

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91) 543 final - SYN 383

Brussels, 17 March 1992

Proposal for a
COUNCIL DIRECTIVE
on the protection of young people at work

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. INTRODUCTION

1. The Community Charter of Fundamental Social Rights of Workers gives prominent status (in points 20 to 23) to the protection of children and adolescents. Point 22 sets out the objectives in this regard, such as the need to "adjust labour regulations applicable to young workers so that their specific development and vocational training and access to employment needs are met", to limit the duration of work and to prohibit night work in the case of workers of under 18 years of age. Point 20 gives tangible expression to the social rights targeted by the Charter: "the minimum employment age must not be lower than the minimum school-leaving age and, in any case, not lower than 15 years."

Point 20 seems to relate to the undertaking set out in point 19 to "achieve further harmonisation of conditions in this area" (i.e. the health and safety of workers).

2. Similarly, in Chapter 11 of its action programme relating to the implementation of the Community Charter, the Commission affirmed its determination to protect young people from working and employment conditions which might damage their health, safety and development. The Commission has thus set itself the aim of achieving the adoption by the Council of a directive concerning the protection of young people.

II. SITUATION OF YOUNG PEOPLE ON THE LABOUR MARKET

3. Children and adolescents constitute even nowadays a labour force reserve, the importance of which varies from country to country. In many cases, it is an invisible labour force which is difficult to monitor statistically. According to a 1989 Eurostat labour force survey, there are thought to be 397 000 people aged between 14 and 19 with a job in Portugal, 563 000 in Spain, 2 128 000 in the United Kingdom and 743 000 in Italy. Between 90 000 and 200 000 children of under 15 years of age were working in Portugal at the beginning of the 1980s according to the International Labour Organisation.
More generally speaking, according to Eurostat (1989), there are almost 2 million 15-year-olds at work in the Community (EUR12), more than a third of whom are in the distributive trades and hotel and catering sectors.

This is especially the case in the United Kingdom (accounting for more than a third of the total), Germany (15%) and Italy (12%).

Recent reports from the Low Pay Unit in England and Scotland show that large number of children are involved in delivering newspapers and cleaning, and working in shops, factories, farms, garages and in the building industry; they are also found as domestic or home workers.

While many children work to earn pocket money, others have to do so to support their families. Child work often has its origins in poverty or the parents' unemployment.

Being a weak and often defenceless party to employment relationships, young people often suffer consequences from their economic situation which may damage their physical and psychological development.

More detailed statistics produced by the Commission are set out in the annex.

III. HEALTH AND SAFETY OF YOUNG PEOPLE AT WORK

4. A large number of studies have brought out the fact that young workers are more liable than adults to be affected by occupational risks and working conditions, whether local muscular fatigue, cardiorespiratory fatigue, sensory (visual or aural) fatigue or general fatigue⁽¹⁾. It has, for instance, been shown that:

- young workers have lower heat tolerance than adults⁽²⁾;
- children using seats and work-benches designed for adults have more problems in the musculoskeletal system;
- among girls employed in spinning and weaving in a viscose fibre factory, those who started work at the age of 17 showed unfavourable changes in the cardiovascular and muscular systems at the end of the first year, as well as a higher general morbidity rate, by comparison with those who started similar work at the age of 18⁽³⁾.

(1) Forssman, S. and Coppée, G. H., "Occupational health problems of young workers", Geneva, International Labour Office, 1973 (Occupational safety and health series, No 26).

(2) Suhareva L. M. and Sabalov V. P., "Establishment of standards for convection heat and radiant heat to which young workers are exposed", *Gigiena i sanitarija*, 6: 33-36 (1973) (in Russian).

(3) Krugulova I. et al, "Some factors of the adaptation of adolescents to work during vocational training", *Gigiena i sanitarija*, 7: 35-37 (1985) (in Russian).

5. Experience shows that young people have twice as many accidents as adults during their first year of work. They very often also suffer reduced visual acuity as a result of excessive fatigue or, particularly, inadequate lighting at the workplace. It should also be stressed that the working environment affects young people's psychological state at a time when they are still adjusting and are therefore particularly susceptible. For this reason, young people should not be given unhealthy or dangerous work or machinery to operate at this crucial age.
6. These general risks are joined by a number of risks of a more specific nature (cf. Annex I to the draft Directive) related to certain physical, chemical and biological agents and to certain types of work, these risks being exacerbated by the inexperience of young people at work. For instance:
 - 40% of young people required to work permanently standing up on a hard floor develop fallen arches;
 - of the caustic burns caused by acids in industry, most are extensive and they are more common among young people;
 - a greater quantity of toxic dust is inhaled over a given period by young people than by adults;
 - young people very often develop hypersympathicotonia, with severe tachycardia and dyspnoea under effort, so that work exposed to extremes of heat and cold may be very uncomfortable or even dangerous.
7. Finally, in the construction industry, with its relatively high accident risk, there has been found (Institut National de Recherche et de Sécurité, France, 1981) to be a positive correlation between the number of site accidents and the skill level of the workers concerned, unskilled labourers and trainees being most at risk and most liable to suffer occupational accidents.
8. It can be concluded from this indicative list that young people at work are a special risk group and that, for this reason, Article 118a is the appropriate legal basis for a directive seeking to establish a set of minimum provisions in respect of young people's health and safety at work.

IV. MEMBER STATES' LAW AND COMMUNITY AND INTERNATIONAL INSTRUMENTS

9. Back in the 19th century, the need to protect the health and safety of young people was the central issue in the first examples of worker protection legislation in all the countries which are today members of the European Community.

Laws were based on the damning evidence, in most cases gathered by doctors, of the conditions under which children had to work in factories.

Legislation on the age of admission to employment and on working time for children were the first steps towards labour protection law, the first example of which in Europe was the Health and Morals of Apprentices Act passed in the United Kingdom in 1802, concerned with working time for children.

Since then, new rules on the age of admission to employment, working time and rest time for young people and technical measures designed to guarantee their safety and health at work have been added to protective legislation in all the Member States (e.g. medical surveillance or regulations on dangerous work). Comparative tables of national regulations on the age of admission to employment and working time and rest time are set out in the annex. These bring out a number of interesting points.

- The minimum age for admission to employment is generally 15 years in most of the Member States (Italy, Portugal⁽⁴⁾, Ireland, Belgium, Denmark, Luxembourg, Germany and Greece). In Spain, France and the Netherlands, the minimum age is 16 years.

In all these countries, the minimum age for admission to employment is normally linked to the age for the end of compulsory education. Exceptions are permitted to enable young people to work during their school holidays, to carry out light work of limited duration while they are still undergoing compulsory education, to take part in cultural and artistic events, or to be involved in alternating work/school schemes towards the end of their compulsory school career. In the United Kingdom, the minimum age for admission to employment is 13 years, but there are limitations and other conditions similar to those above up to the basic school-leaving age of 16 years.

- Where the law lays down a maximum limit on work done by young people of less than 18 years of age, it is normally eight hours per day and 40 hours per week for a five-day week (39 hours in France). In the United Kingdom, there are no specific provisions in respect of young people above 16 years of age. In Denmark, the matter is dealt with exclusively by way of collective agreements involving the social partners. Derogations from the legal limits may be allowable under the terms of collective agreements in a number of countries (Spain, Italy - with derogations possible above the set limits - Germany, Luxembourg and Belgium - with derogations possible below the set limits).

(4) In Portugal, the Law of 16 October 1991, due to come into force in January 1992, provides for a transitional period during which the age of admission is set at 15 years, subsequently to be raised to 16 years (Decree-Law No 396/91).

The use of overtime is regulated in most of the Member States, being prohibited in Spain, Greece, Germany, Italy and Portugal (under the Law of 16 October 1991), or authorised within certain limits (France, Ireland) or subject to certain conditions (Luxembourg, Netherlands) provided provision is made for financial compensation or compensatory time off.

Young people may not work for more than 4½ hours (4 hours in Ireland and Luxembourg) without a break of at least half an hour in Germany, Belgium and Italy.

- As regards the weekly rest period, Sunday is in principle a day off in all the Member States, although exceptions are permitted in the case of force majeure, or for artistic and cultural events, where such exceptions are in the public interest, or to protect perishable goods. In all cases, the weekly rest period is equivalent to at least 24 hours even where the day off is not the Sunday. A large number of Member States effectively extend the weekly rest period to two days by reducing the working week to five days.

Exceptions may be allowed (for instance, in the Netherlands, young people may work in shops on Saturdays or deliver newspapers). In Spain, Portugal and the United Kingdom, there are no special rules or regulations on this point. Finally, work on public holidays is not allowed in any of the Member States, except in exceptional circumstances.

- As regards paid leave, Spain, Greece, the Netherlands, Denmark and the United Kingdom have no special provisions for young people. The standard scheme applies in some of these Member States, and collective agreements frequently make special provision for young people. The minimum amount of paid leave granted to young people of less than 18 years of age varies considerably from country to country, with 30 days in Portugal (under the Law of 16 October 1991), 20 in Italy and the Netherlands, 24 in Luxembourg, 25 in Germany (27 if younger than 17 and 30 if younger than 16) and 30 in France. Three weeks is the period granted in Belgium and Ireland.
- The legal definition of night work by young people varies from country to country, being defined as the period between 22.00 hrs and 06.00 hrs in Spain, Greece, France and Ireland; the period between 20.00 hrs and 07.00 hrs in Portugal; between 20.00 hrs and 06.00 hrs in Germany, Belgium and Luxembourg; between 18.00 hrs and 07.00 hrs in the Netherlands; between 20.00 hrs and 08.00 hrs in Denmark; between 22.00 hrs and 05.00 hrs in Italy. There are in most cases different periods for young people aged less than 15 or 16 years, e.g. 22.00 hrs to 06.00 hrs in Italy and 20.00 hrs to 08.00 hrs in Ireland. More generous exceptions for young people aged above 15/16 years are in most cases allowed without authorisation.

Finally, all Member States grant a rest period of 12 consecutive hours, including night-time, to young people of less than 18 years of age.

- With the exception of Spain and the Netherlands, all Member States make special provision for medical surveillance of young people at work.

However, the principle that all young people of less than 18 years of age must, in order to enter work or stay in a job, obtain a medical certificate confirming their aptitude for work is accepted in all Member States.

- Young workers of between 15 and 18 years of age in most of the Member States are, generally speaking, covered for such risks as occupational accidents and diseases. Their cover either derives from their parents' entitlement or they are themselves entitled under a system covering the entire resident population in the territory of a given Member State (e.g. Denmark) for certain risks.

