REVISED), 1970**

This Convention applies to all employed persons, with the exception of seafarers. However, in Article 15 of the Convention, option is given in that ratification may be undertaken in respect of agricultural workers alone, or of non-agricultural workers alone, or in respect of all these categories of workers.

Article 3 of the Convention states that every person to whom it applies shall be entitled to annual paid holidays which "shall in no case be less than three working weeks for every one year of service". A country, may, however, subsequently decide on a holiday longer than that specified at the time of ratification.

A minimum period of service, not exceeding six months may be required for the entitlement to paid holiday. According to the Convention, workers shall receive in respect of the full period of their holiday at least any part of the remuneration which is paid in kind. Specific rules may be laid down in each country in respect of cases in which the worker undertakes, during leave, gainful activity with the purpose of the holidays.

Keeping in line with the changing economic and social development of the country, the Government intends to spread the social benefits enunciated in this Convention to all workers in Kenya by ratifying the instrument.

**Convention No. 131**

**CONCERNING MINIMUM WAGE-FIXING WITH  
SPECIAL REFERENCE TO DEVELOPING  
COUNTRIES**

*(Adopted in June, 1970)*

The standards in this Convention supplement those Conventions adopted for the industry and agriculture in 1928 and 1951 both of which Kenya has ratified. The Convention is intended to provide additional protection for wage-earners against unduly low wages. It requires each ratifying country to establish a system of fixing, maintaining and revising from time to time, minimum wages covering groups of wage-earners as are to be determined by the Government after full consultation with representative organizations of employers and workers concerned.

The fixing of such minimum wages shall take into account economic and other factors existing in the country and shall have the force of law with corresponding appropriate penalties or other sanctions where and when failure to apply them occur. The Convention further calls for the creation of an adequate inspection system where it does not exist.

The Government has an effective inspection system within the Ministry of Labour and has a minimum wage fixing machinery created under the provisions of the Regulations of Wages and Conditions of Employment Act (Cap. 229). Since existing law and practice in this country covers the requirements of this instrument, it is proposed to ratify the Convention.

**Recommendation No. 135**

**CONCERNING MINIMUM WAGE-FIXING WITH  
SPECIAL REFERENCE TO DEVELOPING  
COUNTRIES**

*(Adopted in June, 1970)*

This Recommendation gives detailed guidelines for putting into effect the principles stated in Convention No. 131 above.

The Government, therefore, intends to adopt this Recommendation.

## **Recommendation No. 136**

### **CONCERNING YOUTH EMPLOYMENT AND TRAINING SCHEMES FOR DEVELOPMENT PURPOSES**

*(Adopted by the International Labour Conference in June, 1970)*

The problems this Recommendation intends to meet have only come into prominence on a wide scale in recent years.

The Recommendation applies to *special schemes* designed to enable young persons to take part in activities directed towards economic and social development of their country and which would help them acquire education, skills and experience necessary to promote their participation in society.

Participation in special schemes should be voluntary, but the purpose, objectives and the categories of participants in each scheme would be defined by the legislature taking into consideration any legal provisions governing minimum age for admission to employment in the particular country.

Duration of service in such schemes should not normally exceed two years, and as far as possible, the participants should be accorded facilities which are enjoyed by people in normal employment such as regulated hours of work, annual holidays and social security benefits. The participants should be supervised by special staff who understand problems of young people and who are qualified to assist them to develop and acquire the necessary vocational training for their future occupation.

Administrative policy arrangements and co-ordination of the activities of the special schemes should enlist the co-operation of local authorities, and voluntary national and international agencies qualified on relevant matters. International co-operation should be sought particularly where the special schemes under which young persons from one country participate in activities directed towards the development of another country.

Under the National Youth Service Act (Cap. 208), the Government runs a National Youth Service which today consists of approximately 3,200 servicemen and 300 service women stationed in a number of centres in Kenya. Since the recruitment, training and day to day administration of the service conforms to the requirements of the Recommendation, the Government proposes to adopt the Recommendation.

**Convention No. 135**

**CONCERNING THE PROTECTION AND FACILITIES  
TO BE AFFORDED TO WORKERS' REPRESENTATIVE  
IN THE UNDERTAKING**

*(Adopted by the International Labour Conference in June, 1971)*

This Convention supplements the provisions of Convention No. 98, concerning the Right to Organize and Collective Bargaining which provides for protection of workers against acts of anti-union discrimination in respect of their employment, and which Kenya has ratified.

In this Convention, the term "Workers' Representatives" covers both elected or designated trade union representatives as well as representatives freely elected by the workers in accordance with the national laws or regulations or collective agreements, and whose functions do not include activities which are recognized as the exclusive prerogative of trade unions.

The Convention says that such representatives should enjoy effective protection against any acts prejudicial to them, including dismissals, based on their status or activities as workers' representatives. In addition, they should enjoy the necessary facilities enabling them to carry out their functions promptly and effectively, due regard being had to the efficient operation of undertakings concerned.

The Trade Union Act (Cap. 233), the Trade Dispute Act (Cap. 234) and the various collective agreements entered between management and organized labour in this country either individually or severally, cover the requirements of this Convention. Moreover, the general progress of industrial practice on matters concerning consultation and procedures for settling grievances show that workers' representatives have the protection and facilities mentioned in the Convention.

The Government, therefore, proposes to ratify this instrument.

## **Recommendation No. 143**

### **CONCERNING THE PROTECTION AND FACILITIES TO BE AFFORDED TO WORKERS' REPRESENTATIVE IN THE UNDERTAKING**

*(Adopted by the International Labour Conference in June, 1971)*

The Recommendation gives further and more detailed guidelines on the same subject than Convention No. 135 but has the same definition for the term "Workers' Representative". In implementing the various provisions of the Recommendation, countries may do so through national laws, or regulations or collective agreements, or in any other manner consistent with national practice, and when the protection and the facilities are to be given to workers' representatives account should be taken of the needs of the country as well as the needs, sizes and capabilities of the undertakings concerned.

The Recommendation spells out of the kind of protection workers' representatives may enjoy in case of termination of employment, including definition of the reasons for dismissal as well as consultation and recourse procedures. It also specifies what facilities should be granted, such as time off from work access to all workplaces and management; permission to collect trade union notices. In Articles 7 and 8 of the Recommendation, protection is extended to workers who are candidates for workers' representatives posts, and those who have ceased to be workers' representatives whom it is recommended should have all their rights, including those related to the nature of their jobs, to wages and to seniority, restored to them.

The industrial relations system and practice in this country, generally accommodates the provisions of this Recommendation. Moreover, the Government has already adopted Recommendation No. 130 concerning the "Examination of Grievances Within the Undertaking With a View of Their Settlement", and Recommendation No. 129 concerning "Communication Between Management and Workers Within the Undertaking", both of which have significant contribution towards the fulfilment of the provision of Recommendation No. 143.

The Government, therefore, proposes to adopt this instrument in its entirety since all its provisions fall within national laws and practice.

**CONCERNING THE PROTECTION AGAINST HAZARDS  
OF POISONING ARISING FROM BENZENE, 1971**

The Convention primarily concerns itself with chronic benzene poisoning, and applies to all activities involving exposure at work to benzene and to products of which the benzene content exceed one per cent by volume. The Convention states that harmless substitutes should be used whenever they are available, and that governments should determine by legislation or by regulation where the use of benzene and products containing it should be prohibited. It lays down various measures to be taken to ensure that workers at risk are protected, including steps to prevent the escape of benzene vapour into the air in places of employment. The instrument also lays responsibility on the employers to ensure that the concentration does not exceed a minimum of 25 parts per million. As far as possible, work processes involving benzene should be carried out in enclosed systems. Otherwise, they should be equipped with effective means of removing the benzene vapour. Workers employed in processes involving exposure to benzene should be thoroughly medically examined for fitness before employment and should be re-examined periodically, the examination including blood test, and involving no cost to the workers.

Pregnant women and nursing mothers and persons under the age of 18, should not be employed in work involving exposure to benzene though young persons undergoing training or education under adequate technical and medical supervision are exempted. All containers of benzene should be clearly marked with appropriate danger symbols and the name of the chemical.

At this stage of our development, it is felt that it is not in our interest to ratify the Convention. To do so would mean that it would not be possible for example to employ a person under 18 years as a petrol pump attendant. Our factory and labour inspectorate system is not yet advanced to a stage where the kind of inspection required by the instrument would be fully effective. Moreover, the requirements of the Convention would place a further strain on our medical staff which is already over strained.

**Recommendation No. 144**

**CONCERNING THE PROTECTION AGAINST HAZARDS  
OF POISONING ARISING FROM BENZENE, 1971**

Recommendation provides supplementary guidance to Convention No. 136 on policy, legislation on benzene, prevention measures, and instruction to workers with regard to handling procedures in the light of the dangers involved in the use of benzene.

Since this Recommendation is a furtherance of the requirements of the corresponding Convention which the Government cannot ratify at this stage, it is not possible to adopt this instrument at the moment.

## **Convention No. 138**

### **CONCERNING MINIMUM AGE FOR ADMISSION TO EMPLOYMENT**

*(Adopted by the I.L.O. in June, 1973)*

The Convention which is supplemented by a Recommendation is intended to abolish child labour throughout the world and improve condition of work of young people generally. It purports to improve earlier I.L.O. Convention Nos. 5, 7, 33, 58, 60, 112 and 123 covering minimum age for admission to employment in industrial and non-industrial employment, in agriculture, and in underground work and in employment at sea.

The new Convention is intended to bind each ratifying state to raise the minimum age for admission to employment progressively to a level consistent with the fullest physical and mental development of young workers. The minimum age shall not be less than 15 years. Developing countries, may, however, initially fix the minimum age at least 14 years. In the case of work which is likely to jeopardize the health, safety or morals of young persons, the Convention states that the minimum age shall not be less than 18 years.

