MINIMUM AGE OF ADMISSION TO WORK UNDERGROUND IN COAL MINES

Sixth Item on the Agenda

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INTRODUCTION

In accordance with the Standing Orders of the Conference, the International Labour Office prepared and despatched to the Governments of States Members a report containing the text of a proposed Recommendation concerning the minimum age of admission to work underground in coal mines. This text was based on the resolution concerning the regulation of the employment of young persons in underground work in coal mines, adopted by the International Labour Conference at its 35th Session.

The Governments were requested to send any amendments or comments in time to reach the Office not later than 1 December 1952 or to inform the Office by the same date whether they considered that the proposed text formed a suitable basis for discussion at the 36th Session of the Conference. By 10 January 1953 the following 45 Governments had replied to this request: Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Burma, Canada, Ceylon, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, the Dominican Republic, Egypt, Finland, France, the Federal Republic of Germany, Greece, Guatemala, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Poland, Sweden, Switzerland, Thailand, Turkey, the Union of South Africa, the United Kingdom, Uruguay and Yugoslavia.

Chapter I of the report summarises briefly the replies of the Governments. Chapter II contains the proposed text of a Recommendation which, at the 36th Session of the Conference, will constitute the basis for the second discussion of the question of the minimum age of admission to work underground in coal mines.

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CHAPTER I

BRIEF ANALYSIS OF THE REPLIES FROM GOVERNMENTS

The present chapter contains a brief analysis of the replies received from the Governments on the subject of the proposed text of a Recommendation concerning the minimum age of admission to work underground in coal mines.

The following 26 Governments stated that they had no comments to make or amendments to suggest at this stage, or that, in their opinion, the proposed text constituted a suitable basis for discussion by the Conference at its 36th Session: Afghanistan, Australia, Burma, Canada, Ceylon, China, Cuba, Denmark, the Dominican Republic, Egypt, Finland, France, the Federal Republic of Germany, Iceland, Iran, Iraq, Ireland, Israel, Italy, the Netherlands, Pakistan, Switzerland, Thailand, the Union of South Africa, the United Kingdom and Uruguay.

The Governments of Ceylon, Cuba, the Dominican Republic, Finland, Iraq and Uruguay stated either that there were no coal mines in their countries or that no underground work was performed; the Danish Government indicated that the question is not of any practical importance in Denmark.

Some Governments communicated the opinions of organisations of employers and workers concerned with the question. Generally speaking, these organisations found the draft acceptable. This was the case particularly in regard to the Italian organisations and, in France, the Confederation of Christian Workers and the National Council of French Employers. In France, however, the National Federation (Force ouvrière) of Miners and Assimilated Workers and, in Austria, the organisations representing the interests of the workers, have raised the question of the form of the regulation.\(^1\)

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\(^1\) See pp. 6 and 7.
General Observations

Some Governments, while stating that the proposed text constitutes a suitable basis for discussion by the Conference, have added general observations or have cited provisions in their national legislation on the subject, as indicated below.

ARGENTINA

The Government of Argentina stated that Act No. 11,317 prohibits the employment on underground work of young persons under 18 years of age and therefore goes beyond the proposed Recommendation.

CHILE

The Government of Chile considers a minimum age of 16 years and the conditions proposed for the admission to employment underground in coal mines of young persons under 18 years of age as the indispensable minimum which an international regulation should provide. In Chile, Article 46 of the Labour Code provides that in no case may young persons under 18 years of age be admitted to work underground.

COLOMBIA

The Government of Colombia states that according to Articles 29, 30 and 31 of the Colombian Labour Code young persons under 18 years of age can conclude a contract of employment provided that they have obtained a written authorisation from their legal representatives. However, Article 242 of the Code prohibits the employment of young persons under 16 years of age in hazardous work, which would include underground work. The Government therefore considers that the proposed text is not in opposition to the national legislation.

GREECE

The Government of Greece indicates that Article 50 of a Decree dated 28 October-11 November 1929 prohibits the employment of young persons under 18 years of age in underground work in quarries and mines in general.

GUATEMALA

The Government of Guatemala considers that the spirit of the proposed Recommendation is in accordance with the national legislation, as its Labour Code prohibits the employment of young persons under 16 years of age in unhealthy or dangerous work.
JAPAN

The Government of Japan points out that the Labour Standards Law, in force since 1947, prohibits the employment of young persons (under 18 years of age) in underground work in coal mines.

