

C124 - Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

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 medical examination of young persons for fitness for employment underground in mines, which is included in the fourth item on the agenda of the session, and

Noting that the Medical Examination of Young Persons (Industry) Convention, 1946, which is applicable to mines, provides that children and young persons under 18 years of age shall not be admitted to employment by an industrial undertaking unless they have been found fit for the work on which they are to be employed by a thorough medical examination, that the continued employment of a child or young person under 18 years of age shall be subject to the repetition of a medical examination at intervals of not more than one year, and that national laws or regulations shall make provision concerning additional re-examinations, and

Noting that the Convention further provides that 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 21 years, and that national laws or regulations shall either specify or empower an appropriate authority to specify the occupations or categories of occupations to which this requirement applies, and

Considering that, in view of the health risks inherent in employment underground in mines, international standards requiring medical examination and periodic re-examination for fitness for employment underground in mines until the age of 21 years, and specifying the nature of these examinations, are desirable, and

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

adopts this twenty-third day of June of the year one thousand nine hundred and sixty-five the following Convention, which may be cited as the Medical Examination of Young Persons (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. 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.

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.

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.

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.

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.