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COMMISSION STAFF WORKING DOCUMENT

**on the application of Council Directive 94/33/EC of 22 June 1994 on the protection of
young people at work**

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1. INTRODUCTION

Council Directive 94/33/EC on the protection of young people at work (hereinafter referred to as ‘the Directive’) was adopted on 22 June 1994¹. The Member States were required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 22 June 1996 at the latest. The main objectives of the Directive are to prohibit work by children, safeguarding at the same time their schooling obligations, and to protect young people against economic exploitation and against any work likely to harm their safety, health and physical, mental, moral or social development or to jeopardise their education. It is applicable to any person under 18 years of age who has an employment contract/relationship.

In accordance with Article 17(4) of the Directive, the Member States were requested to submit to the Commission, at five-yearly intervals, national reports on the practical implementation of the Directive, indicating the viewpoints of the social partners.

In accordance with Article 17(5) of the Directive, national implementation reports were taken into account in the Commission’s 2004 report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the application of the Directive².

The 2004 report indicated that there were no major problems with transposition in the then 15 EU Member States. The Commission stressed the importance of continuing to monitor implementation of the Directive as well as to encourage exchanges of best practices. The Commission pointed out that in some Member States the Directive had led to a higher level of protection for young workers. Furthermore, many Member States saw that awareness of the need to protect young workers had increased as a result of transposition of the Directive.

This report has a twofold objective: firstly, to analyse the legal situation in the Member States following transposition of the Directive, with a particular focus on those Member States that joined the EU in 2004 and 2007; and secondly, to assess the practical implementation of the Directive in order to determine how effective it has been in attaining the objective of protecting young people at work with regard to their health and safety. The report should become a useful tool and source of

¹ OJ L 216, 20.8.1994, p.12.

² COM(2004) 105 final. The report updates the information provided in the preceding report, issued by the Commission’s services in 2001, regarding the transposition of the Directive in the 15 Member States.

information for all stakeholders, public and private, involved in the protection of young people at work. The report covers mostly the period from 2001/2002 to 2006/2007, although some additional data up to 2009 are also provided. The next evaluation, in accordance with Article 17a of Directive 89/391/EEC as amended by Directive 2007/30/EC, will cover the period from 2007 to 2012.

The information provided in this report is based on the national reports received from the Member States, two studies prepared by an independent consultant^{3,4} and relevant data available at European level. The Member States and social partners were further consulted on a draft of this report.

It is also worth noting that following the 2004 and 2007 enlargements, no Court proceedings have been initiated for failure to communicate national measures transposing the Directive.

2. APPLICATION OF THE DIRECTIVE IN THE 27 MEMBER STATES

Unless otherwise explicitly specified, the information provided in this chapter is based on national reports submitted by the Member States⁵. National social partners were also invited to contribute to the reports.

2.1. Belgium

One of the two laws that transpose the Directive – Royal Decree of 3 May 1999 on the protection of young people at work – was amended in 2004 and 2006. The amendments concerned respectively the protection of trainees and the use of certain motorised transport devices by students.

The information on the national transposing legislation as well as on practical aspects and certain initiatives for young people at work was provided through the relevant websites and a number of brochures. Many activities were organised in 2005 and 2006 as part of the safe start campaign, including competitions and awards, a poster campaign at temporary work agencies, distribution of a safety booklet for students with jobs, development of a pack to give to new trainees, and publication of a collection of good practices on the safe start website. Furthermore, the Federal Government Service developed a demonstration workplace that attracts visitors from different sectors.

Belgian laws provide for imprisonment and/or administrative fines imposed for breaches of the laws.

³ See the ‘Study on child labour and protection of young workers in the European Union’ by Labour Asociados, available at: <http://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPageId=209>.

⁴ See the ‘Studies on the implementation of labour law Directives in the enlarged European Union. Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work. Synthesis report’ by Labour Asociados, available at: <http://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPageId=209>.

⁵ In case of the UE-15 Member States, the chapter updates the information provided in the reports mentioned in footnote 2.

According to the statistics young people have accidents more frequently than older workers. Different organisations are working together to remedy this situation. Furthermore, the creation of a special advisory board on child labour is envisaged.

2.2. Bulgaria

Bulgaria had already regulated and prohibited child labour before transposing the Directive into national legislation. The transposition of the Directive was finalised in 2006 following the adoption of the Law on the amendments and additions to the Labour Code and Ordinance No 6 on the terms and conditions for granting authorisation for work to persons under the age of 18 (State Gazette, issue 64 of 2006). No specific difficulties were encountered during the transposition process. It is worth mentioning that an individual authorisation from the Labour Inspectorate should be obtained by any person under the age of 18 wishing to start work.

Information was disseminated in various ways, e.g. media events including specialised programmes, brochures, fact sheets, advice for the social partners, training for local stakeholders and pupils attending vocational schools.

Different government institutions have been involved, together with trade unions and civil organisations, in order to prevent, uncover and take steps to eliminate hidden child labour. Moreover, the National Council for the Restriction and Elimination of Child Labour and a system for monitoring child labour have been in operation since 2005. The National Management Council for the Restriction and Elimination of Child Labour is an advisory body comprising the social partners and civil society representatives.

Penal and administrative sanctions are applied. Control bodies can also revoke authorisations granted for employing persons under the age of 18 and remove from work the person(s) for whom an authorisation is revoked. Violations of the provisions result mainly from ignorance of the legislation and unwillingness to enter into employment contracts of short duration. Bulgarian trade unions propose to further develop enforcement measures and sanctions relating to illegal child labour.

2.3. Czech Republic

The Czech national authorities note that the protection of young people at work is a long-standing policy in the Czech Republic and even before accession to the EU, the Directive had already largely been transposed into the national legal system. Therefore, no serious difficulties were encountered during transposition. In order to complement or clarify legislation in force the Czech Republic adopted in particular the following legal acts transposing the Directive: Act No 155/2000 amending Act No 65/1965, the Labour Code, as amended, and certain other laws; Act No 435/2004 on employment and Act No 436/2004 amending certain laws in connection with the adoption of the Employment Act. Recently, Act No 262/2006, the Labour Code repealed Act No 65/1965.

In addition to the usual ways of disseminating information regarding the new legislation through the media and the internet, thematic seminars organised by the social partners have proved to be particularly fruitful. Furthermore, on certain

occasions, the information was combined with practical examples in order to show how the legislation works.