The Convention should be applied, as minimum, to work in industry, transport, commercial and agricultural undertakings.

The requirements of this Convention are met by the provisions of Employment of Women, Young Persons and Children's Act (Cap. 227), Laws of Kenya. Moreover, Kenya has already ratified earlier Conventions No. 5, 15, 58, 112 and 123 dealing with similar matters covered by the Convention. There would be, therefore, no practical difficulties in applying the provisions of this instrument in Kenya and so the Government proposes to ratify the Convention.

## **Recommendation No. 146**

### **CONCERNING MINIMUM AGE FOR ADMISSION TO EMPLOYMENT**

*(Adopted by the I.L.O in June, 1973)*

This Recommendation supplements the provisions of Convention No. 138 on the same subject. The Recommendation states that the minimum age for admission to employment should be fixed at the same level for all sectors or economic activities; and that the needs of children and young persons without families or who do not live with their own families including those of migrant children should be carefully looked into when their employment is being considered.

Full time attendance at school or participation in an approved vocational orientation or training programmes should be effectively ensured up to the age of at least 14 years.

Where young people below the age of 18 are employed, the Recommendation asks for special attention to be given to fair pay, limitation of work hours, periods of rest, annual holidays, social security schemes and the observance of safety and health standards.

Close supervision, including examination of the nature of records of employment of young persons, by a special trained team of inspectors should be ensured; and that children and young persons working in the streets, in outside stalls and in similar public places including itinerant occupations should be issued with licences or other documents indicating their eligibility for such work.

While there is a general appreciation of the targets envisaged in the Recommendation in this country, detailed requirements of this instrument cannot be met at the present stage of Kenya's economic development. At the moment, Kenya provides free elementary education for the first four years of primary school, and it is not likely to extend this to cover further three years in the immediate future.

The Government, cannot, therefore, adopt this Recommendation at the present time.

## Convention 129

CONVENTION CONCERNING LABOUR INSPECTION  
IN AGRICULTURE

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 Fifty-third Session on 4th June, 1969, and

Noting the terms of existing international labour Conventions concerning labour inspection, such as the Labour Inspection Convention, 1947, which applies to industry and commerce, and the Plantations Convention, 1958, which covers a limited category of agricultural undertakings, and

Considering that international standards providing for labour inspection in agriculture generally are desirable, and

Having decided upon the adoption of certain proposals with regard to labour inspection in agriculture, 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 twenty-fifth day of June of the year one thousand nine hundred and sixty-nine the following Convention, which may be cited as the Labour Inspection (Agriculture) Convention, 1969:

*Article 1*

1. In this Convention the term "agricultural undertaking" means undertakings and parts of undertakings engaged in cultivation, animal husbandry including livestock production and care, forestry, horticulture, the primary processing of agricultural products by the operator of the holding or any other form of agricultural activity.

2. Where necessary, the competent authority shall, after consultation with the most representative organizations of employers and workers concerned, where such exist, define the line which separates agriculture from industry and commerce in such a manner as not to exclude any agricultural undertaking from the national system of labour inspection.

3. In any case in which it is doubtful whether an undertaking or part of an undertaking is one to which this Convention applies, the question shall be settled by the competent authority.

*Article 2*

In this Convention the term "legal provisions" includes, in addition to laws and regulations, arbitration awards and collective agreements upon

### *Article 3*

Each Member of the International Labour Organization for which this Convention is in force shall maintain a system of labour inspection in agriculture.

### *Article 4*

The system of labour inspection in agriculture, shall apply to agricultural undertakings in which work employees or apprentices, however, they may be remunerated and whatever the type, form or duration of their contract.

### *Article 5*

1. Any Member ratifying this Convention may, in a declaration accompanying its ratification, undertake also to cover by labour inspection in agriculture one or more of the following categories of persons working in agricultural undertakings—

- (a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers;
- (b) persons participating in a collective economic enterprise, such as members of a co-operative;
- (c) members of the family of the operator of the undertakings, as defined by national laws or regulations.

2. Any Member which has ratified this Convention may subsequently communicate to the Director-General of the International Labour Office a declaration undertaking to cover one or more of the categories of persons referred to in the preceding paragraph which are not already covered in virtue of a previous declaration.

3. Each Member which has ratified this Convention shall indicate in its reports under article 22 of the Constitution of the International Labour Organization to what extent effect has been given or is proposed to be given to the provisions of the Convention in respect of such of the categories of persons referred to in paragraph 1 of this Article as are not covered in virtue of a declaration.

### *Article 6*

1. The functions of the system of labour inspection in agriculture shall be—

- (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, weekly rest and holidays, safety, health and welfare, the employment of women, children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;

- (b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
- (c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions and to submit to it proposals on the improvement of laws and regulations.

2. National laws or regulations may give labour inspectors in agriculture advisory or enforcement functions regarding legal provisions relating to conditions of life of workers and their families.

3. Any further duties which may be entrusted to labour inspectors in agriculture shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

#### *Article 7*

1. So far as is compatible with the administrative practice of the Member, labour inspection in agriculture shall be placed under the supervision and control of a central body.

2. In the case of a federal State, the term "central body" may mean either one at federal level or one at the level of a federated unit.

3. Labour inspection in agriculture might be carried out for example—

- (a) by a single labour inspection department responsible for all sectors of economic activity;
- (b) by a single labour inspection department, which would arrange for internal functional specialization through the appropriate training of inspectors called upon to exercise their functions in agriculture;
- (c) by a single labour inspection department, which would arrange for internal institutional specialization by creating a technically qualified service, the officers of which would perform their functions in agriculture; or
- (d) by a specialized agricultural inspection service, the activity of which would be supervised by a central body vested with the same prerogatives in respect of labour inspection in other fields, such as industry, transport and commerce.

#### *Article 8*

1. The labour inspection staff in agriculture shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

2. So far as is compatible with national laws or regulations or with national practice, Members may include in their system of labour inspection in agriculture officials or representatives of occupational organizations,

whose activities would supplement those of the public inspection staff; the persons concerned shall be assured of stability of tenure and be independent of improper external influences.

#### *Article 9*

1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors in agriculture shall be recruited with sole regard to their qualifications for the performance of their duties.

2. The means of ascertaining such qualifications shall be determined by the competent authority.

3. Labour inspectors in agriculture shall be adequately trained for the performance of their duties and measures shall be taken to give them appropriate further training in the course of their employment.

#### *Article 10*

Both men and women shall be eligible for appointment to the labour inspection staff in agriculture; where necessary, special duties may be assigned to men and women inspectors.

#### *Article 11*

Each Member shall take the necessary measures to ensure that duly qualified technical experts and specialists, who might help to solve problems demanding technical knowledge, are associated in the work of labour inspection in agriculture in such manner as may be deemed most appropriate under national conditions.

#### *Article 12*

1. The competent authority shall make appropriate arrangements to promote effective co-operation between the inspection services in agriculture and government services and public or approved institutions which may be engaged in similar activities.

2. Where necessary, the competent authority may either entrust certain inspection functions at the regional or local level on an auxiliary basis to appropriate government services or public institutions or associate these services or institutions with the exercise of the functions in question, on condition that this does not prejudice the application of the principles of this Convention.

#### *Article 13*

The competent authority shall make appropriate arrangements to promote collaboration between officials of the labour inspectorate in agriculture and employers and workers, or their organizations where such exist.

#### *Article 14*

Arrangements shall be made to ensure that the number of labour inspectors in agriculture is sufficient to secure the effective discharge of the duties of the inspectorate and is determined with due regard for—

- (a) the importance of the duties which inspectors have to perform, in particular—
  - (i) the number, nature, size and situation of the agricultural undertakings liable to inspection;
  - (ii) the number and classes of persons working in such undertakings; and
  - (iii) the number and complexity of the legal provisions to be enforced;
- (b) the material means placed at the disposal of the inspectors; and
- (c) the practical conditions under which visits of inspection must be carried out in order to be effective.

#### *Article 15*

1. The competent authority shall make the necessary arrangements to furnish labour inspectors in agriculture with—

- (a) local officers so located as to take account of the geographical situation of the agricultural undertakings and of the means of communication, suitably equipped in accordance with the requirements of the service, and, in so far as possible, accessible to the persons concerned;
- (b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors in agriculture any travelling and incidental expenses which may be necessary for the performance of their duties.

#### *Article 16*

1. Labour inspectors in agriculture provided with proper credentials shall be empowered—

- (a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;
- (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection;
- (c) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular—
  - (i) to interview, alone or in the presence of witnesses, the employer, the staff of the undertaking or any other person in the undertaking on any matters concerning the application of the legal provisions;

(ii) to require, in such manner as national laws or regulations may prescribe, the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of life and work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;

(iii) to take or remove for purposes of analysis samples of products, materials and substances used or handled, subject to the employer or his representative being notified of any products, materials or substances taken or removed for such purposes.

2. Labour inspectors shall not enter the private home of the operator of the undertaking in pursuance of subparagraph (a) or (b) of paragraph 1 of this Article except with the consent of the operator or with a special authorization issued by the competent authority.

3. On the occasion of an inspection visit, inspectors shall notify the employer or his representative, and the workers or their representatives, of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

#### *Article 17*

The labour inspection services in agriculture shall be associated, in such cases and in such manner as may be determined by the competent authority, in the preventive control of new plant, new materials or substances and new methods of handling or processing products which appear likely to constitute a threat to health or safety.

#### *Article 18*

1. Labour inspectors in agriculture shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods in agricultural undertakings, including the use of dangerous materials or substances, which they may have reasonable cause to believe constitute a threat to health or safety.

