

8 Prohibition of child labour, night work/dangerous work for youthful persons and women

THE LABOUR REGULATION 2000
(P.B. 2000 no. 67)

In the Labour Regulation 2000 (P.B. 2000 no. 67) one can find provisions concerning the work-times, periods of rest, overtime, nightshift, standby shift, holidays, prohibition of child labour, the prohibition of night work and of dangerous work for youths as well as domestic personnel (live in maid).

The Labour Regulation does not apply to employees who have an income above the limit of the Social Security Bank (SZV) or who do certain activities for the benefit of aviation and shipping enterprises, public servants, etc. The income limit or wage limit is the same as the premium limit of the Sickness Insurance which is determined by the Social Security Bank. The income limit (premium limit) is changed each year.

This folder gives information on the provisions concerning the prohibition of child labour, night work and dangerous work for youthful persons.

1. What is meant by children and youthful persons?

The labour Regulation differentiates between children and youthful persons

Children:

Boys and girls who have not yet reached the age of 15 years

Youthful persons:

Boys and girls who have reached the age of 15 years but still not the age of 18 years

2. What are children prohibited to do as it pertains to labour?

It is prohibited to let children work, whether or not in exchange for wages of compensation.

Work in this instance means all activities inside as well as outside of an enterprise with the exception of:

- a. activities in or for the benefit of the family, where the child is being raised;
- b. activities in schools, work camps or in educational institutions, provided that these activities are of an educational nature and are not aimed at economic gain.

Furthermore, children who have reached the age of 12 and who have graduated from the primary elementary school, may perform certain work to be stated in a Labour Decree, as long as these activities:

- a. are necessary for the learning of a trade or profession ("apprenticeship");
- b. do not require physically or mentally high standards and may not be of a dangerous nature (e.g. newspaper delivery).

3. What does the law say as it pertains to children performing night work?

It is prohibited for children and youthful persons to perform night work, whether or not in exchange for wages or compensation.

By night it is meant: the time between 7.00 p.m. and 7.00 a.m.

4. What is meant by dangerous work?

It is prohibited for youthful persons to perform dangerous work.

The definition of 'danger' does not only mean danger as in being killed or wounded, but also other kinds of danger to their health, like poisoning or contamination.

In the Labour Decree for Youthful Persons (P.B. 1989, no. 47) it is stated that youthful persons are not allowed to do work which is harmful for the health and/or endangers them.

For instance youthful persons are not allowed to perform work where they have to,

- make use of a pneumatic drop stamp or compacting beam;
- carry or lift heavy loads frequently;
- operate a concrete mixer with mechanic hoisting gear, circular saws and bending- and shearing machines;
- operate cranes, platform hoists, fork-lift trucks and tractors;
- nurse or care for patients who are infected with an infectious disease.

A complete list of all forms of dangerous work, which cannot be performed by youthful persons, is incorporated in the Labour Decree for Youthful Persons (P.B. 1989, no 47).

Articles 2 – 26 of the Labour Decree for Youthful Persons does not apply, if the work is performed by a youthful person of 16 years or older under the guidance of an expert in connection approved vocational training.

5. Is there a possibility to get an exemption from the prohibitions?

Children

No exemption is possible of the prohibition of child labour.

Youthful persons

For certain cases there is a possibility under the Labour Decree for Youthful Persons to get an exemption from the prohibitions mentioned in the Decree. A written petition has to be presented to the Secretary General of the Ministry of Labour.