The monitoring of implementation is carried out by several bodies including labour inspection, public health authorities, and inspectors of the Czech Schools Inspectorate. Annual reports are prepared concerning each of those three fields of activity. Some problems resulting from the small number of labour inspectors were however reported⁶. The sanctions imposed include fines and, in the case of inspections at schools and other educational establishments, the removal of the school or educational establishment from the schools register.

A confederation of trade unions consulted when the national report was being drawn up takes the view that there are deficiencies in particular with regard to proper implementation in practice of the obligation to aggregate working days and working time in multiple employment relationships with different employers and also as regards fulfilment of the health and safety standards during practical training of pupils.

2.4. Denmark

The Directive has been transposed through the Working Environment Act [*Arbejds miljøloven*] No 268 of 18 March 2005 and Order No 239 of 6 April 2005 on young persons' work. The latter made several important changes to the legal situation of young people at work, in particular concerning: imposition, in certain activities, of the requirement to be 'no longer in compulsory schooling'; working hours; health and safety requirements; and a ban on work in catering establishments serving beverages with a high alcohol content. Specific provisions cover young people at work in the maritime sector.

A range of publicising and flanking measures have been introduced. This includes a 10-year action programme entitled 'Clean Working Environment 2005' developed by the Danish Parliament and constituting the overall framework for all working environment initiatives in Denmark. A number of guidelines and sectoral indicators on the main working environment problems in individual sectors have also been introduced. Teaching on the working environment in schools and other educational establishments is another element. Moreover, a series of educational aids have been produced, including computer games.

In 2005 the government embarked on a working environment reform aiming inter alia to screen the working environment of all businesses with employees during the period from 2005 to 2011 and to influence employers' and employees' attitudes for the sake of a good working environment.

Sanctions include imprisonment, fines (also imposed on those with parental responsibilities), enforcement notices, advisory notices of enforcement, injunctions and formal complaints to the police.

⁶ See the study mentioned in footnote 4, p. 20.

2.5. Germany

The legal situation in the second reporting period has not changed substantially. It is worth noting the changes made to Section 14 of the Jugendarbeitsschutzgesetz (JArbSchG, Act on the Protection of Young People at Work) designed to allow young people to work without authorisation from 5 a.m. under certain conditions.

In order to disseminate information the Federal Ministry of Employment and Social Affairs has published and distributed brochures. Also the Länder publish their own brochures and leaflets. Moreover, press reports are issued in several Länder, e.g. on holiday work or medical examinations. It is worth mentioning that an annual meeting on the protection of young people at work is held for trainers, associations, schools and companies. The actions taken involve the social partners and different authorities.

Overall awareness of the regulations has improved. Furthermore, experience shows that it is often more effective to detect infringements in targeted campaigns, for instance in the hotel and catering sector. Some Länder also regret that the Directive does not require recording of the actual daily hours worked.

German authorities note that the number of work accidents involving young people from 15 to 17 years old continued to fall between 2002 and 2006 in industry.

2.6. Estonia

The provisions transposing the Directive are laid down in two legislative instruments: the new Employment Contracts Act, which entered into force on 1 July 2009, and the Occupational Health and Safety Act, which has been in force since 1999. Compared with the legal situation before the Directive came into force, work by minors is now regulated in greater detail; however, in essence, the protection of young people at work has remained the same.

The principal reported problem with transposition of the Directive⁷ concerns the obligation to provide, at regular intervals, an appropriate free assessment of young people's health following the risk assessment conducted in the case of a major change in working conditions that presents a risk to the safety, the physical or mental health or the development of young people (Article 6(2) of the Directive).

Information about the new legislation was disseminated both through the internet and at information days and lectures organised on subjects relevant to work by minors, as well as through a helpline and consultations with lawyers. Stakeholders and media were also involved. The issue of young people at work was also covered in the Estonian newsletter on Occupational Health and Safety.

National laws provide for different kinds of sanctions ranging from periodic penalty payments to the possibility to claim damages on the basis of the Law of Obligations Act. In describing the problems encountered in monitoring the implementation, the national authorities complained that instead of employment contracts, contracts under the law of obligations are concluded with minors.

⁷ See the study mentioned in footnote 4.

An employers' organisation consulted welcomes the approach whereby the emphasis during monitoring of the working environment has shifted from penalties to guidance.

2.7. Ireland

The Directive was transposed through the Safety Health and Welfare at Work Act 2005, and more specifically by means of Chapter 1, Part 6, Protection of Children and Young Persons, Regulations 143 to 146 of the Safety Health and Welfare at Work (General Application) Regulations 2007 (S.I. No 299 of 2007) as amended by the Safety Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No 732 of 2007). Furthermore, transposing provisions of the Protection of Young Persons (Employment) Act 1996 (No 16 of 1996) remain in force.

Dissemination measures that have been put in place include websites, guidance materials, advice by inspectors and promotion and awareness initiatives within the education system. The Health and Safety Authority has developed a special 45-hour module as part of the education system that helps students of around 15 to 16 years of age to be more aware of safety and health at work and to prepare them for the labour market. Furthermore, the government published in 2007 a new safety guide focusing on 'Children and safety on farms'.

According to data provided by Eurostat, during the period from 2001 to 2007 the number of accidents at work involving young persons under 18 years of age fluctuated from one year to another. An overall increase from 203 to 233 accidents was recorded.

2.8. Greece

Additional regulations aiming at the protection of young people were adopted during the period 2001-2006, including Law No 2956 (2001) amending P.D. 62/1988, Law 3144/2003 on 'Social dialogue in respect of promoting employment and social protection and other provisions', and Ministerial Decision 130621/2003 concerning 'Operations, works and activities where minors may not be employed'.

The adoption of the afore-mentioned laws was followed by a notification sent to the social partners, relevant authorities, scientific bodies, media, etc. The information was also disseminated through the internet and by the labour inspectorate services. Furthermore, activities forming part of the 2006 'Safe Start' campaign included publication of pamphlets containing the legislation and examples of good practices, production of an informative CD and a one-day event dealing with the inclusion of occupational health and safety issues in the education system.

The law provides for criminal and administrative sanctions, which are stipulated not only for employers but also for any person who has custody of a young person.

2.9. Spain

No amendments were made to the existing legislation in the reporting period. The Spanish authorities have pointed out that the transposition of the Directive did not require many changes to the Spanish legal system. There are several indicators

showing the protective nature of the Spanish regulations, e.g. no derogations as allowed by the Directive have been used and the minimum working age is 16 rather than 15 (as provided for in the Directive).

Breaches of the provisions on young people at work are categorised as very serious and severe penalties can be imposed.

The employers' organisation consulted maintains that the law has been applied satisfactorily in the reporting period.

