

**CONVENTION (NO. 59) FIXING THE MINIMUM AGE FOR
ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT, AS
MODIFIED BY THE FINAL ARTICLES REVISION CONVENTION**

Note: The Convention amends the Convention Fixing the Minimum Age for Admission of Children to Industrial Employment, signed at Geneva, June 22, 1937. The Convention, as amended was concurred in by the Senate, S.R. No. 44, May 19, 1960. The Philippine instrument of ratification was signed by the President, September 16, 1960 and was deposited with the Director-General of the ILO, November 17, 1960. The original Convention entered into force February 21, 1941. The amended Convention entered into force with respect to the Philippines, November 17, 1961.

Reference: This Convention is also published in 40 UNTS, p. 217.

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 Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to industrial employment adopted by the Conference at its First Session, which is the sixth item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention, adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Convention, which may be cited as the Minimum Age (Industry) Convention (Revised), 1937:

PART I. - GENERAL PROVISIONS

ARTICLE 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation transformation, and transmission of electricity and motive power of any kind;

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

(d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2

1. Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof.

2. Provided that, except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

ARTICLE 3

The provisions of this Convention shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

ARTICLE 4

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of eighteen years employed by him, and of the dates of their births.

ARTICLE 5

1. In respect of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws shall either —

(a) prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents; or

(b) empower an appropriate authority to prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents.

2. The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organization shall include full information

concerning the age or ages prescribed by national laws in pursuance of sub-paragraph (a) of the preceding paragraph or concerning the action taken by the appropriate authority in exercise of the powers conferred upon it in pursuance of sub-paragraph (b) of the preceding paragraph, as the case may be.

PART II.—SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

ARTICLE 6

1. The provisions of this Article shall be applicable in Japan in substitution for the provisions of Articles 2 and 5.
2. Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof. Provided that national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.
3. Children under the age of sixteen years shall not be employed or work on dangerous or unhealthy work as defined by national laws or regulations in mines or factories.

ARTICLE 7

1. The provisions of Articles 2, 4 and 5 shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.
2. Children under the age of twelve years shall not be employed or work in factories working with power and employing more than ten persons.
3. Children under the age of thirteen years shall not be employed or work in the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays or wharves, but excluding transport by hand.
4. Children under the age of fifteen years shall not be employed or work —
 - (a) in mines, quarries, and other works for the extraction of minerals from the earth;
 - (b) in occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority.
5. Unless they have been medically certified as fit for such work —
 - (a) persons who have attained the age of twelve years but are under the age of seventeen years shall not be permitted to work in factories working with power and employing more than ten persons;
 - (b) persons who have attained the age of fifteen