

INTERNATIONAL LABOUR OFFICE

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REPORT FORM

FOR THE

**MINIMUM AGE (NON-INDUSTRIAL  
EMPLOYMENT) CONVENTION, 1932 (No. 33)**

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

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GENEVA  
1978

## REPORT

for the period . . . . . to . . . . . , made by the Government of . . . . . , in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the  
**MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT) CONVENTION, 1932**  
ratification of which was registered on . . . . .

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done please forward copies of the said legislation, etc., to the International Labour Office with this report.
- Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.
- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

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

### *Article 1*

1. This Convention shall apply to any employment not dealt with in the following Conventions adopted by the International Labour Conference at its First, Second and Third Sessions respectively:  
Convention fixing the minimum age for admission of children to industrial employment (Washington, 1919);  
Convention fixing the minimum age for admission of children to employment at sea (Genoa, 1920);  
Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921).

The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.

2. This Convention shall not apply to:

- (a) employment in sea-fishing;
- (b) work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority.

3. It shall be open to the competent authority in each country to exempt from the application of this Convention:

- (a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 and 5 of this Convention;
- (b) domestic work in the family performed by members of the family.

*Please state what decisions, if any, have been taken, in accordance with the last subparagraph of paragraph 1 of this Article, defining the line of division which separates the employments covered by this Convention*

*from those dealt with in the three other Conventions mentioned, and indicate what methods were employed to consult the principal organisations of employers and workers concerned.*

*Please supply detailed information on the exemptions, if any, allowed under paragraph 3 of this Article, indicating in particular the precise definition of the term "family" which has been adopted for the purpose of such exemptions.*

#### Article 2

Children under 14 years of age, or children over 14 years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

#### Article 3

1. Children over 12 years of age may, outside the hours fixed for school attendance, be employed on light work—

- (a) which is not harmful to their health or normal development;
- (b) which is not such as to prejudice their attendance at school or their capacity to benefit from the instruction there given; and
- (c) the duration of which does not exceed two hours per day on either school days or holidays, the total number of hours spent at school and on light work in no case to exceed seven per day.

2. Light work shall be prohibited—

- (a) on Sundays and legal public holidays;
- (b) during the night, that is to say during a period of at least 12 consecutive hours comprising the interval between 8 p.m. and 8 a.m.

3. After the principal organisations of employers and workers concerned have been consulted, national laws or regulations shall—

- (a) specify what forms of employment may be considered to be light work for the purpose of this Article;
- (b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed in light work.

4. Subject to the provisions of subparagraph (a) of paragraph 1 above,

- (a) national laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday time of children referred to in Article 2 who are over 14 years of age;
- (b) in countries where no provision exists relating to compulsory school attendance, the time spent on light work shall not exceed four and a half hours per day.

*If the employment of children over 12 years of age on light work, under the conditions laid down in this Article, is permitted, please state what methods were adopted for consulting the principal organisations of employers and workers for the purpose of paragraph 3.*

*Please indicate any application that may have been made of the provisions of paragraph 4.*

*(See also under Article 8.)*

#### Article 4

1. In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films;

2. Provided that—

- (a) no such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety shows or cabarets;
- (b) strict safeguards shall be prescribed for the health, physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education;
- (c) children to whom permits are granted in accordance with this Article shall not be employed after midnight.

*(See also under Article 8.)*

*Article 5*

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to any employment which, by its nature, or the circumstances in which it is to be carried on, is dangerous to the life, health or morals of the persons employed in it.

*(See also under Article 8.)*

*Article 6*

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

*(See also under Article 8.)*

*Article 8*

There shall be included in the annual reports to be submitted under article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention, including—

- (a) a list of the forms of employment which national laws or regulations specify to be light work for the purpose of Article 3;
- (b) a list of the forms of employment for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages for admission higher than those laid down in Article 2;
- (c) full information concerning the circumstances in which exceptions to the provisions of Articles 2 and 3 are permitted in accordance with the provisions of Article 4.

*Please supply the information required by this Article, in so far as it has not already been supplied with reference to the application of Articles 3, 4, 5 and 6.*

*Article 9 (India only)*

1. The provisions of Articles 2, 3, 4, 5, 6 and 7 of this Convention shall not apply to India, but in India—

- (1) the employment of children under 10 shall be prohibited:

Provided that in the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the above provision in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

Provided also that should the age for the admission of children to factories not using power which are not subject to the Indian Factories Act be fixed by national laws or regulations at an age exceeding 10, the age so prescribed for admission to such factories shall be substituted for the age of 10 for the purpose of this paragraph.

- (2) Persons under 14 years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organisations of employers and workers concerned, may declare to involve danger to life, health or morals.

- (3) An age above 10 shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

- (4) National laws or regulations shall provide for the due enforcement of the provisions of this Article and in particular shall provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Article.

- (5) The competent authority shall, after a period of five years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increasing the minimum age prescribed in this Convention, such review to cover the whole of the provisions of this Article.

2. Should legislation be enacted in India making attendance at school compulsory until the age of 14 this Article shall cease to apply, and Articles 2, 3, 4, 5, 6 and 7 shall thenceforth be applicable to India.

**III. Article 7 of the Convention is as follows:**

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall—

- (a) provide for an adequate system of public inspection and supervision;
- (b) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6;
- (c) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

**Please indicate the measures taken in conformity with the various provisions of this Article.**

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

**V. Please give a general appreciation of the manner in which the Convention is applied in your country including, for instance, extracts from official reports and information on any practical difficulties in the application of the Convention.**

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

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

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