However, with a view to increasing production and reducing the number of possible accidents in the mining industry by securing skilled labour for that industry, as well as to ensure the strict application of the resolution concerning the minimum age of admission to work underground in coal mines, adopted in 1951 by the Coal Mines Committee, and of the resolution concerning the regulation of the employment of young persons in underground work in coal mines, adopted in 1952 by the 35th Session of the International Labour Conference, the employment of young male persons over 16 years of age but under 18 years in underground work in coal mines is permitted in Japan for purposes of vocational training only and subject to permission by the competent labour inspection authorities, in conformity with the skilled labour training system provided under the Labour Standards Law, as amended in July 1952. Under this system adequate preventive and protective measures have to be taken as regards hazardous and harmful jobs, under the direct supervision of legally qualified trainers, and the employer has to determine, in compliance with the relevant Ministerial Ordinance, the elements of training, i.e., the relevant courses of study, actual training, hours of training, etc.

The Government of Japan therefore considers that this programme is in complete conformity with the training requirements specified in the text of the proposed Recommendation. A tripartite commission, called the Apprenticeship Council, is at present considering the details of the training programmes for underground work as regards the skill required, the training elements, the examination of trainers, the preventive and protective measures, etc. In particular, the protective measures for young persons, such as restrictions of hours of work and of underground work involving special hazards, are being carefully studied. As regards Paragraph 2 (b) of the proposed Recommendation, the Government has decided not to permit such an exception.

LUXEMBOURG

The Government of Luxembourg states that the relevant legislation in Luxembourg fixes a minimum age of 16 years for admission to employment in mining undertakings. Young workers between 16 and 18 years of age are admitted only to a number of light occupations specifically laid down by the legislation.

NEW ZEALAND

The Government of New Zealand indicates that the employment of young persons under the age of 16 years in underground work in coal mines is
prohibited in that country by the Coal Mines Amendment Act, 1937. Young persons under 20 years of age are not employed on the coal face, but young persons between 16 and 18 years of age are occasionally employed clipping on rope roads and on other work of a similar nature which is not arduous and which is almost invariably performed under the supervision of a competent adult worker.

**Norway**

The Government of Norway points out that provisions now in force in Norway are more strict than the corresponding provisions of the proposed Recommendation. This matter is regulated by Section 19 of a Royal Decree of 2 August 1929, by the Workers’ Protection Act of 18 September 1915 and by Section 28 of the Workers’ Protection Act of 1936.

**Philippines**

The Government of the Philippines states that Section 2 of the Republic Act No. 679 regulating the employment of women and children provides that no child under 16 years of age shall be employed or permitted or suffered to work in any industrial undertaking or in any branch or division thereof, including mines, quarries and other works for the extraction of minerals from the earth. The Government therefore has no objection to the proposed Recommendation, since its provisions would constitute another step towards meeting the needs of young persons for normal physical, social and vocational development.

**Turkey**

The Government of Turkey indicates that its Labour Code provides higher standards than the proposed Recommendation. In fact, Article 49 of the Code provides that boys under the age of 18 years shall not be employed on underground or subaqueous work such as work in mines, cable-laying and the construction of sewers and tunnels.

**Observations concerning the Proposed Recommendation**

**Form of the International Regulation**

**Austria**

The Government of Austria considers the text of the proposed Recommendation as a suitable basis for discussion but indicates that the institutions representing the interests of the workers were of opinion that the question should be regulated by a Convention.
Belgium

The Government of Belgium considers that the Conference should adopt a Convention on the minimum age of admission to work underground in coal mines which would embody the text of the proposed Recommendation.

Czechoslovakia

The Government of Czechoslovakia considers that a Recommendation concerning the minimum age of admission to work underground in coal mines would not result in any substantial improvement of the living and working conditions of young persons in mines.

The Government is convinced that only a Convention on the protection of young persons employed underground in coal mines and covering all the items included in Report IX (2): The Protection of Young Workers Employed Underground in Coal Mines, submitted in 1952 to the 35th Session of the International Labour Conference, would constitute an effective international instrument. The Government therefore suggests that the question of the protection of young persons employed underground in coal mines should be placed on the agenda of the 37th Session of the International Labour Conference, with a view to the adoption of a Convention.

With regard to the question of the minimum age of admission to work underground in coal mines, the Government recommends the adoption of a Convention, which in its opinion would be a more effective international instrument than a Recommendation.