However, there are extreme cases where, for a variety of reasons, the parents or legal representatives are not themselves insured and where young workers are not covered for these risks. In such cases, it is imperative for young workers to enjoy the same guarantees as other workers, bearing in mind, where appropriate, the duration of work and/or their level of remuneration. This is justified in as much as young workers are one of the groups of workers with a poor level of risk protection and where concern as to their health calls for favourable treatment in terms of risks.

- Finally, all the Member States recognise the fact that young workers may not be employed on work constituting a risk to their physical or psychological integrity. In a number of Member States, there are special regulations classifying work as being dangerous and/or prohibited for young people. Indeed, in Germany, Italy and Luxembourg, it is not allowed to employ young people on work or other activities which are paid by result and which require a high work rate (e.g. piecework).

10. Almost all the Member States accept the principle that workers of less than 18 years of age are in need of special protection, a principle which is enshrined in Community and international standards.

11. It also features in Commission recommendation 67/125/EEC of 31 January 1967⁽⁵⁾ addressed to the Member States and concerning the protection of young people at work.

(5) OJ 13.2.1967, pp. 405-408.

The desire for harmonised progress is evident in this recommendation too, which sees the protection of young people at work as a cornerstone of social policy and an indicator of social progress. It also comes out in point 3 of the recommendation, which calls on the Member States to increase the minimum age for admission to employment to 15 years and, in the longer term, to align it to changes in compulsory education provisions. It is also worth noting the fact that the recommendation, which applies to all young people of less than 18 years of age, provides for working time to be limited to eight hours a day and 40 hours a week, with a 12-hour continuous rest period, a ban on night work and on work on Sundays and public holidays, prohibition of work which is likely to endanger health or morals (particularly a high work rate), rest periods, annual paid holidays of 24 working days, medical examination and supervision, and information for adolescents before starting work.

12. The Commission's initiative also takes account of the European Parliament resolution of 16 June 1987 on child work which, in point 9, calls on the Commission to present a proposal for a directive to harmonise national laws on child work.
13. Despite the undoubted importance of Council Directive 89/391 of 12 June 1989⁽⁶⁾ on the introduction of measures to encourage improvements in the safety and health of workers at work, it does not include any special provisions designed to protect young workers, and which should prevail over the general provisions set out in the above Directive.
14. Protection for children and adolescents was enshrined in the preamble to the ILO constitution.

At its first session in 1919, the International Conference adopted the first of 11 conventions on the minimum age for admission to employment, along with the first of three conventions on night work for children. Elsewhere, other instruments have been adopted with a view to regulating working conditions for young people.

Table No 10 sets out the current status of ratification of these conventions.

Special attention deserves to be given to Convention No 138 of 1973 concerning the minimum age for admission to employment, and amending Conventions 5, 7, 10, 15, 33, 58, 59, 60, 112 and 123. Convention No 138 commits each Member to which the Convention applies to "raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons" and sets out a fundamental principle: "the minimum age shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years".

(6) OJ No L 183, 29.6.1989, pp. 1-8.

This particular Convention is all the more important in that ratification by a Member State makes ratification of the ten conventions it revises superfluous.

15. The Council of Europe's European Social Charter, which was signed in 1961 and entered into force in 1965, states in part 1 (para. 7) that "children and young persons have the right to a special protection against the physical and moral hazards to which they are exposed" and features an Article 7 on the "right of children and young persons to protection". The same Article 7 fixes the minimum age of admission to employment at 15 years (para. 1), which is the same as in the ILO convention, and seeks to limit the duration of work, to ensure that children are not deprived of the "full benefit" of school education, and that time spent by adolescents on vocational training is included in the working day. Regular medical checks are provided for workers of less than 18 years of age.

16. In 1959, the General Assembly of the United Nations adopted a declaration on the rights of children, stating that: "the child shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his physical, mental or moral development". A similar principle was later reaffirmed in the international agreements on economic, social and cultural rights adopted by the General Assembly in 1966.

On 20 November 1989, the UN General Assembly adopted a Convention on the Rights of the Child, in which the child is defined as "every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier". Article 32 of the convention is worth citing: "States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;

- (b) Provide for appropriate regulation of the hours and conditions of employment;

- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

17. **CONCLUSION**

Protection of young people at work is a major concern. Young people are the Community of tomorrow. By presenting this proposal for a Directive as part of the implementation of the Community Charter of Fundamental Social Rights of Workers, the Commission wishes to create a basic set of minimum provisions in respect of health and safety at work for this category of workers.

The Advisory Committee on Safety, Hygiene and Health at Work was consulted on the draft proposal and delivered a favourable opinion at its plenary session on 27 November 1991.

V. **PRESENTATION OF ARTICLES**

18. Article 1 sets out the scope of the Directive, which is wider than that of the framework Directive 89/391/EEC. As the whole point is the protection of the health and safety of young people, it is essential for the protective provisions to be applicable within the framework of the employment relations defined by Member States' internal law. It is also important to stress the fact that the Directive does not address provision-of-services activities such as babysitting or other activities of a genuinely provision-of-services nature. This proposal does not cover self-employed activity. Nor does it cover occasional or limited work in a family context, e.g. work in the household or in a family business, whether agriculture (e.g. grape-picking or crop-harvesting) or in a distributive or craft trade (e.g. shelf-filling or other light shop work).

19. Article 2 defines the terms employer, young person, adolescent, child, working time and light work.

Thus, the definition of the employer is based on that in Article 3(b) of framework Directive 89/391/EEC. The definition of working time is based on that presented by the Commission to the Council for its proposal for a directive concerning certain aspects of the organisation of working time⁽⁷⁾.

This definition once again endeavours to reflect the variety of working relations for young people, which all too often are not covered by the standard employment contract.

The distinction made between children and adolescents and the corresponding definitions are based on international standards and more particularly ILO Convention 138 and Recommendation No 146 concerning the minimum age of admission to employment.

In the definition of working time, a provision has been inserted with the aim of preventing damage to the health and safety of young people, in particular children, which might be caused by abuse in respect of cumulative employment.

A similar safety mechanism in respect of allowable working time has been introduced by many Member States. For example, the Irish and German legislation contain provisions similar to that provided for in the Directive. However, this provision has been implemented by the Courts in certain countries (judgments on plurality of employment). The judges have found that, in the case of several simultaneous employments, an employer, in calculating hours of work, must take into account the hours already worked for another employer, including overtime.

20. Article 3 forbids the employment of young people of less than 15 years of age, as does the Community Charter of the Fundamental Social Rights of Workers, and provides for exceptions, in particular for children of at least 13 years of age performing light work. However, in exceptional cases and for a limited period, a derogation of the age threshold may be granted provided the protective aims of the Directive are not thereby compromised. This might, for instance, be the case for certain fruit-picking work done in season for a limited period.

The age threshold of 15 years is justified in that it provides a balance of the various elements which contribute to young people's health. The World Health Organisation has given a wide meaning to the notion of health as being physical, moral and social well-being.

In a recently published report by the World Health Organisation on "Children at Work: Special Health Risks"⁽⁸⁾, the Study Group defined children as all young people of less than 15 years of age. Accepting that there is certain variation, this age may be considered as the "average" age of the end of childhood as demonstrated by physiological and psychological factors.

According to the experts, young people of less than 15 years of age are still in the period of infancy and, as stated in the abovementioned report, children may not "be asked or forced to do jobs that are generally considered to be safe for adults, but which are not necessarily safe for children because they are still in a period of growth and development." Further, the report stipulates that "their toxicological reactions cannot be regarded as the same as those of adults, and their working capacity and limitations cannot be taken as proportional to those of adults. Moreover, certain children react differently from adults to certain psychosocial factors at work."

(8) "Children at Work: Special Health Risks"; World Health Organisation, Geneva, 1987, "Technical Report" series, 49 pp.

In brief, the employment of young people of less than 15 years of age may have important social consequences. According to the WHO report, already cited, "economically productive activities deprive the child of the time as well as the opportunity to go through normal development at the most critical stage of life. Children need time to establish meaningful relationships with family members, peers, and other persons in their community. They need opportunities for play, exploration, exercise, and rest. They also need opportunities to be spontaneous, free and uncontrolled. Having occasional brief periods of indecision and irresponsibility helps them appreciate and develop the opposite characteristics. Child workers are likely to develop permanently negative attitudes towards work since work has deprived them of their childhood".(9)

21. Article 4 makes provision for a derogation from the ban on child work.

- The terms of this derogation are to be determined by the competent authorities of the Member States and may, in given cases, be of a non-individual nature.
- The aim here is to make it possible for children to take part in events of a cultural, artistic, sporting or advertising nature so long as this is commensurate with their physical and psychological health. This approach has been opted for in conformity with the law in force in most of the Member States and with international conventions and recommendations allowing children to take part in such activities but imposing additional protective conditions and provisions.

22. Article 5 states that, in applying Directive 89/391/EEC to young persons, the employer must bear in mind the specific risks associated with the employment of young persons.

Without prejudice to Articles 6, 7, 10 and 12 of Directive 89/391/EEC, the evaluation of specific risks should be made in conformity with a non-exhaustive list of agents, processes and conditions of work set out in Annex 1 to the Directive, and young persons should be informed of the results.

23. Article 6 refers to:

- the consequences of the results of evaluation: modified working conditions and/or working time or, failing that, a change of job. Exceptions may be allowed for certain specific categories of work which are essential to vocational training;
- health surveillance for young people, whereby young people have access to appropriate medical surveillance where the results of evaluation indicate the existence of certain specific health risks.

(9) Page 33 of the abovementioned WHO report.

24. Article 7 provides that young people should not be required to perform activities where the evaluation has revealed a risk of exposure to the limit values for occupational exposure set out in Annex II to the Directive, without prejudice to the provisions of Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work⁽¹⁰⁾ and of Commission Directive 91/322/EEC⁽¹¹⁾.

25. Article 8 lays down limits for working time for young people, which must take account of the biological rhythms governing human work. Many countries already have provisions restricting the working time of young people undergoing full-time education (para. 1). Such limits are also required under ILO Convention No 138 (Article 8).

The important thing here is to ensure that school work, which occupies the major part of daily life, does not suffer from excessively long spells of work during the day. It is also important to ensure that children derive full benefit from their schooling in the interests of their proper development.

The limits of eight hours per day or 40 hours per week (derogations excepted) laid down in para. 2 are already in force in most of the Member States.

Time spent on training must be included in working time as indicated in both the Community Charter of Fundamental Social Rights of Workers and the Council of Europe's European Social Charter of 1961 (Article 7). This should, however, not mean that young people are not subject, outside these hours, to the standard working hours in their firm.

