

**Study on Child Labour and Protection of
Young Workers in the European Union**

FINAL REPORT

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1. Introduction

The aim of this study is to obtain an objective and detailed overview and assessment of the situation relating to child labour and the protection of young people at work in practice in the European Union, as a complement to the monitoring undertaken by the Commission of the implementation of Directive 94/33/EC on the protection of young people at work, as well as a factual basis for an exchange of best practices.

Pursuant to the assignment entrusted by the European Commission, DG Employment, Social Affairs and Equal Opportunities, this report does not seek to study the implementation of Directive 94/33/EC. This legal analysis has already been undertaken in most of the Member States (MS). The focus of this study, particularly at national level, is related to a sociological rather than a juridical approach. In fact, compliance with national legislation transposing the Directive is a starting point, but the aim of this study goes beyond this: identifying, where applicable, events where a potential lack of protection of young workers exists. What the study seeks especially is to detect collective national situations where the general Community objective – prohibition of child labour and protection of young workers – seems not to be completely or partially complied with. Finally, the objective sought is to obtain elements that contribute to an assessment on whether the European legislation is useful and fits in with reality.

The target group to be analysed is persons under 18 years of age. According to Directive 94/33/EC, this includes young persons meaning any person under 18 years of age; children under 15 years of age (in some MS 16, taking into account the compulsory schooling condition) and adolescents between 15 and 17 years of age (15 and 17 year-old adolescents included) who may be working in unclear situations, from a labour perspective.

The study has been undertaken on two levels. Firstly, based on the collection of national information regarding the situation of child labour and young people at work. The main source of information found to date has been in documents, through studies – official and private – undertaken in some MS as a consequence of specific campaigns against child labour. Similarly, key informants and experts on the subject in hands have been interviewed and consulted. Secondly, given the differences in the quality of the information obtained in the MS, the analysis has been completed with other European and international sources, mainly statistical information and other studies.

The study has been carried out by a team of European experts who have been in charge or preparing this report. This team is made up by **Helmut Hägele** (ISG- Institut für Sozialforschung und Gesellschaftspolitik, Dresden), **Herman Katteler** (ITS - Radboud Universiteit Nijmegen), **Gianni Paone** (INCA- Istituto Nazionale Confederale di Assistenza, Italy) and **Richard Pond** (Working Lives Institute, Metropolitan University London), under the supervision and coordination of **Ricardo Rodriguez Contreras** (LABOUR ASOCIADOS, Madrid).

The valuable information provided by the collaborators, who have produced national monographs pursuant to the requirements set by the Steering group of this study, has helped

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in writing this report. This international team, who has worked at Member State level, has included the members of the writing team: **Helmut Hägele**, for Austria, Germany and Luxembourg; **Isabelle Vandebussche**, Institut des Sciences du Travail Université Catholique de Louvain (Belgium); **Irina Terzyiska**, European Labour Institute (Bulgaria); **Markéta Nekolová**, The Research Institute for Labour and Social Affairs, (Czech Republic); **Chrystalla Ellina** (Cyprus); **Jenny Lundberg**, Oxford Research, (Denmark and Sweden); **Sten Anspal**, PRAXIS Centre for Policy Studies (Estonia); **Markku Kiikeri**, University of Helsinki, (Finland); **Christophe Teisser**, Association pour le Développement de l'Université Européenne du Travail (France) **Gianni Paone**, INCA (Italy and Greece); **Judit Bujdosó** (Hungary); **Peter Herrmann**, University College Cork, Department of Applied Social Studies, (Ireland); **Raita Karnite**, Institute of Economics, Latvian Academy of Sciences (Latvia); **Kestutis Salavejus**, LLES (Lithuania); **Saviour Rizzo** and **Louis Grech**, University of Malta (Malta); **Ewa Giermanowska**, University of Warsaw (Poland); **Sónia Doutel Vaz**, ISCTE, Instituto Superior de Ciências do Trabalho e da Empresa (Portugal); **Luminita Dima**, Bucharest University (Romania); **Monika Čambáliková**, Institute of Sociology of the Slovak Academy of Sciences (Slovakia); **Bostjan Koritnik**, GV Založba, (Slovenia); **Daniel Albarracín**, Universidad Carlos III de Madrid (Spain); **Herman Katteler** and **John Warmerdam** (The Netherlands) and **Richard Pond** (United Kingdom).

This report is structured into the following chapters. Firstly, some preliminary considerations are presented with the aim of conceptually framing the object of this study. Then, an analysis at national and European levels is presented to try to describe the reality of child labour and young people at work. This has been a hard task to undertake since not many MS break down the labour force into the age ranges described above. It is usual to find a statistical age range that groups ages between 15 and 19 years old, or even from 16 to 24 years old. Once the subject has been identified, the following chapter presents a description of the work that is normally carried out, including relevant labour activities that constitute a source of uncertainty with regard to their treatment: domestic and family work, light work and cultural, sports and advertising activities. Information is presented in alphabetical order per MS. Following this, the information obtained is analysed with regard to the working conditions and the protection of safety and health when undertaking labour activities, which is an especially important aspect when dealing with child labour and young people at work.. We have considered it convenient to include at this point a section to introduce explanations on the use of these types of work, exploring some of the conditioning factors that affect the phenomenon studied as a whole. After this, a description of a selection of the main national measures adopted by the MS, in the last few years, aimed at improving those situations identified as being problematic. Finally, conclusions are established and some recommendations are made.

2. Preliminary considerations in the study of child labour and the work of young people in the EU

To a certain extent, the work carried out by children and young people in the EU is by and large unknown. In many MS, from an official point of view, child labour is considered to be “non existent” or, at least, it does not to give rise to conflict. In contrast with other places

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around the world where child labour in itself constitutes an international concern that has given rise to permanent campaigns to eradicate at least its most extreme and terrible manifestations, social perception in the EU is not alarmed for this reason.

The first issue to elucidate is the scope of implementation of this study: Directive 94/33/EC on the protection of young people at work (hereinafter, “the Directive”) serves as a structure to the study, but is not exhaustive thereof. It serves as a first reference, a common tree from which research may be branched out. Both this legislation and the national legislation transposing it provide a guide to explore and analyse the potential problems that exist in practical application. However, as mentioned earlier, the ultimate objective of this study isn't to verify whether legislation is complied with or not. The aim is to identify and analyse national situations that may fall within the scope of implementation of this Directive and for which, nevertheless, legislation is not implemented – or not fully so.

Under Community law, workers under the age of 18 are covered by Directive 94/33/EC which requires the MS to prohibit work by children, to ensure that employers guarantee that young people have working conditions which suit their age and to ensure that young people are protected against economic exploitation and against any work likely to harm their safety, health and development or to jeopardize their education.

The Directive's main objective is to prohibit the employment of children. However, the Directive does allow children to work under certain conditions which are defined therein. These include children aged 14 or over working as part of a work/training scheme; children employed for the purposes of cultural, artistic, sporting or advertising activities, subject to prior authorisation; or children aged 14 or over performing light work. The Directive also includes provisions relating to the protection of health and safety of young people. Finally, it also contains details on the number of working hours, night work, rest periods, annual leave and rest breaks that apply to children; and a non-regression clause concerning the level of protection for young people.

The Directive is complex as it contains several standards and many exceptions, derogations and repeals of the general rule. Moreover, other European legislations on sectoral working conditions also include provisions on certain aspects of the young persons group, such as Directive 1999/63/EC¹, which obliges us to connect to it accordingly.

One aspect that makes implementation of the Directive at national level especially complicated is the age it is applicable to. One of the most decisive elements to determine the lower limit of the working age is its link to the end of compulsory education. As a consequence of Community legislation (transposition of Directive 94/33/EC) or the signing

¹ Directive 1999/63/EC concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Ship-owners Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) in 25 Member States.

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of international agreements, child labour and the work of young people are not permitted in the EU in the following ages:

- a) Children less than 15 years of age, except in very few exceptions, both due to the type of work and the conditions in which it is carried out. According to the Directive, 'child' means any young person of less than 15 years of age or who is still subject to compulsory full-time schooling under national law;
- b) Young persons who are 15, 16 and 17 years of age can only work under certain conditions. Most European legislations set this minimum age at the level of 15 or 16 years or link minimum working age to the age of compulsory education. They enjoy special protection with regard to working conditions, especially with regard to issues concerning safety and health at work.

In short, the Directive establishes that three types of situations can take place with regard to the work of young people, which are related to the distinction of age groups

- a) **Totally forbidden** for children under the age of 15, except for the exceptional cases established. Occasional work or short-term work involving domestic service in a private household, or work in a family undertaking may be the object of special national regulation.
- b) **Restricted** for children under the age of 15 in the exceptional cases admitted under certain circumstances and requiring certain conditions. Some very specific light work is allowed; on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed, this work:
 - is not likely to be harmful to the safety, health or development of children, and
 - is not such as to be harmful to their attendance at school
- c) **Especially protected:** According to Directive 94/33/EC, young people under 18 years of age must be protected against economic exploitation and against any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardize their education.

Two main axes of the Directive

From the perspective of the legal asset to be protected, the Directive is structured around two central axes: the age of the young person and the right and obligation to obtain education. The relationship between the labour activity of young people and children and the education system is the first axiom. The Directive's objective is to protect the attendance of young persons to compulsory schooling, in such a way that carrying out a labour activity, temporary or stable, does not prejudice or prevent this right. The regulation is guided to obtain this objective, using to this aim an internal play of Standard provisions, repeals and exceptions.

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The existence of a minimum age for authorised employment is a second core element which is not always easy to implement in practice. All MS have signed the ILO reference agreements; all of them have also established a minimum working age, sometimes linked to the end of compulsory schooling (see table 2.1). However, in some MS, the criterion to set compulsory education attendance is not the age of the student, but the need to follow a number of courses or degrees of the system.

Besides the age of the young person, another aspect which is considered in this study is the object, that is, the type of work carried out by young persons and children. European legislation applies to those "... having an employment contract or an employment relationship... ". This includes the relationship, under contract or not, derived from labour activity. In the case of young workers, those jobs that are undertaken without a formal contract are also included. The definition of labour activity, its length per week or per day, or the wage requirement are elements which are difficult to assess; hence, we have chosen to adopt a broad perspective.

This labour perspective of the study excludes other manifestations related to forms of abuse regarding children and young persons, which are in the realm of criminality, such as sexual exploitation, mendicancy, and others, which are nevertheless mentioned in certain cases given the relevance of these phenomena in some MS.

Finally, European legislation is implemented territorially and hence it also applies to the employment of young immigrants, regardless of whether they are Community or extra-Community citizens, as long as they have an employment contract or employment relationship. In this case, the difficulty to analyse this particular group of workers is large as a consequence of the legal schemes of the MS to admit immigrant workers from outside the Community and of the specific characteristics of illegal immigration.

The state of studies on child labour and young people

In general, not much attention has been paid in other studies to the age group studied herein, neither at national nor European levels. Most of the studies that have dealt with this issue in the EU are neither recent nor do they coincide with our area of interest. The reasons for this general lack of interest may be linked, on the one hand, to the difficulty to obtain homogenous statistics for this age group, young persons under the age of 18, making this specific category of workers almost invisible; on the other hand, the widespread perception that this is not an issue containing elements that are socially problematic.

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Table 2.1 EU Member States, date of signature of ILO Conventions 138 and 182 and minimum working age

| MS | Convention 138 | Convention 182 | Minimum working age |
|----------------|----------------|----------------|---------------------------------|
| Austria | 18.9.2000 | 04:12:2001 | Minimum age specified: 15 years |
| Belgium | 19.4.1988 | 08:05:2002 | Minimum age specified: 15 years |
| Bulgaria | 23.4.1980 | 28:07:2000 | Minimum age specified: 16 years |
| Czech Republic | 23.4.1980 | 28:07:2000 | Minimum age specified: 15 years |
| Cyprus | 2.10.1997 | 27:11:2000 | Minimum age specified: 15 years |
| Denmark | 13.11.1997 | 14:08:2000 | Minimum age specified: 15 years |
| Estonia | 15.3.2007 | 24:09:2001 | Minimum age specified: 15 years |
| Finland | 13.1.1976 | 17:01:2000 | Minimum age specified: 15 years |
| France | 13.7.1990 | 11:09:2001 | Minimum age specified: 16 years |
| Germany | 8.4.1976 | 18:04:2002 | Minimum age specified: 15 years |
| Greece | 14.3.1986 | 06:11:2001 | Minimum age specified: 15 years |
| Hungary s | 28.5.1998 | 20:04:2000 | Minimum age specified: 16 years |
| Ireland | 22.6.1978 | 20:12:1999 | Minimum age specified: 16 years |
| Italy | 28.7.1981 | 07:06:2000 | Minimum age specified: 16 years |
| Latvia | 2.6.2006 | 02:06:2006 | Minimum age specified: 15 years |
| Lithuania | 22.6.1998 | 29:09:2003 | Minimum age specified: 16 years |
| Luxembourg | 24.3.1977 | 21:03:2001 | Minimum age specified: 15 years |
| Malta | 9.6.1988 | 15:06:2001 | Minimum age specified: 16 years |
| Netherlands | 14.9.1976 | 14:02:2002 | Minimum age specified: 15 years |
| Poland | 22.3.1978 | 09:08:2002 | Minimum age specified: 15 years |
| Portugal | 20.5.1998 | 15:06:2000 | Minimum age specified: 16 years |
| Romania | 19.11.1975 | 13:12:2000 | Minimum age specified: 16 years |
| Slovakia | 29.9.1997 | 20:12:1999 | Minimum age specified: 15 years |
| Slovenia | 29.5.1992 | 08:05:2001 | Minimum age specified: 15 years |
| Spain | 16.5.1977 | 02:04:2001 | Minimum age specified: 16 years |
| Sweden | 23.4.1990 | 13:06:2001 | Minimum age specified: 15 years |
| United Kingdom | 7.6.2000 | 22:03:2000 | Minimum age specified: 16 years |

ILO Convention No. 138 on Minimum Age (1973);

ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour (1999).

This phenomenon has only been analysed in depth in some MS, where some bibliography may be found. In others, no global perspective exists and the studies undertaken refer only to

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partial aspects of this issue – young people in the labour market, the relationship between abandoning education and the work of young people, etc. -.

Furthermore, the studies have been undertaken with different methodologies, in principle pursuant to specific national problems. The definitions and concepts used also vary, as well as the age groups taken as a sample. For instance, the Community's legal classification, which distinguishes light work, is hardly present in the studies.

Existing studies with regard to the dimension of child labour vary and those that exist at transnational level offer surprising results with regard to its dimension in some MS. Recently, two reports have been published by European Agencies on aspects that partially coincide with our study. The European Foundation for the Improvement of Living and Working Conditions has published a study entitled "Youth and work" that contains interesting data, charts and information on the different aspects of this group of workers². The approach of this study differs from the object of our analysis and also exceeds the age range of our study. It focuses on national policies developed in the MS to promote employment among young people, covering a wide age range that may reach up to 25 years of age.

Also, the European Agency for Safety and Health at Work³ has recently published an extensive report on the working conditions of young workers. However, most of the information refers to wide age groups, which greatly exceeds the interest of our study with regard to age.

The European Commission has been very active in the study of young persons from the perspective of social inclusion, in particular fighting child poverty. The last report⁴ prepared by the Indicators Sub-group highlighted that the risk of poverty is higher in this collective.

