

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

MEDICAL EXAMINATION
OF YOUNG PERSONS
(NON-INDUSTRIAL OCCUPATIONS),
CONVENTION, 1946 (No. 78)

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."

GENEVA

1980

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

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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 its exact scope 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.

PART I. GENERAL PROVISIONS

Article 1

1. This Convention applies to children and young persons employed for wages, or working directly or indirectly for gain, in non-industrial occupations.

2. For the purpose of this Convention, the term "non-industrial occupations" includes all occupations other than those recognised by the competent authority as industrial, agricultural or maritime occupations.

3. The competent authority shall define the line of division which separates non-industrial occupations from industrial, agricultural and maritime occupations.

4. National laws or regulations may exempt from the application of this Convention employment, on work which is recognised as not being dangerous to the health of children or young persons, in family undertakings in which only parents and their children or wards are employed.

Please give particulars of the decisions, if any, taken in virtue of paragraph 3.

If the provisions of paragraph 4 have been applied please give details of such application, indicating in particular what exact definition is given to the term "work not being dangerous to the health of children or young persons".

Article 2

1. Children and young persons under eighteen years of age shall not be admitted to employment or work in non-industrial occupations unless they have been found fit for the work in question by a thorough medical examination.

2. The medical examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook.

3. The document certifying fitness for employment may be issued—

- (a) subject to specified conditions of employment ;
- (b) for a specified job or for a group of jobs or occupations involving similar health risks which have been classified as a group by the authority responsible for the enforcement of the laws and regulations concerning medical examinations for fitness for employment.

4. National laws or regulations shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing the document.

If the provisions of paragraph 3 have been applied please give particulars of such application.

Please give particulars of the competent authority and of the method of drawing up and issuing the document certifying fitness for employment, which have been specified and defined in virtue of paragraph 4.

Article 3

1. The fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision until he has attained the age of eighteen years.

2. The continued employment of a child or young person under eighteen years of age shall be subject to the repetition of medical examinations at intervals of not more than one year.

3. National laws or regulations shall—

- (a) make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals in order to ensure effective supervision in respect of the risks involved in the occupation and of the state of health of the child or young person as shown by previous examinations ; or
- (b) empower the competent authority to require medical re-examinations in exceptional cases.

Please state at what intervals the medical examination is subject to repetition in virtue of paragraph 2 of this Article.

Please state which of the alternatives provided for in paragraph 3 have been applied and what precise measures have been taken in virtue of either subparagraph (a) or subparagraph (b) of this paragraph.

Article 4

1. In occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

2. National laws or regulations shall either specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examination for fitness for employment shall be required until at least the age of twenty-one years.

Please state which of the alternatives provided for in paragraph 2 has been applied and what occupations or categories of occupations have been specified in virtue of this paragraph.

Article 5

The medical examinations required by the preceding Articles shall not involve the child or young person, or his parents, in any expense.

Article 6

1. Appropriate measures shall be taken by the competent authority for vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations.

2. The nature and extent of such measures shall be determined by the competent authority; for this purpose co-operation shall be established between the labour, health, educational and social services concerned, and effective liaison shall be maintained between these services in order to carry out such measures.

3. National laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined—

(a) of temporary work permits or medical certificates valid for a limited period at the expiration of which the young worker will be required to undergo re-examination ;

(b) of permits or certificates requiring special conditions of employment.

Please give information concerning the nature and scope of the measures provided for by this Article which have been taken in virtue of paragraph 2, as well as detailed information concerning co-operation between the different services, as indicated in that paragraph.

If the provisions of paragraph 3 have been applied please give particulars of such application.

Article 7

1. The employer shall be required to file and keep available to labour inspectors either the medical certificate for fitness for employment or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.

2. National laws or regulations shall determine—

(a) the measures of identification to be adopted for ensuring the application of the system of medical examination for fitness for employment to children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access ; and

(b) the other methods of supervision to be adopted for ensuring the strict enforcement of the Convention.

Please give detailed information respecting the measures of identification and other methods of supervision which have been taken in virtue of paragraph 2 of this Article.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 8

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

If this is the first annual report of your government upon the application of the Convention please indicate any areas which, in virtue of the authorisation given in paragraph 1 of this Article, have been excluded, in whole or in part, from the application of the Convention, together with the reason or reasons for their exclusion.

If this is not the first annual report please indicate any areas in respect of which the right to have recourse to the provisions of this Article may have been renounced.

Article 9

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations concerning medical examination for fitness for employment of young persons in non-industrial occupations may, by a declaration accompanying its ratification, substitute an age lower than eighteen years, but in no case lower than sixteen years, for the age of eighteen years prescribed in Articles 2 and 3 and an age lower than twenty-one years, but in no case lower than nineteen years, for the age of twenty-one years prescribed in Article 4.

2. Any Member which has made such a declaration may at any time cancel the declaration by a subsequent declaration.

3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual reports upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

If a declaration has been made under paragraph 1 of this Article and is still in force please indicate, in accordance with paragraph 3 of this Article, the extent to which progress has been made with a view to the full application of the provisions of the Convention.

III. Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.

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.¹ 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 the observations received, together with any comments that you consider useful.

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."