2.10. France

Since 2002 several legal acts have been adopted in order to protect young people in the maritime sector. Additionally, Decree No 2005-1392 of 8 November 2005, allowing derogations from certain restricted types of work, was adopted. It must be noted that on 1 May 2008 a new Labour Code entered into force. The new Labour Code consolidates the relevant provisions on young people at work and clarifies and simplifies the law.

Information on certain provisions was disseminated in the form of circulars and instructions sent to regional authorities. Relevant information is also placed on the internet.

Infringements of laws are established and penalised by labour inspectors. They can insist that medical examination of a minor be undertaken. If the examination shows that the work is beyond the capacities of a minor, they can put a stop to a minor's employment. Furthermore, if the conditions of performance of an apprenticeship contract are harmful, labour inspectors can insist that an employer establish normal conditions and at the same time suspend the work of the apprentice, who is still entitled to remuneration.

Failure to comply with the provisions on protection of young people at work can lead to imprisonment or a fine and publicising of the Court decision at the expense of the offender.

2.11. Italy

The transposing legislation was amended only slightly. Law No 296/2006 (Budget Law 2007) raised the minimum working age from 15 to 16 years. Some legal acts were adopted in the field of education. Furthermore, Legislative Decree No 81 of 9 April 2008 – Single Text on Protection of Health and Safety at the Workplace was adopted in order to better protect health at the workplace. The social partners stress that certain provisions transposing the Directive have been incorporated into contractual law.

Seeking to take appropriate measures to assess risks and reinforce health and safety protection at the workplace, the competent ministries, together with administrative bodies, research organisations, representatives of trade unions and employers' organisations, NGOs and local, provincial and regional organisations, updated the 'Charter of commitments for promoting the rights of children and adolescents and eliminating child labour'. A number of key priorities were identified.

The flanking and publicising measures included a specific website and publications as well as promotion of a feature-length film.

Several conclusions can be drawn as regards the assessment of effectiveness, notably: decline in the number of companies employing minors and drop in the number of breaches of the provisions and of accidents at work involving children. Furthermore, national social partners have highlighted the need to give greater priority to forestalling school dropouts.

The sanctions comprise administrative and other fines or imprisonment.

2.12. Cyprus

The Directive has been transposed through the Protection of Young People at Work Law of 2001. The transposition did not cause any specific difficulties because previous law regulating the issue did not differ much from the Directive. The authorities admit, however, that the authorisation procedure as provided for in Article 5 of the Directive has not yet been implemented, although new regulations are in the pipeline.

A number of protective measures that are more stringent than those required as a minimum by the Directive have been maintained or introduced.

Dissemination measures included distribution of a leaflet and publication of the Law on a website. There are plans to appoint a special body — a Child Employment Advisory Board — responsible for general policy issues relating to implementation.

Sanctions, which include fines and imprisonment, can be imposed also on parents or on any person deliberately obstructing the implementation of the legislation.

2.13. Latvia

The following legal acts were adopted in order to transpose the Directive: the Labour Protection Law of 20 June 2001, the Labour Law of 20 June 2002, Cabinet Regulation No 10 of 8 January 2002 ‘Regulations regarding work in which employment of children from the age of 13 is permitted’, Cabinet Regulation No 205 of 28 May 2002 ‘Procedures for issuing permits for employment of children as performers in cultural, artistic, sporting and advertising activities, and restrictions to be included in permits’, and Cabinet Regulation No 206 of 28 May 2002 ‘Regulations regarding work in which employment of adolescents is prohibited and exceptions when employment in such work is permitted in connection with vocational training of the adolescent’. No specific difficulties were encountered during the transposition. The Labour Law prohibits the employment of children of less than 15 years of age.

Latvian authorities are of the opinion that the transposing provisions tightened up the law on the protection of young people at work and consequently resulted in greater employer awareness. Still, according to the State Labour Inspectorate, infringements of the legislation mainly result from inadequate employer knowledge. Violations are subject to civil, administrative and penal sanctions.

The relevant information on the new legislation was published on a website and disseminated through direct (also telephone) consultations, publications in the press, training events, safety and health competitions, good practice awards, development of labour protection training modules for vocational education, lectures and meetings with students, and advertising stands at exhibitions.

One of the positive aspects of practical implementation of the legislation noted by the authorities is the decrease in accidents at work involving young people.

2.14. Lithuania

The main legal act transposing the Directive is Resolution No 138 of 29 January 2003 (*Official Gazette*, 2003, No 13-502) approving the procedure for employing persons aged under 18, checking their health and establishing their capacity to perform certain work, the working hours of such persons, and the list of jobs they are prohibited from undertaking and activities which are hazardous and harmful to health. The Labour Code of the Republic of Lithuania (*Official Gazette*, 2002, No 64-2569) should also be noted. The transposition of the Directive did not cause particular difficulties. In principle, work by children under 16 years of age is prohibited.

Information on the practical application of the new laws can be obtained from a website. The information is also disseminated through methodological material, radio and TV.

Fines are imposed for violations of the laws. Moreover, information about the imposition of a fine must be published. Problems with enforcement of the legislation were reported, caused by the small number of inspectors⁸.

2.15. Luxembourg

The legal situation has not changed since the transposition of the Directive in 2001.

Those who breach the statutory provisions on young people at work can be subject to a fine or imprisonment.

2.16. Hungary

In order to incorporate the provisions of the Directive, Act XVI of 2001 introduced certain amendments to the Labour Code. In addition, relevant rules are included in Decree 33/1998 (VI. 24.) of the Minister of Welfare on the medical examination and assessment of aptitude for a specific job or profession and aptitude from a personal hygiene point of view, and in Act LXXVI of 1993 on vocational training. The pre-existing legislation was, for the most part, in line with the provisions of the Directive. Moreover, with effect from 1 September 2003, Act LXXIX of 1993 on public education introduced the requirement that compulsory schooling lasts until the end of the academic year during which the student reaches the age of 18. Additionally, the labour law provisions on young people at work are applicable not only to

⁸ See *ibid.* p.20.

employment contracts but also to other types of agreements involving the performance of work such as individual service contracts.

Certain problems were identified in connection with the transposition⁹. The most pertinent concern: Article 5(2)(i) and 5(2)(ii) of the Directive with respect to artistic, cultural and modelling activities; Article 6(3) with respect to the obligation to provide certain information to the legal representatives of children; Article 7 and the Annex to the Directive with respect to an item from the list in the Annex (work with fierce animals); Article 9 with respect to work by vocational students after 20.00; and Article 10(2) with respect to the requirement that the weekly rest period of two days be consecutive if possible.