3. Child labour and young workers in the EU

Preliminary remarks

This chapter examines the employment situation of young people under the age of 18 in the 27 MS of the European Union. This includes both children under the age of 15 and young workers aged between 15 and 17 (17-year-olds included). In most MS there are no statistics available that are broken down by age ranges, allowing the differentiation between the different situations: the (unusual) work of persons under 15; the employment of young persons between 15 and 17. In most MS, available statistics refer to age groups that comprise wider ranges, from 16 to 19 years old or even 16 to 24.

² *Youth and work*. European Foundation for the Improvement of the Living and Working Conditions. 2007

³ European Agency for Safety and Health at Work: OSH in figures: Young workers – Facts and figures, Luxembourg. 2007

⁴ Joint Report on Social Protection and Social Inclusion

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Sources

This chapter uses information obtained from two types of sources. A first source is statistical data made available by official agencies, particularly Eurostat (Labour Force Survey-LFS), the European Foundation for the Improvement of Living and Working Conditions (European Survey on Working Conditions – ESWC) and the European Agency for Safety and Health at Work. These statistics were surveyed with the aim to extract data on young persons under 18. Generally speaking, these statistics provide less information with respect to young persons under 18 than would be useful to gain knowledge about the situation of young persons and youth policies. In fact, the living conditions of young persons under 18 are completely hidden behind official figures. This relevant category is either not contained in the age ranges that are usually described in official statistics or is almost completely hidden in age ranges that are too broad, such as 15-24 years or even in the age range 15-19. Given the split in life conditions between 15/16 years of age and 17/18 years due to school leave, different ‘life styles’ are combined with the consequence of diluting information. This situation does require efforts at European level to come to an explicit treatment in data collection and data presentation of young persons in the age range of, for instance, 15-17 years, and in any case under 18.

A second source used has been the information provided by national correspondents in the context of this study on child labour and young workers in the EU. Each correspondent was requested to identify statistical information available in their respective countries, preferably distinguishing between age categories (e.g. under 15 and 15-17 years old, or: 14, 15 versus 16, 17 years old). Generally, availability of national statistics is poor and incidental. Not much statistical data is available and, when available, different age ranges are being used and, hence, comparability at European level is low. Even collating both types of sources, presenting statistical information on young persons under the age of 18 is a matter of making the best out of scarcely available and unharmonised figures. Whatever the result, a strong plea is called for efforts by the European Commission or by official agencies at European level to enhance a systematic and harmonised approach across European countries aiming to fill the gap in statistics on young persons under 18 years of age.

Cautiousness required

When reading the statistics in this chapter, the reader should be aware of a set of notions that condition the value of the statistics presented. In this report, overall, the statistical information available regarding the different age groups comprised in the study is varied and heterogeneous. The main characteristic is that, for the most part, both at national and transnational levels, existing data does not coincide with the age groups defined in the Directive.

Aware of this limitation and of its consequences, we have chosen to present this information in the report even though it may not coincide with this classification, in the understanding that it may provide clues to the situation of children and young people to this particular regard. For this reason, in this and following chapters, there may not be a correspondence between the figures shown, due to the use of different sources – national or supranational -, formats – surveys, research, projections, administrative records -, and time periods.

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Variations in age ranges

A high degree of variety can be observed in the use of age ranges. Variety exists even in the definition of young people. The European Foundation for the Improvement of Living and Working Conditions observes that ‘the most common definition of young people includes those aged from 15 years to 24 years, however a wide disparity emerges when comparing the national contributions for this feature. The lower limit does not fluctuate much as it centres close to 18 years of age. The most common upper limit is the age of 24 or 25 years; nevertheless, some countries extend the range to 29 years, 30 years or even 40 years’.

The data available is often beyond the scope of this study

It is a known fact that available statistical data with respect to young people present figures for broader age groups such as the 15-25 age class. It should be noted that substantial changes usually take place just within this broad age group, particularly the transition from full time school attendance through a stage of combined learning and working to a final stage of employment (or unemployment). These dynamics do have a great influence on statistics: depending on what age group is considered, quite different proportions and absolute figures arise.

For this reason, available statistical data referring to young people between 18 and 25 years old are not useful for the purposes of this study. The core of this study lies upon the age group immediately under this age category, namely 15-17 years old. Even the work of children below this lower limit of 15 years would be included in this chapter if these figures were available. However, given that children below the age of 15 or 16 are generally subject to compulsory school attendance and the fact that child labour is usually not accepted beyond agreed forms of child work like artist work, statistics do not reveal forms of labour of children under the age of 15.

The employment objective is questionable for students

Usually, the focus in labour related studies is on employment, or better, unemployment in order to identify young people ‘at risk’. Although this approach is self-evident for the older age groups beyond the age of 18, speaking in terms of unemployment for younger age groups is subject to confusion:

- Speaking of young people, 15, 16 and 17 years old in terms of unemployment is only useful as far as these young people want to be part of the work force or can be expected to do so without compulsory school attendance. Students can not be said to be unemployed, although it is normal that they can have a job on the side.
- Speaking of young people in the age group below 16 years old in terms of unemployment is out of the question. Generally across the European MS, these children are expected to attend compulsory schooling.

In fact, the focus of this study is contrary to unemployment studies. This study intends to reveal the degree and nature of work done by age categories that either are not expected to work on a regular basis given compulsory school attendance or that are expected to work under protecting conditions (15-16-17 years).

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Categories outside the scope of any statistical office

Two typical categories of young workers can be said to remain outside official statistics. The first category is young immigrants. Given the provisional status of many young immigrants, if not illegal, prevents them from being included in official statistics. Special arrangements are in place in several MS for this group of young people.

A second typical category is the category of young people that cross the national borders and work abroad. These persons do not work in their home country and therefore, are not counted. As these persons are not inhabitants of the host country, their work is not taken into official accounts. By consequence, it is difficult to find this category back in statistics.

Comparability of national statistics

Needless to say, data can differ due to the definitions used at national scale, the collection method of the statistics and the basis on which proportions are calculated. Although basic figures or proportions are supposed to be hard data, there is no guarantee that a common way exists for these data to come into being.

Statistics at European level

3.1.1 Total number of young persons in EU 27

As a first challenge, it was considered useful to have an estimation of the absolute size of the group of persons which this study applies to. Any known proportion of the young persons who are active in the labour market in whatever form could then be transformed into absolute figures.

The total number of young persons in the European MS can be estimated by elaborating on the Eurostat statistics available per member state. Eurostat uses the age range 15-19 years (both inclusive). The following steps were taken to enable the estimation (all the data mentioned come from Eurostat):

- a) Retrieval of the total number of persons aged 15, 16 and 17 separately using the statistics on students by ISCED level.
- b) Calculation of the total number of persons aged between 15 and 17 (16,963 million) and the proportion of this age group within the total group of 15-19 year olds, also estimating the total number of persons aged 15-17 per member state (given the known total number of persons per member state).
- c) As a result of the above operation in b), by applying the European proportion of people aged 15 to 19 in each member state as a proportion of all 25,715 million people in the 15-19 age group⁵ in Europe to the total number of 15-17 year old persons found at b). Hence, the total estimate of young persons, in absolute figures, between 15 and 17 years old in the EU can be calculated applying a proportional

⁵ Source: Eurostat, students by ISCED level in EU 27 MS, 2005.

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rule, member state by member state, based on the 25,7 million registered by Eurostat for the 15 to 19 group age⁶. The result is an estimate that coincides in gross figures with other calculation form (see below).

These estimations allow us to establish that the total number of young persons (15-17 years of age, 17-year olds included, EU 27) is 17 million. This order of magnitude is also found when estimating the figure in a different way: namely, by taking the share of the 15-24 age group from the total European population (12,6%⁷) and estimating the total number of persons aged between 15 and 17 as part of it. Starting from the fact that 12,6 percent of the European population is 15-24 years of age, the total number of 15-17 years old persons is about 18 million assuming an equal split of each age category between 15 and 24 years old and disregarding differences in age composition between member states. Unfortunately, demographic variations within the 15-17 year-old group or within the 15-24 year-old group (of great importance) can not be contemplated in these estimates as the data does not record these variations.

The 17 million young people can be divided into the categories shown in table 3.1. Not surprisingly, boys and girls are more or less equally distributed per age group.

Table 3.1 – Estimated total number of young persons aged between 15 and 17 in EU-27 per age and sex in 2005

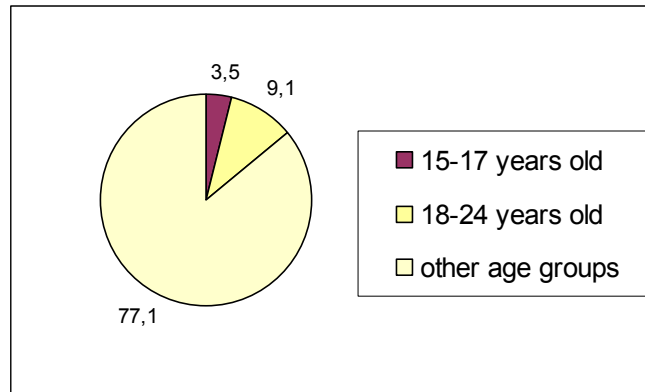
| | 15 years | 16 years | 17 years | Total (x 1,000) |
|--------|----------|----------|----------|-----------------|
| Male | 2,980 | 2,920 | 2,696 | 8,596 |
| Female | 2,871 | 2,838 | 2,658 | 8,367 |
| Total | 5,851 | 5,758 | 5,354 | 16,963 |

Source: own preparation based on different sources

The total number of **17 million young persons** is part of the total number of 487 million inhabitants in the 27 MS. This group makes up 3 - 4 percent of the total population in the 27 EU MS. This is clearly a distinct group with other living and working conditions than young people aged between 18 and 24. The latter group accounts for about 44 million people in EU-27. The proportions can be seen in Figure 3.1. The diagram once again points to the fact that young persons aged between 15 and 17 do not belong to the usual age range of 18 – 24.

6 The estimation procedure used member state by member state was as follows, taking Belgium as an example. The total nr of people in the age of 15-19 years old in Belgium is 582.141 (source: Eurostat, Students by ISCED level in EU 27 countries in 2005). As the share of 15-19 years old young Belgium people on the total number of 15-19 years old youngsters in EU27 (25,715 million) is 0,0226, this factor is assumed to be valid also for the share of 15-17 years old youngsters in Belgium as part of all EU27 15-17 youngsters. The total number of 15-17 youngsters in EU27 countries was estimated on 16,963 million. The Belgium share of 0.0226 applied to this figure indicates a total number of 383.000 persons aged 15-17 years in Belgium. This figure can be found in table 3.3 for Belgium. Figures for all other EU27 member states were calculated mutatis mutandis. *This harmonised approach for all MS does not necessarily reflect exact numbers in each member state.*

7 See European Foundation for the Improvement of Living and Working Conditions, Youth at work, Dublin 2007, p. 1.

Figure 3.1 –Young persons 15-17 of age as part of the total population, EU 27

3.1.2 Economic activity rate

As a next step, the total number of economically active persons was estimated per member state. This was done by applying the activity rate known⁸ for persons between 15 and 19 years old to the total number of young persons aged between 15 and 17. These rates might over-estimate to some extent the number of active persons 15-17 years old as people of 18-19 years old may have a somewhat higher activity rate than young persons in the age of 15-17 years old. However, this exercise provides an estimate of the order of magnitude of the group that is the subject of our attention.

The official definition used by Eurostat for ‘activity rate’ is as follows: ‘Employed persons are persons aged 15 and over who during the reference week performed work, even for just one hour per week, for pay, profit or family gain or were not at work but had a job or business from which they were temporarily absent because of, e.g., illness, holidays, industrial dispute and education or training’. The average activity rate among young persons 15-19 years old for all 27 European MS is 23.8; in other words, 24 persons out of every one hundred persons in this age range perform work in one way or another. The activity rate for young persons aged 15–17 is somewhat lower, presumably around 21 percent. The activity rate among boys is at a somewhat higher level than the activity rate of girls:

- EU average activity rate of boys 15-19 years old: 26.0
- EU average activity rate of girls 15-19 years old: 21.5⁹

This pattern of higher activity rate for boys is widespread across Europe; however, it is not valid for all MS. Countries in which girls show a slightly higher activity rate than boys are **Denmark, Finland and Sweden**. Activity rates for boys and girls are similar in **Bulgaria, the Netherlands and the United Kingdom**.

⁸ Source: Eurostat, http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1090.30070682.1090.33076576&_dad=portal&_schema=PORTAL

⁹ Source: Eurostat, ISCED 1997, used in statistics on students by ISCED level in EU 27 countries in 2006.

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Member states can be categorised according to their activity rates of young people. Table 3.2 displays five groups of MS. Four countries show a high activity rate of more than 40 percent: there is one active young person for every inactive young person. Ten out of the twenty-seven MS have figures above average (from 60% in the Netherlands to approximately 24% in Spain). Most of these MS are located in Northern Europe. The situation is completely different in the majority of countries: 17 out of all 27 countries show an activity rate lower than 20 percent: from 17.47% in Slovenia to 3.39% in Lithuania. Among these MS are all Eastern European countries but also several South-European countries.

These figures should be examined under the light of each national education system (alternating education, vocational training system, etc.) and regulations, characteristics and functioning of each national labour system, as well as family poverty rates and the economy's productive structure.

Table 3.2 – Grouping of MS by the activity rate of young persons 15-17 years old

| Activity rate of 10% or less | Activity rate of 12 – 18% | Activity rate of 24 – 34% | Activity rate of 42 – 48% | Activity rate of 58 – 65% |
|------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Belgium | Estonia | Finland | Austria | Denmark |
| Bulgaria | France | Germany | United Kingdom | Netherlands |
| Czech Republic | Italy | Ireland | | |
| Cyprus | Latvia | Malta | | |
| Greece | Portugal | Spain | | |
| Lithuania | Romania | Sweden | | |
| Luxembourg | Slovenia | | | |
| Hungary | | | | |
| Poland | | | | |
| Slovakia | | | | |

Source of activity rate: Eurostat, ISCED 1997.

According to logic, there should be an inversely proportional relationship between having a lower economically active young population and (prolonged) attendance to the education system. And naturally, *a sensu contrario*. However, what these figures show is, on the one hand, the diverse situations that exist between MS and, on the other, the need for homogenous methodologies in collecting data at national level which may make it possible to undertake an objective comparative analysis, with the aim of avoiding fictitious conclusions.

The activity rate of young persons can be compared to the activity rates of other age groups. Table 3.3 shows activity rates for EU27, 2007 (note that the activity rate for young persons aged 15- 17 goes back to 1997 (ISCED)). Not surprisingly, activity rate for young persons is substantially lower than activity rates for older age groups. A tendency can be observed that the activity rate for young females (21.5) is relatively close to the activity rate of young males (26.0), compared to the differences between males and females in higher age groups.