2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a legal or administrative authority which may be provided by law, to make or have made orders requiring—

(a) such alterations to the installation, plant, premises, tools, equipment or machines, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to health or safety; or

(b) measures with immediate executory force, which can go as far as halting the work, in the event of imminent danger to health or safety.

3. Where the procedure described in paragraph 2 is not compatible with the administrative or judicial practice of the Member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.

4. The defects noted by the inspector when visiting an undertaking and the orders he is making or having made in pursuance of paragraph 2 or for which he intends to apply in pursuance of paragraph 3 shall be immediately made known to the employer and the representatives of the workers.

#### *Article 19*

1. The labour inspectorate in agriculture shall be notified of occupational accidents and cases of occupational disease occurring in the agricultural sector in such cases and in such manner as may be prescribed by national laws or regulations.

2. As far as possible, inspectors shall be associated with any inquiry on the spot into the causes of the most serious occupational accidents or occupational diseases, particularly of those which affect a number of workers or have fatal consequences.

#### *Article 20*

Subject to such exceptions as may be made by national laws or regulations, labour inspectors in agriculture—

- (a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;
- (b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and
- (c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect, a danger in working processes or a breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

#### *Article 21*

Agricultural undertakings shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

#### *Article 22*

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors in agriculture shall be liable to prompt legal or administrative proceedings without previous warning: Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

#### *Article 23*

If labour inspectors in agriculture are not themselves authorized to institute proceedings, they shall be empowered to refer reports of infringements of the legal provisions directly to an authority competent to institute such proceedings.

#### *Article 24*

Adequate penalties for violations of the legal provisions enforceable by labour inspectors in agriculture and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

#### *Article 25*

1. Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their activities in agriculture.

2. These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central inspection authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.

#### *Article 26*

1. The central inspection authority shall publish an annual report on the work of the inspection services in agriculture, either as a separate report or as part of its general annual report.

2. Such annual reports shall be published within a reasonable time after the end of the year to which they relate and in any case within twelve months.

3. Copies of the annual reports shall be transmitted to the Director-General of the International Labour Office within three months after their publication.

#### *Article 27*

The annual report published by the central inspection authority shall deal in particular with the following subjects, in so far as they are under the control of the said authority—

- (a) laws and regulations relevant to the work of labour inspection in agriculture;
- (b) staff of the labour inspection service in agriculture;
- (c) statistics of agricultural undertakings liable to inspection and the number of persons working therein;
- (d) statistics of inspection visits;

- (e) statistics of violations and penalties imposed;
- (f) statistics of occupational accidents, including their causes;
- (g) statistics of occupational diseases, including their causes.

#### *Article 28*

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

#### *Article 29*

1. This Convention shall be binding only upon those Members of the International Labour Organization 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 30*

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 31*

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 denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

#### *Article 32*

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 33

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 34

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 30 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 35

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

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Fifty-third Session which was held at Geneva and declared closed the twenty-fifth day of June, 1969.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June, 1969.

**CONVENTION CONCERNING ANNUAL HOLIDAYS WITH PAY  
(REVISED 1970)**

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 Fifty-fourth Session on 3rd June, 1970, and

Having decided upon the adoption of certain proposals with regard to holidays with pay, 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 twenty-fourth day of June of the year one thousand nine hundred and seventy the following Convention, which may be cited as the Holidays with Pay Convention (Revised), 1970:

*Article 1*

The provisions of this Convention, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards, court decisions, statutory wage fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

*Article 2*

1. This Convention applies to all employed persons, with the exception of seafarers.

2. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organizations of employers and workers concerned, where such exist, to exclude from the application of this Convention limited categories of employed persons in respect of whose employment special problems of a substantial nature, relating to enforcement or to legislative or constitutional matters, arise.

3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization any categories which may have been excluded in pursuance of paragraph 2 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.

### *Article 3*

1. Every person to whom this Convention applies shall be entitled to an annual paid holiday of a specified minimum length.

2. Each Member which ratifies this Convention shall specify the length of the holiday in a declaration appended to its ratification.

3. The holiday shall in no case be less than three working weeks for one year of service.

4. 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 holiday longer than that specified at the time of ratification.

### *Article 4*

1. A person whose length of service in any year is less than that required for the full entitlement prescribed in the preceding Article shall be entitled in respect of that year to a holiday with pay proportionate to his length of service during that year.

2. The expression "year" in paragraph 1 of this Article shall mean the calendar year or any other period of the same length determined by the competent authority or through the appropriate machinery in the country concerned.

### *Article 5*

1. A minimum period of service may be required for entitlement to any annual holiday with pay.

2. The length of any such qualifying period shall be determined by the competent authority or through the appropriate machinery in the country concerned but shall not exceed six months.

3. The manner in which length of service is calculated for the purpose of holiday entitlement shall be determined by the competent authority or through the appropriate machinery in each country.

4. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, absence from work for such reasons beyond the control of the employed person concerned as illness, injury or maternity shall be counted as part of the period of service.

### *Article 6*

1. Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention.

2. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, periods of incapacity for work resulting from sickness or injury may not be counted as part of the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention.

### *Article 7*

1. Every person taking the holiday envisaged in this Convention shall receive in respect of the full period of that holiday at least his normal or average remuneration (including the cash equivalent of any part of that remuneration which is paid in kind and which is not a permanent benefit continuing whether or not the person concerned is on holiday), calculated in a manner to be determined by the competent authority or through the appropriate machinery in each country.

2. The amounts due in pursuance of paragraph 1 of this Article shall be paid to the person concerned in advance of the holiday, unless otherwise provided in an agreement applicable to him and the employer.

### *Article 8*

1. The division of the annual holiday with pay into parts may be authorized by the competent authority or through the appropriate machinery in each country.

2. Unless otherwise provided in an agreement applicable to the employer and the employed person concerned, and on condition that the length of service of the person concerned entitles him to such a period, one of the parts shall consist of at least two uninterrupted working weeks.

### *Article 9*

1. The uninterrupted part of the annual holiday with pay referred to in Article 8, paragraph 2, of this Convention shall be granted and taken no later than one year, and the remainder of the annual holiday with pay no later than eighteen months, from the end of the year in respect of the holiday entitlement has arisen.

2. Any part of the annual holiday which exceeds a stated minimum may be postponed, with the consent of the employed person concerned, beyond the period specified in paragraph 1 of this Article and up to a further specified time limit.

3. The minimum and the time limit referred to in paragraph 2 of this Article shall be determined by the competent authority after consultation with the organizations of employers and workers concerned, or through collective bargaining, or in such other manner consistent with national practice as may be appropriate under national conditions.

### *Article 10*

1. The time at which the holiday is to be taken shall, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the employer after consultation with the employed person concerned or his representatives.

2. In fixing the time at which the holiday is to be taken, work requirements and the opportunities for rest and relaxation available to the employed person shall be taken into account.

#### *Article 11*

An employed person who has completed a minimum period of service corresponding to that which may be required under Article 5, paragraph 1, of this Convention shall receive, upon termination of employment, a holiday with pay proportionate to the length of service for which he has not received such a holiday, or compensation in lieu thereof, or the equivalent holiday credit.

#### *Article 12*

Agreements to relinquish the right to the minimum annual holiday with pay prescribed in Article 3, paragraph 3, of this Convention or to forgo such a holiday, for compensation or otherwise, shall, as appropriate to national conditions, be null and void or be prohibited.

#### *Article 13*

Special rules may be laid down by the competent authority or through the appropriate machinery in each country in respect of cases in which the employed person engages, during the holiday, in a gainful activity conflicting with the purpose of the holiday.

#### *Article 14*

Effective measures appropriate to the manner in which effect is given to the provisions of this Convention shall be taken to ensure the proper application and enforcement of regulations or provisions concerning holidays with pay, by means of adequate inspection or otherwise.

#### *Article 15*

1. Each Member may accept the obligations of this Convention separately—

- (a) in respect of employed persons in economic sectors other than agriculture;
- (b) in respect of employed persons in agriculture.

2. Each Member shall specify in its ratification whether it accepts the obligations of the Convention in respect of the persons covered by subparagraph (a) of paragraph 1 of this Article, in respect of the persons covered by subparagraphs (b) of paragraph 1 of this Article, or in respect of both.

3. Each Member which has on ratification accepted the obligations of this Convention only in respect either of the persons covered by subparagraph (a) of paragraph 1 of this Article or of the persons covered

by subparagraph (b) of paragraph 1 of this Article may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of all persons to whom this Convention applies.

#### Article 16

This Convention revises the Holidays with Pay Convention, 1936, and the Holidays with Pay (Agriculture) Convention, 1952, on the following terms—

- (a) acceptance of the obligations of this Convention in respect of employed persons in economic sectors other than agriculture by a Member which is a party to the Holidays with Pay Convention, 1936, shall *ipso jure* involve the immediate denunciation of that Convention;
- (b) acceptance of the obligations of this Convention in respect of employed persons in agriculture by a Member which is a party to the Holidays with Pay (Agriculture) Convention, 1952, shall *ipso jure* involve the immediate denunciation of that Convention;
- (c) the coming into force of this Convention shall not close the Holidays with Pay (Agriculture) Convention, 1952, to further ratification.

#### Article 17

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

#### Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organization 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 19

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 found 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 20

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 denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

#### Article 21

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 22

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 23

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, 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 19 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 24*

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

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Fifty-fourth Session which was held at Geneva and declared closed the twenty-fifth day of June, 1970.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June, 1970.