The information has been disseminated at conferences, lectures and seminars as well as through the internet.

The Hungarian authorities stressed the relatively low number of accidents and contraventions involving young people at work. Violation of the laws is penalised with fines. Labour inspectors can compel an employer to put an end to an infringement or prohibit further employment. The social partners note that there are certain deficiencies with the enforcement of regulations. The national authorities indicate that more rigorous inspections with regard to young workers will be treated as a priority.

2.17. Malta

Several legal acts regulate the situation of young people at work, including: the order amending the order regarding work permits (LN 78/90), the Protection of Young Persons at Work Places Regulations (LN 91/00) as amended by Amendment Regulations (LN 283/04), the Education Act (Cap. 327) and the Merchant Shipping (Employment of Young Persons) Regulations, 2001 (LN 68/01). The Education Act stipulates that the mandatory school age covers every person who has reached 5 years and is under 16 years of age.

Different means of disseminating the information on the new legislation included a website, word-of-mouth campaigns, seminars, and radio.

Cumulative fines (imposed for every successive day if the offence is continued despite a conviction) are provided for. They can be imposed also on parents.

2.18. Netherlands

One amendment was introduced to the *Nadere Regeling Kinderarbeid* (Detailed Rules on Child Labour) concerning delivering morning newspapers on Sunday.

The information on young people at work was made available through the information sheet *Jongeren en Arbeid* (Young People and Labour).

As regards enforcement, a new administrative fine under the *Arbeidstijdenwet* (ATW – Working Time Act) was introduced on 1 October 2004. The

⁹ See *ibid.* p.10 - 12 and 14.

Arbetsomständighedenwet (Arbowet – Working Conditions Act) provides for the same fine.

2.19. Austria

Since the last national report some amendments have been made to the *Bundesgesetz über die Beschäftigung von Kindern und Jugendlichen* (Federal Act on the Employment of Children and Young People) concerning the vocational training and medical examination of young people for night work.

The Labour Inspectorate was involved in a series of activities aiming to inform stakeholders about the laws governing young workers, namely: distributing folders focusing on specific topics, publishing the information on a website, holding information meetings and exhibitions, and organising a campaign on the subject. The Labour Inspectorate also got together with schools to produce leaflets on the protection of employees in the retail trade, to design posters, to conduct courses for training of confidential safety counsellors for young people, and to organise visits by pupils to local enterprises for obtaining practical information on the prevention of hazards at work. Furthermore, when problems with compliance were discovered in the course of lectures given by the Labour Inspectorate on the protection of workers in vocational schools for event technology apprentices, the Labour Inspectorate organised a campaign on ‘Event technology apprentices’.

As far as monitoring implementation is concerned, it is worth mentioning that under the legal provisions there must be one inspector in each Labour Inspectorate appointed specifically to monitor compliance with the provisions on children and young people.

The Austrian Federal Chamber of Labour points out that the number of accidents involving young people at work is proportionally higher than the number of accidents involving adult workers, which proves, according to the Chamber, the inadequate implementation in practice of certain transposing provisions. The number of accidents involving young people up to the age of 18 increased between 2005 and 2006 and again in 2008¹⁰. Another matter of concern to the Chamber is the problem of exposure to passive smoking and the ensuing risks incurred by young people. Furthermore, in its opinion the level of fines should be raised and the inspection activities intensified. On the other hand, the representatives of employers (Industriellenvereinigung) maintain that the slight increase in the number of accidents is not caused by inadequate implementation of the Directive, and that the level of fines is adequate.

2.20. Poland

The main provisions regulating the employment of young people form part of the Labour Code. Some rules are also laid down in the Polish Constitution (Law of 2 April 1997 – Constitution of the Polish Republic – Official Journal No 78,

¹⁰ However, in accordance with the Eurostat data the number of accidents at work entailing more than 3 days lost by under-18s dropped steadily from 3 809 accidents in 2004 to 3 462 in 2006 and 3 327 in 2007.

entry 483, with subsequent amendments). The national authorities did not notice any particular difficulties as regards the transposition of the Directive.

In principle, the age at which young persons can start work is 16 years. Some exceptions exist. It is also worth noting that the requirements concerning employment of children under 16 years of age for the purpose of cultural and similar activities apply also to civil-law relationships for the provision of services.

Information about the new legislation was disseminated by means of: guides explaining the rules, a website, 24-hour helpline, publications in the press, competition/contests on knowledge of the regulations, 'self-assessment chart' for employers helping them to evaluate compliance with the health and safety provisions. Those measures helped to raise awareness among employers and employees.

Sanctions include fines and imprisonment and can be imposed on anyone who infringes the provisions.

2.21. Portugal

The Labour Code under Law 99/2003 of 27 August 2003 (Articles 53 and 70) and implemented by Law No 35/2004 of 29 July 2004 (Articles 114 and 146) was adopted in the reporting period in order to implement the Directive. This legislation is consistent with the content of the repealed legislation.

The number of infringements involving work by minors decreased from 157 in 2001 to 64 in 2006. The authorities point out that the inspections were concentrated on high-risk sectors and that the Labour Inspectorate cooperates with a number of other public administration bodies and non-governmental organisations.

The sanctions include fines and additional penalties such as publication in the media and a ban on concluding contracts with the Portuguese government.

The national representatives of industry and tourism state that illegal work by minors does not occur in Portugal nowadays and the national authorities agree with this. Employee representatives also admit that economic exploitation of children has declined. However, they see a number of problems. The most pertinent of them concern the implementation of Articles 7(2)(d), 7(3) and 9(3) of the Directive as well as the existence of a schedule organised under a flexible system, optional for young people, which in their opinion disregards some provisions of the Directive. Finally, the unions stress the need for the Labour Inspectorate to step up its checks and for further work to be done on gathering and processing relevant statistical data.

2.22. Romania

The national transposing measures comprise Government Decision No 600/2007 on the protection of young people at work (Official Gazette of Romania, Part I, No 473 of 13.07.2007) and Law No 53/2003 – Labour Code as subsequently amended and supplemented. Under these provisions, overtime work and night work are prohibited. No difficulties were encountered during the transposition process.

Monitoring, information and awareness campaigns were organised in order to disseminate information about the new legislation. Furthermore, educational activities were carried out in schools. The Labour Inspectorate is cooperating with other institutions and non-governmental organisations to achieve the objective of eliminating child labour. This campaign has been advertised in the mass media. The Romanian authorities admit that application of the new legislation has resulted in a higher level of protection of young people at work.

Infringing the rules can be subject to imprisonment of one to three years.