The conditions and limits on working time for young people do not prejudice existing⁽¹²⁾ or future⁽¹³⁾ provisions regarding working time for workers in general. They merely represent special provisions for young people at work.

The minimum general provisions on young people's working time as defined in this article must not present an obstacle to the scope for derogation, provided (a) such derogations can be justified on objective grounds (e.g. for certain limited periods of peak activity, such as harvest time) and (b) they are determined by the competent authorities and do not call into question the objectives of protecting the health and safety of young people at work.

26. Article 9 provides for a ban on night work for young people between 20.00 and 06.00 hrs, subject to derogations.

(10) OJ No L 327, 3.12.1980.

(11) OJ No L 177, 5.7.1991, p. 22.

(12) More particularly the Council resolution of 18 December 1979 on the organisation of working time (setting out the aims to be achieved), OJ No C 2, 4.1.1980, pp. 1-3, and especially Council Regulation 3820/85 concerning the harmonisation of certain social provisions in the field of road transport, OJ No L 370, 31.12.1985.

(13) More particularly the Commission's proposal for a Council Directive concerning certain aspects of the organisation of working time - COM(90) 317 final, 20 September 1990.

The ban on night work is to be found not only in national law, but also in international standards (e.g. ILO conventions or the European Social Charter of 1961). However, any exceptional derogations from a general ban on night work must be within certain limits. In particular, the period between midnight and 04.00 hrs in particular sectors must preclude any work at all. At any rate, the young people concerned must receive a free health evaluation before being assigned to night work.

27. Article 10 provides for different types of rest time. The daily rest time is fixed at 12 consecutive hours per 24-hour period in most of the Member States.
- The weekly rest period of two consecutive days is likewise in force in most of the Member States. It may be required expressly by law or collective agreement or effectively by organising working time for young people over a five-day week. In a large number of Member States, Sunday is regarded as the basic rest day for young people. If justified in the light of objective criteria, the weekly rest period may be reduced to 36 hours.
28. Article 11 provides for a minimum number of days paid leave for young people duly released from full-time compulsory education. The number of days varies from country to country (from 20 to 30), and may be higher under collective agreements. With a view to harmonising social progress, the Commission thinks it reasonable to fix the minimum leave at four weeks, leaving it up to the Member States to decide on the practical arrangements for granting leave and pay.
29. Article 12 lays down the minimum duration of work breaks, i.e. 30 minutes rest after four and a half consecutive hours work. This is to allow young workers a reasonable rest period to enable them to recover and maintain their physical and psychological health.
30. Article 13 contains provisions in respect of the physical protection of young people at work from occupational accident and disease. It also provides for young people to be covered in respect of these risks in accordance with the Member States' laws, regulations or administrative provisions. This is an additional provision over and above the main objective of the Directive, which is to ensure that a certain number of minimum provisions are recognised at Community level in respect of the protection of young people at work.
31. Article 14 states that Member States must make provision, in respect of the transposition of this Directive into national law and in the implementation and supervision of the Directive, for sanctions for non-compliance with obligations arising from this Directive.

32. The procedure set out in Article 15 concerning amendments to the annexes is in conformity with the procedure provided for in Article 7 of Directive 89/391/EEC. The object here is to ensure that the content of the annexes can be adapted in line with technical progress.

33. Article 16 states that the minimum set of provisions laid down in this Directive may not, when enacted, have the effect of reducing the level of protection afforded to young people in the Member States.

This article essentially reproduces the penultimate recital in the Community Charter of Fundamental Social Rights of Workers.

34. Article 17. As the Directive is due for adoption in 1992, it is proposed that it be transposed into national law by 31 December 1993 at the latest.

Proposal for a
COUNCIL DIRECTIVE
on the protection of young people at work

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 118a thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 118a of the Treaty provides that the Council shall adopt, by means of directives, minimum requirements for encouraging improvements, especially in the working environment, to ensure a better level of protection of the safety and health of workers;

Whereas, under the terms of that Article, those directives are to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings;

Whereas the directives on health and safety at work, and particularly Council Directive 89/391/EEC⁽¹⁾, contain provisions designed to improve the health and safety of workers in general; whereas, in particular, Council Directive 80/1107/EEC of 27 November 1980 concerning the protection of workers against risks associated with exposure at work to chemical, physical and biological agents⁽²⁾, as last amended by Directive 88/642/EEC⁽³⁾, and Commission Directive 91/322/EEC⁽⁴⁾ envisage the establishment of limit values on exposure at work;

(1) OJ No L 183, 29.6.1989, p. 1.

(2) OJ No L 327, 3.12.1980, p. 8.

(3) OJ No L 356, 24.12.1988, p. 74.

(4) OJ No L 177, 5.7.1991, p. 22.

Whereas the special situation of young people at work and the special nature of the risks to which they are subject, in particular in view of their lack of experience, make it necessary to have specific additional provisions geared to the needs of young people at work;

Whereas a fair balance has to be struck between the definition of a basis of minimum provisions for ensuring the protection of young people at work, in order to avoid abuse, and the necessary flexibility of working and employment conditions;

Whereas point 20 in particular of the Community Charter of the Fundamental Social Rights of Workers, adopted by the Heads of State or Government of eleven of the Member States of the European Community at the European Council in Strasbourg on 9 December 1989, states that, subject to derogations limited to certain light work, the minimum employment age must not be lower than the minimum school-leaving age and, in any case, not lower than 15 years;

Whereas under point 22 of the said Charter, appropriate measures must be taken to adjust labour regulations applicable to young workers so as to meet their specific development and vocational training and access to employment needs; whereas the duration of work of workers under the age of 18 years must be limited - without it being possible to circumvent this limitation through recourse to overtime - and night work prohibited, save in the case of certain jobs laid down in national legislation or regulations;

Whereas point 23 of the said Charter stresses that vocational training for young workers should take place during working hours;

Whereas, in its resolution on child work⁽⁵⁾, the European Parliament summarized the various aspects of work by young people and stressed its effects on their health, safety and physical and intellectual development, and pointed to the need to adopt a Community directive harmonizing national legislation in the field;

(5) OJ No C 190, 20.7.1987, p. 44.

Whereas, to ensure that young people are not allowed to work before reaching an appropriate age, it is necessary for Member States to ban work below a minimum age; whereas any derogation from this ban must be restricted to certain specific light work where there is no risk of harming the health and safety of children;

Whereas, in order to protect the health and safety of young people, Member States should take the necessary measures to ensure that a prior evaluation of risks affecting young people in particular is carried out and the results of this evaluation are communicated to those concerned;

Whereas exposure on the part of young people to certain physical, chemical or biological agents and to certain processes, and assignment to such work affects the health and safety of young people; whereas it is therefore appropriate to place a ban on such work;

Whereas certain types of activity and certain working conditions may affect the health of young people; whereas steps should therefore be taken to arrange their working conditions and working time accordingly;

Whereas working time must be adapted to the specific requirements of the physical development of the young people addressed by this Directive; whereas, again with a view to protecting the health and safety of young people, there should be a minimum set of provisions on night work for young people;

Whereas, although derogations from the bans and limitations imposed by this Directive would appear indispensable for certain activities or particular situations, application thereof must not prejudice the principles underlying the established protection system;

Whereas, it is important to ensure that young workers are properly protected against accidents at work and occupational diseases; whereas such protection must include, in accordance with the provisions in force in the Member States, cover in respect of these risks;

Whereas the system of protection envisaged by this Directive requires, for its effective application, the imposition by the Member States of sanctions,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Scope

This Directive shall apply to all persons under 18 years of age working for one or more employers, except those working on a limited or occasional basis for their family.

Article 2

Definitions

For the purposes of this Directive:

- (a) "employer" means any natural or legal person who has an employment relationship with the young worker;
- (b) "young person" means all persons under 18 years of age:
 - "adolescent" means any young person of at least 15 years of age but less than 18 years of age;
 - "child" means any young person of less than 15 years of age;
- (c) "working time" means any period during which the young person is at work and carrying out his activities or duties in accordance with national legislation and/or practice. Where a young person is employed by more than one employer, working hours and working days shall be accumulated;
- (d) "light work" means all work which does not cause any abnormal fatigue whether as a consequence of the inherent nature of the tasks to be performed or as a consequence of the particular conditions under which they must be performed.

Article 3

Restrictions due to age

1. Member States shall ensure that the employer shall provide young persons with working conditions which are appropriate to their age and which will, in particular, avoid damage to their physical and psychological development.
2. Member States shall adopt the necessary measures to prohibit child work. Such provisions shall not be an obstacle to:
 - (a) children pursuing the activities set out in Article 4;
 - (b) children working in an undertaking under a combined work/training scheme such as an apprenticeship or work experience placements;
 - (c) children of not less than 13 years of age performing light work.
3. Derogations from point (c) of paragraph 2 may be granted for limited periods, taking account of established national practice and traditions, provided such derogations do not compromise the objectives of this Directive.

Article 4

Cultural and similar activities

The employment of children in cultural, artistic, sports and advertising activities shall be subject to prior authorisation, the conditions of which shall be determined by the competent authorities of the Member States.

Article 5

Evaluation - information

1. The provisions of Directive 89/391/EEC shall apply to all young persons addressed by this Directive.

In applying these provisions the employer shall take account of any specific risk to the physical and mental health and safety of the young persons as well as the possible repercussions for their development.

2. Without prejudice to the provisions of Directive 89/391/EEC, and in particular Articles 6, 7, 10 and 12 thereof, young persons shall be evaluated in relation to the nature, degree and duration of exposure within an undertaking of all activity liable to present a specific risk of exposure to agents and procedures of which a non-exhaustive list is set out in Annex I.

The young persons shall be informed of the results of this evaluation and of all measures taken concerning their health and safety at work.

Article 6

**Consequences of the results of evaluation
and health surveillance**

1. Where the results of the evaluation referred to in Article 5 indicate a risk to the safety or to the physical or mental health of the young person, notably an effect on his development, the employer shall take the necessary measures in terms of working conditions and/or working time to prevent such exposure on the part of young people.
2. Where it is technically or objectively impossible to modify working conditions and/or working time, the employer shall take the necessary measures to provide the young person with a change of job.

Exceptions may be allowed for certain specified categories of work which are essential to the vocational training of adolescents.

3. Prior to exposure and at regular intervals thereafter, appropriate medical surveillance shall be provided for young workers in respect of whom the results of the evaluation referred to in Article 5 indicate the existence of a specific risk to their safety or physical or mental health, notably a possible effect on their development.