France

The Government of France has no comments to make on the proposed Recommendation. In a letter addressed to the French Government and attached to the latter's reply, the National Federation (Force ouvrière) of Miners and Assimilated Workers also indicates that it has no comments to make but would wish the Recommendation to be rapidly transformed into a Convention.

In accordance with the resolution adopted at its 35th Session, the International Labour Conference has included the question of the minimum age of admission to work underground in coal mines on the agenda of its 36th Session for a second discussion, with a view to the adoption of a Recommendation.

Of the 45 Governments which have replied to the questionnaire only two have suggested any change in the decision taken at the 35th Session of the Conference that the matter should be dealt with by means of a Recommendation.
rather than a Convention; two others have indicated that their workers' organisations would prefer a Convention. In these circumstances the draft submitted in the present report is of a proposed Recommendation.

The proposal of the Government of Czechoslovakia to place on the agenda of the 37th Session of the Conference the question of the protection of young persons employed underground in coal mines, with a view to the adoption of a Convention covering all the items included in Report IX (2) submitted to the 35th Session of the Conference, would appear to be inconsistent with the decision taken by the 35th Session of the Conference.

Scope of the International Regulation

Luxembourg

The Government of Luxembourg considers the proposed Recommendation a suitable basis for discussion, but suggests that the conditions for the admission of young persons to employment in coal mines should be extended to all underground mines, in view of the fact that in certain metalliferous mines the conditions of work are at least as unfavourable as in coal mines.

This suggestion would appear to fall outside the scope of the question placed on the agenda of the Conference.

Amendments to the Proposed Text

Preamble

The proposed text reads as follows:

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

Amendments to the Preamble.

Czechoslovakia: Delete the words "as rapidly as national conditions allow", since these words would make the proposed text completely ineffective.

The proposed text corresponds to the wording generally used in the preamble to Recommendations adopted by the Conference in recent years. In these circumstances the Office does not feel that it should propose any modification of the text.
Paragraph 1

The proposed text reads as follows:

1. Young persons under 16 years of age should not be employed underground in coal mines.

Amendments to Paragraph 1.

India: Replace “16 years” by “15 years”. If this is not considered possible, insert a special provision permitting a minimum age of 15 years for the less-developed countries.

The amendment suggested by the Government of India is identical with an amendment which this Government submitted at the 35th Session of the Conference and which at that time did not receive the support of the majority in the Committee dealing with the question. In these circumstances, the Office has not felt able to make any proposal in the matter. The Conference may, however, wish to consider it further.

Paragraph 2

The proposed text reads as follows:

2. Young persons who have attained the age of 16 years but are under 18 years of age should not be employed underground in coal mines except—

(a) for purposes of apprenticeship or other systematic vocational training provided under adequate supervision, by competent persons with technical and practical experience of the work; or

(b) under conditions determined by the competent authority prescribing the places of work and occupations permitted and the measures of systematic medical supervision to be applied.

Amendments to Subparagraph (a).

Sweden: As regards cases of apprenticeship and vocational training, no exception should be allowed unless special permission is granted by the competent authority; a provision for “adequate supervision” would hardly be sufficient. If such a solution is accepted, subparagraph (a) could be deleted. In Sweden the national legislation prohibits the employment underground of a young person between 16 and 18 years of age unless permission is granted by the Workers’ Protection Board.

Yugoslavia: Delete the word “or” at the end of subparagraph (a) and add: “and under systematic compulsory medical supervision”.
Amendments to Subparagraph (b).

**Austria**: The Government considers the proposed Recommendation a suitable basis for discussion, but indicates that in the opinion of the institutions representing the workers' interests in Austria subparagraph (b) should be deleted.

**Bolivia**: Taking into account the fact that, in countries where there exists a shortage of manpower, the fixing of a minimum age of 16 years for the admission to work underground in coal mines may be of practical value, the Government of Bolivia accepts this principle on condition that young persons between 16 and 18 years of age are admitted only for purposes of apprenticeship and systematic vocational training under the conditions determined by the competent authorities as regards the places of work, adequate supervision and systematic medical control. On this condition the Government considers the proposed text a suitable basis for discussion. In Bolivia, although there are at present no underground coal mines in the country, the general legislation in force fixes the minimum age of admission to all kinds of underground work at 18 years.

**Czechoslovakia**: Replace the words “competent authority” by the words “administration of the undertaking in agreement with the workers’ organisations”.