## Convention 131

### CONVENTION CONCERNING MINIMUM WAGE FIXING, WITH SPECIAL REFERENCE TO DEVELOPING COUNTRIES

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 Fifty-fourth Session on 3rd June, 1970, and

Noting the terms of the Minimum Wage-Fixing Machinery Convention, 1928, and the Equal Remuneration Convention, 1951, which have been widely ratified, as well as of the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951, and

Considering that these Conventions have played a valuable part in protecting disadvantaged groups of wage earners, and

Considering that the time has come to adopt a further instrument complementing these Conventions and providing protection for wage earners against unduly low wages, which, while of general application, pays special regards to the needs of developing countries, and

Having decided upon the adoption of certain proposals with regard to minimum wage fixing machinery and related problems, with special reference to developing countries, which is the fifth item on the agenda of the session, and

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

adopts this twenty-second day of June of the year one thousand nine hundred and seventy the following Convention, which may be cited as the Minimum Wage Fixing Convention, 1970:

#### *Article 1*

1. Each Member of the International Labour Organization which ratifies this Convention undertakes to establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate.

2. The competent authority in each country shall, in agreement or after full consultation with the representative organizations of employers and workers concerned, where such exist, determine the groups of wage earners to be covered.

3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization any groups of wage earners which may not have been covered in pursuance of this Article, giving the reasons for not covering them, and shall state in subsequent reports the position of its law and practice in respect of the groups not covered, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such groups.

## *Article 2*

1. Minimum wages shall have the force of law and shall not be subject to abatement, and failure to apply them shall make the person or persons concerned liable to appropriate penal or other sanctions.

2. Subject to the provisions of paragraph 1 of this Article, the freedom of collective bargaining shall be fully respected.

## *Article 3*

The elements to be taken into consideration in determining the level of minimum wages shall, so far as possible and appropriate in relation to national practice and conditions, include—

- (a) the needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups;
- (b) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment.

## *Article 4*

1. Each Member which ratifies this Convention shall create and/or maintain machinery adapted to national conditions and requirements whereby minimum wages for groups of wage earners covered in pursuance of Article 1 thereof can be fixed and adjusted from time to time.

2. Provision shall be made, in connexion with the establishment, operation and modification of such machinery, for full consultation with representative organizations of employers and workers concerned or, where no such organizations exist, representatives of employers and workers concerned.

3. Wherever it is appropriate to the nature of the minimum wage fixing machinery, provision shall also be made for the direct participation in its operation of—

- (a) representatives of organizations of employers and workers concerned or, where no such organizations exist, representatives of employers and workers concerned, on a basis of equality;
- (b) persons having recognized competence for representing the general interests of the country and appointed after full consultation with representative organizations of employers and workers concerned, where such organizations exist and such consultation is in accordance with national law or practice.

## *Article 5*

Appropriate measures, such as adequate inspection reinforced by other necessary measures, shall be taken to ensure the effective application of all provisions relating to minimum wages.

#### *Article 6*

This Convention shall not be regarded as revising any existing Convention.

#### *Article 7*

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

#### *Article 8*

1. This Convention shall be binding only upon those Members of the International Labour Organization 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 9*

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 10*

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 denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

#### *Article 11*

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 12*

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 13*

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 9 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 14*

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

## RECOMMENDATION CONCERNING MINIMUM WAGE FIXING, WITH SPECIAL REFERENCE TO DEVELOPING COUNTRIES

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 Fifty-fourth Session on 3rd June, 1970, and

Noting the terms of the Minimum Wage-Fixing Machinery Recommendation, 1928, the Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951, and the Equal Remuneration Recommendation, 1951, which contain valuable guidelines for minimum wage fixing bodies, and

Considering that experience in more recent years has emphasized the importance of certain additional considerations relating to minimum wage fixing, including that of adopting criteria which will make systems of minimum wages both an effective instrument of social protection and an element in the strategy of economic and social development, and

Considering that minimum wage fixing should in no way operate to the prejudice of the exercise and growth of free collective bargaining as a means of fixing wages higher than the minimum, and

Having decided upon the adoption of certain proposals with regard to minimum wage fixing machinery and related problems, with special reference to developing countries, which is the fifth 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 seventy the following Recommendation, which may be cited as the Minimum Wage Fixing Recommendation, 1970:

### I. PURPOSE OF MINIMUM WAGE FIXING

1. Minimum wage fixing should constitute one element in policy designed to overcome poverty and to ensure the satisfaction of the needs of all workers and their families.

2. The fundamental purpose of minimum wage fixing should be to give wage earners necessary social protection as regards minimum permissible levels of wages.

## II.—CRITERIA FOR DETERMINING THE LEVEL OF MINIMUM WAGES

3. In determining the level of minimum wages, account should be taken of the following criteria, amongst others—

- (a) the needs of workers and their families;
- (b) the general level of wages in the country;
- (c) the cost of living and changes therein;
- (d) social security benefits;
- (e) the relative living standards of other social groups;
- (f) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment.

## III.—COVERAGE OF THE MINIMUM WAGE FIXING SYSTEM

4. The number and groups of wage earners who are not covered in pursuance of Article 1 of the Minimum Wage Fixing Convention, 1970, should be kept to a minimum.

5. (1) The system of minimum wages may be applied to the wage earners covered in pursuance of Article 1 of the Convention either by fixing a single minimum wage of general application or by fixing a series of minimum wages applying to particular groups of workers.

(2) A system based on a single minimum wage—

- (a) need not be incompatible with the fixing of different rates of minimum wages in different regions or zones with a view to allowing for differences in costs of living;
- (b) should not impair the effects of decisions, past or future, fixing minimum wages higher than the general minimum for particular groups of workers.

## IV.—MINIMUM WAGE FIXING MACHINERY

6. The minimum wage fixing machinery provided for in Article 4 of the Convention may take a variety of forms, such as the fixing of minimum wages by—

- (a) statute;
- (b) decisions of the competent authority, with or without formal provision for taking account of recommendations from other bodies;
- (c) decisions of wages boards or councils;
- (d) industrial or labour courts or tribunals; or
- (e) giving the force of law to provisions of collective agreements.

7. The consultation provided for in paragraph 2 of Article 4 of the Convention should include, in particular, consultation in regard to the following matters—

- (a) the selection and application of the criteria for determining the level of minimum wages;
- (b) the rate or rates of minimum wages to be fixed;
- (c) the adjustment from time to time of the rate or rates of minimum wages;
- (d) problems encountered in the enforcement of minimum wage legislation;
- (e) the collection of data and the carrying out of studies for the information of minimum wage fixing authorities.

8. In countries in which bodies have been set up which advise the competent authority on minimum wage questions, or to which the government has delegated responsibility for minimum wage decisions, the participation in the operation of minimum wage fixing machinery referred to in paragraph 3 of Article 4 of the Convention should include membership of such bodies.

9. The persons representing the general interests of the country whose participation in the operation of minimum wage fixing machinery is provided for in Article 4, paragraph 3, subparagraph (b), of the Convention should be suitably qualified independent persons who may, where appropriate, be public officials with responsibilities in the areas of industrial relations or economic and social planning or policy-making.

10. To the extent possible in national circumstances, sufficient resources should be devoted to the collection of statistics and other data needed for analytical studies of the relevant economic factors, particularly those mentioned in Paragraph 3 of this Recommendation, and their probable evolution.

#### V.—ADJUSTMENT OF MINIMUM WAGES

11. Minimum wages rates should be adjusted from time to time to take account of changes in the cost of living and other economic conditions.

12. To this end a review might be carried out of minimum wage rates in relation to the cost of living and other economic conditions either at regular intervals or whenever such a review is considered appropriate in the light of variations in a cost-of-living index.

13. (1) In order to assist in the application of Paragraph 11 of this Recommendation, periodical surveys of national economic conditions, including trends in income per head, in productivity and in employment, unemployment and under-employment, should be made to the extent that national resources permit.

(2) The frequency of such surveys should be determined in the light of national conditions.

#### VI.—ENFORCEMENT

14. Measures to ensure the effective application of all provisions relating to minimum wages, as provided for in Article 5 of the Convention, should include the following—

- (a) arrangements for giving publicity to minimum wage provisions in languages or dialects understood by workers who need protection, adapted where necessary to the needs of illiterate persons;
- (b) the employment of a sufficient number of adequately trained inspectors equipped with the powers and facilities necessary to carry out their duties;
- (c) adequate penalties for infringement of the provisions relating to minimum wages;
- (d) simplification of legal provisions and procedures, and other appropriate means of enabling workers effectively to exercise their rights under minimum wage provisions, including the right to recover amounts by which they may have been underpaid;
- (e) the association of employers' and workers' organizations in efforts to protect workers against abuses;
- (f) adequate protection of workers against victimization.

**RECOMMENDATION CONCERNING SPECIAL YOUTH  
EMPLOYMENT AND TRAINING SCHEMES FOR  
DEVELOPMENT PURPOSES**

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 Fifty-fourth  
Session on 3rd June 1970, and  
Recalling the provisions of existing international labour Conventions  
and Recommendations on the training and employment of young  
persons, in particular the Unemployment (Young Persons) Recom-  
mendation, 1935, the Vocational Training Recommendation, 1962,  
and the Employment Policy Convention and Recommendation, 1964,  
and  
Considering that special youth employment schemes and training schemes  
designed to give young persons the necessary skills to enable them  
to adapt to the pace of a changing society and to take an active  
part in the development of their country constitute an approach to  
youth employment problems, supplementary to those of existing  
instruments, and  
Noting that the problems which this approach is intended to meet have  
only come into prominence on a wide scale in recent years, and  
Considering that it is important to adopt an instrument setting out the  
objectives, methods and safeguards of such special schemes, in such  
manner that they would be fully consistent with earlier international  
labour standards relevant to conditions of service therein, particularly  
those of the Forced Labour Convention, 1930, and the Abolition of  
Forced Labour Convention, 1957, and  
Having decided upon the adoption of certain proposals with regard to  
special youth employment and training schemes for development  
purposes, which is the sixth item on the agenda of the session, and  
Having determined that these proposals shall take the form of a  
Recommendation,  
adopts this twenty-third day of June of the year one thousand nine hundred  
and seventy the following Recommendation, which may be cited as the  
Special Youth Schemes Recommendation, 1970.