Article 7

Exposure ban

Without prejudice to the provisions of Directives 80/1107/EEC and 91/322/EEC, young persons may in no case be required to perform activities where the evaluation has revealed a risk of exposure to agents and procedures envisaged by Annex II which would put the young person's safety or physical or mental health in jeopardy.

Article 8

Duration of work

1. The duration of work performed by children and adolescents who are in full-time education shall be restricted to 15 hours per week and to three hours on a school day for light work.

Such work may be performed only outside the hours fixed for school attendance and only provided that it is not such as to prejudice their attendance at school or their capacity to benefit from the instruction given at school.

2. Working time for young persons who are not undergoing full-time compulsory education or young persons working during their school holidays may not exceed 8 hours per day or 40 hours per week.

3. The time spent attending school or training as part of a combined work/training scheme shall be counted as working time.
4. Where there are objective reasons for so doing, derogations from the provisions of paragraph 2 may be allowed subject to the agreement of the authority competent to determine the terms of the derogations and provided such derogations do not call into question the objectives of this Directive.

Article 9

Night work

1. Without prejudice to the provisions of Article 4, young persons may not be employed between 20.00 hours and 06.00 hours.
2. Exceptions to the ban on night work set out in paragraph 1 may be authorized by legislative or regulatory process in specified sectors provided that no work is performed between midnight and 04.00 hours.
3. Prior to any assignment to night work, and at regular intervals thereafter, young persons must be given an assessment, free of charge, of their health and capabilities.

Article 10

Rest time

Young persons duly released from full-time compulsory education or young persons working during their school holidays shall have two consecutive rest days per week and a rest period of 12 consecutive hours during each 24-hour period.

If justified on technical or organizational grounds, the weekly rest period may be reduced but may on no condition be reduced below 36 hours.

Article 11

Paid leave

Young persons, duly released, from full-time compulsory education shall receive annual leave of at least four weeks, paid in accordance with the conditions governing the receipt and granting of leave laid down in national legislation and/or practice.

Article 12

Rest period

Any working period of four and a half consecutive hours shall be followed by a rest period of not less than 30 minutes.

Article 13

Protection from occupational accidents and diseases

Member States shall adopt the necessary measures to ensure that young persons are adequately protected in respect of occupational accident and disease. Young persons must be insured against such risks in accordance with the laws, regulations and administrative provisions in force in the Member States.

Article 14

Sanctions

Each Member State shall determine the penalties to be imposed in the event of failure to comply with the measures adopted to give effect to this Directive; such penalties must be effective, proportionate and dissuasive.

Article 15

Amendments to the Annexes

Adjustments to Annexes I and II as a result of technical progress, changes in international regulations or specifications and new findings in the area covered by this Directive shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

Article 16

This Directive may not have the effect of reducing the level of protection afforded to young persons at work as compared with the situation which exists in each Member State on the date on which this Directive is adopted.

Article 17

Final provisions

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1993 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 18

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

ANNEX I

Non-exhaustive list of agents, processes
and working conditions (Article 5)

1. Agents

Physical agents:

- Direct or indirect manual handling of loads involving a risk, particularly of back injury.
- Work in a high-pressure atmosphere (e.g. pressurized containers, diving).
- Extremes of heat and cold.

Biological agents:

- Biological agents belonging to groups III and IV within the meaning of Article 2(d) of Directive 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work.

Chemical agents:

- Hydrofluoric acid,
- Fuming nitric acid,
- Arsenic and compounds thereof,
- Thiophosphoric esters,
- Mercury and compounds thereof,
- Methyl bromide,
- Free silica,
- Carbon monoxide,
- Chlorine,
- Asbestos.

2. Work

- Work involving the use of work equipment with a specific risk within the meaning of Article 5 of Directive 89/655/EEC,
- Manufacture and handling of machinery, fireworks or other objects containing explosives,
- Work with fierce or poisonous animals,
- Work involving dangerous feats of strength or contortionist exercises,
- Metal casting,
- Glass-blowing,
- Animal slaughtering,
- Work involving the handling of equipment for the production, storage or application of compressed, liquified or dissolved gases,
- Work with vats, tanks, reservoirs or carboys containing toxic, harmful or corrosive flammable liquids, gases or vapours covered by Directive 67/548/EEC,
- Underground work,
- Work at a height,
- Demolition work,
- Work involving a risk of electrocution.

- Work involving:
 - * the driving of agricultural or forestry tractors not equipped with roll-over protection structures,
 - * the driving of combine harvesters and other multiple-function or multiple-movement agricultural machinery,
 - * the driving of earthmoving equipment and vehicles.
 - * constraints due to the pace of work, particularly in respect of work involving payment by results.

ANNEX II

**Non-exhaustive list of agents, processes
and working conditions (Article 7)**

1. Agents

Physical agents:

- Ionizing radiation.

Chemical agents:

- Hydrocyanic acid,
- Lead and compounds thereof,
- Neurotoxic chemical agents,
- Substances classified as carcinogenic, mutagenic and/or [toxic for reproduction],
- Substances classified as liable to cause serious damages to health by prolonged exposure [R 48],
- Chemical agents in Annex I to Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work.

2. Processes

- Industrial processes in Annex I to Directive 90/394/EEC.

ANNEXES

Tableau n° 1 :	Population
Tableau n° 2 :	Emploi des jeunes de 13 à 17 ans
Tableau n° 3 :	Répartition des jeunes de 15-17 ans dans les secteurs
Tableau n° 4 :	Age minimal d'admission au travail - Législations des Etats membres
Tableau n° 5 :	Durée du travail - Législations des Etats membres
Tableau n° 6 :	Travail de nuit - Législations des Etats membres
Tableau n° 7 :	Repos hebdomadaire - Législations des Etats membres
Tableau n° 8 :	Congé payé - Législations des Etats membres
Tableau n° 9 :	Travail du dimanche et jours fériés - Législations des Etats membres
Tableau n° 10 :	Ratification des Conventions de l'O.I.T. par les Etats membres
Tableau n° 11 :	Normes Internationales du travail - Liste des conventions sur le travail des enfants

Note : Tableaux 1, 2 et 3

Les informations concernant les jeunes travailleurs âgés de 15 ans et plus sont extraites du rapport sur les forces de travail (EUROSTAT 1989) qui fournit des données comparables sur 12 Etats membres. Les informations concernant les jeunes de moins de 15 ans sont plus difficiles à obtenir. Pour cette catégorie d'âge, les données proviennent de diverses sources et pourraient être sujet à modification lorsque la qualité des informations nécessaires sera obtenue. Cependant il est peu probable que de telles modifications changent l'image d'ensemble des tableaux. Il faut retenir toutefois que la qualité des informations diminue avec les groupes d'âges concernés, particulièrement pour les jeunes de moins de 13 ans.

TABLEAU 1

Population

Au mois de janvier 1990, le nombre de jeunes de moins de 18 ans dans la Communauté s'estimait à 73 millions, un peu plus d'un cinquième de la population totale. Parmi le groupe d'âge des 13-17 ans où le nombre de jeunes au travail est le plus élevé, on compte 22 1/4 millions de jeunes (7 pour cent de la population totale) dont 4 1/4 à 4 3/4 millions pour chaque année d'âge.

La France, l'Espagne, le Portugal et particulièrement l'Irlande ont un nombre relativement important de jeunes tandis qu'en Allemagne spécialement la proportion de jeunes est en dessous de la moyenne communautaire.

Le nombre de jeunes de moins de 18 ans dans la Communauté s'est élevé à environ 77 millions avec l'unification allemande parmi lesquels 23 millions sont âgés de 13 à 17 ans. Malheureusement et mis à part cette information démographique, il existe peu de données sur les cinq nouveaux "Länder" allemands. Ainsi les informations relatives à l'Allemagne se réfèrent à la situation avant l'unification.

TABLE 1: POPULATION OF YOUNG PEOPLE ON 1 JANUARY 1990

	BELGIUM	DENMARK	FRANCE	GERMANY	GERMANY ^o (After unifi- cation)	GREECE	IRELAND	ITALY	LUXEM- BOURG	NETHER- LANDS	PORTUGAL	SPAIN	UK	EUR12	EUR12 ^o (After unifi- cation)
Thousands															
UNDER 13	1 562	742	9 839	8 229	11 075	1 690	828	8 009	57	2 350	1 808	6 497	9 522	51 133	53 979
13	120	66	722	609	793	138	67	783	4	181	174	651	660	4 176	4 360
14	119	73	747	598	771	143	68	828	4	184	177	654	687	4 282	4 455
15	124	72	803	622	791	136	69	869	4	194	174	660	713	4 438	4 607
16	129	72	860	639	810	138	70	875	4	203	172	659	752	4 572	4 743
17	135	76	880	713	904	141	69	889	4	223	176	658	804	4 767	4 958
13-14	239	139	1 469	1 208	1 564	282	135	1 611	8	365	351	1 305	1 347	8 458	8 815
15-17	388	220	2 542	1 974	2 506	415	207	2 633	13	620	521	1 977	2 268	13 777	14 308
13-17	627	358	4 011	3 182	4 069	697	342	4 244	21	985	873	3 282	3 615	22 235	23 123
UNDER 18	2 189	1 100	13 850	11 411	15 144	2 387	1 170	12 253	78	3 334	2 681	9 779	13 137	73 368	77 102
ALL AGES	9 948	5 135	56 304	62 679	79 113	10 046	3 507	57 576	378	14 893	10 337	38 925	57 309	327 037	343 470

Percentage of all age population															
UNDER 13	15.7	14.5	17.5	13.1	14.0	16.8	23.6	13.9	15.1	15.8	17.5	16.7	16.6	15.6	15.7
13	1.2	1.3	1.3	1.0	1.0	1.4	1.9	1.4	1.1	1.2	1.7	1.7	1.2	1.3	1.3
14	1.2	1.4	1.3	1.0	1.0	1.4	1.9	1.4	1.1	1.2	1.7	1.7	1.2	1.3	1.3
15	1.2	1.4	1.4	1.0	1.0	1.4	2.0	1.5	1.1	1.3	1.7	1.7	1.2	1.4	1.3
16	1.3	1.4	1.5	1.0	1.0	1.4	2.0	1.5	1.1	1.4	1.7	1.7	1.3	1.4	1.4
17	1.4	1.5	1.6	1.1	1.1	1.4	2.0	1.5	1.2	1.5	1.7	1.7	1.4	1.5	1.4
13-14	2.4	2.7	2.6	1.9	2.0	2.8	3.9	2.8	2.2	2.5	3.4	3.4	2.4	2.6	2.6
15-17	3.9	4.3	4.5	3.2	3.2	4.1	5.9	4.6	3.3	4.2	5.0	5.1	4.0	4.2	4.2
13-17	6.3	7.0	7.1	5.1	5.1	6.9	9.7	7.4	5.5	6.6	8.4	8.4	6.3	6.8	6.7
UNDER 18	22.0	21.4	24.6	18.2	19.1	23.8	33.4	21.3	20.6	22.4	25.9	25.1	22.9	22.4	22.4

SOURCE: DEMOGRAPHIC STATISTICS 1991: TABLES B5, B6, J3 & J4: EUROSTAT

TABLEAU 2

A. Jeunes âgés de 13 à 17 ans qui suivent leur scolarité

Dans la plupart des Etats membres de la Communauté une faible proportion de jeunes, visés ici, sont au travail. C'est particulièrement vrai pour les jeunes dont l'âge est inférieur à l'âge minimum auquel cesse la scolarité obligatoire parmi lesquels généralement moins de 1% travaillent et même pour ceux qui ont entre 16 et 17 ans où la proportion de jeunes au travail tend à être inférieure à 5%. Cette image connaît cependant trois exceptions. Les Pays-Bas où 15% des scolaires âgés de 13 à 17 ans travaillent, le Royaume-Uni où environ 35% travaillent et le Danemark où environ 40% de ces jeunes travaillent. Au total, à peu près 1 1/2 million de jeunes scolaires âgés de 13 à 17 ans travaillent en dehors de leurs cours dans la Communauté.

