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**Law No. (1) of 2012 Approving the International Convention No.(138) of 1973 regarding the Minimum Age of Employment**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain;

Having reviewed the Constitution;

And International Convention No. (138) of 1973 regarding the Minimum Age for Admission to Employment, adopted by the General Conference of the International Labour Organization on 26/6/1973 in Geneva.

The Shura Council and the Council of Representatives have approved the following law, which we have ratified and enacted.

Article One

The International Convention No. (138) of 1973 regarding the Minimum Age for Admission to Employment, adopted by the General Conference of the International Labour Organization on 26/6/1973 in Geneva, and attached to this law, was approved.

Article Two

The Prime Minister and the ministers -each within his jurisdiction- shall implement the provisions of this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

King of Kingdom of Bahrain

Hamad bin Isa Al Khalifa

Issued in Riffa

On: 14 Rabi' Al-awwal A.H.

Corresponding to: 6 February 2012

International Labour Conference

Convention 138

A convention regarding the Minimum Age for Admission to Employment (1)

The General Conference of the International Labour Organization,

The Governing Body of the International Labour Office was convened at Geneva, where it held its fifty-eighth session on 6 June 1973:

Recalling the provisions of the Minimum Age (Industry) Convention, 1919; the Minimum Age (maritime employment) Convention, 1920; the Minimum Age (Agriculture) Convention, 1921; the Minimum Age (Stokers and their assistants) Convention, 1921; the Minimum Age (Non-Industrial Employment) Convention, 1932; the Minimum Age (maritime employment) Convention (Revised), 1936; the Minimum Age (Industry) Convention (Revised), 1937; the (Non-Industrial Employment) Convention (Revised), 1937; the Minimum Age (Fishermen) Convention, 1959; and the Minimum Age (Underground Work) Convention, 1965;

Considering that the time has come to establish a public domain on this subject, gradually replacing existing instruments applicable to specific economic sectors with a view to the total elimination of child labour;

Having decided to adopt some proposals concerning the minimum age for admission to employment, which is the subject of the fourth item on the agenda of this session;

Having decided that these proposals shall take the form of an international convention,

Adopts on this day, the twenty-sixth of June of the year one thousand nine hundred and seventy-three, the following Convention, which shall be called the Minimum Age Convention of 1973:

Article 1

Each Member State for which this Convention is in force shall undertake to pursue a national policy aimed at the elimination of child labour and at raising progressively the minimum age for admission to employment or work to a level consistent with the physical and mental development of juveniles.

Article 2

1- Each Member State that ratifies this Convention shall, in a declaration annexed to it and even its ratification, decide on a minimum age of employment limit which shall not be used or operated on its territory or on means of transport registered in its territory: Anyone under the age of employment may not be admitted to work in any profession, taking into consideration Articles 4 to 8 of this Convention.

2- Each Member State that has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by means of new notifications, that it has established an age limit higher than that set at the time of its ratification.

3- The minimum age established pursuant to Paragraph 1 of this Article shall not be less than the age of compulsory schooling and shall in no case be less than 15 years of age.

4- Notwithstanding the provisions of Paragraph 3 of this Article, a Member State whose economy and educational facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such organizations exist, initially specify a minimum age of 14 years.

5- Each Member State that has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in the reports it submits on the application of this Convention pursuant to Article 22 of the Constitution of the International Labour Organization a statement explaining that:

(a) The reasons that prompted it to do so still exist; or

(B) It assigns away its right to benefit from the aforementioned provisions, starting from the date it was determined.

Article 3

1- The minimum age must not be less than 18 years for admission to any kind of employment or work that is likely to endanger the health, safety, or morals of juveniles due to its nature or the circumstances in which it is performed.

2- National laws or regulations or the competent authority shall, after consultation with the organizations of employers and workers concerned, where such organizations exist, determine the types of employment or work to which Paragraph 1 of this Article applies.

3- Notwithstanding the provisions of Paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, where such organizations exist, permit employment or work from the age of 16 provided that the health, safety, and morals of the juveniles concerned are fully safeguarded and that the juveniles concerned receive specific education or adequate vocational training concerning the branch of activity in question.

Article 4

1- The competent authority may, after consultation with the organizations of employers and workers concerned, where such organizations exist, exclude from the scope of application of this Convention, to the extent necessary, specific categories of employment or work in respect of which special and significant problems of application arise.

