

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965 (No. 124)

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."

Practical guidance for drawing up reports

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Convention;
 - (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;
 - (c) *in reply to comments by supervisory bodies*: the report must contain replies to any comments regarding the application of the Convention in your country which may have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

on the

MEDICAL EXAMINATION OF YOUNG PERSONS (UNDERGROUND WORK) CONVENTION, 1965 (No. 124)

(ratification 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 these texts to the International Labour Office.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, 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, which give effect to each Article.

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.

If the Committee of Experts or the Conference Committee on the Application of Standards 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. For the purpose of this Convention, the term "mine" means any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth by means involving the employment of persons underground.

2. The provisions of this Convention concerning employment or work underground in mines include employment or work underground in quarries.

Please indicate which provision of the national legislation defines the term "mine". If this provision does not apply to underground work in quarries, please indicate the provision which is relevant.

Article 2

1. A thorough medical examination, and periodic re-examinations at intervals of not more than one year, for fitness for employment shall be required for the employment or work underground in mines of persons under 21 years of age.

2. Alternative arrangements for medical supervision of young persons aged between 18 and 21 years shall be permitted where the competent authority is satisfied on medical advice that such arrangements are equivalent to or more effective than those required under paragraph 1 of this Article and has consulted and reached agreement with the most representative organisations of employers and workers concerned.

Please indicate how effect is given to paragraph 1 of this Article legally and practically.

If recourse is had to the provisions of paragraph 2 of this Article, please indicate the measures taken to this effect and the reasons they are considered to be equivalent to or more effective than those provided for under paragraph 1. Please indicate also which organisations of employers and workers have been consulted in this regard.

Article 3

1. The medical examinations provided for in Article 2—
 - (a) shall be carried out under the responsibility and supervision of a qualified physician approved by the competent authority; and
 - (b) shall be certified in an appropriate manner.

2. An X-ray film of the lungs shall be required on the occasion of the initial medical examination and, when regarded as medically necessary, on the occasion of subsequent re-examinations.

3. The medical examinations required by this Convention shall not involve the young person, or his parents or guardians, in any expense.

Please indicate which is the competent authority for the approval of the responsible physician provided for under paragraph 1 (a) and what are the qualifications for such approval. Please indicate how the examinations are conducted in accordance with paragraph 1 (b).

Please indicate the provisions which give effect to paragraphs 2 and 3.

Article 4

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. Each Member which ratifies this Convention undertakes either to maintain an appropriate inspection service for the purpose of supervising the application of the provisions of the Convention or to satisfy itself that appropriate inspection is carried out.

3. National laws or regulations shall define the persons responsible for compliance with the provisions of this Convention.

4. The employer shall keep, and make available to inspectors, records containing, in respect of persons under 21 years of age who are employed or work underground—

- (a) the date of birth, duly certified wherever possible;
- (b) an indication of the nature of their occupation; and
- (c) a certificate which attests fitness for employment but does not contain medical data.

5. The employer shall make available to the workers' representatives, at their request, the information mentioned in paragraph 4 of this Article.

Please supply information on the inspection system designed to ensure the supervision of the application of the provisions of the Convention indicating, in particular, to what authority or authorities such inspection is entrusted and by what methods supervision is ensured and supplying, where appropriate, the reports or extracts from the reports of the competent services.

Please indicate the sanctions provided in the case of contraventions of the provisions giving effect to the Convention.

Please indicate what measures have been taken to give effect to paragraphs 4 and 5 of this Article and supply a specimen copy of the record provided for in paragraph 4.

Article 5

The competent authority in each country shall consult the most representative organisations of employers and workers concerned before determining general policies of implementation and before adopting regulations in pursuance of the terms of this Convention.

Please indicate what consultations have taken place with organisations of employers and workers with a view to determining the general policies of implementation and to adopting regulations in pursuance of this Convention.

- III. 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.
- IV. Please give a general appreciation of the manner in which the Convention is applied in your country, indicating, for instance, the number and nature of the contraventions reported, etc.
- V. 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.¹ If copies of the report have not been communicated to representative

¹ 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."

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 summary of the observations received, together with any comments that you consider useful.