B. Jeunes âgés de 13 à 17 ans ayant quitté l'école

Les jeunes travailleurs âgés de 13 à 15 ans ayant quitté l'école se rencontrent surtout au Portugal, en Italie et en Grèce. Les jeunes travailleurs âgés de 15 à 17 ans ayant quitté l'école occupent le plus souvent un travail. Au Danemark, en Allemagne et au Royaume-Uni, plus de 80% ont un travail. Dans les autres pays ce taux varie entre 50 à 75%.

Pour résumer, 2 millions de jeunes âgés de 13 à 17 ans et ayant quitté l'école travaillent dans la Communauté.

C. Jeunes âgés de moins de 13 ans

Les données disponibles ne sont pas assez précises pour offrir un tableau pertinent de la situation. Mais de nombreuses indications autorisent à penser que le travail des jeunes de moins de 13 ans mis à part la participation à des activités de spectacles publicitaires, de nature culturelle, existent dans certains Etats membres.

TABLE 2 : EMPLOYMENT OF 13 TO 17 YEAR OLDS AS PROPORTION OF POPULATION (Per cent)

	BELGIUM	DENMARK	FRANCE	GERMANY	GREECE	IRELAND	ITALY	LUXEM- BOURG	NETHER- LANDS	PORTUGAL	SPAIN	UK	EUR12

AS A PROPORTION OF THE TOTAL													
(ALL EMPLOYMENT)	1	44	5	12	8	7	8	*	16	25	9	43	15
(SELF EMPLOYED)	*	*	*	0	1	*	0	*	1	1	0	0	0
(FAMILY WORKERS)	*	*	*	*	3	*	1	*	1	5	1	-	1
EMPLOYEES													
(13)	*	18	*	*	*	*	1	*	2	5	1	29	6
14	(*)	(28)	*	(*)	3	*	2	(*)	5	9	(2)	(33)	(7)
15	*	41	1	2	3	*	6	*	14	18	(5)	(31)	(10)
16	*	58	8	15	4	10	11	*	19	29	11	46	19
17	4	66	14	37	8	16	15	*	29	35	18	67	30
(13-14)	*	23	*	*	2	*	1	*	4	7	2	31	6
15-17	2	54	8	19	5	10	11	*	21	27	(11)	(49)	(20)
(13-17)	1	(44)	5	(12)	4	7	7	*	15	18	7	42	14

AS A PROPORTION OF THOSE IN EDUCATION													
(ALL EMPLOYMENT)	*	39	0	1	1	2	1	*	15	3	1	35	7
(SELF EMPLOYED)	*	*	*	*	*	*	*	*	1	*	*	0	0
(FAMILY WORKERS)	*	*	*	*	*	*	*	*	1	*	0	-	0
EMPLOYEES													
(13)	*	18	*	*	*	*	*	*	2	*	*	29	5
14	(*)	(28)	*	(*)	*	*	*	(*)	5	*	*	(33)	(6)
15	*	41	*	*	*	*	1	*	13	*	*	(31)	(7)
16	*	53	*	2	*	*	1	*	18	5	*	36	9
17	*	53	*	5	*	*	1	*	24	6	2	54	11
(13-14)	*	23	*	*	*	*	0	*	3	*	*	31	6
15-17	*	49	0	2	1	3	1	*	18	4	(1)	(38)	(9)
(13-17)	*	39	0	1	1	2	1	*	14	2	0	35	7

AS A PROPORTION OF THOSE NOT IN EDUCATION													
(ALL EMPLOYMENT)	70	82	74	95	59	61	45	*	68	73	53	82	69
(SELF EMPLOYED)	*	*	*	*	5	*	1	*	*	3	1	2	2
(FAMILY WORKERS)	*	*	*	*	27	*	5	*	*	15	7	-	5
EMPLOYEES													
(13)	*	*	*	*	*	*	*	*	*	*	*	*	*
14	(*)	*	*	(*)	38	*	13	(*)	*	37	*	*	(17)
15	*	*	75	78	*	*	34	*	*	50	*	*	(55)
16	*	78	73	95	*	62	43	*	*	60	41	78	60
17	81	85	72	96	30	48	48	*	74	65	47	82	69
(13-14)	*	*	*	*	53	*	19	*	*	55	*	*	24
15-17	67	83	72	95	24	57	43	*	68	59	(53)	(80)	(65)
(13-17)	61	82	73	95	27	55	39	*	65	55	45	80	62

SOURCE: 1989 EC LABOUR FORCE SURVEY SUPPLEMENTED BY national expert estimates (in parentheses)

* NIL OR NEGLIGIBLE

NOTE: IN 1991; AFTER THE PERIOD TO WHICH THIS TABLE REFERS, PORTUGAL CHANGED ITS MINIMUM AGE OF EMPLOYMENT TO 15.

TABLEAU 3

Répartition des jeunes travailleurs de 15 à 17 ans dans les secteurs

Il y a deux secteurs qui emploient un nombre disproportionné de jeunes : la distribution ainsi que l'hôtellerie et la restauration auxquelles il faut rattacher d'autres activités de services telles que la coiffure.

TABLE 3: INDUSTRIAL DISTRIBUTION OF YOUNG PEOPLE'S EMPLOYMENT (AGE 15-17): Numbers

	BELGIUM	DENMARK	FRANCE	GERMANY	GREECE	IRELAND	ITALY	LUXEM- BOURG	NETHER- LANDS	PORTUGAL	SPAIN	UK	EUR12
Numbers (Thousands)													
AGRICULTURE	*	10	5	8	*	*	9	*	8	9	13	15	80
ENERGY & WATER	*	*	*	6	*	*	*	*	*	*	*	7	13
MINERAL EXTRACTION, CHEMICALS	*	*	*	13	*	*	10	*	*	5	8	16	53
METAL MANUFACTURING, ENGINEERING	*	6	5	63	*	*	35	*	*	11	14	55	196
OTHER MANUFACTURING INDUSTRIES	*	22	23	47	6	*	83	*	35	60	43	96	421
BUILDING AND CIVIL ENGINEERING	*	7	33	41	6	*	41	*	4	23	18	64	240
TOTAL INDUSTRY	*	35	61	170	14	6	170	*	44	100	84	238	923
DISTRIBUTIVE TRADES, HOTELS, CATERING	*	42	64	112	9	7	80	*	55	29	65	422	890
TRANSPORT & COMMUNICATION	*	4	*	14	*	*	*	*	*	*	*	24	51
BANKING, FINANCE, INSURANCE	*	6	*	19	*	*	*	*	11	*	*	68	114
PUBLIC ADMINISTRATION	*	*	9	13	*	*	*	*	*	*	*	12	41
OTHER SERVICES	*	21	35	53	*	*	14	*	11	9	19	115	284
TOTAL SERVICES	4	76	110	210	10	12	98	*	81	42	93	641	1 379
NOT STATED	*	*	*	*	*	*	*	*	*	*	*	46	49
TOTAL	7	121	176	390	26	18	277	*	132	151	190	940	2 432

SOURCE: 1989 LABOUR FORCE SURVEY: EUROSTAT
 FIGURES FOR THE UK AND SPAIN REFER TO AGES 16-17 NOT 15-17.

* NIL OR NEGLIGIBLE

MINIMUM AGE FOR TAKING UP WORK (*)

	GERMANY	NETHERLANDS	LUXEMBOURG	DENMARK	SPAIN	PORTUGAL
AGE	Under the age of <u>14 yrs</u> (Art 5 - Job Sch G) employ't is prohibited. But generally must be <u>15 yrs</u> (Art 7) unless no longer liable to full-time compulsory education.	Labour Act 1919 Stb 624 Law 18/5/1977 Stb 360 <u>16 yrs</u> and on condition that compulsory education is completed.	<u>15 yrs</u> + on cond. that compulsory schooling is complete (Art. 1 Law 28/10/69) ILO Conv. N° 138 is fully implemented.	<u>15 yrs</u> Statute 1/7/1977 Over <u>15 yrs</u> for dangerous work	<u>16 yrs</u> Art. 6.1 Estatuto de los Trabajadores <u>16-17 yrs</u> written authorisation is required from competent authority. <u>16-18</u> limited capacity to enter into contractual obligations.	16 yrs. Art. 123.1-Act N° 49408/1969, amended by Act 396/91 of 16.10 (15 yrs during a transition period).
EXCEPTION	Work therapy, or in work experience in an institution 13 yrs in agriculture, for max. 3 hrs per day in employ't of person responsible for their care 13yrs delivery of newspapers/magazines up 2 hrs per day 6 yrs for theatre performances on application to supervisory authority 15 yrs school holidays for max. 4 weeks	light holiday wk : 15 yrs non-industrial light work = cultural, scientific or artistic activities : 15 yrs family work (light) Poss. of exemption granted by Min. for Social Affairs & Employ't for light work out of school time : over 15 yrs cannot be employed for public institutions whilst in part-time (full-time education).	Children under 15 may work in framework of technical/professional school courses but not for profit or for non dangerous family activities children may perform in public entertainments which have a science or arts interest	Under 15 permitted for public performances; subj. to authorization Light work under 15 is permitted for max. 2 hrs per day (8 hrs per week) during school time.	public performances (theatre) Art. 6.4. as above.	Children between 14 yrs and the minimum age may do light work, subject to conditions to be fixed by the Employment Department, if they have concluded compulsory schooling (Art. 123-2 as above).