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Table 3.3 – Activity rates of young p (15-17y) and other age groups, by sex (EU27; 2007)

| | 15-19y (1997) | 15-24y (2007) | 25-54y (2007) | 55-64y (2007) | 15-64y (2007) |
|--------|------------------|------------------|------------------|------------------|------------------|
| Male | 26.0 | 47.6 | 91.9 | 57.1 | 77.7 |
| Female | 21.5 | 40.7 | 76.9 | 38.1 | 63.4 |
| Total | 23.8 | 44.2 | 84.4 | 47.3 | 70.5 |

Source: http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_and_social_policy_indicators

3.1.3 Active young persons

The total number of working young persons in EU 27 can be estimated given the known activity rate. Transferring the activity rate of 15-19 year-old persons to the 15-17 age group, it can be stated that a total number of **3.5 – 4.0 million young persons between the ages of 15 and 17 (17-year-olds included)** are active in the labour market in one way or another. The upper limit is based on the Eurostat average figure for EU 27 (15-19 years) whereas the lower limit is based on the result of adding all separate country-by-country absolute numbers, taking into account a somewhat lower activity rate for the 15-17 age group compared to the 15-19 age group. For a correct understanding, this number reflects all those who perform work, even for just one hour per week, for pay, profit or family gain. Self-evidently, a great variety of types of work, light or not, can be expected to exist.

This total number of 3.5 – 4.0 million young persons (15-17y) active in the labour market represents a proportion of 1.6 percent of all persons active on the labour market in the age group 15-64 years. Table 3.4 details this proportion for males and females (EU27, 2007). Males show a similar proportion to that of females.

Table 3.4 – Proportion of young persons (15-17y) on total active population, by sex (EU27; 2007)

| | Absolute nr of active young persons 15-17y (in million) ¹⁾ | Absolute nr of active persons on labour market 15-64y (mi) | Proportion of young persons on total active population |
|--------|---|--|--|
| Male | 2.1 | 130.1 ²⁾ | 1.6% |
| Female | 1.7 | 105.9 | 1.6% |
| Total | 3.8 | 236.0 | 1.6% |

1. Split between males and females based on nr of young males and females (see table 3.1) and different activity rates for males and females. 2. Source of absolute figures: Eurostat, EU27, 2007.

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The estimated number of active young persons (aged 15–17) per member state is shown in table 3.5. The country-specific activity rates are taken from Eurostat (1997: 15–19 years old). As shown, the absolute number per member state is very different but not fully parallel to the number of inhabitants. The relatively low activity rate in France implies that this Member State has a substantially lower number of young workers than the United Kingdom, although the population number is at a similar level. Germany and the United Kingdom have by far the highest number of young workers.

Table 3.5 – Estimated total number of working young persons (15-17), per member state 2005

| | Total nr young persons 15-17 y (x 1,000) | Activity rate ¹ | Total nr of active young persons 15-17 y (x 1,000) ² |
|------------------------|--|----------------------------|---|
| Austria | 258 | 0,433 | 111,7 |
| Belgium | 383 | 0,095 | 36,4 |
| Bulgaria | 258 | 0,083 | 21,4 |
| Cyprus | 24 | 0,085 | 2,0 |
| Czech Republic | 392 | 0,084 | 32,9 |
| Denmark | 170 | 0,632 | 107,4 |
| Estonia | 63 | 0,119 | 7,5 |
| Finland | 183 | 0,318 | 58,2 |
| France | 2,317 | 0,159 | 368,4 |
| Germany | 2,806 | 0,309 | 867,0 |
| Greece | 392 | 0,10 | 39,2 |
| Hungary | 363 | 0,054 | 19,6 |
| Ireland | 170 | 0,293 | 49,8 |
| Italy | 1,544 | 0,118 | 182,2 |
| Latvia | 107 | 0,142 | 15,2 |
| Lithuania | 170 | 0,042 | 7,1 |
| Luxembourg | 12 | 0,087 | 1,0 |
| Malta | 12 | 0,281 | 3,4 |
| Poland | 1,805 | 0,086 | 155,2 |
| Portugal | 290 | 0,177 | 51,3 |
| Romania | 780 | 0,148 | 11,5 |
| Slovakia | 234 | 0,091 | 21,3 |
| Slovenia | 76 | 0,174 | 13,2 |
| Spain | 1,233 | 0,243 | 300,0 |
| Sweden | 331 | 0,338 | 111,9 |
| The Netherlands | 555 | 0,591 | 328,0 |
| United Kingdom | 2,051 | 0,463 | 949,6 |

1. Activity rates refer to the group 15 – 19 years of age. Source: Eurostat, ISCED 1997.

2. See footnote 6 for the way of estimation of figures. The harmonised approach for all MS allows comparisons between MS and does not necessarily reflect exact numbers in each member state.

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3.1.4 Child labour of persons under 15

According to Eurostat, there were more than 78 million young people aged under 15 in the EU27 in 2006. The highest share of young people aged under 15 was recorded in **Ireland** (20.5%) while the lowest was observed in **Bulgaria** (13.6%).

Tab. 3.6 - Population aged under 15: % of total population in 2006

| Population aged below 15 | | Population aged below 15 | |
|--------------------------|------|--------------------------|------|
| EU27 | 15,9 | Lithuania | 16,5 |
| Belgium | 17,1 | Luxembourg | 18,6 |
| Bulgaria | 13,6 | Hungary | 15,4 |
| Cyprus | 18,4 | Sweden | 17,3 |
| Czech Republic | 14,6 | Malta | 17,1 |
| Denmark | 18,7 | Netherlands | 18,3 |
| Estonia | 15,1 | Poland | 16,2 |
| France | 18,4 | Slovakia | 16,6 |
| Germany | 14,1 | Austria | 15,9 |
| Greece | 14,3 | Romania | 15,5 |
| Ireland | 20,5 | Portugal | 15,6 |
| Italy | 14,1 | Finland | 17,3 |
| Latvia | 14,3 | United Kingdom | 17,8 |
| Spain | 14,5 | Slovenia | 14,1 |

Source: Eurostat 2007

The statistical information does not reveal child work of children under 15 years of age. Because surveys usually focus on employment they do not directly assess issues of family work and domestic services. These types of work are typically performed by young persons under 15.

As a matter of fact, activities performed by children under 15 in particular vary to a high extent and are not covered by statistical approaches: these activities have a limited visibility, can be linked to informal or even illegal economy. The degree to which child work of persons under the age of 15 is performed depends on the criteria used. In practise, different sets of criteria are being used and, consequently, different orders of magnitude follow. The variety can be illustrated by the Italian situation. Using ILO criteria, **Italy** results in a total number of child workers under the age of 15 of 14.000. However, other official sources that use different criteria come to approximately 145.000 child workers of which 31,000 are exploited¹⁰. The estimation made by the trade union CGIL (2004) even goes up to 365,000 working children under the age of 15.

¹⁰ Istat, the Italian National Institute of Statistics counting the number of children aged between 7 and 14 involved in some type of labour activity in 2002.

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That the phenomenon of child work includes substantial numbers is illustrated by **the Netherlands**. The total number of children under 15 having a job could be calculated based on a nation-wide survey amongst 5,526 students¹¹. The proportion of Dutch child workers strongly differs per type of period: during school periods compared to during holidays:

| | |
|---------------------------------|---|
| During school periods (12-14y): | 179,800 of total 12-14 population of 604.600 = 30% |
| During holidays (12-14y): | 79,000 of total 12-14 population of 604.600 = 13% ¹² |

The average number of working hours during school periods is almost 5 hours (4.7) per week. The average number of working hours during holidays is 17.5 hours per week.

Hence, the total number of young persons working in EU 27 is only partially considered by the aforementioned order of magnitude of 3.5– 4.0 million young people aged 15-17. An unknown but substantially high number of very young child workers under 15 years of age ought to be added. Member states for which rough estimates are available are listed in Table 3.5, taking for granted that differences in the way national estimates were obtained render a total comparison of these figures impossible. Totalling up the available data for these 10 MS, a total number of 1.5 million working children under 15 years of age can be estimated. For all 27 MS, the total figure could be in the order of 3 to 3.5 million. The total estimated figure for all young persons under 18 years of age would be as follows:

- working children under the age of 15 years 3.0 to 3.5 million EU 27
- young workers in the age of 15-17 years old 3.5 to 4.0 million EU 27

Hence, the total estimated number of young workers under 18 years of age in EU 27 would be in the range of 6.5 to 8 million, including children.

Table 3.7 – Estimated total number of working children under the age of 15

| | | | |
|-------------|---------|----------|---------|
| Bulgaria | 37,350 | Portugal | 35,600 |
| Denmark | 20,000 | Romania | 5,000* |
| Estonia | 2,260 | Spain | 150,000 |
| Italy | 200,000 | Sweden | 15,500 |
| Netherlands | 210.000 | UK | 800,000 |

* only children working in the street in the capital city

Absolute figures for the annual number of individual exemptions and/or authorisations supplied by Labour Inspectorates are available for a sub-set of MS. These figures are shown

¹¹ Source: Nibud, Nationaal Scholierenonderzoek, The Hague, 2005.

¹² These two figures may not be added as the figures refer to different periods in the year.

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in table 3.8 The individual authorisations apply to only a very small sub-set of activities undertaken by children. These activities include a broad range of socially accepted types of child work such as babysitting and newspaper delivery.

Table 3.8 – Absolute numbers of individual exemptions for working children

| | |
|-----------|-------|
| Belgium | 408 |
| Bulgaria | 5,902 |
| Denmark | 195* |
| Lithuania | 459 |
| Malta | 43 |
| Slovakia | 200 |
| Slovenia | 59 |

* 195 consents given for 2,262 employees

4. Types of child labour and young work

According to a first basic classification, we can distinguish three main categories of jobs in child and young persons' labour:

1) **Occasional jobs**, carried out several times during the year: Occasional jobs are those that require temporary employment depending on the tasks that need to be carried out, with variable working hours and often concentrated in a limited period of time. These jobs can be "light" and therefore not require physical effort (which can be stressing and dangerous) or "heavy", like works in construction sites or all jobs that require usage of machinery or motor equipment. This type of underage employment is found in all European MS.

2) **Seasonal and summer jobs**: these jobs are usually carried out by secondary school students at the end of the school year. These jobs are the easiest to monitor and survey also from a statistical point of view (especially in Northern European countries).

3) **Continuing/permanent jobs**: The main feature of continuing jobs is, as the name implies, that a "continuing" relationship between employer and employee is required. This type of job often clashes with school attendance. A continuing job in an informal economy context increases the risk of the underage being exploited. This type of work is found in several countries, being far more common in Southern and Mediterranean Europe and in Eastern European countries.

Work types vary from domestic work, in the form of babysitting, to begging. The domestic work of children in the household is considered to be a private matter. Work of children on family-run farms could be an issue but is not a nationally debated or surveyed issue. As far as begging is concerned, it is even unclear whether or not the latter form is illegal or not. Refined ways of begging by playing accordion are considered to be unacceptable child

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labour whereas, from a Labour Inspectorate point of view, an employment relation is missing and, therefore, there is no question/matter of child labour¹³.

Predominant activity sectors

A broad range of activities can be observed when referring to work performed by young persons. Given the lack of official statistics, a clear-cut description of these activities is difficult. Efforts have been undertaken to get a provisional overview of types of activities, as far as possible for the distinct groups of children (under 15 years of age) and young workers of 15/16-17 years of age. The information provided here is based on input from the national level.

Based on available statistics and surveys on child work and young workers, the picture at national level has a heterogeneous nature given the divergent ways of data collection and the type of topics which is paid attention to.

¹³ This is a topical subject in the Netherlands. Several cities face a systematic pattern whereby children play music while handing over received money to whom is claimed to be their adult family member and stressing that their music playing is voluntary. The Child Welfare Council considers the situation as unacceptable child labour as opposed to the Labour Inspectorate that claims that this is not a matter of employment.

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Table 4.1 –Types of work by young persons in selected MS (under 15 years)

| | BE | BU | DK | EE | GE | EI | IT | LT | NL | PL | ES | P | RO |
|--|----|----|----|----|----|----|----|----|----|----|----|----|----|
| <i>Non-domestic</i> | | | | | | | | | | | | | |
| Artistic | X | | | | | | | | | | | | |
| Working as a model | XX | | | | | | | | | | | | |
| Services e.g. restaurants, supermarket, petrol station | X | XX | XX | X | X | X | X | X | XX | | X | X | |
| Public services | | | X | | | | | | | | | | |
| Construction industry | | | X | | X | | | | | | | X | |
| Industry, manufacturing | | | X | X | X | | | | | | | X | |
| Agriculture | X | X | | | | | | | X | XX | | XX | |
| Delivery leaflets, papers | | | | | | | | XX | X | | | | |
| Street sale | | | | | | | X | | | | | | X |
| Prostitution | | X | | | | | | | | | | | X |
| Mendacity | | X | | | | | | | | | | | X |
| <i>Domestic service/ family work</i> | | | | | | | | | | | | | |
| Baby-sitting | | X | | | | | | | X | | X | | |
| Cleaning, household assistance | | X | | | | | X | | | | XX | | X |
| Family farm (cattle; fruits picking) | | XX | X | | | X | | | | XX | | | XX |

Two crosses indicate that the activity has been reported with great intensity.

Table 4.1 provides an overview of types of activities undertaken by children under the age of 15, frequently without labour agreement. Self-evidently, accents differ per age category. The table shows the most prominent activities for a selection of MS enabling a good sense of the variety of types of work across Europe by young persons. Although it can not be said that there are one or two dominant activities, the broad category of services including work in hotels, restaurants and all types of work in supermarkets is, in any case, widespread.

5. Child labour and young work: information from the national level

This section describes specific elements of work that are considered relevant to better understand the varying situation of child labour and the work of young persons per Member State.

In 2006, **Austria** had a population of approx. 491,800 young persons aged 15 to 19.¹⁴ According to the Labour Force Concept¹⁵, 182,500 persons aged 15 to 19 are gainfully employed which amounts to 38.2% of all persons in this age group. The ratio of gainfully employed male amounts to 44.3% in this age group which is much higher than the ratio of female workers (32.0%).

Little information is available on the employment of young persons, in particular regarding jobs of pupils and young students. In 2003, one third of young girls aged 14 to 19 earned their own money and another 9% of girls received pocket money added to the income of their jobs. Also one third of the 14 to 19 year-old boys earned their own money and another 13% of them received pocket money in addition to their income. More than 40% of young persons in this age group are employed.¹⁶ The most important motivation is to be independent through their own money and to have fun at work.

A study on the work of pupils was carried out on behalf of the Chamber of Labour together with the trade union for white collar workers.¹⁷ The analysis is limited to the city of Vienna and therefore is not representative for the whole country. The most important findings are:

- 67 % of pupils at secondary schools once worked or are working for extra-curricular money.
- 52 % worked for money during the second half of the year 2006.
- 27 % of the pupils work during school periods.
- 44 % of pupils state that their employment relationship is not registered or they do not know whether the employer has fulfilled his duty of registering the young workers.
- More girls than boys work extra-curricular but girls earn less money and their work is less connected to their later working life.
- The most frequent branches or activities are: restaurants (31 %), sale of goods (20 %) and baby sitting (18 %).
- Approximately half of working pupils are working on Saturdays, more than 40 % on weekdays and 18 % on Sundays.

¹⁴ Source: Statistik Austria: Statistiken des Bevölkerungsstandes, erstellt am 23.05.2007, Wien.

¹⁵ Source: Statistik Austria: Arbeitsmarktstatistik. Jahresergebnisse 2006. Mikrozensus – Arbeitskräfteerhebung, Wien 2007, p. 17.

¹⁶ Bundesministerium für soziale Sicherheit, *Generationen und Konsumentenschutz* (Hrsg.): 4. Bericht zur Lage der Jugend in Österreich, Wien 2003, p. 138, 143.

¹⁷ Arbeiterkammer Wien: *Schon jeder vierte Schüler jobbt nebenbei*, Wien 13.06.2007.