2.23. Slovenia¹¹

Before 2003 the Slovenian legal system did not specifically prohibit or regulate work done by young persons. The only exception concerned adolescents working under an employment contract. The major legal acts adopted within the reporting period in order to transpose the Directive were: the Employment Relationship Act of 2002 (Official Gazette No42-2006/02, 15 May 2002) and two executive regulations: the Rules on the Protection of Health at Work of Children, Adolescents and Young People (Official Gazette No82-3920/03, 21 August 2003) and the Rules on Permits for Work of Children Under the Age of 15 (Official Gazette No 60-2760/04, 3 June 2004). There are also some other acts that are intended to transpose the Directive, e.g. Safety and Health at Work Act of 1999.

In general, work by children under 15 years of age is prohibited with some exceptions regarding cultural or similar activities, certain types of light work and practical education provided by the employer.

The publicising and flanking measures included a competition for young workers entitled 'Good practice in the field of health and safety at work' and several publications including a 'Safe beginning' manual for young workers. Some information was also published on the internet.

Labour inspectors are responsible for monitoring the implementation of the new legislation. The Employment Relationship Act provides for a penal sanction with the possibility of imposing a fine.

According to the statistics on accidents at work provided by the Labour Inspectorate, between 2004 and 2006 the number of accidents at work involving young persons decreased from 29 to 24. The rate of accidents involving young workers is higher than the average rate for the total working population.

2.24. Slovakia

The main legal act transposing the Directive is the Labour Code, i.e. Act No 311/2001, which entered into force on 1 April 2002, and Government Regulation of the Slovak Republic No 286/2004 Coll. establishing a list of jobs and workplaces prohibited for young employees and laying down certain obligations for employers employing young people.

¹¹ Since Slovenia has not submitted its national implementing report, the overview comprises the relevant available data, in particular from the studies mentioned in footnotes 3 and 4.

Information about the new legislation was disseminated within trade unions through lectures and seminars.

Several bodies are involved in monitoring implementation of the new legislation, namely labour inspectorate, local child and youth care authorities and the law enforcement authorities. Slovakian authorities underline that safety and health at work issues should be introduced into the educational programme in secondary schools and universities and that checks should concentrate on vocational training centres. Measures aiming at ensuring the effectiveness of the legislation include procedural and other fines.

2.25. Finland

Several laws regulating the working situation of young people have been revised. These include the Occupational Healthcare Act (1383/2001), Occupational Health and Safety Act (738/2002), Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Health and Safety at Workplaces (44/2006), Annual Leave Act (162/2005). Furthermore, two technical amendments have been made to the specific Young Workers' Act (998/1993). Finally, Decree 302/2007 setting out an indicative list of types of work that are dangerous for young workers as well as Government Decree 475/2006 on types of work that are particularly hazardous and dangerous for young workers were adopted. It is worth mentioning at this point that the latter Decree tightens up both the prerequisites for hazardous work as part of practical training and the safety requirements.

2.26. Sweden

No developments as regards the legal situation have been reported in the period concerned.

Information about the legislation was intended to target schools, employers and young people themselves. A special website and a booklet, which was translated into English, were published, containing a variety of relevant information about the employment of young people. Furthermore, some fact sheets on work accidents among young people were drawn up. Newsletters were also sent to the local and regional authorities before the summer. A form, which was produced in 2006, helps employers in applying for exemptions. The social partners are also involved in the information campaign (e.g. through a telephone help-line) on summer jobs. One of the priority areas for implementation of the Directive in the reporting period was the inspection and safety improvement of chemistry and woodwork lessons at school.

National authorities emphasise that awareness of the rules on the protection of young workers increased during the reporting period.

The results of the assessment of implementation show that young people are at greater risk of being involved in work accidents than older workers. On the other hand, young workers account for only 0.25% of all employees in Sweden.

2.27. United Kingdom

No amendments have been adopted since 2001 in England and Wales. In Northern Ireland the Employment of Children (Amendment) Regulations (NI SI 2006/212)

were adopted in order to restrict the working time of children and to bring the law into line with the Directive. Similar regulations were introduced in Scotland. In April 2003 the Working Time (Amendment) Regulations 2002 implemented some provisions of the Directive regulating the working time of adolescents in the UK.

Information about the regulations concerning the protection of young people at work was disseminated through guidance, aimed at employers, local authorities, schools and parents, on some aspects of the law and providing best practice advice. Information is also published on a Government website and a young workers website documenting industry and sector-specific risks and case studies. Furthermore, conferences and seminars were organised and action taken in the area of particularly hazardous vocational courses and qualifications. Action also targeted particular stakeholders, operating in the field of training and work experience programmes for young people, in order to raise their awareness. Finally, an interactive video and workbook intended to be used in schools were created. The national authorities point out that implementation of the Directive has raised the profile of the legislation regulating work by children.

Offenders, including those whose act or default contributes to a contravention, are subject to a fixed or an unlimited fine.

3. GENERAL ASSESSMENT

3.1. Transposition

The process of transposition of the Directive has been practically completed in all Member States. Moreover, several Member States provide for measures which are more protective than those required by the Directive.

The Member States that joined the EU in 2004 and 2007 have not encountered significant difficulties in transposition because the legislation already in force was, for the most part, compliant with the provisions of the Directive.

On the other hand, although most of the national social partners did not express any particular concern about the quality of transposition and consider the provisions in force to be sufficient, deficiencies came to light in a few Member States. National experts also detected some problems, as discussed above, but the general impression is mostly positive¹². Moreover, some of the omissions are, according to the experts, of a theoretical nature and potential problems seem to have been solved in practice.

3.2. Practical implementation

3.2.1. Employment coverage of the Directive

The exact number of young people covered by the Directive is difficult to ascertain, given the lack of statistical data corresponding to the definitions provided by the Directive. Furthermore, work by children and young people under the age of 18 has

¹² See the study mentioned in footnote 4.

its own particular characteristics, e.g. work by children in a family environment, which makes it difficult to estimate the exact number of young workers.

According to data provided by Eurostat, there were about 17.7 million young people aged between 15 and 17 in the EU-27 in 2007 (16.8 million in 2009). As the average activity rate of that group was about 14.3% in 2007 (13.2% in 2009), a total number of about 2.5 million young people undertook work for pay, profit or family gain for at least one hour a week in 2007 (2.2 million in 2009).

