

C123 - Minimum Age (Underground Work) Convention, 1965 (No. 123)

Preamble

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 Forty-ninth Session on 2 June 1965, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment underground in mines, which is included in the fourth item on the agenda of the session, and

Noting that the Underground Work (Women) Convention, 1935, prohibits in principle the employment of any female, whatever her age, on underground work in any mine, and

Noting that the Minimum Age (Industry) Convention (Revised), 1937, which is applicable to mines, provides that children under the age of 15 years shall not be employed or work in any public or private undertaking, or in any branch thereof, and

Noting that the Convention further specifies that, 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 persons employed therein, national laws shall either prescribe or empower an appropriate authority to prescribe a higher age or ages than 15 years for the admission thereto of young persons or adolescents, and

Considering that, in view of the nature of employment underground in mines, international standards establishing a higher age than 15 years for admission to such employment are desirable, and

Having determined that these standards shall take the form of an international Convention,

adopts this twenty-second day of June of the year one thousand nine hundred and sixty-five the following Convention, which may be cited as the Minimum Age (Underground Work) Convention, 1965:

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.

Article 2

- 1. Persons under a specified minimum age shall not be employed or work underground in mines.
- 2. Each Member which ratifies this Convention shall specify the minimum age in a declaration appended to its ratification.
- 3. The minimum age shall in no case be less than 16 years.

Article 3

Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a minimum age higher than that specified at the time of ratification.

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 indicating, in respect of persons who are employed or work underground and who are less than two years older than the specified minimum age--
 - (a) the date of birth, duly certified wherever possible; and
 - (b) the date at which the person was employed or worked underground in the undertaking for the first time.

- 5. The employer shall make available to the workers' representatives, at their request, lists of the persons who are employed or work underground and who are less than two years older than the specified minimum age; such lists shall contain the dates of birth of such persons and the dates at which they were employed or worked underground in the undertaking for the first time.

Article 5

The determination of the minimum age to be specified in pursuance of Articles 2 and 3 of this Convention shall be made after consultation with the most representative organisations of employers and workers concerned.

Article 6

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

- 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
- 2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
- 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 8

- 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
- 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 9

- 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
- 2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 10

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 11

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 12

- 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides--
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 8 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 13

The English and French versions of the text of this Convention are equally authoritative.