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In **Belgium**, from the end of their full-time compulsory schooling (thus starting from the age of 15-16), a young person can combine part-time education and part-time employment provided that the working time and the education time do not exceed, together, the legally authorized duration of work. Young persons can work full-time from the year of their 18th birthday (i.e. they have to finish the school year they begin before their 18th birthday). Besides the protection provided by the work contract, there are specific rules the employer has to respect, which aim to protect the young worker socially and physically.

The data focus on young people working as students during the summertime or the whole year, who are registered. Only in few cases is it possible to notice children at work, for instance in farms where children carry out agricultural work alongside their parents (e.g. on tractors or by leading animals).

The exact number of students who worked during 2006 cannot be estimated, mainly because: a) a considerable amount of students are liable to the social security of workers and thus, escape statistics; b) the same person can work at different periods of the year. In the same way, data are available for all the young people working as students, whatever their level of studies and age. Indeed, as the student's status is not defined by Belgian law, all kinds of young people who are studying are included. The main professional sectors which offer jobs are generally those where there is a lack of workforce and where specific competences are not required (e.g. trade sector, socio-cultural animation sector, agricultural sector and cleaning sector)¹⁸. Students work firstly and foremost to get pocket money¹⁹.

On the other hand, the majority of authorizations granted for children below the age of 15 are activities performing as a model (408 in 2005). Although child labour and the work of young people might be considered marginal, it seems that it does exist in the sphere of informal economy.

A national survey in **Bulgaria** regarding child and young workers (2006) showed that out of a total of 1,294,000 minors in the age range 7 to 17 years, 6.4 per cent (83,000) are economically active and work mainly in the private sector; out of these, 56% is concentrated in the field of the commerce and services and 17% in agriculture. The survey identified 9 percent of Bulgarian households with family business and more than half of them (58 percent) use the work of their children. Three main reasons cause children and young persons to work: a) the poverty and exclusion of the families from the labour market; b) the progressive weakening of the education system; c) the ethnic customs and/or family traditions. As per the studies of the National Statistics Institute, about 38-40 per cent of the households live below the poverty line²⁰.

¹⁸ Centre de Recherche pour l'Étude et l'Observation des Conditions de Vie (CRÉDOC). *Quand les petits boulots des étudiants influencent leurs projets professionnels*, décembre 2003, available at : <http://www.credoc.fr/pdf/4p/180.pdf>

¹⁹ Fédération des partenaires de l'emploi, 2007

²⁰ Despite the economic recovery of the last few years and sustained efforts to raise living standards reflected in an improved Human Development Index Ranking (55th in 2005), poverty continues to be a problem, particularly according to EU standards. In 2005, Bulgaria's GDP per capita constituted approximately 30% of the EU average and the monthly average wage is almost 10 times lower than the EU average. The low living standard is

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Most of the working children, i.e. in the range 5 to 18 years of age, hold jobs outside school²¹. The 2000 survey shows that the 94.1% of children performing paid labour work are without an employment contract and obtain a very low remuneration. There are no statistics available regarding the work of minors as part of the standard Labour Force Survey in the country. The unofficial statistics show that more than 250,000 Bulgarian children are engaged in the formal economy.

In the **Czech Republic**, the overall number of young economically active people has fallen from 200,000 in 1993 to 57,000 in 2005; whereas the overall number of young people was 654,800 in 2005, the number of economically inactive people aged between 15 and 19 was 597,800 in 2005²², mainly owing to an increasing proportion of young people who, after finishing compulsory schooling, continue their studies at secondary schools. However, this positive tendency pointing to an increasing educational level of young people is accompanied by a high unemployment rate of young people (41.9% in the 15-19 age group in 2005), especially long-term unemployment. The group which is definitely most at risk are, in this respect, unqualified young people, including the majority of Roma young people. The poor employability of this age group supports their very low employment rate, which was 4.5% for women and 6% for men in the same year.

Economic activity of children under 15 years of age is prohibited with the exception of individually authorised performance of work activity of children in the area of culture, sport, arts and advertising. However, this sector cannot be described more closely, because neither state nor regional registers of economically active children exist. According to current legislation, employment offices have no possibility to verify if the performance of economic activity is really appropriate for the child in question before issuing the licence. Their role in this process is purely formal. Moreover, it is presumed that employers, in agreement with parents, often circumvent the labour conditions for children.

An atypical form of employment characteristic of young people is so-called agency employment. This is the case, in contrast to older groups of age, of arrangements for occasional short-time work which are used especially by college students, but also by secondary school students, especially during school holidays but also during the school year at weekends. This form of work serves mainly to add to the pocket money they receive from their parents. This form of work has not been statistically registered up until now. According to the information given by the Czech Statistical Office, this up-and-coming form of work should be monitored from the beginning of the second half of 2007.

characterized by the fact that almost half of the revenues of households are used for the nourishment of the family.

²¹ If parents can not cover the expenses for their children's education, they send them to work. Otherwise, catastrophe would strike in 1 out of every 5 Bulgarian households, 1 in every 4 Turkish households and for more than half of the Roma families. Against this background, young persons appear as a concurrent labour force as their price is lower. According to a national survey, child labour is increasing. The increase in child labour is documented also in a number of studies and reports.

²² However the number of economically inactive children is not available, since no public authority in the Czech Republic has responsibility to evidence the number of economically active children in areas provided by the Act on Employment. The number of economically inactive students of the secondary school is not available either.

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In **Cyprus**, no statistics from the government or otherwise exist on child labour. According to the governmental Statistical Service (2006), the total labour force participation rate of young workers aged between 15 and 18 is 4.8% of the total labour force (1,908 young workers). The total labour force represents 1,594 who are employed and 314 who are unemployed young workers. There is informal evidence that children under 15 are working on a part-time basis in family businesses (retail, restaurants, agriculture and construction). However, none of the interviewees in government and unions considered this child participation a significant or widespread phenomenon.

In **Denmark** it is a general trend for young people to have a leisure job as a supplement to their school attendance. Although most children and young people are mainly in schools and educational institutions rather than on the labour market, as much as 80% become acquainted with the labour market through holiday jobs and leisure jobs.²³ The number of young people under 18 who have a leisure job is equivalent to every other young person in the age group 13-17 years. Most of the young people with a leisure job are employed on a year-round basis.

The tendency over the last years has been that more and more young people are employed in the retail trade. As much as one-third of the employees in some places are young people. According to a study on trades that employ children and young people, these trades are characterised by many small and medium-sized work places. The majority of these trades have a low degree of organisation and formalisation of their efforts regarding working environment. The lack of a contract is a common problem despite the right to it. This is the case for year-round as well as seasonal jobs. Young people are overexploited as regards working hours especially in restaurants and bakery shops.

In **Estonia**, workers aged 15-18 are covered by the Estonian Labour Force Survey (LFS), a quarterly study that covers some 16,000 persons each year. Based on this, a total of 2,300 young employees may be counted from a total labour force of 3,600. However, since employment rates at these ages are very low, the respective subsample sizes for young workers are far too small to produce summary statistics on, for instance, distribution of young workers across industries or jobs. Work of children aged 13-14 is covered by administrative sources and obviously it includes only formal employment but not informal work arrangements such as helping at farms etc. Thus, it is likely to underestimate the actual number of underage workers.

Common forms of employment in Estonia are the so-called “work and recreation camps”, which are usually organized by local governments, sometimes in co-operation with non-profit organizations or businesses. They combine light work (often community service such as cleaning, work in parks, hiking trails and other public spaces) with social and cultural activities. The camps are organized during school vacations (especially summer) and last for 2 to 4 weeks. Registration is voluntary; places are limited and are assigned on a first-come,

23 Beskæftigelsesministeriet, Undervisningsministeriet og arbejdsmarkedets parter: Sikker jobstart. 2006

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first-served basis.²⁴ The expected age is usually from 13 to 17 years, but sometimes can be as low as 10. The camps may be either residential or the participating children may spend all or most of the nights at their homes. Typically, 3 to 4 hours of light work is done in one day, the rest of the day being spent on social activities such as sports, creative, cultural or educational activities etc. There is no data either on the total number of children engaged in work and recreation camps, or specifically on the number of children aged 13-14. However, about half of the requests for consent for employing children aged 13-14 were from local governments or non-profit organizations and it is likely that these predominantly reflect camp activities.

A major gap in the Estonian statistical data, not only for young workers but for workers in general, concerns temporary or permanent *work abroad*. Close proximity with the Nordic countries, especially Finland, makes it easy to spend shorter periods (e.g. school vacation) working abroad in e.g. agriculture, construction or forestry, without applying for a work permit or even entering into a formal employment contract. No data is available on this kind of work.

In **Finland**, there is a well functioning system of free education supported by many legal acts. The obligation to attend school begins when the child reaches the age of 7, and it expires when the child has finished comprehensive school (9 years) or when 10 years have passed since the obligation began. About 27,000 young persons in the age of 15-17 years are employed out of the almost 200,000 in this age group (a greater part is part of the labour force). Ten percent of this age category 15-17 work permanently full-time (girls 3%). Girls work more part-time than boys. However, the time spent by boys is much more. The type of work is as follows: 16% of boys work in industry and agriculture; forestry 15%; trade 14%; transportation 13%; construction 13%. Girls: 25% service-sector; trade 16%; business 13%; restoration 11%.

As for young persons and children who work, it is worth underlining that no statistical figures on persons under 15 years exist in **France**. The first age range included in figures and analysis produced by INSEE and French Ministry of Labour (DARES) is thus related to persons from 15 to 19 years old. Considering this group, it can be noticed that:

- Their total participation rate is 12.2 % (50.3 % for young people aged 15 to 29). The participation rate is lower for women than for men: 8.9% for women aged 15 to 19 / 15.3% for men aged 15 to 19.
- Their employment rate is 9 % (41.6 % for young people aged 15 to 29). Once again, the employment rate is lower for women: 6% for women compared to 11.8 % for men.

²⁴ Some work and recreation camps are targeted towards specific groups, e.g. children from disadvantaged families or youth who have violated law, as a way to prevent criminal behavior.

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These figures mean that most of young persons aged 15 to 19 are not engaged in the labour market, as most of them still attend school.

In **Germany**, detailed statistical data on a sufficient level are only available for persons aged less than 25 years and only in some respects for persons under 20 years of age. The number of employed young persons aged under 18 is not available. In 2004, 4.7 million persons between 15 and less than 20 years lived in Germany; 1.4 million thereof were economically active. 1.2 million persons were employed and 0.16 million were unemployed or out of work. The number of employees (with membership in social insurance system) aged under 20 amounts to 838,000.

In addition, a remarkable number of young persons stand under vocational training relationships. Approximately, 1.5 million persons participate in vocational training, the majority of which is 18 years or older. A serious problem for young persons is that the number of those beginning a vocational training relationship is decreasing because training places in the dual system are lacking - dual because training is conducted in two places of learning: companies and vocational schools.

According to the results of a representative survey carried out in 2002²⁵ nearly one third of the 15 to 18 year-old pupils work regularly; the older the pupils, the more of them work: nearly 40 % of 17 year-old pupils work regularly; the most important motive is to earn money. But other motives are also important such as “to be proud of own performance”, “takeover of responsibilities”, etc. The working activities are almost a platform for societal learning and tests. The nature of jobs carried out by pupils is manifold. Most important activities are work for enterprises such as delivery services and running errands, work in retail shops, help in the family business, delivery of newspapers, magazines and leaflets, helping in households, gardens, bars, cafés and restaurants, car care and baby sitting.

The Ministry of Labour and Social Affairs (2001) estimates that in **Greece** there are some 80,000 children and young persons aged 14 to 19 who are ‘helping their family’ and work - which is permitted by the law under certain circumstances - but the number of youngsters who face harsh conditions or are forced to work without pay is considered to be much higher because these figures do not include child labourers without employment contract or permission, those working in family businesses or private households and the children of economic migrants, Muslims and gypsies. The most common sectors where children are employed are agriculture, fishing, wholesale and retail trade, street trade, repair of motor vehicles, manufacturing (garment industry mostly), construction, sports, hotels and restaurants. Since many children help out in family businesses and farms and with family animals, the labour force activity rate for children is relatively high in poorer rural areas.

The Ministry of Labour and Social Affairs also believes there are some 5,000 children under 14 who are made to work, but it could be an underestimation. A study²⁶ found there are an

²⁵ Deutsche Shell (Hrsg): Jugend 2002 _ 14. Shell Jugendstudie, Frankfurt, 2002

²⁶ Commissioned by the Greek Committee of UNICEF in November 2000.

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estimated 5,800 street children between the age of 2 and 15, well known as the ‘traffic lights kids’. These children -dressed in shabby clothing- clean car windows or sell tissues and flowers for spare change at busy intersections, restaurants, coffee shops and public spaces. The vast majority of these children were Greek gypsies, Albanians, Greeks and Greek Muslims.

In **Hungary**, it is quite hard to collect statistical information on young people and children at work since the statistical age ranges cover an older population. However, everything seems to indicate that this phenomenon exists given the high level of informal economy present, and also that a high level of participation of young people at work exists in underground economy.

Child labour varies by region and different type of peasantry; as a rule, children in the poorest layers are going to work even at the age of 6 or 7. Female children between the ages of 9-10 are working in the field: they are hoeing, driving horses, carrying water and food to the field. Student work with the aim of obtaining professional expertise during the summer holiday or collecting pocket money during the holiday is usual²⁷.

In **Italy**, according to Istat²⁸, the number of children aged between 7 and 14 that were involved in some type of labour activity in 2002 was approximately 145,000. This activity is classified into *including* (allows compatibility with education), *excluding* (excludes compatibility with any form of education and the child is involved in the labour activity full time) and *indifferent* (the child has no relationship with the education or labour system) labour.

Table 5.1.-Children aged between 7 and 14 who carry out some type of work activity. Year 2000 estimates (absolute and percentage data). Italy

| Absolute data | | | | Percentage | | | |
|----------------|------------|-------------|----------|------------|------------|-------------|----------|
| Total | 7-10 years | 11-13 years | 14 years | Total | 7-10 years | 11-13 years | 14 years |
| 144.823 | 12.385 | 63.431 | 69.007 | 3,1 | 0,5 | 3,7 | 11,6 |

Source: ISTAT, 2002

Child and young persons labour is more widespread in Southern Italy, although it is also common in the Northeast (National Institute of Statistics, 2002). According to the National Institute of Statistics, young people are very often involved in formal and informal jobs in the richest areas of the country (the Northeast in particular) where employment opportunities are higher. Conversely, in Southern Italy, the most widespread type of child/ young persons

²⁷ Student work due to the increase of costs linked to education, which is a serious burden for the families has also been mentioned.

²⁸ National Institute of Statistics

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labour is that generated by need and economic hardship (of the individuals and/or their families). Child and young persons labour of different types is also found in rural areas (agricultural work and support to family activities or businesses) and in urban areas (chiefly in trade and constructions).

As regards young persons, the regions with the highest amount of economic activity in young persons aged 15-19 are all located in the Northeast of Italy (Trentino Alto Adige, Veneto, Emilia Romagna and Lombardia). Young people employed in agriculture, either to contribute to the family business or as labour for third parties, often occupy the lowest ranks of the labour market and have very little chances of improving their position.

Not much research has been undertaken in **Ireland** to this regard. Part-time employment, especially that involving longer hours, has a negative impact on young people's educational careers in terms of early school leaving and exam performance.