2- Each Member State that ratifies this Convention shall indicate, in the first report it submits on the application of the Convention pursuant to Article 22 of the Constitution of the International Labour Organization, the categories which it may have excluded pursuant to Paragraph 1 of this Article, together with the reasons for which it made that exception, and shall indicate in its subsequent reports the status of its laws and practices with respect to the excluded categories and the extent to which it has implemented the Convention or intends to do so with respect to those categories.

3- The scope of application of this Convention pursuant to this Article shall not be excluded from the types of employment or work provided for in Article (3).

Article 5

1- Any Member State whose economy and administrative facilities are not sufficiently developed may, at the outset, narrow the scope of application of this Convention after consultation with the organizations of employers and workers concerned where such organizations exist.

2- Each Member State benefiting from the provisions of Paragraph 1 of this Article shall indicate in a declaration accompanied by its ratification the branches of economic activity or the types of enterprises to which the provisions of this Convention shall apply.

3- The provisions of this Convention shall apply, as a minimum, to: Mining and stone cutting; manufacturing; construction; electricity, gas, and water; health services; transport; storage and communications; large farms and other agricultural projects whose production is mainly devoted to commercial purposes; and does not include

family and small holdings that are produced for local consumption and do not employ wage labourers on a regular basis.

4- Any Member State that has limited the scope of application of this Convention in pursuance of this Article shall:

a) Indicate in its reports it submits pursuant to Article 22 of the Constitution of the International Labour Organization the general position as regards the employment or work of juveniles and children in the branches of activity that are excluded from the scope of application of this Convention and any progress that may have been made towards wider application of the provisions of the Convention:

(b) Formally extend the scope of application of this Convention at any time by a declaration addressed to the Director-General of the International Labour Office.

Article 6

This Convention shall not apply to work performed by children and juveniles in schools for the purposes of general, vocational, or technical education, and in other training institutions, nor shall it apply to work in establishments performed by persons who have reached the age of 14 years at least if such work is carried out in accordance with conditions to be determined by the competent authority after consultation with the organizations of employers and workers concerned, where such organizations exist, and constitutes an essential part of:

(a) A course of education or training for which a school or training institution is primarily responsible;

(b) A training programme that is mainly or entirely undertaken in an institution, if it has been approved by the competent authority;

(C) An orientation or guidance programme designed to facilitate the choice of a profession or type of training.

Article 7

1- National laws or regulations may permit the employment or work of persons between the ages of 13 and 15 in light work:

(a) Not likely to be harmful to their health or development;

(b) Does not hinder their attendance at school and their participation in vocational guidance or training programmes approved by the competent authority, nor does it impair their ability to benefit from the education they receive.

2- National laws or regulations may also permit the employment or work of persons who are at least 15 years old but have not yet completed their compulsory schooling on work that meets the requirements set forth in Sub-paragraphs (a) and (b) of Paragraph 1 of this Article.

3- The competent authority shall determine the activities in which employment or work may be permitted under Paragraphs (1) and (2) of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4- Notwithstanding the provisions of Paragraphs 1 and 2 of this Article, any Member State may avail itself of the provisions of Paragraph 4 of Article 2. As long as it keeps benefiting from them, it shall replace the ages of 12 and 14 by the ages of 13 and 15 in Paragraph 1 of this Article, and the age of 14 by the age of 15 in Paragraph 2.

Article 8

1- After consultation with the organizations of employers and workers concerned, where such organizations exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention for such purposes as participation in artistic performances.

2- Permits granted for this purpose shall limit the number of hours to which employment or work is permitted and specify the conditions to which they must be subject.

Article 9

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- National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3- National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Article 10

1- Recalling the provisions of the Minimum Age (Industry) Convention, 1919; the Minimum Age (maritime employment) Convention, 1920; the Minimum Age (Agriculture) Convention, 1921; the Minimum Age (Stokers and their assistants) Convention, 1921; the Minimum Age (Non-Industrial Employment) Convention, 1932; the Minimum Age (maritime employment) Convention (Revised), 1936; the Minimum Age (Industry) Convention (Revised), 1937; the (Non-Industrial Employment) Convention (Revised), 1937; the Minimum Age (Fishermen) Convention, 1959; and the Minimum Age (Underground Work) Convention, 1965;

2- The entry into force of this Convention shall not entail the closing of the ratification of the Minimum Age (maritime employment) Convention (Revised), 1936; the Minimum Age Convention (Industrial) (Revised), 1927; the Minimum Age (Non-Industrial) Convention (Revised), 1927; the Minimum Age (Fishermen) Convention, 1959; and the Minimum Age (Underground Work) Convention, 1965.