**I.—NATURE OF SPECIAL SCHEMES**

1. (1) This Recommendation applies to special schemes designed to  
enable young persons to take part in activities directed to the economic  
and social development of their country and to acquire education, skills

and experience facilitating their subsequent economic activity on a lasting basis and promoting their participation in society.

(2) These schemes are hereinafter referred to as "special schemes".

2. The following may be regarded as special schemes for the purpose of this Recommendation—

(a) schemes which meet needs for youth employment and training not yet met by existing national educational or vocational training programmes or by normal opportunities on the employment market;

(b) schemes which enable young persons, especially unemployed young persons, who have educational or technical qualifications which are needed by the community for development, particularly in the economic, social, educational or health fields, to use their qualifications in the service of the community.

## II.—GENERAL PRINCIPLES

3. (1) Special schemes should be organized within the framework of national development plans where these exist and should, in particular, be fully integrated with human resources plans and programmes directed towards the achievement of full and productive employment as well as with regular programmes for the education and training of young people.

(2) Special schemes should have an interim character to meet current and pressing economic and social needs. They should not duplicate or prejudice other measures of economic policy or the development of regular educational or vocational training programmes nor be regarded as an alternative to these measures and these regular programmes.

(3) Special schemes should not be operated in a manner likely to lower labour standards nor should the services of participants therein be used for the advantage of private persons or undertakings.

(4) Special schemes should provide participants, where appropriate, with at least a minimum level of education.

4. The essential elements of every special scheme should include the safeguarding of human dignity and the development of the personality and of a sense of individual and social responsibility.

5. Special schemes should be administered without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin; they should be used for the active promotion of equality of opportunity and treatment.

6. The purposes and objectives of each special scheme and the categories of participants should be clearly defined by the competent authority and should be subject to periodic review in the light of experience.

7. (1) Participation in special schemes should be voluntary; exceptions may be permitted only by legislative action and where there is full compliance with the terms of existing international labour Conventions on forced labour and employment policy.

(2) Schemes in respect of which exceptions may be so permitted may include—

- (a) schemes of education and training involving obligatory enrolment of unemployed young people within a definite period after the age limit of regular school attendance;
- (b) schemes for young people who have previously accepted an obligation to serve for a definite period as a condition of being enabled to acquire education or technical qualifications of special value to the community for development.

(3) Where exceptions are so permitted, participants should, to the greatest possible extent, be given a free choice among different available forms of activity and different regions within the country and due account should be taken in their assignment of their qualifications and aptitudes.

8. The conditions of service of participants in special schemes should be clearly defined by the competent authority; they should be in conformity with the legal provisions governing minimum age for admission to employment and in harmony with other legal provisions applicable to young persons in regular training or in normal employment.

9. Participants should continue to have the opportunity of membership in youth or trade union organizations of their choice and of taking part in their activities.

10. There should be formal procedures for appeal by participants against decisions concerning their recruitment, their admission or their conditions of service, as well as informal grievance procedures to deal with minor complaints.

### III.—SCHEMES WHICH MEET NEEDS FOR YOUTH EMPLOYMENT AND TRAINING NOT YET MET BY EXISTING NATIONAL EDUCATIONAL OR VOCATIONAL TRAINING PROGRAMMES OR BY NORMAL OPPORTUNITIES ON THE EMPLOYMENT MARKET

#### A.—Purposes

11. As appropriate to national needs and circumstances, special schemes to which this Part of this Recommendation applies should serve one or more of the following specific purposes—

- (a) to give young persons who are educationally or otherwise disadvantaged such education, skills and work habits as are necessary for useful and remunerative economic activity and for integration into society;
- (b) to involve young persons in national economic and social development, including agricultural and rural development;
- (c) to provide useful occupation related to economic and social development for young persons who would otherwise be unemployed.

## B.—*Participation*

12. In selecting young persons to participate in special schemes, the following should be taken into account—

- (a) age and education, training and work experience if any, in relation, according to the nature of the scheme, to the aim of extending the opportunities of disadvantaged young persons, to ability to benefit from the scheme and to ability to contribute to the scheme;
- (b) mental and physical aptitude for the tasks to be performed, both as a participant and subsequently;
- (c) the extent to which the experience to be acquired in the schemes is likely to enhance the further opportunities of the young persons concerned and their potential usefulness in economic and social development.

13. Age-limits for participation which are appropriate to the training offered and the work to be performed in different kinds of special schemes should be specified by the competent authority and should take account of international labour standards regarding minimum age for admission to employment.

14. Special schemes should allow as large a number of young persons as possible to transfer to normal economic activity or to regular educational or vocational training programmes and the period of participation should accordingly be limited.

15. In all special schemes, appropriate action should be taken to ensure that before admission each participant fully understands all the conditions of service, including rules of conduct that may exist, the work content of the scheme, the required training and entitlements during the period and at the time of termination of service.

## C.—*Content of Special Schemes*

16. The content of special schemes should be adapted to and may vary, even within one scheme, according to the age, sex, educational and training level and capacities of the participants.

17. All special schemes should include a brief initial period for—

- (a) instruction in matters of importance to all participants, such as, in particular, general safety and health rules and the detailed regulations governing activities under the scheme;
- (b) accustoming participants to the conditions of life and work under the scheme and stimulating their interest;
- (c) ascertaining the participants' aptitudes with a view to placing them in the type of activity best corresponding to these aptitudes.

18. Participants in special schemes should be provided with a complement of education, including civic, economic and social education, related to

their needs and to the needs and aspirations of the country and should be informed of the role and functions of organizations established on a voluntary basis to represent the interests of workers and employers.

19. Special schemes designed, in whole or in part, to provide young persons who have limited opportunities with the skills necessary for useful economic activity should—

- (a) concentrate on preparing participants for occupations in which they are likely to find opportunities for useful work, while giving fullest possible consideration to their occupational preferences;
- (b) provide participants with a sound basis of practical skills and related theoretical knowledge;
- (c) take account of the potential role of participants as a stimulating influence on others, and give them the qualifications necessary for such a role;
- (d) facilitate and, as far possible, ensure—
  - (i) transition to regular educational or vocational training programmes or to other special schemes for further education or training, particularly of those showing special abilities;
  - (ii) transition to normal economic activity, in particular by measures designed to ensure the acceptability, in such economic activity, of the qualifications acquired by participants.

20. Special schemes designed, in whole or in part, to involve young persons in economic or social development projects should—

- (a) include training, at least to the extent of providing full training as required for the work to be undertaken, and training in relevant health and safety measures;
- (b) aim at developing good work practices;
- (c) employ participants, where possible, in fields for which they show aptitude and have some qualification.

21. Criteria for selecting work projects for the special schemes referred to in the preceding Paragraph should include the following—

- (a) potential contribution to expansion of economic activity in the country or region and, in particular, to expansion of subsequent opportunities for the participants;
- (b) training value, with particular reference to occupations in which participants are subsequently likely to find opportunities for useful work;
- (c) value as an investment in economic and social development and economic viability, including costs in relation to results;
- (d) need for special means of action, implying in particular that the work of participants will not be in unfair competition with that of workers in normal employment.

#### D.—*Conditions of Service*

22. The conditions of service should comply at least with the following standards—

- (a) the duration of service should not normally exceed two years;
- (b) certain grounds, such as medical reasons, or family or personal difficulties, should be recognized as justifying the release of participants before the expiry of the normal period of service;
- (c) the hours spent in a day and in a week on work and training should be so limited as to allow sufficient time for education and for rest as well as leisure activities;
- (d) in addition to such adequate accommodation, food and clothing as may be appropriate to the nature of the special scheme, participants should receive a payment in cash and be offered the opportunity and incentive to accumulate some savings;
- (e) in special schemes with a duration of service of one year or more, participants should be granted an annual holiday, where possible with free travel to and from their homes;
- (f) as far as possible, participants should be covered by social security provisions applicable to persons working under normal contracts; in any event there should be arrangements for free medical care of participants and for compensation in respect of incapacity or death resulting from injury or illness contracted in the special scheme.

#### E.—*Selection and Training of Staff*

23. All special schemes should include arrangements which ensure adequate supervision of participants by trained staff having access to technical and pedagogical guidance.

24. (1) In the selection of staff, emphasis should be placed not only on satisfactory qualifications for and experience in the work to be performed, but also on understanding of young persons, on qualities of leadership and on adaptability. At least some members of the staff should have experience of normal employment outside special schemes.

(2) All possible sources of recruitment of staff should be explored, including the possibility of encouraging participants in special schemes who have shown qualities of leadership to prepare themselves for staff positions.

25. Training of supervisory and other technical staff should include, in addition to such instruction in vocational specialities as may be necessary, at least the following—

- (a) training in instruction techniques, with particular emphasis on those used in training young persons;

- (b) basic instruction in human relations, with special reference to motivation and work attitudes;
- (c) training in work organization, including the assignment of duties according to the abilities and training level of participants.

26. Training of administrative staff should include, in addition to such instruction in vocational specialities as may be necessary, at least the following—

- (a) instruction designed to give the persons concerned an understanding of the objectives of the special scheme and knowledge of applicable labour and youth protection legislation, and of specific rules and regulations governing the scheme;
- (b) instruction to provide a sufficient knowledge of the technical aspects of the work of the scheme;
- (c) such instruction in human relations as will facilitate good relations with supervisory and other technical staff and with participants.