A study²⁹ of 307 children aged between 14 and 15 in a secondary education school in an Irish city, found that 45% carried out some sort of labour activity and that 71% had done so at some point in time. Overall, students were found to be employed in service jobs, particularly in petrol stations and shops, pubs and off licences and the hotel/restaurant/fast food sector. A substantial number of students are working over 20 hours per week during school term and students from disadvantaged schools tend to work rather more than those in other schools, especially during weekdays. Gender differences were large since girls mostly worked as baby-sitters, in the hotel and restaurant trade or in catering. Students in part-time work combining work and study appears to have become a relatively common pattern among second-level students. The meaning of this can be seen in the fact of a potential decrease with respect to (unpaid) family workers. However, it is worth noticing that the tourist sector, not least the catering trade, is still an important potential pool for child and youth labour. A 2004 ESRI Report (McCoy and Smyth) concluded that combining work and study appears to have become a relatively common pattern among second-level students.

According to another study³⁰, part-time work of students should be increasing. The following tables give some idea about the hours and days worked.

²⁹ Stack, N. et al.1998 Child employment and female gender-role stereotypes in the Republic of Ireland, in «Irish Journal of Psychology», 1998, 19, 2-3, p. 358-367

³⁰ At Work in School. Study by Selina McCoy and Emer Smyth.

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Table 5.2 : Hours and Days Worked by Type of job in Ireland

| | Mean Hours Worked | % Working at Least 20 Hours | % Working Weekdays |
|----------------------------|-------------------|-----------------------------|--------------------|
| Farming | 16.1 | 27.5 | 58.3 |
| Factory | 17.0 | 25.8 | 55.6 |
| Clerical | 12.8 | 20.0 | 46.7 |
| Petrol Station/Shop | 15.0 | 20.7 | 59.4 |
| Pub/Off-Licence | 15.6 | 26.0 | 51.2 |
| Hotel/Restaurant | 14.6 | 14.8 | 37.5 |
| Babysitting | 10.7 | 11.3 | 47.3 |
| Other | 12.7 | 16.7 | 65.0 |
| Total | 13.5 | 18.2 | 52.1 |

Source: Study *At Work in School*, with reference to Schools Survey 2001

In **Latvia**, in compliance with the report of the state Labour Inspectorate for the year 2006, 388 (0,04% of total employment) were young persons at work from the 15-18 year-old age group. Within a legal framework, child and young work is predominant in seasonal agriculture, greenhouses, construction, trade, health care and social services, business services, libraries, municipal services.

In **Lithuania**, no specific data on children under 15 are collected. Young persons usually work during the summer season: public work, street vendors, supermarket assistants, fruit and vegetables sorters, car washers, café workers and lawn care. Thirteen year-olds can perform very light-work duties: newspaper delivery, strawberry pickers. Fourteen-sixteen years old can work in the garden, post delivery, leaflets and brochures delivery, hanging street ads and posters, labelling, package sorting etc. Over sixteen years old get job offers in cafés (waiters, kitchen workers, dishwashers), construction (carrying bricks, digging holes and other assistance), retail (cashiers, labelling, packaging), delivery and moped drivers. The State Labour Inspection received 459 reports from employers on employment of 14 to 16 year-olds for a period of 6 months in 2007 (summer season, limited contract work).

It is estimated that about 30-40 percent of all young workers aged 15-18 are working without a contract in construction, retail, services or helping parents.

Empirical evidence in **Malta** shows that a sizable number of young persons were working when they were at least 15 years old. Data shows that 27% of persons aged 16-18 had retained their present job for 3-5 years. The absolute majority of this category finds employment as machine operators and in other elementary occupations that require an elementary educational level and low levels of skills and competences.

Table 5.3 – Length of present employment, Malta (% , 2006)

| Period | 16-18 years | 19-21 years |
|-----------|-------------|-------------|
| < 2 years | 72.7 | 40.0 |
| 3-5 years | 27.3 | 49.2 |
| >5 years | - | 10.8 |
| Total | 100% | 100% |

Source: Employment and Training Corporation (ETC), The School to Work Transition of Young People in Malta, 2006.

In June 2000, the Maltese committee on the rights of the child expressed its concern about the phenomenon of under-age employment during the holiday season in family businesses and in tourism related activities. The predominant economic activities with irregular employment of young persons were found in shops, hotels, restaurants, supermarkets and confectioneries³¹.

In the **Netherlands**, the Dutch Institute for Budget Consultancy (Nibud) conducted a survey in 2004 to investigate the sources of income and consumptive behaviour of 12-18 year old students³². A total number of 5,526 students were interviewed. Several questions about work as a source of income were included in the questionnaire. A distinction was made between work during school periods and work during holidays. It appears from the data that, in general, almost half of the students have a job. The older they are, the more often they have a job and the older they are, the more hours they work per week, both during school periods and during holidays. It is relevant to see that 20% of 12 year-olds say they have a job during school periods which in principle is legally not allowed.

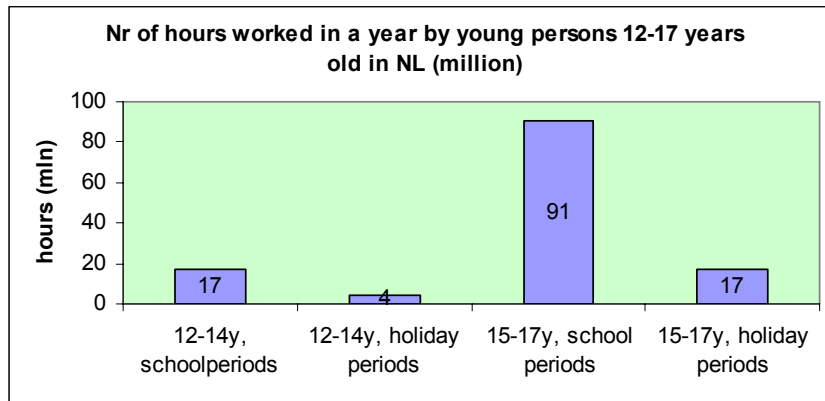
Elaboration of the Nibud findings gives an overview of the distribution of working hours or days provided by Dutch young persons in the age of 12-17 years. Figure 5.1 shows that 70 percent of all hours worked by young persons (12-17 years) are carried out in jobs on the side during school periods by 15-17 years old young persons (91 million out of 129 million). Other relevant findings are:

- children in the age of 12-14 years old produce about 20 million hours of work a year (particularly newspaper/leaflet delivery; baby-sitting; work at farm/garden)
- 16 percent of all hours worked by young persons under age 18 are performed by children in the age of 12-14 years.

³¹ Parliamentary Question 3865 of 19/01/99 – session 55.

³² Nibud, Nationaal Scholierenonderzoek 2004/2005, The Hague: NIBUD, 2005.

Figure 5.1 – Hours worked a year by young persons 12-17 years old, by age group and period in the Netherlands.



Work penalties for children

For relatively light offences the Dutch legal system has the figure of ‘work penalty’ as an alternative to traditional forms of legal punishment like a pecuniary fine or detention in jail. Work penalties are often applied in cases of youth offenders, for instance for vandalism, hooliganism, joy riding, shoplifting, drug trafficking or fighting on the street. Penalties can vary from a few hours to a number of weeks. Work as an alternative penalty can be imposed on children from 12 years onwards. A total number of 21,364 work and/or learning penalties were executed in 2006. Half of these work/learning penalties was given to the age category of 12-14 year, the other half to 15-17 years old young people.

In **Poland**, according to the Labour Force Survey (data covering the fourth quarter of 2006), there were 1,603,000 persons in the age group 15-17, of which 45,000 were employed. They constituted 0.02% of this category’s total. The overwhelming majority of young persons of this age group are still subject to compulsory education. Young persons who have a permanent employment contract are employed, in most cases, in enterprises and craft. They are usually contracts to acquire vocational qualifications. So-called ‘light work’ contracts are applied only occasionally. The latter are too expensive for employers.

Besides irregular work, the most usual activities are holiday jobs and occasional jobs of pupils, and agriculture. According to the Public Opinion Research Centre (CBOS) during the 2006 holiday period pupils from one in four households had a paid job. Taking up a paid job was conditioned by the pupils’ age. The majority of holiday jobs were taken up by the secondary school pupils (33% of the households studied in which pupils aged 16-19 lived), less often by the gymnasium pupils (11% of households in which pupils aged 13-15 lived),

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the least popular being among primary school pupils (4% of households in which pupils aged 7-14 lived). The percentage of pupils in a household sample was too negligible to demonstrate social diversification among the households studied. The percentage of pupils performing paid work in the age groups analysed remained unchanged in the period 2003-2006. Paid holiday jobs performed by secondary school pupils are generally accepted, paid jobs performed by the primary school pupils raises general objection, paid holiday jobs performed by gymnasium pupils generates more socially diversified opinions.

On the other hand, child labour in agriculture is quite common in Poland as part of the deep-rooted tradition in farm families. Furthermore, there is a significant proportion of young people working in the grey area of the economy.

In **Portugal**, according to the data gathered in the 2001 poll «Social Characterization of the Portuguese Families with Minors with School Age», labour activities of young Portuguese persons were divided in three types:

- *Economical Activity* is the broader concept, comprising all productive activities performed by under 16 year-olds, remunerated or not, taking place for at least one hour per week.
- *Child Labour* is a more limited concept that excludes economically active children 12 years or older, working for less than 15 hours per week on light chores; it also excludes regular working activities, which are non-dangerous work performed by children aged 15 years or older. The child labour concept involves only child activities that may be harmful for their physical, mental and social development and, therefore, socially censured/disapproved. From this definition all economic activities performed by the underaged that are considered acceptable and light are excluded.
- *Dangerous Work* refers to every task that by its nature or type has harmful results towards the child and, therefore, is forbidden or limited to every young person under 18. It also comprises all dangerous activity or activities performed on unsafe/dangerous location (covered by the law/legally covered), whether by heavy charge, by working conditions and also by intensity in terms of the number of working hours. As a result, all working activity taking place for more than 35 hours per week, even on non-dangerous tasks, is considered to be dangerous.

From the more than one million children under the age of 16 taken into account by the study, 48,914 carried out an economic activity. From this group, 28,228 were on a child labour situation and 14,008 of these were performing dangerous tasks.

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Table 5.4 –Young Portuguese persons 6-15 years old, by age group type of work

| Groups by Age | Types of Work | | | <u>Economic Activity Total</u> |
|------------------|---|--------------------------------------|---|--------------------------------|
| | <u>Non-dangerous Work</u> (non-dangerous places and positions) | | <u>Dangerous Work</u> | |
| | Light Work (up to 15h) | Normal Work (from 15 to 35 hours) | Dangerous places and activities (more than 35 hours/week) | |
| From 6-11 years | 9,768 | 2,265 | 2,401 | 14,434 |
| From 12-14 years | 13,493 | 2,187 | 5,502 | 21,182 |
| 15 years | 4,576 | 2,617 | 6,105 | 13,298 |
| Total | 27,837 | 7,069 | 14,008 | 48,914 |

Considering these values on a percentage basis, 4.1% of the total amount of children aged between 6 and 15 carry out an economical activity: 2.4% of this amount corresponds to child labour and 1.2% to dangerous tasks.

The main sector where young persons are employed is agriculture, which gathers 48.4% of the total amount of minors in an economic activity; 49% corresponds to child labour and 47% minors on dangerous activities. The construction sector is the most unstable sector according to type of work: it includes 9% of the minors with economical activity [being the least representative of the 5 sectors where minors work]; it gathers 11% of minors on child labour conditions; and the numbers for dangerous activities rise up to 19% [being the second most representative sector]. There are labour areas with great visibility and where child labour has increased significantly. However, these areas are faced as leisure and, therefore, do not require, nor receive, the same attention or control (Show, Fashion and Advertisement business).

In **Romania**, national statistical data on child labour are rather lacking. Only some information obtained from field work, personal interviews with children involved and institutions related to this area was found in some of the studies developed within international programmes. Child labour exists in various sectors and modes of life: in agriculture, manual labour and occupations, low-skilled jobs in the services sector, as domestic services, etc. There are cases of working children under the age of 15, as well as situations when work performed by young people between 15 and 18 years of age does not comply with the restrictive legal provisions on work conditions and working hours.

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An ILO report of 2005³³ indicates poverty and, consequently, school drop-out as reasons for child trafficking and child work. According to this study, poverty rate reached 44 per cent in 2000, rising from just seven per cent a decade earlier.³⁴ This context explains why family relations are marked by a concern for survival, and why parents believe that children have a role to play in helping to overcome the family's problems. As a result, children begin work early and may travel abroad for work.

Although there are very few statistical data, many children may be seen working on the streets, being exposed to major risks of accidents or involved in illegal activities. The main activities performed by working children are: begging, car washing, selling low-priced items, loading and unloading merchandise, household activities, collection of waste products, working in bars, restaurants, patisseries and bakeries, and prostitution. Begging in public transport stations, loading and unloading trucks in supermarkets, car parks and other crowded public places is also characteristic of child labour.

The "Children's Report on the observance of children's rights in Romania"³⁵, reveals that in villages children are forced to work in view of raising the family income. They have more responsibilities as compared to other children. Sometimes, due to financial difficulties, the parents are not able to ensure the children conditions as to attend compulsory education and choose to send their children for working in agriculture.

Another study³⁶ revealed that in Roma communities, children work in the household cleaning and taking care of younger siblings, and/or participate together with their parents in agricultural activities, production or sale of different goods, collecting recyclable materials, working in squares, warehouses, construction or on the street. Working hours range between 4 and 10 hours a day. Working conditions are intolerable and the risk of accidents, sickness and becoming involved in illegal activities is very high.

In **Slovakia**, the proportion of early school leavers (with lower secondary education at the most) in the 18 - 24 age group is far behind the EU average: in Slovakia around 6% of people aged 18 - 24 have only completed lower secondary education, while in EU27 the average is about 15%. This means that most Slovak young people "stay at school" and study.

³³ *Child Trafficking – The People Involved, a synthesis of findings from Albania, Moldova, Romania and Ukraine*, by June Kane for the International Programme on the Elimination of Child Labour (IPEC) of the International Labour Office (ILO) January 2005.

³⁴ Poverty mainly affects large households where one or both parents are unemployed, people with a low education level, those engaged in agricultural activities and the rural population in general, households where the main provider is self-employed, families with more than three children, elderly women living alone, and members of Roma communities.

³⁵ The Council of Children "SPUNE (SAY)!" was created to ensure children's right of participation granted by ILO Convention on children's rights. The Council of Children is an initiative of the National Authority for the Protection of Children's Rights of the Ministry of Labour, Family and Equal Opportunities, financed by the European Union, PHARE 2003 Education Campaign of Children's Rights project. http://www.copii.ro/Files/RaportCopiiV2605_200753140210.pdf

³⁶ ECHOSOC Foundation: *Roma working children and their families*, (2002).

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According to the Trexima³⁷ survey conducted in 2006 on a sample of 776,131 employees holding an employment contract³⁸, 0.2% of these employees (1,567) are aged 15 to 18. Most of the young workers were employed for a fixed time period (54% of young workers). There were similar numbers of young male and female employees.

If young people decide to work, they usually do so in their summer holidays in order to earn some extra money, and they work under a *student's contract*. The commonest jobs are in retail, distribution of leaflets and interview work in different (especially consumers') surveys. However, there is no relevant research in this area and most of the above-mentioned information is based only on experiences with small samples. The employment of young persons through work contracts and student contracts deserves more attention due to the fact that - in view of the flexibility of these contracts - there is room for abuse.