An undetermined number of working children of less than 15 years of age should be added to this figure. The exact number is unknown since this category is not normally included in statistical sources in most Member States and the nature of their work is very heterogeneous (student work, family work, etc.) not to mention the specific difficulties associated with illegal work. There are only rough estimations for some Member States and so there is no basis for a credible estimation for the EU as a whole¹³. It may be assumed, however, that the incidence of (legal) child work varies a great deal among Member States as they are granted a certain degree of flexibility with regard to the authorisation of work by children. It is also worth pointing out that some of the Member States such as Italy and Portugal reported a recent improvement in combating illegal child labour.

3.2.2. *Socio-economic aspects*

In assessing the practical implementation of the Directive, the socio-economic context of young people's work in each Member State should be taken into account. Factors such as school, family, labour market and living conditions¹⁴ play a role in the application of national provisions.

The perception of the issues raised by young people's work can differ considerably from country to country or even within the countries themselves. Paid work outside school attendance is viewed positively in some countries, as it favours the development of personal independence and of basic skills. According to data provided by Eurostat, in Denmark and the Netherlands for example, the activity rate of young persons between 15 and 17 years of age reached respectively 58.7% and 57.0% (57.7% and 58.2% in 2009), well above the average activity rate of 14.3% (13.2% in 2009) in the EU-27.

Problems are also caused by the informal economy and undeclared work, which seems to affect in particular people under 18 years of age. For example, according to a survey carried out in Belgium in 2005, 28% of students under 18 years of age worked without a contract.¹⁵

The problem of undeclared work has been noted by some Member States in their national reports. In Italy, for example, although the number of confirmed undeclared minors fell from 1 792 in 2003 to 1 251 in 2007, the percentage of undeclared minors out of the total number of employed minors still accounted for 42% in 2007. Furthermore in Bulgaria, the main type of infringement involving minors, covering

¹³ See the study mentioned in footnote 3, p. 19 - 21.

¹⁴ See *ibid.* p. 76 - 84.

¹⁵ See *ibid.* p. 83 - 84.

60 % of the cases, occurs when they are taken on without the authorisation of the relevant regional labour inspectorate, which as a matter of principle should be obtained for all persons under the age of 18 wishing to start work.

The problem of undeclared work may have something to do with poverty or the risk of suffering poverty. A 2005 ILO report indicated that poverty in Romania, which reached 44% in 2000, and consequent dropping out of school, caused child trafficking and child labour. Furthermore, in Germany about 43% of young people with a migration background are at risk of poverty as compared with 15% of young people without such background. It is also interesting that a survey in the United Kingdom showed that among poorer families it is dishonourable to send children to work whereas richer families allow and even encourage their children to work.¹⁶

Another issue is work done by children in a domestic environment and in a family business. In many Member States it is generally acceptable for children to help at home, and in practice it is often impossible to draw the boundaries between contribution to family life and activities that could be characterised as employment within the home. Furthermore, the social perception of work in a family business tends to be positive. In Bulgaria, for example, a national survey undertaken in 2006 revealed that about 58% of households with a family business use the help of their children. It is also worth mentioning that research conducted in the Netherlands among au pairs showed that about two thirds of the host families did not comply with at least two rules regulating au pair domestic services.¹⁷

3.2.3. *Impact in terms of health and safety at work*

According to data provided by Eurostat for the EU-15, the number of accidents at work among young people of less than 18 years of age fell by more than 25 000 in 2007 (about 44 000 accidents) compared with 2001 (more than 69 000 accidents). The data for the individual Member States show that, with the exception of Ireland and Denmark, all EU-15 countries recorded a fall in the number of accidents involving young people between 2001 and 2007. Improvement was also noted by several Member States (e.g. Italy and Germany) in their national reports.

The data available at European level¹⁸ indicate a positive trend also as regards the standardised incidence rate of accidents at work with more than three days lost for young people of less than 18 years of age between 1995 and 2004. The standardised incidence rate fell from more than 3% in 1995 to approximately 2.5% in 2000 and 1.9% in 2004. Surprisingly, in 2005 the standardised incidence rate in the EU-15 increased to almost 2.8%. However, it dropped to 2.7% in 2006 and to about 2.5% in 2007.

¹⁶ See *ibid.* p. 37, 55 and 82.

¹⁷ See *ibid.* p. 25 and 40 – 44.

¹⁸ See the study of the European Agency for Safety and Health at Work – ‘Report - OSH in figures: Young workers - Facts and figures’ published on 10.12.2007 and available at: <http://osha.europa.eu/en/publications/reports/7606507/view>, p. 134 as well as data from Eurostat available at: http://epp.eurostat.ec.europa.eu/portal/page/portal/health/health_safety_work/data/database.

At this point it is worth noting that in 2003 the standardised incidence rate of accidents at work for the age group below 18 years (2%) was much lower than the corresponding rate for the overall workforce (3.3%) and young workers in the age range 18 – 24 (4.7%)¹⁹. This correlation between the standardised incidence rate of accidents at work for under-18s and the other age groups can still be seen, although to a lesser extent, when comparing the Eurostat data from 2007 for the EU-15. In 2007 the standardised incidence rate for young workers under 18 years (about 2.5%) was only slightly lower than the corresponding rate for the overall workforce (about 2.8%) and considerably lower than the rate for young workers in the 18 – 24 age group (3.8%). This comparison suggests, in any case, that the special protection afforded by the Directive to young people of less than 18 years of age is effective in minimising the risk factors that are largely common to all the young-age working population.

According to Eurostat, the number of fatal accidents among young people aged less than 18 years in the EU-15 decreased from 25 in 2002 to 18 in 2007. The standardised incidence rate of fatal accidents at work stood at 1.2 in 2002 and 2007. This was lower than the corresponding rate for the overall workforce (4.1 in 2002 and 2.8 in 2007) and for young workers in the 18 - 24 age range (3 in 2002 and 1.9 in 2007).

The above-mentioned developments suggest that the practical implementation of the Directive has had a positive effect on the health and safety conditions of young people at work, which it was supposed to protect. The general belief is that young people are at greater risk of being involved in work accidents than older workers, and that without the special protection afforded by the Directive, the incidence rate for young workers below the age of 18 would be far higher²⁰.

As statistical information on accidents at work involving young people in the new Member States is in short supply, it is worth presenting some data obtained at the national level²¹. In the Czech Republic, in relation to the population of young workers up to 18 years of age, the number of accidents at work involving that group fell from 6.6% in 1994 to 1.4% in 2005. The corresponding figure in Estonia for the group of 15 – 18 year-olds in 2006 was about 1%. In Slovakia 0.8% of work-related injuries that occurred from 1996 to 2005 affected young persons of less than 18 years of age. In Slovenia young persons accounted for 0.2% of the total number of accidents at work in 2006. In Poland the number of accidents at work involving young persons of less than 18 years of age outside the agricultural sector decreased by 83% between 1995 and 2004. On the other hand, in the agricultural sector the number of injured children under 15 years of age increased by 30% between 1996 and 2003.