#### *F.—Assistance to Participants for Their Occupational Future*

27. During service in a special scheme, participants should be given information and guidance to assist them in making decisions regarding their occupational future.

28. Participants showing special aptitudes should be helped in all appropriate ways to continue their education and training outside the special scheme on completion of service.

29. Special and immediate efforts should be made to integrate participants rapidly in normal economic activity on completion of their term of service; these should be addition to the regular efforts by the employment services and all other appropriate bodies.

30. The release of participants from special schemes should as far as possible be related, in time and in number, to the capacity of the economy to absorb new entrants into gainful activity: Provided that in exceptional schemes with a compulsory element the individual's right to leave the scheme after the period of service originally specified should be ensured.

31. Assistance, wherever possible through existing institutions, to former participants who establish themselves on their own account, or as members of a group, might include—

- (a) promotion of access to credit, marketing and saving facilities;
- (b) continuing contact to provide encouragement and necessary technical managerial advice;
- (c) in the case of co-operatives, financial and administrative aid as provided for in the Co-operatives (Developing Countries) Recommendation, 1966.

32. To the extent that resources permit, participants should receive on satisfactory completion of service a payment in cash or a payment in kind, such as a tool-kit, designed to assist their establishment in normal economic activity.

#### IV.—SCHEMES WHICH ENABLE YOUNG PERSONS WHO HAVE EDUCATIONAL OR TECHNICAL QUALIFICATIONS WHICH ARE NEEDED BY THE COMMUNITY FOR DEVELOPMENT TO USE THEIR QUALIFICATIONS IN THE SERVICE OF THE COMMUNITY

33. Special schemes to which this Part of this Recommendation applies should stimulate the interest of young persons in the economic and social development of their country and develop a sense of responsibility to the community.

34. Participants should be employed in fields for which they are specially qualified or in closely related fields.

35. As necessary, the qualifications of participants should be supplemented with training in skills and methods needed for the tasks to be performed.

36. Arrangements should be made under which qualified guidance and advice on problems encountered in their assignment are readily available to participants.

37. The conditions of service should comply at least with the following standards—

- (a) the duration of service should not normally exceed two years;
- (b) certain grounds, such as medical reasons, or family or personal difficulties, should be recognized as justifying the release of participants before the expiry of the normal period of service;
- (c) work and training schedules should take account of the need of participants for rest and leisure;
- (d) in addition to such adequate board and lodging as may be appropriate to the nature of the special scheme, participants should receive an appropriate remuneration;
- (e) in special schemes with a duration of service of one year or more, participants should be granted an annual holiday, where possible with free travel to and from their homes;
- (f) participants should be covered by any appropriate social security provisions applicable to persons working under normal contracts; in any event there should be arrangements for free medical care of participants and for compensation in respect of incapacity or death resulting from injury or illness contracted in the special scheme.

38. Measures should be taken to facilitate the absorption of participants, after termination of service, into normal employment in their profession or occupation.

#### V.—ADMINISTRATIVE ARRANGEMENTS

39. The direction and co-ordination of special schemes at the national level should be achieved by means of some appropriate body or bodies established by the competent authority.

40. The body or bodies should, wherever possible, include, in addition to government members, representatives of workers', employers' and youth organizations so as to ensure their active participation in the planning, operation, co-ordination, inspection and evaluation of the special schemes.

41. In the performance of these tasks the body or bodies should, as necessary, consult voluntary agencies and authorities responsible for such relevant fields as labour, education, economic affairs, agriculture, industry and social affairs.

42. The body or bodies should maintain continuous liaison with the authorities responsible for regular educational and training programmes, in order to ensure co-ordination with a view to the gradual elimination of special schemes as rapidly as possible.

43. The active participation of local authorities should be sought in relation to the choice and implementation of projects within the framework of special schemes.

44. When establishing special schemes, the competent authority should endeavour to provide sufficient financial and material resources and the necessary qualified staff to ensure their full implementation. In this connexion particular attention should be given to ways in which the schemes could generate their own sources of income. No financial contribution should be required from the participant or his family.

45. Provision should be made for the systematic inspection and auditing of special schemes.

46. Organization at the local level should be such as to train and encourage the participants gradually to take a share in the administration of their scheme.

#### VI.—INTERNATIONAL CO-OPERATION

47. As regards special schemes under which young persons from one country participate in activities directed to the development of another country, the competent authorities and bodies concerned should apply the relevant provisions of this Recommendation as fully as possible in respect of matters within their jurisdiction and should co-operate with each other with a view both to ensuring the application of such provisions to matters requiring joint action and to resolving any difficulties which may arise in connexion with such application.

## Convention 135

### CONVENTION CONCERNING PROTECTION AND FACILITIES TO BE AFFORDED TO WORKERS' REPRESENTATIVES IN THE UNDERTAKING

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 Fifty-sixth Session  
on 2nd June, 1971, and  
Noting the terms of the Right to Organize and Collective Bargaining  
Convention, 1949, which provides for protection of workers against  
acts of anti-union discrimination in respect of their employment,  
and  
Considering that it is desirable to supplement these terms with respect  
to workers' representatives, and  
Having decided upon the adoption of certain proposals with regard to  
protection and facilities afforded to workers' representatives in the  
undertaking, which is the fifth item on the agenda of the session,  
and  
Having determined that these proposals shall take the form of an  
international Convention,  
adopts this twenty-third day of June of the year one thousand nine hundred  
and seventy-one the following Convention, which may be cited as the  
Workers' Representatives Convention, 1971:

#### *Article 1*

Workers' representatives in the undertaking shall enjoy effective protection  
against any act prejudicial to them, including dismissal, based on their  
status or activities as a workers' representative or on union membership  
or participation in union activities, in so far as they act in conformity with  
existing laws or collective agreements or other jointly agreed arrangements.

#### *Article 2*

1. Such facilities in the undertaking shall be afforded to workers'  
representatives as may be appropriate in order to enable them to carry  
out their functions promptly and efficiently.
2. In this connexion account shall be taken of the characteristics of  
the industrial relations system of the country and the needs, size and  
capabilities of the undertaking concerned.
3. The granting of such facilities shall not impair the efficient operation  
of the undertaking concerned.

### *Article 3*

For the purpose of this Convention the term "workers' representatives" means persons who are recognized as such under national law or practice, whether they are—

- (a) trade union representatives, namely, representatives designated or elected by trade unions or by the members of such unions; or
- (b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognized as the exclusive prerogative of trade unions in the country concerned.

### *Article 4*

National laws or regulations, collective agreements, arbitration awards or court decisions may determine the type or types of workers' representatives which shall be entitled to the protection and facilities provided for in this Convention.

### *Article 5*

Where there exist in the same undertaking both trade union representatives and elected representatives, appropriate measures shall be taken, wherever necessary, to ensure that the existence of elected representatives is not used to undermine the position of the trade unions concerned or their representatives and to encourage co-operation on all relevant matters between the elected representatives and the trade unions concerned and their representatives.

### *Article 6*

Effect may be given to this Convention through national laws or regulations or collective agreements, or in any other manner consistent with national practice.

### *Article 7*

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

### *Article 8*

1. This Convention shall be binding only upon those Members of the International Labour Organization 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 9

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 10

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 denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

### Article 11

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 12

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 13

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 9 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 14*

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

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Fifty-sixth Session which was held at Geneva and declared closed the twenty-third day of June, 1971.

IN FAITH WHEREOF we have appended our signatures this thirtieth day of June, 1971.

## Recommendation 143

### RECOMMENDATION CONCERNING PROTECTION AND FACILITIES TO BE AFFORDED TO WORKERS' REPRESENTATIVES IN THE UNDERTAKING

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 Fifty-sixth Session on 2nd June, 1971, and

Having adopted the Workers' Representatives Convention, 1971, and Having decided upon the adoption of certain proposals with regard to protection and facilities afforded to workers' representatives in the undertaking, which is the fifth item on the agenda of the session, and

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

adopts this twenty-third day of June of the year one thousand nine hundred and seventy-one the following Recommendation, which may be cited as the Workers' Representatives Recommendation, 1971:

#### I.—METHODS OF IMPLEMENTATION

1. Effect may be given to this Recommendation through national laws or regulations or collective agreements, or in any other manner consistent with national practice.

#### II.—GENERAL PROVISIONS

2. For the purpose of this Recommendation the term "workers' representatives" means persons who are recognized as such under national law or practice, whether they are—

(a) trade union representatives, namely representatives designated or elected by trade unions or by the members of such unions; or

(b) elected representatives, namely representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognized as the exclusive prerogative of trade unions in the country concerned.

3. National laws or regulations, collective agreements, arbitration awards or court decisions may determine the type or types of workers' representatives which should be entitled to the protection and facilities provided for in this Recommendation.

4. Where there exist in the same undertaking both trade union representatives and elected representatives, appropriate measures should be taken, whenever necessary, to ensure that the existence of elected representatives

is not used to undermine the position of the trade unions concerned or their representatives and to encourage co-operation on all relevant matters between the elected representatives and the trade unions concerned and their representatives.

### III.—PROTECTION OF WORKERS' REPRESENTATIVES

5. Workers' representatives in the undertaking should enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

6. (1) Where there are not sufficient relevant protective measures applicable to workers in general, specific measures should be taken to ensure effective protection of workers' representatives.