Formal youth employment rate in **Slovenia** is relatively low. However, a tendency for this percentage to increase has been noted in recent years. Work undertaken by secondary school and college students comes under special regulations. In order to be able to work on this basis, secondary school students, higher education or university students must obtain a special referral from a concessionaire (authorized organizations that provide work for students) before commencing work. This kind of work is extremely widespread (many thousands of referrals are issued) and this is largely because there is a special and favourable tax regime for both employer – there is for instance no obligation to pay tax on paid salaries, no need to cover an employee's transport and meal costs – and also for the employee.³⁹

These student jobs, which had the social purpose of being seasonal and temporary, have lost their temporary nature to a great extent. In general, this area largely forms part of the grey economy, especially in the case of secondary school students. College students often continued to work with the same legal grounds for years, since employers have no interest in changing to different legal grounds for their employment relationship. When college students lose their student status, they try to obtain referrals from their secondary school colleagues.

There are different forms of unlawful work among children who beg or who are in foster care. The problem lies in that these children and their parents are mostly foreign citizens, which makes it hard to deal with these problems. These parents and children do not stay long enough for the problem to be dealt with appropriately. Three different NGOs emphasized a possibility of risks involving children in *foster care* and their exploitation by foster parents. In 2003 there were 1,470 children in foster care with 894 families and in 2004 1,279 children

37 Trexima is a private company that conducts surveys for the Ministry of Education, Social Affairs and Family of the SR.

38 In the Trexima research only workers holding an employment contract were involved. Those working with student contracts/grants were not included in this research.

39 Statistical Office of the Republic of Slovenia: Rapid Reports, No. 25, October 6th 2005, p. 3. Available at <<http://www.stat.si/doc/statinf/07-SI-008-0504.pdf>>.

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in 902 families.⁴⁰ The White Circle Association stated that excessively hard work had been mentioned on several occasions amongst children in foster care on farms, while the Association against Violent Communication confirmed that this is actually sometimes the case (also within other organizations which offer children residence, guardianship and education).

In **Spain**, there is a low level child labour. The under-16 population group helps out and carries out different kinds of jobs, for an estimated time of one hour per day. According to some estimations⁴¹, approximately 200,000 children under the age of 16 work, but this does not imply that they do so under a typical employment contract in Spain. Such work is normally done within the realm of the family economic sphere. A further 384,000 persons between the ages of 16 and 19 also work. This implies that approximately 584,000 persons under the age of 20 are estimated to be working. The main paths into the labour market are retail trade (especially women), construction (especially men), the manufacturing industry and the hotel and restaurant sector.

In **Sweden**, the official labour force statistics from Statistics Sweden reports on numbers of persons employed between the ages of 16-64. Data is grouped into age categories starting from the 16-24 age group. It is therefore not possible to get specific data from the labour force survey for young persons under 18 years of age. According to other surveys and reports in the 16-17 age group, slightly more girls (58%) than boys (50%) had summer jobs during 2001/2002.⁴² The fact that more girls work is also confirmed by the Labour Force survey (Statistics Sweden). In 2006, 70,000 girls aged 16-19 had employment job compared with 59,500 boys. Retail work and restaurant services are the sectors with most young workers under 18 years of age.

In Sweden it is common for young people to have summer jobs, and every year around 100,000 young people aged 16-20 have a summer job. Students with low education, who have not a completed higher secondary school, are most likely to be unemployed, and thereby most desperate to take a job with poor working conditions. Many Swedish municipalities offer young people summer jobs. Salaries vary greatly from one municipality to another.

In the **United Kingdom**, the most recent and largest survey⁴³, although focusing only on children in Scotland, supports the findings of earlier local and national surveys in the rest of the United Kingdom that employment among school children is widespread but that the vast majority is not monitored by local authorities. The survey found that 59% of pupils were currently working part-time or had done so in the past. Even in year three, 48% of pupils

40 Regvar, B.: Obseg pojava ogroženih otrok in soodvisnost tega pojava z nasiljem v šolah, p. 7; presented at the National Council of the Republic of Slovenia meeting on May 22nd 2007.

41 Ochaíta, E.; Espinosa M^aAngeles; Calvo, Elena (2000b) "Un estudio exploratorio sobre la prevalencia de la ayuda y el trabajo infantil en España".

42 The children's representative in Sweden (barnombudsmannen).

43 *The nature and implications of the part-time employment of secondary school pupils*, commissioned by the Scottish Executive. 2006

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were working or had worked. The study also found that 13% of those currently with part-time employment actually had two jobs while 2% had three or more.

British legislation requires that any child below the minimum school-leaving age must be registered with the local authority if engaged in part-time employment. Several studies have shown that the level of registration is extremely low and this is confirmed by the Scottish Executive report. More than half of current workers under 16 claimed they had no permit for their job.

Another research study on 3,700 students aged between 11 and 16 carried out by education experts in Oxfordshire found that 32% worked at the time of the research and that 16% had worked at some point during their school education.⁴⁴ Retail, catering and delivery work were the three main sectors of activity with 28% of school pupils currently in part-time employment in a range of settings in the retail sector: supermarkets (6%), chain stores (8%) and other types of shops (11%) plus a small percentage involved in door-to-door selling (3%). Employment in cafes or restaurants (16%) was the main workplace for those involved in catering while others worked in hotels and guest houses and in fast food outlets (6% and 6% respectively). Of the 18% in delivery work, the vast majority were involved with delivering newspapers or advertisements. The rest of the pupils were employed across a range of job types: 7% in babysitting, followed by hairdressing, office work, farming, manual labour and cleaning, each of which accounted for 2% of pupils. Working hours varied according to type of employment with an average of 5.0 hours a week for those with delivery jobs while those working in supermarkets averaged 14 hours and in fast food outlets 14.2 hours a week. Weekend and weekday work was common.

An earlier nationwide attempt to gauge the level of employment among school children and assess the potential problems arising from it was carried out in 175 secondary and middle schools, involving 4,295 children in 1997. The report revealed that 38% of children were involved in paid work either currently or during the previous summer holiday.⁴⁵ A quarter of school children (25%) were currently in paid work.

The results of the studies, in line with previous investigations, indicates that particularly long working hours may have an impact on academic performance but this was not an issue for most working schoolchildren.

6. Domestic and family work

One of the most difficult aspects with regard to compliance with national and European legislation on child labour is related to activities undertaken in the sphere of domestic service

⁴⁴ Penrose Brown, J., Blandford, S. 2002 *An examination of the range of children's experience of work*, in «Support for Learning», vol. 17, n. 4, p. 193-200

⁴⁵ TUC, *Working classes: a TUC report on exploited school age labour, 1997*.

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work and so-called family work.⁴⁶ To what extent is this type of employment widespread and is it compatible with school attendance? The fact that these situations are considered to belong to the private sphere of family relations makes this a very difficult issue to assess.

With regard to domestic service, according to the social perception in many MS, children are generally expected to help out at home, e.g., cleaning their rooms, washing dishes and taking out rubbish, occasional weeding in the garden or mowing the lawn, etc. It is practically impossible to determine the frontier that separates this contribution to family life from regular labour activity in the home.

With regard to helping in family work, situations where this contribution could lead to stable labour activity have been observed in practice in some MS. Indeed, it is difficult to identify these situations, especially depending on which sectors are analysed. Hence, we could state that “family work” undertaken by children and young persons is not unusual in rural areas and, specifically, in farming. There is a considerable agreement in considering that working conditions of children and young people in agriculture are hard and include physical and mental risks.

In **Bulgaria**, it is estimated that 610,000 children and young persons, predominantly in urban areas, work in domestic services: baby-sitters (16,1%), caring for the elderly/ill people (5.8%), kitchen-work, cleaning etc. (78.0%); 42.6% of them are aged 10 to 14 years of age. In rural areas, approximately 418,000 children and young persons are estimated to be working in family farms, spending more than 30 hours per week on cattle-breeding (47.0%), weeding, watering, vegetable and fruit picking (11 %). 44.1 % of them are aged 10 to 14 and 48.7 % live in villages. Poverty suffered in many households, lack of access to the labour market, a weak education system, ethnic customs and family traditions are the main reasons for these figures.⁴⁷

In **Estonia**, children’s participation in domestic work is considered a method of education for children rather than work as such. In **Hungary**, domestic service and family work are related to a rural phenomenon: household or agricultural seasonal labour.

In **Ireland**, although no figures are available, domestic service and family work is common in rural areas, and in many cases is not classified as work. It particularly takes place in the form of “help in farming” although numbers are decreasing with the change in the character of work, which is increasingly specialised and technical. It is also common in certain service sectors, especially as petrol stations, shelve restocking in supermarkets, as well as cashiers. These types of activities are a widely-accepted form of contributing to the household income and as well as an “educational means” and part of the process of maturing. It is considered to be compatible with school attendance.

⁴⁶ According to Directive 94/33/EC, Article 2: (a) domestic service in a private household, or (b) work in a family undertaking are excluded from the general prohibition of child labour.

⁴⁷ In 2005, Bulgaria’s GDP per capita represented approximately 30 % of the EU average and the monthly average wage was almost 10 times lower than the EU average.

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In **Italy**, the situation varies in practice according to the region. In the Centre and North of the country, children under the age of 15 usually undertake this type of work *within* the family unit. However, in Southern Italy, work outside the family unit prevails. In other words, it is not family work although it usually takes place within the family sector or family care and other services. Between the ages of 16 and 17, it is more difficult to make this assessment in view of the existence of “apprenticeships” and a significant amount of irregular work, especially in agriculture, the retail trade and tourism. In general, society values this activity positively, as a source of self-responsibility.

In **Latvia**, housework in the “family sphere” is not considered as a child work. It is a private sphere and is not monitored or controlled by state institutions, unless the family has adopted a child, or children are living in a children’s home.

In **Lithuania**, most of the children in rural areas usually help their parents before or after school all year round with everyday duties on the farm. Children from urban areas do less family work, usually after school or at the weekend. In most cases there are no contracts and sometimes there is no pay. The social perception of this activity is very positive. Society tends to look at it as very normal activity, as life training, and as a way to earn money to cover needs.

In **Malta**, 900 cases of school absenteeism were recorded in 2007. Presumably these were cases of pupils not attending school with their parents’ consent in order to do domestic and/or family work. Adding to this, children who work at weekends, after school hours and during holidays, the figure for this category could easily stand at 2,000.

In the **Netherlands**, data is available for domestic service and family work undertaken by young persons under 18 years of age, based on the NIBUD survey analysing more than 5,000 young persons aged 12-18. Babysitting, working in parents’ offices, household work /going shopping, special small jobs at home are the most popular type of jobs.

Learning and working as an *au pair*.

Data is also available in the Netherlands for a typical domestic service, namely being an *au pair*, including persons working formally as *au pairs* and coming from outside the EU. The formal limit of a maximum of 30 work hours a week was breached in two-thirds of families. The regulation to provide just light domestic work was breached in half the families. The regulation sets forth 7 rules, such as having at least two days off per week. Based on the opinions of the *au pairs* themselves, two-thirds of the host families did not comply with at least two of the seven rules. Based on the reports of the host families, the degree of non-compliance was substantially lower.⁴⁸ It should be noted that there is free workers’ movement within MS in the EU. This could imply substantial movement of 16-17 year-old children outside their native country and working in families abroad without any additional control or inspection. This should be considered as a grey area of child work.

⁴⁸ Source: ITS. “*Au pairs and their host families in the Netherlands: evaluation of the au pair regulation*”. Nijmegen. 2003 (in Dutch).

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In **Slovakia**, this type of labour is not monitored. If a child attends school regularly and there are no signs (e.g. neighbours' reports) that a child is neglected or not provided with proper care or other abuse (e.g. forced to perform works inappropriate to his/her age), the corresponding authorities do not perform any inspections. According to some surveys done among children, Slovak children often help at home, e.g. tidying-up of the home (especially their own room, washing dishes and other light work) as well as light garden work. However, there are no reports of significant cases of abuse of child labour in domestic service and/or family work. The social perception is that in general, some light housework undertaken by children is viewed as a positive resource/ educational tool.

In **Slovenia**, the large majority of children attending elementary school (above 7 years of age) are involved in domestic service and/or family work, at least occasionally. Predominant forms of such activity are cleaning, washing dishes, dusting, vacuuming (families with maids or occasional external help in housekeeping are quite rare), feeding the animals and harvesting in family farms, baby-sitting (especially for girls in single-parent families) etc. In general, children are clearly more often involved in such work in rural areas and in families of a lower social class.

With regard to social perception, work and perseverance are positioned very high on the social scale. Consequently, not only parents and other guardians, but also the educational system and social service employees consider such activity as an essential part of upbringing and education. There have only been national debates on this subject in a few cases involving excessive work by children, such as some cases of excessive work in the family or fosterers' farms, cases of children busking on the street or begging.

In **Spain**, children under the age of 15 normally work within the family environment, or in their immediate economic sphere, mostly in the form of domestic work, domestic services or child care. The latter is usually undertaken by girls. This sort of work is not usually difficult or dangerous. Some children have seasonal or part-time jobs in the retail trade and in the hotel and restaurant sector; some work in family businesses and, to an increasingly lower extent in the primary sector (although the situation of immigrants could be studied in this field). There is no social concern regarding this issue. A question could be raised about the actual type of work undertaken by young immigrants, where certain irregularity presumably exists, despite the lack of studies on this subject.

In the **United Kingdom**, the various surveys of child employment normally reveal some level of domestic/family work, inevitably including babysitting. However, because these surveys focus on child employment they do not directly assess the issue of family work. Domestic service is not seen as a major issue specifically amongst workers under 18 years of age but some concern has been voiced about migrant workers in domestic service and younger workers, more often in the 18+ age group, taken on as au pairs. One area of family work which perhaps raises specific issues is children on family-run farms. The agricultural workers' union (Unite/TGWU) has raised this issue and the Health and Safety Executive has taken it up, but this is not a nationally debated issue.

There is a social perception that babysitting, for example, is a common and acceptable form of informal paid work but not something that can be regulated or controlled in any way. The evidence so far suggests that domestic service is not a major area of work for the under-18s. In terms of social perception there has perhaps been an increase in its acceptability as it becomes more widespread, and there is some concern about lack of regulation and workers' rights.

7. Light work

According to the Directive 94/33/EC on the protection of young people at work, light work means all work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed:

- (i) is not likely to be harmful to the safety, health or development of children, and
- (ii) is not such as to be harmful to their attendance at school, their participation in vocational guidance or training programmes approved by the competent authority or their capacity to benefit from the instruction received;

In **Belgium**, there are two exclusive exceptions for children who work under the age of 15:

- a) Activities included in the framework of children's education or training (for those activities, no prior approval is necessary);
- b) Exceptionally, activities, not included in the above mentioned field of application, and in a restrictive way, enumerated by the law (for these activities, an individual exemption is required). Individual exemptions are given by the Federal Public Service Employment, Labour and Social Dialogue (SPF Emploi, Travail et Concertation sociale/FOD Werkgelegenheid, Arbeid en Sociaal Overleg), under certain conditions.

Examples of activities for which no prior approval is necessary are as follows:

- occupation of children in their own home (if the activities are not subject to pay and are not of a productive character).
- participation of children in TV game shows with their class or in activities in an association for children's education or training, even if these activities have a productive nature or if they are included in a production process.

Compensation can be financial or material. In the first case, financial compensation has to be put away in an exclusive individualized bank account until the child is of legal age. In the second case, only gifts that are adapted to the child's age, development and education can be accepted.