3- The Minimum Age (Industry) Convention, 1919 is closed for ratification. The Minimum Age (Industry) Convention, 1919; the Minimum Age (Sea) Convention, 1920; the Minimum Age (Agriculture) Convention, 1921; and the Minimum Age (Stokers and their assistants) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a notification communicated to the Director-General of the International Labour Office.

4- When the obligations arising from this Convention are accepted:

(a) By a Member State that is a party to the Minimum Age (Industry) Convention (Revised), 1927, and if the minimum age established therein pursuant to Article 2 of this Convention is not less than 15 years, this legally entails the direct denunciation of the said Convention;

(b) In regard to non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member State that is a party to the aforementioned Convention, this legally entails the direct deficiency of the aforementioned Convention;

(c) In regard to non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member State that is a party to the aforementioned Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this legally entails the direct deficiency of the aforementioned Convention;

d) In regard to maritime employment, by a Member State that is a party to the Minimum Age (maritime employment) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article (2) of this Convention or the Member State specifies

that Article 3 of this Convention applies to maritime employment, this legally entails the direct deficiency of the aforementioned Convention;

e) In regard to employment in maritime fishing, by a Member State that is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member State specifies that Article 3 of this Convention applies to employment in maritime fishing, this legally entails the direct deficiency of the aforementioned Convention;

f) By a Member State that is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member State specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this legally entails the direct deficiency of the aforementioned Convention.

Provided that this Convention shall enter into force;

5- Acceptance of the obligations arising from this Convention entails:

a) Denouncing the Minimum Age (Industry) Convention, 1919, in accordance with Article 12:

b) In regard to agriculture, denouncing the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9:

c) In regard to maritime employment, denouncing the Minimum Age (maritime employment) Convention, 1920, in accordance with Article 10 , and the Minimum Age (stokers and their assistants) Convention, 1921, in accordance with Article 12.

Provided that this Convention shall enter into force;

Article 11

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

Article 12

1- This Convention shall be binding only upon Member States of the International Labour Organization whose ratifications have been registered by the Director-General.

2- It shall come into force twelve months after the date on which the ratifications of two Member States have been registered with the Director-General.

3- Thereafter, this Convention shall come into force for any Member State twelve months after the date on which its ratification has been registered.

Article 13

1- A Member State that has ratified this Convention may denounce it after the lapse of a ten-year from the date on which the Convention first comes into force by means of a document 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 State that has ratified this Convention and did not exercise the right of denunciation provided for in this Article within the year following the lapse of the ten-year period mentioned in the preceding paragraph shall be bound for another period of ten years and, thereafter, may denounce this Convention at the lapse of each ten-year period under the terms provided for in this Article.

Article 14

1- The Director-General of the International Labour Office shall notify all Member States of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Member States of the Organization.

2- The Director-General has informed state Member of the date on which this Convention will enter into force upon notification of the registration of the second ratification to which he has been informed.

Article 15

The Director-General of the International Labour Office shall inform the Secretary-General of the United Nations of the full details of all ratifications and cassation documents he has registered in accordance with the provisions of the preceding Articles. The Secretary-General shall also register them in accordance with the provisions of Article 102 of the Charter of the United Nations.

Article 16

The Governing Council of the International Labour Office shall submit to the General Conference, whenever it deems necessary, a report on the application of this Convention and shall consider The Governing Council of the International Labour Office shall submit to the General Conference, whenever it deems necessary, a report on the application of this Convention and shall consider whether there is reason to include the issue of its full or partial review in the Conference's agenda.whether there is reason to include the issue of its full or partial review in the Conference's agenda.

Article 17

1- If the Conference adopts a new convention, revised in whole or in part, and unless the new convention provides otherwise

a) A Member State ratification of the new legally reviewed Convention, and irrespective of the provisions of article 13 above, shall be followed by a direct veto of the existing Convention provided that the new revised Convention enters into force:

(b) The ratification by Member States of the current Convention shall be closed from the date of entry into force of the new revised Convention.

2- This Convention shall in any case remain in force in its actual form and content for those Member States which have ratified it but have not ratified the revising Convention.

Article 18

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