(2) These might include such measures as the following—

(a) detailed and precise definition of the reasons justifying termination of employment of workers' representatives;

(b) a requirement of consultation with, an advisory opinion from, or agreement of an independent body, public or private, or a joint body, before the dismissal of a workers' representative becomes final;

(c) a special recourse procedure open to workers' representatives who consider that their employment has been unjustifiably terminated, or that they have been subjected to an unfavourable change in their conditions of employment or to unfair treatment;

(d) in respect of the unjustified termination of employment of workers' representatives, provision for an effective remedy which, unless this is contrary to basic principles of the law of the country concerned, should include the reinstatement of such representatives in their job, with payment of unpaid wages and with maintenance of their acquired rights;

(e) provision for laying upon the employer, in the case of any alleged discriminatory dismissal or unfavourable change in the conditions of employment of a workers' representative, the burden of proving that such action was justified;

(f) recognition of a priority to be given to workers' representatives with regard to their retention in employment in case of reduction of the work force.

7. (1) Protection afforded under Paragraph 5 of this Recommendation should also apply to workers who are candidates; or have been nominated as candidates through such appropriate procedures as may exist, for election or appointment as workers' representatives.

(2) The same protection might also be afforded to workers who have ceased to be workers' representatives.

(3) The period during which such protection is enjoyed by the persons referred to in this Paragraph may be determined by the methods of implementation referred to in Paragraph 1 of this Recommendation.

8. (1) Persons who, upon termination of their mandate as workers' representative in the undertaking in which they have been employed, resumed work in that undertaking should retain, or have restored, all their rights, including those related to the nature of their job, to wages and to seniority.

(2) The questions whether, and what extent, the provisions of subparagraph (1) of this Paragraph should apply to workers' representatives who have exercised their functions mainly outside the undertaking concerned should be left to national laws or regulations, collective agreements, arbitration awards or court decisions.

#### IV.—FACILITIES TO BE AFFORDED TO WORKERS' REPRESENTATIVES

9. (1) Such facilities in the undertaking should be afforded to workers' representatives as may be appropriate in order to enable them to carry out their functions promptly and efficiently.

(2) In this connexion account should be taken of the characteristics of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

(3) The granting of such facilities should not impair the efficient operation of the undertaking concerned.

10. (1) Workers' representatives in the undertaking should be afforded the necessary time off from work, without loss of pay or social and fringe benefits, for carrying out their representation functions in the undertaking.

(2) In the absence of appropriate provisions, a workers' representative may be required to obtain permission from his immediate supervisor or another appropriate representative of management designated for this purpose before he takes time off from work, such permission not to be unreasonably withheld.

(3) Reasonable limits may be set on the amount of time off which is granted to workers' representatives under subparagraph (1) of this Paragraph.

11. (1) In order to enable them to carry out their functions effectively, workers' representatives should be afforded the necessary time off for attending trade union meetings, training courses, seminars, congresses and conferences.

(2) Time off afforded under subparagraph (1) of this Paragraph should be afforded without loss of pay or social and fringe benefits, it being understood that the question of who should bear the resulting costs may be determined by the methods of implementation referred to in Paragraph 1 of this Recommendation.

12. Workers' representatives in the undertaking should be granted access to all workplaces in the undertaking, where such access is necessary to enable them to carry out their representation functions.

13. Workers' representatives should be granted without undue delay access to the management of the undertaking and to management representatives empowered to take decisions, as may be necessary for the proper exercise of their functions.

14. In the absence of other arrangements for the collection of trade union dues, workers' representatives authorized to do so by the trade union should be permitted to collect such dues regularly on the premises of the undertaking.

15. (1) Workers' representatives acting on behalf of a trade union should be authorized to post trade union notices on the premises of the undertaking in a place or places agreed on with the management and to which the workers have easy access.

(2) The management should permit workers' representatives acting on behalf of a trade union to distribute news sheets, pamphlets, publications and other documents of the union among the workers of the undertaking.

(3) The union notices and documents referred to in this Paragraph should relate to normal trade union activities and their posting and distribution should not prejudice the orderly operation and tidiness of the undertaking.

(4) Workers' representatives who are elected representatives in the meaning of clause (b) of Paragraph 2 of this Recommendation should be given similar facilities consistent with their functions.

16. The management should make available to workers' representatives, under the conditions and to the extent which may be determined by the methods of implementation referred to in Paragraph 1 of this Recommendation, such material facilities and information as may be necessary for the exercise of their functions.

17. (1) Trade union representatives who are not employed in the undertaking but whose trade union has members employed therein should be granted access to the undertaking.

(2) The determination of the conditions for such access should be left to the methods of implementation referred to in Paragraphs 1 and 3 of this Recommendation.

## Convention 136

### CONVENTION CONCERNING PROTECTION AGAINST HAZARDS OF POISONING ARISING FROM BENZENE

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 Fifty-sixth Session on 2nd June, 1971, and

Having decided upon the adoption of certain proposals with regard to protection against hazards arising from benzene, which is the sixth item on the agenda of the session, and

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

adopts this twenty-third day of June of the year one thousand nine hundred and seventy-one the following Convention, which may be cited as the Benzene Convention, 1971:

#### *Article 1*

This Convention applies to all activities involving exposure of workers to—

- (a) the aromatic hydrocarbon benzene  $C_6H_6$ , hereinafter referred to as "benzene";
- (b) products the benzene content of which exceeds 1 per cent by volume, hereinafter referred to as "products containing benzene".

#### *Article 2*

1. Whenever harmless or less harmful substitute products are available, they shall be used instead of benzene or products containing benzene.
2. Paragraph 1 of this Article does not apply to—
  - (a) the production of benzene;
  - (b) the use of benzene for chemical synthesis;
  - (c) the use of benzene in motor fuel;
  - (d) analytical or research work carried out in laboratories.

#### *Article 3*

1. The competent authority in a country may permit temporary derogations from the percentage laid down in Article 1, subparagraph (b), and from the provisions of Article 2, paragraph 1, of this Convention under conditions and within limits of time to be determined after consultation with the most representative organizations of employers and workers concerned, where such exist.

2. In such case the Member in question shall indicate in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organization the position of its law and practice as regards the derogations and any progress made towards complete application of the terms of the Convention.

3. At the expiration of three years from the date on which this Convention first entered into force, the Governing Body of the International Labour Office shall submit to the Conference a special report concerning the application of paragraphs 1 and 2 of this Article and containing such proposals as it may think appropriate for further action in regard to the matter.

#### *Article 4*

1. The use of benzene and of products containing benzene shall be prohibited in certain work processes to be specified by national laws or regulations.

2. This prohibition shall at least include the use of benzene and of products containing benzene as a solvent or diluent, except where the process is carried out in an enclosed system or where there are other equally safe methods of work.

#### *Article 5*

Occupational hygiene and technical measures shall be taken to ensure effective protection of workers exposed to benzene or to products containing benzene.

#### *Article 6*

1. In premises where benzene or products containing benzene are manufactured, handled or used, all necessary measures shall be taken to prevent the escape of benzene vapour into the air of places of employment.

2. Where workers are exposed to benzene or to products containing benzene, the employer shall ensure that the concentration of benzene in the air of the places of employment does not exceed a maximum which shall be fixed by the competent authority at a level not exceeding a ceiling value of 25 parts per million (80 mg/m<sup>3</sup>).

3. The competent authority shall issue directions on carrying out the measurement of the concentration of benzene in the air of places of employment.

#### *Article 7*

1. Work processes involving the use of benzene or of products containing benzene shall as far as practicable be carried out in an enclosed system.

2. Where it is not practicable for the work processes to be carried out in an enclosed system, places of work in which benzene or products containing benzene are used shall be equipped with effective means to

ensure the removal of benzene vapour to the extent necessary for the protection of the health of the workers.

#### *Article 8*

1. Workers who may have skin contact with liquid benzene or liquid products containing benzene shall be provided with adequate means of personal protection against the risk of absorbing benzene through the skin.

2. Workers who for special reasons may be exposed to concentrations of benzene in the air of places of employment which exceed the maximum referred to in Article 6, paragraph 2, of this Convention shall be provided with adequate means of personal protection against the risk of inhaling benzene vapour. The duration of exposure shall be limited as far as possible.

#### *Article 9*

1. Workers who are to be employed in work processes involving exposure to benzene or to products containing benzene shall undergo—

- (a) a thorough pre-employment medical examination for fitness for employment which shall include a blood-test;
- (b) periodic re-examinations, which shall include biological tests including a blood test, at intervals fixed by national laws or regulations.

2. The competent authority in a country may, after consultation with the most representative organizations of employers and workers concerned, where such exist, permit exceptions from the obligations of paragraph 1 of this Article in respect of specified categories of workers.

#### *Article 10*

1. The medical examinations provided for in Article 9, paragraph 1, of this Convention shall be—

- (a) carried out under the responsibility of a qualified physician, approved by the competent authority, and with the assistance, as appropriate, of a competent laboratory;
- (b) certified in an appropriate manner.

2. These medical examinations shall not involve the workers in any expense.

#### *Article 11*

1. Women medically certified as pregnant, and nursing mothers, shall not be employed in work processes involving exposure to benzene or products containing benzene.

2. Young persons under 18 years of age shall not be employed in work processes involving exposure to benzene or products containing benzene: Provided that this prohibition need not apply to young persons undergoing education or training who are under adequate technical and medical supervision.

### *Article 12*

The word "Benzene" and the necessary danger symbols shall be clearly visible on any container holding benzene or products containing benzene.

### *Article 13*

Each Member shall take appropriate steps to provide that any worker exposed to benzene or products containing benzene receives appropriate instructions on measures to safeguard health and prevent accidents, as well as on the appropriate action if there is any evidence of poisoning.