In **Bulgaria**, there is an exception for persons aged 15 to 16, who may be employed to perform easy work that is not dangerous or harmful to their health and to their proper physical, mental and moral development. There is a list of admissible jobs issued by the Minister of Labour and Social policy. An Ordinance from 1986 on the work of persons under the age of 15 is currently in force. In this member state, the close relationship between the

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school attendance benchmark and child labour and young people at work is evident. Available figures state that 73.8% of children and young people study and work and 11.6% do not study at all. Each year more than 20,000 students leave school in order to work and help their families – the predominant part of them are from the Roma minority.

Although the term “light work” is not explicitly defined in the **Czech** Republic labour law, special working conditions of young persons and special working hours are specified, thus prohibiting certain professions and workplaces.⁴⁹

In **Estonia**, light work encompasses all employment of 13-14 year olds. The most regular activities are community services such as cleaning, work in parks, hiking trails and other public area. In general, working conditions are respected. In practice, work is not a major cause of absenteeism from school.

In **Italy**, light work is widespread in the family setting and all year round, especially during the summer. The main manifestation of this type of work is a helping hand for adults (transporting materials and work tools, undertaking small tasks, peddling, helping out in restaurants, “lending a hand”, retail trade, etc.). Although working conditions are respected in general, these conditions may be hazardous to the safety of young persons in certain sectors such as agriculture and construction.

If this work is sporadic or casual, there may not be a negative impact on school attendance. Nevertheless, obviously the more labour activity carried out – both in young persons under 18 years of age and in children under the age of 15 – the greater the chances are of a lower academic qualifications. By carrying out this type of work, young persons and children are, by their very nature, unaware of their labour rights or health and safety regulations. Another factor to be taken into consideration is that although this labour activity in young persons is considered to be positive in the development of professional experience, it does not, generally, represent a real acquisition of occupational training for the future.

With regard to light work in **Lithuania**, children from urban areas usually tend to look for a job during the summer vacation. Leaflet distribution, deliveries and lawn cutting are very popular activities, and some children work in retail, services or as construction helpers. However, legal working conditions are not always respected. Work is also undertaken during the school year, although it is compatible with school attendance.

Regulations in **Malta** do not limit the number of hours per week in relation to light work. It is up to the Director of Education to decide which conditions to lay down when granting permission. The Director of Education’s permission is required for young persons to undertake light work.

In the **Netherlands**, the most regular light non-industrial activities that children under the age of 16 are allowed to do include picking crops, helping in a supermarket, baby sitting,

⁴⁹ Articles 243 – 246 of the Labour Code.

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washing cars, gardening for neighbours, helping out on a camp site, ushering work in theatres and at fun-fairs. Given the relatively high proportion of working children aged 12-14, it can be concluded that this type of work is relatively widespread.

Specific limits for working hours and working periods have to be respected. Parents always have to be informed by the employer and must give their approval. Working hours and working periods appear to be generally respected in view of the Decree and the Code of Practice, and the pre-eminence of school in this age group. Arrangements for holiday work amongst 13-14 year olds allow for jobs such as newspaper deliveries. There are no indications that this work affects schooling or academic achievement. In order to address this question, a national survey was conducted among 800 15-year-old newspaper boys and girls compared with a control group of 900 pupils who did not deliver newspapers. Delivering morning newspapers did not have a negative impact on school achievement or on the physical and psychological well-being of pupils. On the contrary, pupils with a morning newspaper route appeared to be fitter in many aspects. There were 1,000 applications for job permits per year in the period 1999-2000.

In **Poland**, most of the childhood population, pupils and students are employed under civil law contracts or without contracts. Contracts for so-called “light work” are rarely entered into because they are too costly for employers. The related costs of employment are at the same level as typical employment contracts. As a consequence, employers and the National Labour Inspectorate (PIP) suggest reducing the cost of employment related to “light work”.

Light work is defined in **Slovakia** as activities that do not jeopardise a child’s health, safety, development or school attendance. According to the findings of all relevant institutions and authorities, legal working conditions are respected. Work must be compatible with school attendance⁵⁰ otherwise it is not permitted by the Labour Inspectorate. Even in isolated cases, where children were working without the Labour Inspectorate’s authorization, all other legal conditions were met (i.e. the work did not jeopardise schooling, health and safety or development).

⁵⁰ In Slovakia, until the Labour Code was amended in September 2007 (due to a legislative error) it was prohibited for persons aged 15 and 16 to work. The mistake was caused by legislation prolonging compulsory schooling (to end at the age of 16 rather than 15) under the Schooling Act. However, the legislator did not amend the Labour Code accordingly. Employer were not allowed to employ young persons before they reached the end of compulsory school age (except work undertaken by that person); and the Labour Inspectorates were authorised to authorize light work only to persons under 15. The situation was rectified by the amendment of the Labour Code in September 2007. Now the Labour Inspectorates are authorised to permit the performance of light work also to persons over the age of 15 before they end their compulsory schooling.

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In **Slovenia**, only about 20 percent of all authorizations issued by the Labour Inspectorate are issued with regard to children involved in so-called light work. As with the aforementioned 5,000 secondary school students working under a regime of “seasonal and temporary secondary school and college student work”, the most regular activities of children are office work, leaflet distribution, packaging etc..

According to the Labour Inspectorate’s and even NGOs’ findings, working conditions are respected, while the work carried out is compatible with school attendance and school tasks, thus not affecting schooling at all. No problems have even been identified in this field, at least not concerning children, although there have been some warnings about the negative consequences of young persons working under the legal regime of “seasonal and temporary secondary school and college student work”, especially if it is long-lasting and therefore cause for an illness. One occupational medicine specialist even claims that the group of secondary and college students is one of the most endangered groups of workers.

Generally speaking, in **Spain**, light work is compatible with school attendance. The latest figures on illegal situations detected by the Labour Inspectorate are from 2000, when 217 cases were filed. In the **United Kingdom**, this type of activity is widespread in its most common form – newspaper delivery, for example. Beyond that there is a problem of varying definitions amongst local authorities. In most cases it is not possible to say if legal conditions are respected as most young workers are not registered with their local authority and so working conditions cannot be officially checked. There may be some issues with regard to start and finish times for newspaper deliveries and safety issues arising when children are asked to collect money on newspaper rounds. Some local surveys found that between a fifth and two fifths of children doing newspaper rounds start too early (before 7am) or finish too late (after 7pm). Another survey also found a third of children working more than the maximum two hours allowed on a school day. Research into child employment and academic performance is limited but suggests that there might only be an impact on performance if there are excessive working hours.

8. Cultural, sports and advertising activities

Cultural, sports and advertising activities are the exception to the general regime that prohibits work under the age of 15, and the requirement needed to make this exemption valid with that such work is subject to prior authorisation. This guarantee may be of an administrative nature – on the part of employment, education or other authorities – or it may be based on parents’ consent. Once again, the reason behind protecting this type of work, which is generally of a sporadic nature, is to prevent such work interfering in progress in education in children under the age of 15.

The nature of this type of activity implies that there are few cases filed in comparison with other spheres or sectors of work involving children. Also, the requirement of supervision in the form of authorisation also has an impact on the marginal nature of this type of work.

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When this type of work takes place, there is not normally any abuse except in a few isolated cases. The dimensions of work carried out without authorisation would require an in-depth study.

The nature of this type of activities, which are usually undertaken within the family environment, makes it difficult to assess the frequency of non-compliance with legislation on child labour. Sports activities are often given as an example. In some areas of professional sport and in some MS in particular, there are special networks to recruit children under the age of 15, from within the Community and elsewhere (Africa, Latin America) in search of new up-and-coming sportsmen and sportswomen. These systems are difficult to assess since they generally have parents' consent who see the possibility of developing a career in a popular environment. Applicable legislation, in the form of a contract, is usually covered by civil rather than labour law, and it is directly implemented through the children's legal representatives, i.e., their parents. Private regulations (issued by private organisations and federations, clubs, and terms for participating in official competitions), are extremely complicated, making it hard to tell whether applicable legislation is always respected in practice, especially with regard to these children getting an adequate education. Very sporadic cases and some concerns voiced by different MS have been detected in this area as regards the Directive's requirements on child labour and the work of young people.

Although the administrative authorisation procedure is a preliminary method of control, some MS admit that it is practically the only method of control that is applied. Given the exiguous number of this type of activities, labour inspections usually do not control these activities. The nature of authorised cultural activities (taking part in itinerant theatre or music groups) has also been mentioned as a limitation to monitoring these activities and to guaranteeing that they do not have a negative effect on children's education.

In **Belgium**, the majority of individual exemptions for children working under the age of 15 always relates to three sectors: artistic activities, audiovisual recording work without an advertising objective and audiovisual recording work with an advertising objective. In 2005, these three sectors accounted for 94.6% of the total number of authorizations granted and 95.6% of the total number of authorized days of work. These activities cannot:

- have a disadvantageous influence on the child's development in educational, intellectual or social terms or
- endanger his/her physical or moral integrity or
- jeopardise any aspect of his/her wellbeing.

Particular rules regarding the frequency of activities are applicable for specific activities (e.g. as an actor, singer, musician or dancer for shows with a cultural, scientific, educational or artistic purpose in a theatre, opera, ballet or a circus). Rest times have to be planned during the working day and there must be a minimum of 14 hours between two working days. Activities cannot exceed 5 consecutive days and there must be a minimum of 48 hours between sets of 5 working days and the next working period.

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Compensation can be financial or material. In the first case, financial compensation has to be put away in an exclusive individualized bank account until the child is of legal age. In the second case, only gifts that are adapted to the child's age, development and education can be accepted.

There seem to be no contradictions in the development of these activities and compatibility with receiving compulsory education. According to the public administration⁵¹ that monitors compliance with these aspects, of the 7,678 days worked by children (mainly in cinema, sound recording, radio, television advertising, and other artistic activities carried out by children aged 7 to 11), 372 days caused school absence. This institution has made very few complaints in this field.

Further to the governmental Control of Social Laws ("*Contrôle des lois sociales*"), the number of complaints (i.e. requesting control on the part of Control of the Social Laws for children at work) remains very limited regardless of the origin of the complaint. There are sanctions if the conditions are not respected, and such sanctions can be given to childrens' parents, employer or any go-between or intermediary.

According to studies carried out by the UCL⁵² which approached children advertising models and their living conditions, parents recognize that their children sometimes miss school for their modelling work (56% of parents estimate that their child never misses school for modelling work, while 40% estimate that the child misses school less than once a month). However, the UCL study concludes that frequent modelling sessions cannot be carried out without reducing school attendance and stopping other hobbies. Thus, these children are at a risk of becoming gradually detached from activities of their age and of exclusion in itself.

In **Bulgaria**, exceptions are circuses, which may recruit girls for student jobs, who have turned 14 years of age and boys who have turned 13; films, theatres and other performances, which may recruit persons under the age of 15 to participate in recording, rehearsing and performing under easy conditions, in compliance with the requirements for their appropriate physical, mental and moral development. Labour terms in these cases are determined by the Council of Ministers.

In the **Czech Republic**, there is some difficulty in controlling these activities. Labour offices are responsible for providing the administrative approval of these activities and registering them where children are under 15 years old. However, it seems they have no possibility of controlling whether working conditions are strictly observed because administrative approval does not specify the place of work.

In **Estonia**, both the children's parents and the Labour Inspectorate must give their written consent for the employment of all workers aged 13 and 14. To give the consent, the labour inspector must check that all required information (including the parent's written consent) is

⁵¹ *Contrôle des lois sociales, rapport d'activités 2005.*

⁵² Faculty of Psychology and Sciences of Education (Université Catholique Louvain). 1996

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provided in the employer's request to employ a child of that age and that the nature of work is suitable for the minor. There are no known cases of abuse.

In **Italy**, the Provincial Labour Directorate authorises the employment of children in activities of a cultural, artistic, sports or advertising nature or in the entertainment sector, as long as it is not detrimental to their safety, physical and mental integrity or development, to school attendance or in their participation in occupational guidance and training programmes.

In **Lithuania**, children have to get permission from schools, parents, and healthcare institutions in order to apply for a job. This comes under employment law and is registered with the Social Security Administration. There are insufficient data on children who work in cultural, sports and advertising activities.

In **Malta**, there are no specific provisions on children models. However, derogations granted by Article 5 of the Directive have been adopted in Maltese Regulations. An employer shall apply to the Director for written authorisation to employ a child in cultural, artistic, sports or advertising activities, and the Director⁵³ may issue such authorisation, in individual cases, for the employment of a child in such activities.⁵⁴ On the other hand the Director of Education may object to such activities on the grounds that it is likely to have an adverse effect on the child's attendance at school, or on his/her participation in occupational guidance or training programmes approved by the Minister responsible for education. There have been no cases of abuse.

In the **Netherlands**, a special Code of Practice of the Labour Inspectorate sets forth the conditions under which there are exemptions on the ban of child labour. There is a mixed system of authorisation for children under 13 years old who participate in media or artistic performances. Authorisation is required by the Labour Inspectorate, however the employer is obliged to evaluate the risks for the child and to inform parents and inspectors about measures to prevent any danger. So, a mixed system of authorisation is in place with the Labour Inspectorate at the core. According to an empirical study (Tap et al., 2005) parents are familiar with the rules, although they feel that the rules are too rigid. Recently, the rules were made more flexible. Employers take good care of the children and take different measures. In the case of large media companies, the Labour Inspectorate uses so-called 'thrust exemptions' for situations in which children are exempt for more times a year, based on an activity plan. There is no information available on relevant abuse.

In the case of transfers of young football players who are immigrants, these are considered as commercial transactions. For these children there is no special regulation as is the case with children in the arts. Young, promising Dutch football players receive increasing special

⁵³ The Director referred to is the Director of Education. The employer has to carry out a risk assessment and satisfy the Occupational Health and Safety Authority that such activities are not likely to be harmful to the safety, health or development of the child.

⁵⁴ Regulation 3 (2) of Young Persons (Employment) Regulations, 2003 (Legal Notice 440 of 2003)

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school facilities: special care is taken to keep these children in normal schools but in particular schools that hold arrangements with the club, e.g. allowing and enabling young players to spend more time training, at the same time as acknowledging basic school requirements.

In **Poland**, employing a person under 16, no matter whether it is a labour or civil law contract, requires the consent of the statutory representative or guardian of the child as well as permission granted by an inspector from the National Labour Inspectorate (PIP). The labour law⁵⁵ establishes the required obligatory documents to obtain the PIP inspector's permission and the content of authorisation. There is some debate on this subject amongst some lawyers who suggest that only civil law contracts should be applied to this population group. Other suggestions refer to separate legal acts for child labour and young labour (under the age of 16).

In **Romania**, cultural, sports and advertising activities may be performed through a regime of contracts to transfer ("cesiune") the intellectual property rights children have as artists performing a play, a song, etc. Such contracts are signed by children under the age of 14 through their legal representatives (parents). Children aged 14 to 15 enter into such contracts with their parents' and administrative authority's authorisation.