3.2.4. *Effect on education of young people*

The Directive aims not only at protecting the health and safety of young people at work but also at safeguarding their education. The Directive emphasises that under

¹⁹ See *ibid.*

²⁰ For more information see the study mentioned in footnote 3, p. 56 – 66.

²¹ See *ibid.*, p. 58 - 66.

no circumstances may the derogations from the prohibition on child labour be detrimental to regular school attendance or prevent children benefiting fully from education. It further states that Member States should take the appropriate measures to ensure that the working time of adolescents receiving school education does not adversely affect their ability to benefit from that education. Thus the rules governing school attendance are intrinsically linked to the provisions designed to protect young people. The importance of safeguarding the education of young people was also expressed in the reports of some Member States.

Most young people under 18 years of age attend school at different levels of the educational system. Some, however, decide to leave school early and start a full-time job, often a low-skilled one. On the other hand, extensive workload, even on a part-time basis, can cause poor performance at school or irregular school attendance.²² Therefore, even if there is no direct statistical evidence, a link can be expected between early school leaving and working at a young age.

According to the EU Labour Force Survey, the overall proportion of early leavers from education and training, being persons aged 18 – 24 with at most lower secondary education (ISCED 3c) and not in further education or training, was 15.1 % in the 27 EU Member States in 2007 (14.4% in 2009). This proportion varied significantly from one Member State to another ranging from around 5% in Slovenia, Poland and the Czech Republic to 38.3% in Malta. The proportion of male early leavers was higher than the proportion of females (respectively 17.1% and 13%). It is worth noting that in the period from 2000 to 2009 the proportion of early leavers was slowly but systematically decreasing in the EU-27 from 17.6% (estimated value) to 14.4%. A downward trend has also been recorded for the EU-15 since 1995.²³

There are no figures measuring directly the impact of the Directive on this progressive reduction in the proportion of early leavers from education and training. However, it can be concluded that the Directive, by putting much emphasis on schooling obligations, must have exerted a positive influence.

It should however be underlined that work at a young age is not the only factor behind poor school performance or early leaving from education and training. A mix of factors must be considered. Young immigrants, for instance, seem to be especially affected by problems of school performance. In Austria the level of early leavers from education and training among pupils with a migration background (26%) is nearly three times higher than among the pupils of Austrian origin.²⁴ Similarly, there are figures showing that school attendance of Roma children in Romania is lower than the average. Roma children seem to be, at the same time, especially vulnerable to child labour.²⁵

Studies also suggest that young people from public care background (such as orphans, youth with difficulties, unaccompanied asylum seekers) are pulled more quickly into the labour market, as it provides the means to start a self-sufficient life,

²² See *ibid.* p. 77 - 81.

²³ See Eurostat data available at: http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database.

²⁴ See the study mentioned in footnote 3, p. 53 – 56.

²⁵ See *ibid.* p. 80.

to become independent, and to escape from the care system as soon as possible. At the same time, this early labour market entry appears to be detrimental to their educational careers and future, long-term labour market prospects. Accordingly, young people in public care have about the worst educational results and perspectives among excluded groups. According to the researchers, there is a need for monitoring and developing indicators on the educational and social situation of young people in public care institutions or foster families, and for related education and inclusion policies.²⁶

3.2.5. *Major challenges*

For Member States the main challenge in terms of practical implementation of the Directive is how to ensure that the transposing provisions are effectively applied. The effectiveness of rules depends crucially on the extent to which they are monitored and controlled, the way they are actively communicated to stakeholders and how the enforcement mechanisms perform. The involvement of different public and non-public bodies and organisations is crucial in order to achieve these aims.

The role of labour inspectors in monitoring and controlling the application of the Directive is duly stressed in most national reports. However, on several occasions national social partners or experts²⁷ have highlighted the lack of adequate action by labour inspectors to prevent or detect breaches of the law. On the other hand, some Member States (e.g. Romania, Sweden and Bulgaria) have recently carried out special campaigns dedicated to the protection of young people at work²⁸. In Bulgaria 10% of the infringements discovered during one such campaign in the summer of 2006 related to underage workers. Italy's national authorities report that more and more companies are being inspected, but fewer of them are employing minors and the number of infringements involving rules on child labour dropped from 2963 in 2003 to 2245 in 2007.

Effective protection of young workers cannot be achieved without increased awareness of all the stakeholders involved, not just employers but also parents and young people themselves. Many Member States point out that the implementation of the Directive has resulted in raising of such awareness. Nevertheless, lack of knowledge about the existing legislation was, in the opinion of several Member States, one of the main reasons for violations of the legislation.

Therefore, it is important that Member States use a wide range of measures in order to disseminate information about the new legislation and to raise stakeholders' awareness. This document describes such measures extensively as they can serve as inspiration (good practice) for other Member States²⁹. It is worth mentioning in

²⁶ See the information on the YIPPEE project available at <http://tcru.ioe.ac.uk/yippee>. Full report can be found at [http://tcru.ioe.ac.uk/yippee/Portals/1/YiPPEE%20WP34%20FINAL%2026%2003%2010%20\(3\).pdf](http://tcru.ioe.ac.uk/yippee/Portals/1/YiPPEE%20WP34%20FINAL%2026%2003%2010%20(3).pdf).

²⁷ See the study mentioned in footnote 4.

²⁸ See the study mentioned in footnote 3, p. 71 – 76.

²⁹ Examples of good practice can also be found in the study mentioned in footnote 3; see in particular p. 84 – 91. See also the study of the European Agency for Safety and Health at Work – 'Preventing risks to young workers: policy, programmes and workplace practices', published on 01.10.2009 and available at: <http://osha.europa.eu/en/publications/reports/TE3008760ENC/view>.

particular: specific websites, brochures, manuals; guidelines with certain practical information and case studies; training sessions; information vehicles; help lines; awards e.g. for ‘good employers’ and different incentives for those lagging behind; non-formal sanctions (e.g. negative publicity) for notorious wrongdoers; exhibitions; competitions and actions involving schools and pupils; promoting quasi-legal documents such as codes of practice; standards of risk assessments; newsletters; forms helping employers to apply the legal provisions; demonstration workplaces; lectures and conferences; educational aids including interactive computer games and videos and labour protection training modules for vocational education; national strategies/plans, action programmes; ‘self-assessment chart’ for employers helping them to evaluate compliance with the health and safety provisions.