(*) In this table and in Tables 5, 6, 7, 8, 9, the data given for U.K. apply essentially to England and Wales and these provisions may vary in Scotland and Northern Ireland

MINIMUM AGE FOR TAKING UP WORK (2)

	GREECE	FRANCE	BELGIUM	UNITED KINGDOM	IRELAND	ITALY
AGE	<u>15 yrs</u> (Art. 2.1. Act N° 1837/1989).	<u>16 yrs</u> + must be released from obligation to receive compulsory schooling (L 211) <u>18 yrs</u> for dangerous/ tiring/ unhealthy work	Statute 16/3/71. Art. 6 cannot employ minors who have not finished full-time compulsory education = <u>15 yrs</u>	<u>13 yrs</u> children + Young Persons Act 1933 Under <u>14 yrs</u> cannot be employed except for undertakings where only the members of same family are employed.	School leaving age = <u>15</u> + employment is generally prohibited for children 1977 Employ't Act Minimum age can be raised by competent Minister if considered dangerous.	Statute 17/10/67 N° 977 Minimum age for employment or apprenticeship is <u>15 yrs</u>
EXCEPTION	Artistic work + similar activities (max of 3 months with possibility of one extension) for those under 15 yrs.	- public performances - establishments for employing Members of family only under authority of parent or guardian - can participate in work/ training programme during last 2 yrs of compulsory education - 15 yrs provided contract of apprenticeship + person has completed 1st cycle of secondary education - 14 yrs for light work during vacation period (max 8 hr day/ 39 hr wk)	exception where job assigned in framework of education + training For participation in cultural, educational or artistic events.	NB NOTE Full time education is compulsory between 5 + 16 yrs	Light industrial work permitted between 14-15 by 1977 Act, but prohibited during school term time. Protection Young Persons Act 1981. also as part of educational work programme NB NOTE Full time education is compulsory between 5 + 16 yrs	Employ't in agriculture/ domestic work in family life permitted from 14 yrs, if it is not detrimental + does not interfere with schooling Light industrial work from 14, not at night, nor public holiday Minors under 5 may take part in theatre/cinema

WORKING TIME

	GERMANY	NETHERLANDS	LUXEMBOURG	DENMARK	SPAIN	PORTUGAL
GENERAL LIMIT	<p>.Under 18 Max 8 hrs/day or 40 hrs/week</p> <p>.Over 13 Employment can't take place before or during hours of schooling</p> <p>.Overtime not authorised</p> <p>.Rest breaks : 30 min/4h30-6 hrs 60 min/+ 6 hrs</p>	<p>.Max 8 hrs/day 40 hrs/week for 5 days</p> <p>.In the mining industry Max 8 hrs 30/day</p> <p>.Adolescents (16-18) under partial obligatory schooling 2 days/week for one year</p> <p>.No work permitted if teaching hours exceed 6 hrs/day</p>	<p>.Between 15/18 Max 8 hrs/day & 40 hrs/week</p> <p>.Overtime in general outlawed</p> <p>.After 4 hrs : 30' break or at least 15' if the adolescent is employed in a group of adults.</p>	<p>.Discipline for adults apply but under 15 Max 2 hrs/day during school term and 12 hrs/week</p> <p>.Overtime can't exceed 10</p>	<p>.No special provision general limit apply : 40 hrs/week.</p> <p>.Overtime is banned under 18 years</p>	<p>.No special provision</p> <p>Apprentices : Max 4 hrs/day & 40 hrs/week including time devoted to training activities</p> <p>.Overtime prohibited</p>
EXCEPTIONS	<p>.Max 9 hrs/day & 44 hrs/week by collective agreement if 40 hrs average/week over 2 months</p> <p>.Shiftwork max 10 hrs or more by coll. agreement Max 11 hrs in hotel, catering, trade ...</p> <p>.Exceptions permitted in the interest of vocational training</p> <p>.In agriculture, over 16, employment not permitted during the harvest for more than 9 hrs/day or 85 hrs/fortnight.</p>	<p>Max 8 hrs 30'/day under authorisation</p> <p>-In case of flexible working hours : max 9 hrs/day</p> <p>-if teaching hours are less than 6/day, work is allowed but teaching hrs/working hrs can't exceed 8 hrs.</p>	<p>.By coll. agr. or Labour Inspectorate Max 9 hrs/day if not max 44 hrs/day and average in 4 weeks term are not over 40/week.</p> <p>.Exceptionally, overtime may be requested (objective reasons).</p>	<p>During school holidays, max 20 hrs/week for 10-12 years, 40 hrs/week for 13 years and over. These provisions don't apply in employer's private household.</p>	<p>Limit can be reduced through coll. agr. or ind. agr.</p>	

WORKING TIME (2)

	GREECE	FRANCE	BELGIUM	UNITED KINGDOM	IRLANDE	ITALIE
General limit	<p>.Under 16 yrs who have not completed compulsory schooling : Max 6 hrs/day or 30 hrs/week</p> <p>.Under 18 still attending school courses, dolly work must start (and stop) 2 hours after the end (or before the beginning) of such courses.</p> <p>.Under 18, working time for artistic work and similar activities is regulated. Ex. 3 hrs/day for 3/6 years.</p> <p>.Overtime is banned under 18 years.</p>	<p>.Under 18 : Max 8 hrs/day and 39 weeks</p> <p>.Apprentices following vocational training during the working day.</p> <p>."travail par relais" is prohibited under 18.</p> <p>.Break/4 hrs 30</p>	<p>.Max 8 hrs/day, 40 hrs/week</p> <p>.Break/4 hrs consecutively - After 4 hrs 30 : 1 hour of rest is allowed</p>	<p>Children of 13 or more but under MSLA : no more than 2 hours/day on schooldays or Sundays.</p> <p>Local authority by-laws permit children under 15 a maximum of 5 hours/day and 25 hours/week (light work) and for children of 15 and over : 8 hours/day and 35 hours/week (except Sunday and schooldays).</p> <p>By-law generally require a break of at least 1 hour after 4 hours work.</p>	<p>.Max 7 hrs/day or 35 hrs/week during school holidays (14 consecutive days at least of work during summer holidays)</p> <p>.Under 16 yrs : 8 hrs/day & 8 hrs/day & 37h30/week.</p> <p>.Over 16 : normal : 8 hrs/day & 40 hrs/week.</p> <p>.Break : 30 min/4 hrs under 15 or 30 min/5 hrs between 15-18.</p> <p>.Hours of work for several employers are added.</p>	<p>.After compulsory school age 7 hrs/day or 35 hrs/week</p> <p>.Overtime is unlawful.</p> <p>.In transport of loads : max 4 hrs/day including return journeys</p> <p>.System of split shift : employment can be authorised by provincial inspectorate of Labour.</p> <p>.Break : 1 hr/4 hrs 30.</p>
EXCEPTIONS		<p>.44 hrs/week under author. of Labour Inspectorate.</p> <p>.Hours of work in any case can not exceed the hours of work of adults in the establishment</p> <p>.Exception for time break/ 4 hrs 30 in a system of continuous working.</p>	<p>.By coll. agr. if average is not over 40/week in a 2 months term or more and daily working hrs can't exceed 10.</p> <p>.Overtime is also permitted in exceptional cases.</p> <p>.A Royal Decree may provide different regulation for breaks.</p>		<p>.In agriculture : max 8 hrs/day & 40 hrs/week for young people under 16 yrs</p> <p>.Over 16 : max 9 hrs/day & 45 hrs/week 172 hrs/4 consecutive weeks or 2000 hrs in any year</p> <p>.the rules on breaks don't apply to industrial shift work</p>	<p>.Reduction of break to 30' by coll. agr. or by author. by provincial insp.</p>

NIGHT WORK OF YOUNG PERSONS

	GERMANY	NETHERLANDS	LUXEMBOURG	DENMARK	SPAIN	PORTUGAL
GENERAL PRINCIPLE	<p>Employment of children, when exceptionally permitted is forbidden between 6 pm - 8 am (Art 5, JArb-Sch G)</p> <hr/> <p>Young persons must have at least 12 hrs rest between work periods (Art. 3)</p> <hr/> <p>Where exceptions are permitted a young person can not be employed after 8 pm on the day preceeding vocational training.</p>	<p>Adolescents must have 12 hrs consecutive rest and cannot perform <u>night work</u> between 6 pm - 7 am (Decret 11/08/79 Stb 558, Art 2)</p>	<p>Daily rest period of <u>12 hrs</u> applies for adolescents (Art 9, Act 28/10/69)</p> <hr/> <p><u>Night work</u> is prohibited between 8 pm - 6 am</p>	<p>Young people under 18 must have 12 hrs consecutive rest, normally between 8 pm - 8 am; in any case he may not work before 6 am (Act on Working Environment 1/7/1977)</p>	<p>There must be a period of 12 hrs rest between working day which is applicable to young people. (Art 34.2 Estatuto de los Trabajadores).</p> <hr/> <p><u>Night work</u> is prohibited under the age of 18, ie. between 10 pm- 6 am.</p>	<p>Night work comprises the period between 8 pm and 7 am (art 29.1 Lei Duração Trabalho).</p> <hr/> <p><u>Night work</u> is prohibited under 16 in industrial factories, except when for vocational training (art 33 LDT)</p>
EXCEPTIONS	<p>Over 16, young persons may be allowed to work <u>after 8 pm</u>, depending on type of work :</p> <ul style="list-style-type: none"> - until 10 pm in hotels + catering + public displays; - until 11 pm in multiple shift establishments; - until 11 pm for performances, after which they must have 14 hrs consecutive rest or before 6 am - from 5 am-9 am in agriculture; - if over 17, from 4am in bakeries; - with permission, from 5.30 am - until 11.30 pm in multiple shift establishments; - for vocational training or cooperation with adults, young persons may not work between 5am and 11pm. - the above provisions do not apply in emergency, insofar as adult labour is not available and for which there must be compensatory rest periods. 	<p>But can work between 7 pm- 11 pm in nursery or service homes.</p>	<p>Exceptions permitted :</p> <ul style="list-style-type: none"> - until 10 pm in continuous production processes, and as apprentices in catering + authorization for Labour Inspectorates; - and until 11 pm for public performances <hr/> <p>In collective agreement night work remunerated at at least 15 % increase (Act 12/6/1965)</p>	<p>In special circumstances, a permit may be obtained for work up to 10 pm (order N° 465, 25/10/85 + Instruction N° 3319, 1/5/86)</p> <ul style="list-style-type: none"> - in bakeries rest time from 6 pm - 4 am. - public performance, rest time is the same as for adults. - In catering etc., rest time at 15 yrs old is 10 pm-6am, from 16-18 yrs, 12pm-6am - clerical employment from 10pm-8am - opening hours can be displaced for periodic work 	<p>For shift work, rest periods are determined over a 4 week term.</p>	<p>In collective bargaining, night work = out of 11 hrs continuous work, 7 are between 10pm + 7am</p>