**Poland**: Delete subparagraph (b) as it would destroy the practical value of subparagraph (a), which permits an exception only for purposes of vocational training.

**Yugoslavia**: Delete subparagraph (b).

Thus, as regards subparagraph (a) the Swedish Government suggests making the exception provided in this subparagraph dependent on special permission from the competent authority, while the Yugoslav Government proposes to add a provision for compulsory systematic medical supervision and to delete the word “or”, this last change arising from the latter’s proposal to delete subparagraph (b).

As regards subparagraph (b) the Government of Poland and, in Austria, the institutions representing the workers’ interests, also suggest its deletion. The Government of Bolivia proposes a text which would combine subparagraphs (a) and (b) into one single exception for purposes of apprenticeship or systematic vocational training; the Government of Czechoslovakia suggests a new wording to replace the words “competent authority”.

It should be recalled that the proposed text of subparagraphs (a) and (b) is based on the decisions of the Coal Mines Committee taken after long and careful consideration, and that at the 35th Session of the Conference the
committee set up to study the question adopted the proposed text of Paragraph 2, including subparagraphs (a) and (b), by 44 votes to 0, with no abstentions. In these circumstances it rests with the Conference itself to decide whether any or all of the suggested amendments should be taken into account.
CHAPTER II

PROPOSED TEXT

The text is given below of the proposed Recommendation which is submitted as a basis for the second discussion of the question at the 36th Session of the Conference.

PROPOSED RECOMMENDATION CONCERNING THE MINIMUM AGE OF ADMISSION TO WORK UNDERGROUND IN COAL MINES

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-sixth Session on June 1953, and

Having decided upon the adoption of certain proposals with regard to the minimum age of admission to work underground in coal mines, 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 day of of the year one thousand nine hundred and fifty-three the following Recommendation, which may be cited as the Minimum Age (Underground Work in Coal Mines) Recommendation, 1953:

The Conference recommends that each Member should apply the following provisions as rapidly as national conditions allow and report to the International Labour Office as requested by the Governing Body concerning the measures taken to give effect thereto.

1. Young persons under 16 years of age should not be employed underground in coal mines.

2. Young persons who have attained the age of 16 years but are under 18 years of age should not be employed underground in coal mines except—

(a) for purposes of apprenticeship or other systematic vocational training provided, under adequate supervision, by competent persons with technical and practical experience of the work; or

(b) under conditions determined by the competent authority prescribing the places of work and occupations permitted and the measures of systematic medical supervision to be applied.
CHAPITRE II

TEXTE PROPOSÉ

On trouvera ci-après le projet de recommandation destiné à servir de base pour la seconde discussion de la question à la 36ème session de la Conférence.

PROJET DE RECOMMANDATION CONCERNANT L'ÂGE MINIMUM D'ADMISSION A L'EMPLOI AUX TRAVAUX SOUTERRAINS DANS LES MINES DE CHARBON

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le juin 1953, en sa trente-sixième session,
Après avoir décidé d'adopter diverses propositions relatives à l'âge minimum d'admission à l'emploi aux travaux souterrains dans les mines de charbon, question qui constitue le sixième point à l'ordre du jour de la session,
Après avoir décidé que ces propositions prendraient la forme d'une recommandation,
adopte, ce jour de mil neuf cent cinquante-trois, la recommandation ci-après, qui sera dénommée Recommandation sur l'âge minimum (travaux souterrains dans les mines de charbon), 1953 :

La Conférence recommande aux Membres d'appliquer les dispositions suivantes aussitôt que les conditions nationales le permettront, et de présenter au Bureau international du Travail, conformément à ce que décidera le Conseil d'administration, des rapports exposant les mesures prises pour les mettre en application.

1. Les adolescents âgés de moins de seize ans ne devraient pas être employés aux travaux souterrains dans les mines de charbon.

2. Les adolescents âgés de seize ans révolus mais n'ayant pas encore atteint l'âge de dix-huit ans ne devraient pas être employés aux travaux souterrains dans les mines de charbon sauf :

   a) soit aux fins d'apprentissage ou pour acquérir une formation professionnelle méthodique donnée sous une surveillance appropriée par des personnes compétentes possédant une expérience technique et pratique du métier;

   b) soit dans les conditions fixées par l'autorité compétente quant aux lieux de travail et aux emplois autorisés, d'une part, et aux mesures de surveillance médicale systématique à respecter, d'autre part.