It is also very important to promote the rules governing the protection of young people at work, especially health and safety issues, in curricula at all levels of the education system and to monitor implementation within schools with the professional profile³⁰. Some Member States brought up these issues in their national reports.

In addition, it is recommended that more emphasis be placed on gathering relevant statistical data and on conducting specific studies which cover the under-18 age group.

The practical implementation of the Directive also depends crucially on the imposition of effective, proportionate and dissuasive sanctions in the event of a breach of laws transposing the Directive. The sanctions provided for by the Member States include different civil, penal and administrative penalties. Some Member States penalise not only employers directly responsible for a contravention but also parents or those whose act or default contributes to an infringement. It is also noteworthy that in several Member States wide publicity is given to the penalties as a way to raise awareness generally about the seriousness of the legal breaches.

3.3. Amendments and adjustments to the Directive

Several Member States have proposed specific amendments or adjustments to the Directive. Some suggest relaxing the rules setting limits or conditions on work done by young people, while others go in the opposite direction.

One of the proposals was to introduce an obligation to receive the school’s consent before employing a young person. Another Member State was willing to endorse the amendments intended to boost regular school attendance. An opposing view was that the inclusion of rules related to school attendance in the Directive is not necessary. It was also proposed to exclude the reference to the schooling obligation in the definition of ‘adolescent’ provided for in Article 3(c) of the Directive in order to enable pupils who are at least 15 but less than 18 years of age to use the derogations provided for in Article 7(3) of the Directive.

³⁰ See the study of the European Agency for Safety and Health at Work – ‘Report - OSH in the school curriculum: requirements and activities in the EU Member States’ published on 01.10.2009 and available at: <http://osha.europa.eu/en/publications/reports/TE3008521ENC/view>.

Furthermore, it was recommended to review the restrictions. A proposal was also put forward to update the rules. The amendments reflecting contemporary economic and social conditions and increased part-time and informal types of employment and those related to young athletes would also be endorsed. A suggestion was made to amend Article 7 of the Directive in order to enable not only young people following vocational training but also young people who have already obtained the required professional qualifications but are less than 18 years of age to do certain jobs which are prohibited under Article 7.

Some proposals were made that could entail amendment of the Annex to the Directive, for instance concerning the position of lead and lead compounds in the Annex as well as the prohibitions regarding hazardous substances and the cross-references to other Directives. Furthermore, it was recommended to investigate whether any prohibitions or restrictions on work by young people are required as a consequence of the entry into force of Directive 2006/25/EC on artificial optical radiation.³¹ Another suggestion was to draw up an indicative list in respect of employment related to prohibited operations and work. Furthermore, it was proposed to review the provisions of the Directive regarding health and safety in view of technical progress and to investigate the risks and hazards to the health and safety of young workers.

In this regard, it must be noted that currently work is being carried out in order to amend the Annex to the Directive in the wake of the adoption of Regulation (EC) No 1272/2008³², which aims to align the EU system of classification, packaging and labelling of chemical substances and mixtures to the United Nations Globally Harmonised System of Classification and Labelling of Chemicals. It is also planned to adjust the references to certain Directives in the Annex.

Moreover, the Annex contains merely a non-exhaustive list of risky agents, processes and work, and Article 7(2) of the Directive provides for a general prohibition on employment of young people for work involving harmful exposure to different agents, e.g. those that chronically affect human health, or to radiation.

Finally, some Member States have proposed as flanking measures at EU level: the drafting of a best practice guide; the introduction of health and safety matters in curricula at all levels of education; and a synthesis report, summing up the experiences, issues and solutions regarding the transposition of the Directive in the Member States.

3.4. Conclusions

Sixteen years after its adoption Directive 94/33/EC continues to play a major role in protecting the rights of young people at work. The Directive expressly prohibits, with very few exceptions, work by children who are still subject to compulsory full-time

³¹ Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation).

³² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures.

schooling or are in any event under 15 years of age, and it strictly regulates work by adolescents.

The aim of the Directive is to ensure the protection of young people as regards their health and safety as well as safeguarding of their education. On the other hand, the Directive provides for some flexibility, by means of exceptions and derogations, particularly in order to enable young people to acquire the necessary skills and prepare for working life. Moreover, the Directive seeks to improve working conditions of young people through the establishment of minimum requirements governing the organisation of working time.

The Member States frequently highlight those aspects in their national reports. There is a general view that the Directive has played a positive role in helping to improve the legal protection afforded to young people as compared with the situation before the transposition of the Directive.

It should also be borne in mind that the Directive lays down only minimum requirements. This gives the Member States considerable latitude in implementing its provisions. Hence, the Member States may maintain or introduce more stringent protective measures than required as a minimum by the Directive. The national reports show that some of the Member States decided e.g. to apply certain national transposing provisions to types of contracts/relationships other than employment contracts. Finally, certain elements of the Directive such as an employment contract/relationship or compulsory full-time schooling are in fact determined by national laws.

As regards its impact, there is reason to believe that the Directive has had a positive effect on the health and safety of young people at work, which it was designed to protect. It is generally believed that young people might be at greater risk of suffering work accidents than older workers, and that without the special protection afforded by the Directive, the incidence rate for young workers below the age of 18 would be far higher.

On the other hand, given the lack of reliable statistical data, it is not possible to determine accurately the impact of the Directive on child labour, although there are indications of progress in several Member States particularly in combating illegal child labour, and in adopting more restrictive legislation concerning legal work. However, there is still a need to gather further evidence on this aspect of the Directive.

It can also be assumed that the Directive, which puts much emphasis on schooling obligations, has contributed to the falling proportion of early leavers from education and training.

The legal framework provided by the Directive is considered generally satisfactory, and only a few proposals have been made for revising it. However, such proposals do not follow a common or convergent trend. The most common concerns raised by Member States as well as the social partners have to do with the perceived deficiencies in the implementation of monitoring and control systems. Also there is a consensus on the need to step up preventive action in the framework of the education system. It is worth recalling that the Commission has already, in its report adopted in

2004, highlighted the importance of monitoring implementation and exchange of best practices for improving the situation in practice. Taking into account the above considerations, those recommendations are still valid.

Finally, several issues were raised about the need to update the Annex to the Directive in order to take technical progress into account. These deserve special attention and the Commission will accordingly seek to amend the Annex in the wake of the adoption of Regulation (EC) No 1272/2008 aligning the EU system of classification, packaging and labelling of chemical substances and mixtures to the United Nations Globally Harmonised System of Classification and Labelling of Chemicals.