### *Article 14*

Each Member which ratifies this Convention—

- (a) shall, by laws or regulations or any other method consistent with national practice and conditions, take such steps as may be necessary to give effect to the provisions of this Convention;
- (b) shall, in accordance with national practice, specify the person or persons on whom the obligation of compliance with the provisions of this Convention rests;
- (c) undertakes to provide appropriate inspection services for the purpose of supervising the application of the provisions of this Convention, or to satisfy itself that appropriate inspection is carried out.

### *Article 15*

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

### *Article 16*

1. This Convention shall be binding only upon those Members of the International Labour Organization 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 17*

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 18

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 denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

#### Article 19

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 20

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 21

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 revising Convention shall *ipso jure* involve the immediate denunciation of the Convention, notwithstanding the provisions of Article 17 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 22

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

## Recommendation 144

### RECOMMENDATION CONCERNING PROTECTION AGAINST HAZARDS OF POISONING ARISING FROM BENZENE

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 Fifty-sixth  
Session on 2nd June, 1971, and

Having adopted the Benzene Convention, 1971, and

Having decided upon the adoption of certain proposals with regard to  
protection against hazards arising from benzene, which is the sixth  
item on the agenda of the session, and

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

adopts this twenty-third day of June of the year one thousand nine hundred  
and seventy-one the following Recommendation, which may be cited as  
the Benzene Recommendation, 1971:

#### I.—SCOPE

1. This Recommendation applies to all activities involving exposure of  
workers to—

- (a) the aromatic hydrocarbon benzene  $C_6H_6$ , hereinafter referred to as  
“benzene”;
- (b) products the benzene content of which exceeds 1 per cent by volume,  
hereinafter referred to as “products containing benzene”; the benzene  
content should be determined by analytical methods recommended  
by the competent international organizations.

2. Notwithstanding the provisions of Paragraph 1 of this Recommendation,  
the benzene content of products not covered by clause (b) of that  
Paragraph should be progressively reduced to as low a level as practicable  
where this is necessary for the protection of the health of workers.

#### II.—RESTRICTIONS ON THE USE OF BENZENE

3. (1) Whenever harmless or less harmful substitute products are avail-  
able they should be used instead of benzene or products containing benzene.

(2) Subparagraph (1) of this Paragraph does not apply to—

- (a) the production of benzene;
- (b) the use of benzene for chemical synthesis;
- (c) the use of benzene in motor fuel;
- (d) analytical or research work carried out in laboratories.

4. (1) The use of benzene and of products containing benzene should be prohibited in certain work processes to be specified by national laws or regulations.

(2) Subparagraph (1) of this Paragraph does not apply to— products containing benzene as a solvent or diluent, except where the process is carried out in an enclosed system or where there are other equally safe methods of work.

5. The sale of certain industrial products containing benzene (such as paints, varnishes, mastics, glues, adhesives, inks and various solutions), to be specified by national laws or regulations, should be prohibited in cases to be determined by the competent authority.

### III.—TECHNICAL MEASURES FOR THE PREVENTION OF HAZARDS; OCCUPATIONAL HYGIENE

6. (1) Occupational hygiene and technical measures should be taken to ensure effective protection of workers exposed to benzene or to products containing benzene.

(2) Notwithstanding the provisions of Paragraph 1 of this Recommendation, such measures should also be taken where workers are exposed to products the benzene content of which is below 1 per cent by volume, if this is necessary to ensure that the concentration of benzene in the air remains below the maximum fixed by the competent authority.

7. (1) In premises where benzene or products containing benzene are manufactured, handled or used, all necessary measures should be taken to prevent the escape of benzene vapour into the air of places of employment.

(2) Where workers are exposed to benzene or to products containing benzene, the employers should ensure that the concentration of benzene in the air of the places of employment does not exceed a maximum which should be fixed by the competent authority at a level not exceeding a ceiling value of 25 parts per million (80 mg/m<sup>3</sup>).

(3) The maximum concentration referred to in subparagraph (2) of this Paragraph should be lowered as soon as possible if medical evidence shows this to be desirable.

(4) The competent authority should issue directions on carrying out the measurement of the concentration of benzene in the air of places of employment.

8. (1) Work processes involving the use of benzene or of products containing benzene should as far as practicable be carried out in an enclosed system.

(2) Where it is not practicable for the work processes to be carried out in an enclosed system, places of work in which benzene or products containing benzene are used should be equipped with effective means to ensure the removal of benzene vapour to the extent necessary for the protection of the health of the workers.

(3) Care should be taken to ensure that wastes containing liquid benzene or benzene vapour do not endanger the health of workers.

9. (1) Workers who may have skin contact with liquid benzene or liquid products containing benzene should be provided with adequate means of personal protection against the risk of absorbing benzene through the skin.

(2) Workers who for special reasons may be exposed to concentrations of benzene in the air of places of employment which exceed the maximum referred to in Paragraph 7, subparagraph (2), of this Recommendation should be provided with adequate means of personal protection against the risk of inhaling benzene vapour. The duration of exposure should be limited as far as possible.

10. Every worker exposed to benzene or to products containing benzene should wear appropriate work clothes.

11. The use of benzene or of products containing benzene by workers for cleaning their hands or their work clothes should be prohibited.

12. Food should not be introduced in to or consumed in areas in which benzene or products containing benzene are manufactured, handled or used. Smoking should be prohibited in such areas.

13. In undertakings in which benzene or products containing benzene are manufactured, handled or used, all appropriate measures should be taken by the employer to have available for workers—

- (a) sufficient and suitable washing facilities, in suitable places and properly maintained;
- (b) suitable accommodation for taking meals, unless appropriate arrangements exist for the workers to take their meals elsewhere;
- (c) changing rooms or other suitable facilities, where work clothing can be stored separately from the ordinary clothes of the workers.

14. (1) The means of personal protection referred to in Paragraph 9 of this Recommendation and the work clothes referred to in Paragraph 10 thereof should be supplied, cleaned and regularly maintained by the employer.

(2) The workers concerned should be required to use these means of personal protection and these work clothes, and to take care of them.

#### IV.—MEDICAL MEASURES

15. (1) Workers who are to be employed in work processes involving exposure to benzene or to products containing benzene should undergo—

- (a) a thorough pre-employment medical examination for fitness for employment which should include a blood test;
- (b) periodic re-examinations, which should include biological tests including a blood-test, at intervals, of not more than one year, fixed by national laws or regulations.

(2) The competent authority in a country may, after consultation with the most representative organizations of employers and workers concerned, where such exist, permit exceptions from the provisions of subparagraph (1) of this Paragraph in respect of specified categories of workers.

16. On the occasion of the medical examinations the workers concerned should be given written instructions on protective measures against the health hazards of benzene.

17. The medical examinations provided for in Paragraph 15, subparagraph (1), of this Recommendation should be—

(a) carried out under the responsibility of a qualified physician, approved by the competent authority, and with the assistance, as appropriate, of a competent laboratory;

(b) certified in an appropriate manner.

18. These medical examinations should be carried out during working hours, and should not involve the workers in any expense.

19. Women medically certified as pregnant, and nursing mothers, should not be employed in work processes involving exposure to benzene or products containing benzene.

20. Young persons under 18 years of age should not be employed in work processes involving exposure to benzene or products containing benzene, except where they are undergoing education or training and are under adequate technical and medical supervision.

#### V.—CONTAINERS

21. (1) The word "Benzene" and the necessary danger symbols should be clearly visible on any container holding benzene or products containing benzene.

(2) An indication of the percentage of benzene contained in the product in question should also be given.

(3) The danger symbols referred to in subparagraph (1) of this Paragraph should be internationally recognized.

22. Benzene and products containing benzene should not be brought into any place of employment except in containers which are of suitable material, adequate strength, and so designed and constructed as to prevent any leakage, or inadvertent escape of vapours.

#### VI.—MEASURES OF EDUCATION

23. Each Member should take appropriate steps to provide that any worker exposed to benzene or products containing benzene receives appropriate training and instructions at the employer's expense on measures to safeguard health and prevent accidents, as well as on the appropriate action if there is any evidence of poisoning.

24. In appropriate positions in premises in which benzene or products containing benzene are used, notices should be displayed which indicate—

- (a) the hazards;
- (b) the preventive measures to be taken;
- (c) the protective equipment to be used;
- (d) first-aid measures to be taken in cases of acute benzene poisoning.

#### VII.—GENERAL PROVISIONS

25. Each Member should—

- (a) by laws or regulations or any other method consistent with national practice and conditions, take such steps as may be necessary to give effect to the provisions of this Recommendation;
- (b) in accordance with national practice, specify the person or persons on whom the obligation of compliance with the provisions of this Recommendation rests;
- (c) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Recommendation, or satisfy itself that appropriate inspection is carried out.

26. The competent authority in each country should actively promote research into harmless or less harmful products which could replace benzene.

27. The competent authority should establish a statistical system for reporting data concerning medically observed cases of benzene poisoning and these should be published annually.

## Convention 138

### CONVENTION CONCERNING MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

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 Fifty-eighth Session on 6th 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 1*

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

#### *Article 2*

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

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

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organizations 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 Organization 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 jeopardize 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 organizations 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 organizations of employers and workers concerned, where such exist, authorize 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 organizations 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 Organization 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 organizations 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 Organization 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 organizations 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 organizations 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 (Trimmers 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 Organization 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 Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization 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 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.

**RECOMMENDATION CONCERNING MINIMUM AGE FOR  
ADMISSION TO EMPLOYMENT**

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 Fifty-eighth Session  
on 6th June, 1973, and

Recognizing that the effective abolition of child labour and the progres-  
sive 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 Organization, 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 connexion 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 jeopardize 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 connexion 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 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.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Fifty-eighth Session which was held at Geneva and declared closed the twenty-seventh day of June, 1973.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June, 1973.