NIGHT WORK OF YOUNG PERSONS (2)

	GREECE	FRANCE	BELGIUM	IRELAND	ITALY	UNITED KINGDOM
GENERAL PRINCIPLES	<p>Minors under 18 are entitled to a daily rest of at least 12 hrs which must include night time (Act 1837/1989 Art. 5.2)</p> <p>Night work is between 10 pm- 6 am).</p>	<p>Minors under 18 must have nightly rest of at least 12 hrs consecutively. <u>Night work</u>, between 10 pm - 6 am, is prohibited under 18 (Art. L 213-7).</p> <p>Where night work is permitted, young workers are not guaranteed additional remuneration, as is the case with adults (25%).</p>	<p><u>Night work</u> is prohibited to young persons under 18 between 8pm- 6am, who must have consecutive rest periods of at least 12 hrs (Act 16/3/71).</p> <p>Absolute (almost) prohibition on night work for juveniles under 16.</p>	<p>A <u>child</u> may not perform <u>night work</u> (between 8 pm-8 am) (Protection of Young People (Employ't) Act 1977, S. 15) and must have 14 hrs consecutive rest</p> <p>A <u>young person</u> may not work between 10pm-6am and must have 12 hrs consec. rest (S. 14).</p>	<p><u>Night work</u> is prohibited for children + young persons (Act No. 977, 17/10/67 S.15)</p> <p>-under 16 between 10pm- 6am with at least 12 hrs consecutive rest;</p> <p>-over 16, 10pm- 5am with 12hrs consecutive rest period.</p> <p>In all cases, where juveniles are still of compulsory school age, they must have at least 14 hrs consecutive rest, including those hrs between 8pm-8am.</p>	<p>Children aged 13 or more but under M.S.A : work is prohibited between 07.00 pm and 07.00 am</p>
EXCEPTIONS		<p>Boys between 16-18 may be assigned night work to prevent an accident or subsequent to its occurrence (L.213-10)</p> <p>Special permission for night work may be given by Labour Inspectorate to commercial establishments (12 hrs rest pd still applies) eg for bakeries/ restaurants).</p> <p>Not applicable to family workers.</p>	<p>For juveniles exception until 11 pm for cultural, scientific, educational or artistic <u>performances</u>.</p> <p>For 16-18 yrs night work may be displaced in continuous production processes to rest period between 10pm-5am or 11pm-6am; for five day working week, these periods change to 11pm-5am, or 12pm-6am).</p> <p>In accidents or urgents circumstances night work is permitted until <u>11 pm</u>.</p> <p>The King may authorise night work by Royal Decree 4/41972.</p>		<p>Over 16, and in exceptional circumstances, children may perform night work, and only for time strictly necessary.</p> <p>Exception for minors under 15 yrs (+until max of 18 yrs) for artistic performances in which case they must have 14 hrs consecutive rest.</p>	

WEEKLY REST FOR YOUNG PERSONS

	GERMANY	NETHERLANDS	LUXEMBOURG	DENMARK	SPAIN	PORTUGAL
WEEKLY REST	<p>- Jarbsch G, Art 15, young persons can be employed on only 5 days per week;</p> <p>- Not on Saturday, except in nursing/service homes, shops, communications, agriculture, family, hotel + catering, theatre, radio, film, + training schemes, sports, emergency services and vehicle repairs (Art. 16)</p> <p>- At least 2 Saturdays must be left free each month</p> <p>- Collective agreements : max of 26 Saturdays per annum</p> <p>- Collective bargaining may also allow young people to work 3 Sundays in a month in a hotel/ catering, public display & agriculture in harvest time.</p> <p>Ministry for Labour & Social Affairs may permit exceptions to weekly rest; work on Sat/Sun/p.h.</p>	<p><u>Saturday, for young workers prohibited.</u></p> <p><u>Exc:</u> Decree 11/8/79 Stb 558 work in nursery/ service homes, protection homes, shops etc, recreation centres indicated by the Minister, artistic performances, newspapers delivery.</p> <p>For <u>newspapers</u> rest period of 36 consecutive hours must be granted every 7 days.</p> <p><u>Ships:</u> rest period every 14 days. There must be rest periods of 36 + 48 hrs.</p>	<p>Adolescents are entitled to <u>44 hrs rest consecutively (at least)</u></p>	<p><u>Collective agreements permit work for 5 days per week.</u></p> <p>Shops may stay open until 2pm Saturday.</p> <p>Young persons are entitled to one rest day every 7 days coinciding with a Sunday</p> <p>- 40 hrs wk, 5 days, max of 9 hrs without authorisation in one day.</p>	<p>Young workers: <u>Sat afternoon (or Monday morning) and Sunday.</u></p>	<p>No special provisions for minors.</p>

WEEKLY REST FOR YOUNG PERSONS (2)

	GREECE	FRANCE	BELGIUM	UNITED KINGDOM	IRELAND	ITALY
WEEKLY REST	Work on Sunday prohibited.	<p><u>General legislation : employees are granted 24 hrs consecutively which must be on Sunday, exc:</u></p> <ul style="list-style-type: none"> - There are cases in the public interest when this day can be changed - Certain classes of industry where weekly rest is granted in rotation: highly perishable goods, and industry where interruption would result in loss or depreciation of products, also hotels, restaurants, hospitals, museums. 	<p>No specific regulation on Saturday rest, but rule of a 5-day working week up to 9 hrs in this case on Saturday.</p>	<p>Provisions are made through collective agreements.</p>	<p>Where an employee works > 5 day week, and employee works more than 3 hrs on Sunday, then the worker must have at least 24 hrs rest consecutively without pay in every 7 days.</p> <p>S.13 Protection of Young Persons (Employment) Act 1977.</p> <p>Exc. not applicable to industrial work listed in Chap VIII.</p>	<p>S. 22 Statute 17/10/67 N° 977</p> <p>Minor is entitled to at least 24 hrs consecutive rest commencing at midnight on Saturday.</p>

ANNUAL PAID LEAVE

	GERMANY	NETHERLANDS	LUXEMBOURG	DENMARK	SPAIN	PORTUGAL
GENERAL AND SPECIAL RULES	<ul style="list-style-type: none"> . Under 16 : at least 30 working days . Under 17 : at least 27 days . Under 18 : 25 days at least . Young people employed in mining operations underground : 3 additional working days' leave in each age group . Vocational school : leave during vocational school holidays or if not during holidays, extra day of leave given for every day of vocational schooling on which a young person attends school during leave. 	<ul style="list-style-type: none"> . For young workers, minimum number of working days is 20 . Under partly compulsory education : minimum of working days is 12 . Almost all collective agreements provide for better conditions (between 22-25 days) 	<ul style="list-style-type: none"> . Adolescent up to 18 yrs : 24 working days. . For apprentices : annual paid leave during training school holidays 	<ul style="list-style-type: none"> . Annual paid leave correspond to 2,5 working days for each month on a calendar year . Collective agreement and individual contract may provide for more favorable conditions 	<p>No special regulations for young people – the general rules apply</p>	<ul style="list-style-type: none"> . Under 18 years : 30 days

ANNUAL PAID LEAVE (2)

	GREECE	FRANCE	BELGIUM	U.K.	IRELAND	ITALY
GENERAL AND SPECIAL RULES	<ul style="list-style-type: none"> . Under 18 : - will get their annual leave during school holidays - right to spend half of their vacation time in different periods - seasonal workers : special regulation 	<ul style="list-style-type: none"> . Young workers and apprentices : 30 days' leave 	<ul style="list-style-type: none"> . Worker with at least 1 year seniority : 24 days paid leave . Special regulations for young people under 25 who are employed for the first time within the 4 months immediately following the end of their school courses or apprenticeship are entitled to get additional annual holidays . Under 18 years, right to spend continuously 3 weeks holiday between 1 May and 31 October. 	<ul style="list-style-type: none"> . Voluntary collective agreements between the social partners determine the length of annual holidays with pay for young workers. 	<ul style="list-style-type: none"> Under 18 years must have worked for an employer at least 110 hrs in a calendar month to qualify for annual paid leave : - he can qualify for 3 weeks holidays if he works the required hours in each of the 12 months in the leave year (beginning on 1 April) - he is entitled to proportionately less for 11 or fewer such months - if he works 8 or more such months, he must be allowed an unbroken period of 2 weeks holidays subject to any Employment Regulation Order or collective agreem. - with at least 1300 hours work during a leave year for the same employer, he is entitled to 3 weeks holidays 	<ul style="list-style-type: none"> . Under 16 years : minimum of 30 days. . For those who have reached 16 years : 20 days . The conditions for taking up the above leave may be fixed by collective labour agreement.

