



SUNICOP

European Labour Law

(Protection of young workers)



SUNICOP

Protection of young workers

... child labour or youth work – problem of definitions?

- *Resolution on Child Labour* from 1987
- *Charter of the Fundamental Social Rights of Workers* from 1989
- UN Convention on the Rights of Child
- ILO Conventions

Protection of young workers

Directive of 22 June 1994 on Protection of
Young People at Work

**‘the young are labelled as the group of
particular risk which needs protection against
specific danger that might affect it and
influence its health and security ‘**

Protection of young workers

Directive of 22 June 1994 on Protection of Young People at Work

Adopted on on the platform of the *ex* Article 118 of The Treaty Establishing the European Community, i.e. today's Article 137 and related Articles 136 and 138, which enable the Council to adopt, in the form of directive, the minimum requests needed for the improvement of working environment, especially protection of health and security of the workers.

Protection of young workers

Directive of 22 June 1994 on Protection of Young People at Work

- Directive calls the member states on abolishment of the children employment and ensuring the minimum age for admission to work and employment which, in any case will not be lower than 15 years
- The spirit and statement of the Directive imply that the child or the young person should have the choice to work or continue further education which cannot be prevented by the possible parental disagreement

Protection of young workers

Directive of 22 June 1994 on Protection of Young People at Work

Definitions

- *Young person* understands every person under the age of 18 who, according to the national legislation, has „an employment contract or is in employment relationship“.
- *Child* is defined as a person younger than 15 years who is still „subject to compulsory full-time schooling under national law“.and the
- *Adolescent* as „any young person of at least 15 years but less than 18 years who is no longer subject to compulsory full-time schooling under national law“.
- *Light work* is described as „all work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed“ is not harmful to security, health or development of children, their school attendance, vocational training and instruction approved by the competent authorities in purpose of benefit from the received education.

The term analysis suggests the age group gradation

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Scope

Applies to all types of firms, regardless of the size in both, private and public sector but its implementation is most pronounced in specific branches of industry, especially hotels, distributive trades and services.

The Member States are allowed the possibility to except the Directive from implementation in cases of occasional work or short-term work involving domestic service in a private household or work regarded as not being harmful, damaging or dangerous to young people in a family undertakings. According to the Commission and Council the aforementioned cases understand the work and service such as baby sitting, newspaper delivery etc.

Protection of young workers

The prohibition of child labour as a fundamental right?!

The Article 32 of the EU Charter of Fundamental Rights (2000) *expressis verbis* abolishes employment of children and equals the minimum age for admission to work with the minimum school-leaving age.

Such linguistic expression is *in favorem* of those Member States in which the standard for the minimum age for admission to work is higher, i.e. in which secondary school education is compulsory