

DECREEES AND ORDERS

MINISTRY OF PUBLIC SERVICE, LABOUR, EMPLOYMENT AND VOCATIONAL ORGANISATIONS

Ministerial Order No. 3748 MFPTEOP- DTSS of 6 June 2003 relating to child labor

Article I - For the purposes of this Order, a child is any person under the age of 18 years. The age of admission to work is fixed at 15 years. This age may be reduced to 12 years for light work carried out within the family and which does harm the health, morals or normal progress of the child's schooling. This age is raised to 18 years for dangerous work by derogation of the Minister of Labor.

Art. 2 - The prohibition applies to all establishments whether agricultural, commercial or industrial, public or private, secular or religious, even when these establishments have a vocational or charitable purpose, including family businesses and private homes. It is forbidden to employ children in work that exceeds their strength, is dangerous to them or which, by its nature and the conditions in which it is carried out, is likely to be harmful to their morals.

Art. 3 - In no case shall children be employed to work for more than eight hours a day. They shall not be required to do any night work as defined by Article L140 of the Labor Code. In family businesses or private homes and in agriculture, children shall not be employed in work that does not exceed their strength, more than eight hours per day.

Art. 4 - In factories, manufactures, mines, pits and quarries, building sites, workshops and their annexes, children shall not be employed in any night work between 10 p.m. and 5 a.m.

Art. 5 - The minimum rest period for children of 11 consecutive hours shall necessarily include the night period defined in the previous article.

Art. 6 - In industries where the work is applied to materials which are susceptible to very rapid alteration, it is possible to temporarily derogate from the provisions of article 3 above, for male children over the age of sixteen in order to prevent imminent accidents or to repair breakdowns in the equipment.

Art. 7 - In order to benefit from the derogation provided for in the preceding article, the head of the establishment or unit is required to give prior notice to the labor and social security inspector of the jurisdiction area, either by registered letter with acknowledgement of receipt, or by notebook, or by any other means enabling the notification to be certified and to be dated.

Art. 8 - In factories, manufactures, mines, pits and quarries, building sites, workshops and their outbuildings, garages and craft units, children shall not be employed, even to tidy up the workshop, on public holidays provided for by the laws and regulations.

Art. 9 - Children of both gender, placed in apprenticeship or employed in family businesses or in private homes cannot be required to do any work of their profession on Sundays or legal holidays.

They may, however, be required by agreement or in accordance with practice, to take part on Sundays in the tidying up of the workshop; this work shall not extend beyond two hours.

Art. 10 - Children shall be required to undergo a medical examination prior to their recruitment at the request of the head of the establishment or unit.

Art. 11 - Any recruitment of children shall give rise to the drawing up of a list of names which shall be made available within eight days to the labor and social security inspector. Heads of establishments shall also provide the labor and social security inspector with a birth

certificate for each child they employ or an extract of a judgment in lieu thereof, as well as the medical certificate, which shall be in the file of the person concerned, established in accordance with the provisions of Article L 222 of the Labor Code.

Art. 12. -Anyone who contravenes the provisions of the present decree shall be punished by the penalties provided for by the legal and regulatory provisions in force.

Art. 13. -All provisions contrary to the present decree are hereby repealed.

Art. 14. The labor and social security inspectors shall be responsible for the enforcement of this Order.

Ministerial Order NO 3749/MFPTEOP/DTSS of 6 June 2003 fixing and prohibiting the worst forms of child labor

Article I - For the purposes of this decree, a child is any person under the age of 18 years.

Art. 2 - The present order establishes the list of activities considered to be the worst forms of child labor and which endanger the health, safety or morals of children.

Such activities are:

1. begging by children on behalf of third persons;
2. forced or bonded labor by children for third persons; prostitution, production of pornography, pedophilia, production, transport, sale and consumption of drugs and other illicit activities...;
3. very arduous work: working underground, underwater, at dangerous heights, working in confinement or in isolation for long hours, carrying heavy loads, rock crushing, gold panning...;
4. very hazardous work performed by children: use, handling and transport of toxic chemicals and biological products, use of complex tools and machines;
5. public transport of goods and people by children;
6. collection of waste and rubbish by children; and
7. slaughtering of animals by children.

Art. 3- The activities listed in the preceding article are prohibited for children.