SUNDAY WORK AND PUBLIC HOLIDAY FOR YOUNG PERSONS

	GERMANY	NETHERLANDS	LUXEMBOURG	DENMARK	SPAIN	PORTUGAL
SUNDAY	<p>- Art. 17, young persons must <u>not be employed on Sundays</u>, with exceptions: hospitals, nursing/service homes, agriculture, family work or work which must be done on Sundays, public performances, sports & emergency</p> <p>-Normally, every second Sunday must be kept free</p>	<p>Prohibited on Sundays, exc: Decree as above, young person may work 17 Sundays per year in nursery homes/ service homes.</p>	<p>Generally not employed on Sunday.</p> <p>Exceptionally, work may be authorised by Directorate of Labour Inspectorate, where necessary to avoid serious trouble in production process.</p>	<p>Generally not Sunday for young persons under 18</p> <p>Exc: permitted in some sectors, eg. post office, transportation, public utility, catering etc.</p>	<p>Prohibited</p>	<p>No special provision.</p>
PUBLIC HOLIDAY	<p>Not 24 or 31 Dec. after 2 pm & not on statutory public holidays.</p> <p>Exc: They may be employed on 25 Dec, 1st Jan, Easter Sunday + 1st May in cases mentioned in Art. 17.</p> <p>- Must be given compensatory rest in the same or following week.</p> <hr/> <p>NOTE: Collective agreements allow for work on Sat/Sun/Public holidays for < 4 hrs</p>	<p>No statutory legislation, but almost uniform practice for collective agreements to give 6 holidays with pay if coincide with a working day.</p>	<p>Generally not employed</p> <p>Exc: as is case with Sunday employment.</p> <hr/> <p>NOTE:</p> <p>Authorisation also for work on Sunday & public holiday for catering services etc. Pay = 100% increase + 1 day compensatory rest within 12 days</p>	<p>Generally not on public holidays under 18 yrs.</p> <p>Exc: as in case of Sunday</p> <p>There are on average 9 ½ public holidays per year.</p>		

SUNDAY WORK AND PUBLIC HOLIDAY FOR YOUNG PERSONS (2)

	GREECE	FRANCE	BELGIUM	UNITED KINGDOM	IRELAND	ITALY
SUNDAY	Prohibited for minors under 16 yrs.	Prohibited, unless simultaneous rest to all persons is detrimental to general public, or the normal operation of the establishment, then may be the following: a) any day other than Sunday for all workers b) Midday Sun to Midday Mon c) Sunday afternoon with 1 day rest every 2 weeks (extra). d) in rotation	Statute 16/3/71 juveniles under 18 cannot be employed on Sunday. Exc: King may authorise Sunday work in some economic sectors, enterprises & professions. Royal decree 23/5/72 permits work: cultural, scientific, education, artistic, fashion events Recreation work from Whitsuntide to end of September. - Sunday pay = 100% increase and compensatory day of rest - Normally young persons can only work on alternate Sundays	Provision is made through collective agreements - cf. table on working time too.	Limited forms of industrial work only may be performed on Sundays. eg. Shift work, printing work in creameries, telecommunication, broadcasting.	Generally prohibited but, exc. theatre, live performance, radio/ television broadcasts - in this case, rest day may be given on another day than Sunday.
PUBLIC HOLIDAY	Prohibited for minors under 16 yrs.	- Young workers or apprentices (or women) under 18 - prohibition. - Whether light work, public or private denominational or non-denominational, vocational training, charitable, liberal professions, legal professions, non-trading cooperations, trade unions or any association. Exc: This provision does not cover different kinds of industries.	Same rules as for Sunday employment in general Prohibition for juveniles under 18 yrs		If a young person works on a public holiday, then entitled to: 1) a paid day of rest within 1 month 2) extra day's annual leave 3) extra day's at employers discretion - Holidays (Employees) Act 1973 - To benefit from public holiday entitlements the young person, in case of part-time or day-to-day employment must have worked 110 hrs for the employer	No information given.

*Ratification des conventions de l'O.I.T. sur le travail des enfants
par les Etats membres de la Communauté européenne*

PAYS	5	6	7	10	13	15	16	33	58	59	60	77	78	79	90	112	123	124	138 ¹
BELGIQUE	X	X	X	X	X	X	X	X	X			X				X	X	X	
DANEMARK	X	X	X			X	X		X							X			
ESPAGNE		X			X		X					X	X	X	X		X	X	X
FRANCE	X	X		X	X	X	X	X	X			X	X		X	X	X	X	
GREECE	X	X	X		X	X	X		X			X	X		X			X	
IRLANDE	d	X	d	d		d	X											X	X
ITALIE		X	d	d	X	d	X		d	d	d	X	X	X	X	d	d	X	X
LUXEMBOURG	d	X	d	d	X	d	X			d	d	X	X	X	X		X	X	
PAYS - BAS	d	d	d	d	X	d	X	d	d						X	d	d	X	X
PORTUGAL		X	X									X	X					X	
ROYAUME - UNI	X	*	X	X		X	X											X	
R.F. ALLEMAGNE		d		d		d	X									d		X	X

X : ratifications enregistrées

d : dénonciations postérieures ou antérieures à la ratification d'une convention révisée

***** : autres dénonciations

¹ Portant révision des conventions n°
5, 7, 10, 15, 33, 58, 59, 60, 112 et 123.

NORMES INTERNATIONALES DU TRAVAIL

Liste des conventions sur le travail des enfants

<i>Convention n. 5 : heures de travail (industrie)</i>	<i>1919</i>
<i>Convention n. 6 : travail de nuit des enfants (industrie)</i>	<i>1919</i>
<i>Convention n. 7 : âge minimum (travail maritime)</i>	<i>1920</i>
<i>Convention n. 10 : âge minimum (agriculture)</i>	<i>1921</i>
<i>Convention n. 13 : céruse (peinture)</i>	<i>1921</i>
<i>Convention n. 15 : âge minimum (soutiers et chauffeurs)</i>	<i>1921</i>
<i>Convention n. 16 : examen médical des enfants (travail maritime)</i>	<i>1921</i>
<i>Convention n. 33 : âge minimum (travaux non industriels)</i>	<i>1932</i>
<i>Convention n. 58 : âge minimum (travail maritime) (révisée)</i>	<i>1936</i>
<i>Convention n. 59 : âge minimum (industrie) (révisée)</i>	<i>1937</i>
<i>Convention n. 60 : âge minimum (travaux non industriels) (révisée)</i>	<i>1937</i>
<i>Convention n. 77 : examen médical des enfants (industrie)</i>	<i>1946</i>
<i>Convention n. 78 : examen médical des enfants (travaux non industriels)</i>	<i>1946</i>
<i>Convention n. 79 : travail de nuit des enfants (travaux non industriels)</i>	<i>1946</i>
<i>Convention n. 90 : travail de nuit des enfants (industrie) (révisée)</i>	<i>1948</i>
<i>Convention n. 112 : âge minimum (pêcheurs)</i>	<i>1959</i>
<i>Convention n. 123 : âge minimum (travaux souterrains)</i>	<i>1965</i>
<i>Convention n. 124 : examen médical des enfants (travaux souterrains)</i>	<i>1965</i>
<i>Convention n. 138 : âge minimum</i>	<i>1973</i>

IMPACT ASSESSMENT FORM
THE IMPACT OF THE PROPOSAL ON BUSINESS
WITH SPECIAL REFERENCE TO SMALL AND MEDIUM-SIZED ENTERPRISES (SMEs)

Proposal for a Council Directive
on the protection of young people at work

The proposal

1. Taking account of the principle of subsidiarity, why is Community legislation necessary in this area and what are its main aims?

The aim of this proposal for a directive is to afford all young people at work the necessary level of protection in respect of their physical and psychological well-being.

Given that the Community dimension of health and safety is broadly accepted by the Member States,

- It is essential for the Community, which is already involved in the protection of the health and safety of workers in general, to address itself to the special situation of young workers.
- It is necessary to afford special protection to young persons of less than 18 years of age, who are the economic, social and cultural lifeblood of the Community.
- It is necessary to spell out their rights in respect of protection in a Community which is becoming increasingly mobile with the advent of the Single Market.
- It is necessary to protect young people's right to, and interest in, the full development of their physical and mental faculties.
- It is, in the interests of solidarity, necessary to address the rights of young people to health and safety protection at Community level.
- It is necessary to guarantee the full exercise of young people's rights to health and safety at work and in employment.

The impact on businesses

2. Who will be affected by the proposal?

The proposal for a Directive covers a wide range of situations in which the employer is the recipient of labour services provided by children and adolescents. It does not cover "provision-of-services" activities such as babysitting, nor self-employed activity in general.

As in other directives based on Article 118a of the Treaty, more particularly Directive 89/391/EEC, this proposal applies to all types of business regardless of size or public or private-sector adherence. Certain sectors of the economy will be particularly affected, e.g. the distributive trades, hotels and catering, services or events for the young. However, the sectors most concerned may vary depending on the age and school situation of young people, or according to the demographic or economic structure of particular Member States.

Table 3 (appended to the explanatory memorandum) gives interesting figures on the distribution of young workers of between 15 and 17 years in the various sectors of activity. It is interesting to note that, in 1989, more than a third of the young people concerned were in work in manufacturing and agriculture, with a further third in the distributive, hotel and catering trades.

3. What will business have to do to comply with the proposal?

Businesses affected by the proposal for a Directive must comply with the rules on conditions of employment and work as laid down in the proposal in respect of the health and safety of the young workers concerned. These conditions are already incorporated in many Member States' national laws, or are being refined/adapted.

4. What economic effects is the proposal likely to have?

- on employment

The proposal does not seek to impose a ban on the employment of young people on the labour market, but simply to prevent abuse in the way young people's labour is utilised. More particularly, the point is to respect measures taken by the Member States on vocational training for young people. In avoiding any adverse effect on young people's school careers or on national employment integration measures, this proposal supports measures which are designed to give young people the chance to obtain a certificate or diploma without having to leave the school system or an appropriate training course prematurely, and at the same time to boost their chances on the labour market.

On the other hand, provision is made for derogations, particularly in respect of night work, to enable the terms of the Directive to be adapted to the specific nature of certain jobs, such as work in bakeries.

At a time of change and of increased mobility on the part of young workers in the Community, it is important to identify their rights concerning a minimum level of safety and health protection.

- on investment and the creation of new businesses

Firms should themselves benefit from a higher level of safety and health protection for young people. After all, good stewardship of human resources is vital to business success.

- on the competitive position of businesses

As stated in the thirteenth recital in the preamble to Directive 89/391/EEC, "the improvement of workers' safety, hygiene and health at work is an objective which should not be subordinated to purely economic considerations". This is even more valid for young workers, whose employment and working conditions must not be sacrificed to the drive to make businesses more competitive. On the contrary, establishing the ground rules is an essential prerequisite to creating fair competition between firms. It will also give firms a competitive edge to have employees who enjoy a proper level of safety and health protection at work.

5. Does the proposal contain measures to take account of the specific situation of small and medium-sized firms (reduced or different requirements, etc.)?

The proposal is based on Article 118a of the Treaty and, in conformity with para. 2 of Article 118a, seeks to avoid "imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings", particularly as small and medium-sized undertakings employ a substantial number of young people and have a definite role to play in providing access to employment for young people. A number of articles in the proposed text, more particularly regarding working time (Article 8), night work (Article 9) and rest time (Article 10), reflect the need for flexibility of working conditions in small businesses, provided there is no adverse effect on the basic safety and health objectives.

Consultation

The Advisory Committee on Safety, Hygiene and Health at Work met in plenary session on 18 September 1991 and set up an ad hoc group to examine this proposal for a Directive.

The Committee delivered a favourable opinion at its plenary session on 27 November 1991.

The organisations representing small and medium-sized undertakings were consulted on the proposal on 28 November 1991.

ISSN 0254-1475

COM(91) 543 final

DOCUMENTS

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Catalogue number : CB-CO-92-027-EN-C

ISBN 92-77-40421-3

Office for Official Publications of the European Communities
L-2985 Luxembourg