In **Slovakia**, the authorisation for light child labour must be issued before the child starts to work. The authorisation is issued by the labour inspection (the Labour Inspectorate as a state administrative body) at the request of the child's parents or the future employer. Before the Labour Inspectorate issues the authorisation, it coordinates with the Regional Office for Public Health – usually both of these institutions primarily supervise the premises where the child is to work (with the aim of procuring the safety of the child) and assess whether all conditions stipulated by law are met. If the legal conditions are met, the Labour Inspectorate issues the authorisation, which contains orders for an employer (incl. maximum working hours, minimum rest, breaks, organisation of the child's work and others). Unless an employer adheres to these conditions, the authorisation is revoked by the Labour Inspectorate. The authorisation has three copies – one for parents, one for the employer and one is filed by the Labour Inspectorate. Only two out of all eight Slovak Labour Inspectorates detected any children working without this authorisation (but other conditions stipulated under the law for work of child were not breached in any of the two cases).

In **Slovenia**, the requirement is complied with since prior authorization is required from a labour inspector. The Labour Inspectorate of the Republic of Slovenia registers and approves these authorizations, which are issued on the basis of a request filed by a statutory representative. Amongst other tasks, the inspector must assess the working conditions in person and evaluate every case individually, so this is no simple administrative authorization by any means. No abuses have been detected.

⁵⁵ Labour Code (Art. 304 (5))

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Concerning children working in sports, there have been isolated cases in the past where parents could not afford to pay for medical examination, and so they asked doctors who they knew to provide medical certificates for these young athletes.⁵⁶ Moreover, in June 2007 the Ministry of Health declared that it would cover the expenses of such examinations for all registered athletes as from January 1st 2008.

In **Spain**, the Labour authority (Ministry of Employment and Social Affairs) can issue exceptional authorisation for children under the age of 16 to participate in “public shows”, as long as this participation is not detrimental to the child’s physical health or their professional and human training. The authorisation must be requested by the child’s legal representatives and authorisation must be granted in writing. Once the authorisation is granted, it is the parent or tutor’s responsibility to hold the contract.

There are no official or unofficial data that meticulously assess the matter of children working in sports. However, there are apparently isolated cases of foreign children who play sports (from Africa, Latin America, etc.), who arrive at a very early age and spend almost their entire time doing sport. A large percentage of these children do not continue in this profession and do not have guaranteed progress in their education.

In the **United Kingdom**, the requirements regarding cultural, sports and advertising activities are similar to those for other forms of employment. The child should be registered with the local authority for this activity. Surveys indicate that compliance with this requirement is poor, perhaps as low as one in 10 of those who should be registered. This means that again there is concern that abuse may exist but it is not possible to monitor it effectively.

The situation of young sportspeople from overseas, primarily footballers, has emerged as an issue in a small number of highlighted cases. The focus, however, tends to be more on the unscrupulous way wealthy clubs try to attract and retain these young players rather than on issues of education.

⁵⁶ With two cases of deaths of two young football players (aged about 20) during training due to congenital heart disease, which was previously unknown due to the absence of a special medical examination, the Ministry of Education and Sport started a campaign to improve the system of medical examinations for athletes, i.e. that all athletes in national sport’s leagues have to pass a special medical examination in order to be able to register in those clubs.

The complex environment of authorisations for sport/labour activities of young persons

Parents' authorisation to carry out sports activity is a time-old problem which clashes with the international regulations of institutions in charge of organising and managing sports competitions. The doubtful compatibility of high-level competition sports requiring many hours of training at an early age, such as rhythmic gymnastics, with attendance in compulsory education is well known. This occurs not only in sport but also in artistic disciplines such as circuses or other itinerant shows (large theatre groups, etc.) which include children of several nationalities.

In the case of sport, the most outstanding case is football, but it is not the only one. Apart from large European clubs that have solved the school attendance of young talents under the age of 16 enrolled in their lower divisions to be trained in sports, the reality is that the signing and transfer market in the EU, both within the Community and from outside the Community, shows a lack of equilibrium and some borderline cases. There is no absolute certainty that Community and national legislation that establishes a relationship between the prohibition to work, with exceptions, and school attendance is always one hundred per cent complied with. Cases are known in which legislation has been turned around to turn labour relationships into other types of contracts or, simply, bilateral agreements between parents and sports clubs that include non-monetary transactions (regarding medical care, etc.)

According to the FIFA regulation on the protection of young persons, international transfers are only allowed when the player reaches the age of 18 (article 19 of the Regulation on the Statute and transfer of players). However, there are three exceptions:

- a) if parents change their address to the country where the new club is based for reasons not related to football.
- b) if the transfer is carried out within the EU or the EES and the player is aged between 16 and 18.
- c) if the player lives at home at a distance that is less than 50 km. from the national border and the club of the neighbouring association is also located less than 50 km. from the same border.

9. Young immigrant persons

EC Directive 94/43/EC is implemented territorially and hence it is also applied to the employment of extra-Community citizens "...having an employment contract or an employment relationship...".

Although equal opportunities between national and immigrant workers are promoted, in some MS which receive immigrants from within the Community or elsewhere, young immigrants are in a position of relative weakness in their employment. In Greece, Italy, Spain, United Kingdom and Ireland young legal and illegal immigrants alike are considered to be at a greater risk of having their rights to working conditions violated. In general, these situations are closely linked to forms of irregular work and the underground economy.

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There are no data on working conditions of young immigrant persons from inside and outside the Community in comparison with national young workers. In **Greece**, one survey carried out by Arsis⁵⁷, at the end of the 90's found that up to 150,000 young persons under 18 work across this country as authorities are unable to stamp out child labour. They are children who left school early or never went to school at all (gypsies, immigrants and refugees), and minors who work evenings, weekends and holidays, as well as attending school. Children normally work in afternoon hours or at weekends often with the consent of their parents after school has ended for the day.

In **Italy**, according to certain figures and studies, it can be concluded that young immigrant workers are more likely to be employed in more hazardous and harder labour activities, especially in sectors such as agriculture, construction or peddling.

In **Spain**, although there are no specific figures, both the Labour Inspectorate and results of certain studies that have dealt to some extent with this issue suggest that it is the immigrant collective that mainly suffers from irregular employment relationships and working conditions.

However, this risk is not found in other enlargement countries which are potential producers of emigrants, such as **Poland, Bulgaria or Romania**. In other MS the immigrant population is very small. For example in 2002, young immigrant persons accounted for just 0.3% of all immigrant workers with work permits on the Czech labour market. Likewise, the number of immigrants in the Baltic countries is negligible.

In **Austria**, young foreigner workers⁵⁸, even if irregular or illegal, are not a matter of major public concern.⁵⁹ Young migrants have more problems at school than Austrians. The drop-out rate of pupils with a migration background stands at 26 % compared with the drop-out rate amongst Austrian nationals of just 9 %. Young migrants mostly attend schools that lead to lower qualification levels. In addition, young migrants have more problems to access apprenticeship and they are at a higher risk of unemployment than Austrians of the same age.

⁵⁷ Arsis, an organisation which protects youngsters, collected the data in cooperation with the National Centre for Social Research (EKKE), the National Statistical Service and Panteion University.

⁵⁸ In 2004, the total population of people with non-Austrian citizenship amounted to 776,100 (annual average), i.e. 9.5 % of the total population. As of 1 July 2005, there were 506,200 foreigners from non-EU countries, and approximately a quarter of them were under 18.

⁵⁹ Source: European Foundation for the Improvement of Living and Working Conditions: Employment and working conditions of migrant workers, Dublin 2007.

Young buskers

The presence of buskers who include children and young persons in their shows has been reported in several MS. This urban landscape is quite usual in large central and southern European cities. Migrant street musicians are often migrant children. They usually come from Eastern Europe in a family context and try to earn some money for their families by playing music in the streets. Children say they are not forced to act in this way. They are expected to work for their family and say they play voluntarily and enjoy playing the whole day. Parents claim they will let them keep doing so, irrespective of whatever regulations, because they do not have any other source of income.

In **Germany**, more than 6.7 million persons are foreigners (2004), accounting for 8.1 % of the total population. The age structure of immigrants is younger than the total population. In 2004, more than 95,000 of immigrants were under 18.⁶⁰ As regards immigrants, the level of academic achievement is on average lower than achievement amongst German nationals. However, there are differences between immigrant groups. The unemployment rate for young migrants is considerable higher than for Germans. In North-Rhine Westphalia, the biggest of the *Länder*, 22.2 % of migrants aged 15 to 24 years are jobless compared with 12.5 % of persons without migrant background having no job (2005).⁶¹ In addition, the risk of young migrants suffering poverty is much higher than for Germans. About 43 % of persons under 18 with a migration background have an aggravated risk of suffering poverty compared with only 15 % of Germans without migration background suffering the same risk.

In **Malta**, a high influx of immigrants from outside the community (most of them boat people from Sub-Saharan Africa) is a recent phenomenon. The few who are under 18 can get a work permit if they are given refugee status or temporary human protection. According to anecdotal evidence, these immigrants tend to work in menial jobs and sometimes in the irregular economy where conditions tend to be below minimum standards.

In the **Netherlands**, the same rules apply to young native workers as they do to young immigrants providing that the latter have either a residence permit or a work permit. Immigrants without such permits are not allowed to work in principle. Those who seek asylum and are being considered for asylum status are allowed to do temporary work or to work in the context of learning the domestic language. Similar rules to ordinary workers' rules therefore apply.

In **United Kingdom**, no surveys have been conducted to provide any clear conclusions in this area. The Scottish Executive survey did not cover the migrant worker issue but did

⁶⁰ Data collected by European Foundation for the Improvement of Living and Working Conditions: *Employment and working conditions of migrant workers*, Dublin 2007.

⁶¹ Ministerium für Arbeit, Gesundheit und Soziales des Landes Nordrhein-Westfalen: Sozialbericht NRW 2007, Düsseldorf 2007, p. 296, 300f.

identify the fact that within some ethnic groups children were involved in harder work than children in general.

10. Safety and Health of young people at work

As a starting point, it is necessary to fall back on data provided directly by Eurostat. The table below shows evolution in accidents at work for young workers (under 18 years of age) from 2000 to 2004. The figures show that the number of accidents at work for this age group decreased considerably from over 45,000 in 2000 to roughly 30,000 in 2004. The same tendency applies to fatal accidents at work, which halved from 26 to 12 within the same period. But data provided by Eurostat also show the problems of investigation on a European level. For example no figures are available for this age group in Germany, the largest Member State. Thus, approximately 20,000 accidents have been excluded and, as a consequence, the assessment of these figures is not necessarily reliable.

However, despite these doubts, the **evolution of the number of accidents** at work is positive in principle. For EU-15 in general, the number of accidents at work for young persons under 18 years of age decreased by 33 % from 2000 to 2004. The total number of accidents at work in EU-15 decreased from 4,815,629 to 3,976,093 (- 17 %) in the same period. Regarding young workers this progress is not, however, reflected in all MS. A few Member States such as France, Denmark and Ireland recorded an increase of accidents at work within this period. Denmark and France only underwent a slight increase at least. However, other MS report remarkable decreases of accidents at work, such as the Netherlands (- 85 %), Greece (- 59 %), Finland (- 56 %) and Italy (- 52 %).

Statistical information available at a European level

Collecting and analysing statistics on occupational safety and health of young workers under 18 at a European level is quite frustrating. One seemingly adequate source is the European Agency for Safety and Health at Work (OSHA) and the Risk Observatory. Main sources of this Observatory are the European Statistics on Accidents at Work and the Labour Force Survey, both provided by Eurostat, and the European Surveys on Working Conditions conducted by the European Agency for the Improvement of Living and Working Conditions. OSHA has recently published a report with facts and figures on occupational safety and health of young workers focusing on the age group of persons under 25 years. This report contains some information on the group of under 18-year-old workers.

The share of young persons under 18 who were injured by an accident at work shows a decrease from 0.95 % in 2000 to 0.77 % in 2004.

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Table 10.1- Number of accidents at work with at least three days of absence in EU-15 for persons under 18 years of age (in total and fatal accidents), years 2000 to 2004.

| | 2000 | | 2001 | | 2002 | | 2003 | | 2004 | |
|-----------------|--------|-------|--------|-------|--------|-------|--------|-------|--------|-------|
| | total | fatal | total | fatal | total | fatal | total | fatal | total | fatal |
| EU 15 | 45,881 | 26 | 42,927 | 24 | 41,439 | 25 | 33,536 | 24 | 30,865 | 12 |
| Belgium | 1,083 | 0 | 1,015 | 0 | 895 | 0 | 698 | : | 705 | : |
| Denmark | 755 | 0 | 915 | 0 | 804 | 1 | 678 | : | 758 | : |
| Germany | 0 | 0 | 0 | 0 | 0 | 0 | : | : | : | : |
| Ireland | 55 | 0 | 203 | 0 | 102 | 0 | 151 | : | 120 | : |
| Greece | 101 | 0 | 101 | 0 | 89 | 0 | 89 | : | 41 | : |
| Spain | 9,540 | 7 | 8,250 | 3 | 11,639 | 8 | 5,948 | 6 | 5,879 | : |
| France | 8,738 | 4 | 9,261 | 1 | 10,014 | 2 | 9,538 | : | 9,144 | : |
| Italy | 8,332 | 6 | 6,828 | 11 | 5,457 | 6 | 4,620 | 7 | 3,995 | : |
| Luxembourg | 98 | 0 | 118 | 0 | 114 | 0 | 83 | : | 78 | : |
| The Netherlands | 5,823 | 3 | 5,098 | 3 | 1,500 | 3 | 1,198 | : | 870 | : |
| Austria | 4,131 | 2 | 3,790 | 1 | 3,627 | 4 | 3,559 | : | 3,809 | : |
| Portugal | 0 | 0 | 0 | 0 | 0 | 0 | : | : | : | : |
| Finland | 384 | 1 | 352 | 2 | 279 | 0 | 156 | : | 168 | : |
| Sweden | 121 | 1 | 148 | 0 | 92 | 1 | 82 | : | 80 | : |
| UK | 6,720 | 2 | 6,847 | 3 | 6,828 | 0 | 6,738 | : | 5,218 | : |

Source: Eurostat.

The **incidence rate** can be calculated using Eurostat figures. Since 1995, rates have decreased for all workers and for the age groups of workers under 18 and workers aged 18–24 years.⁶² However, the incidence rates for the two age groups are contradictory: the incidence rate of non-fatal accidents at work was more than 40 % higher among those aged 18–24 years. But the rate calculated for workers under 18 years is much lower than for the age group 18–24 years. In addition, the incidence rate for workers under 18 years is remarkably lower than the rate of the total workforce. Presumably, data used for the calculation of incidence rates for workers under 18 years show substantial deficits.⁶³

Regarding **fatalities** among young workers, data are provided by Eurostat and presented by the abovementioned report of the European Agency for Safety and Health at Work.⁶⁴ In 2002, young workers aged up to 24 years accounted for 8.9 % of all fatal accidents at work in the EU-15. A total of 25 fatal accidents were reported for young workers under 18 years.⁶⁵

⁶² European Agency for Safety and Health at Work. European Risk Observatory Report. OSH in figures: Young workers – Facts and figures. Luxembourg 2007, p. 134.

⁶³ Ibidim. The report of the Agency does not treat deficiencies and methodological problems of data used in a sufficient manner but refers to methodological papers (see also p. 172f of the report). Quality of data processing and presentation must be assessed as suboptimal.

⁶⁴ European Agency for Safety and Health at Work. European Risk Observatory Report. OSH in figures: Young workers – Facts and figures. Luxembourg 2007, p. 139f.

⁶⁵ Due to the small numbers it is needless to calculate any incidence rate.

A **sectoral breakdown** of occupational accidents shows a higher incidence rate for young workers in all sectors.⁶⁶ Especially in construction, agriculture and manufacturing, young workers are at a greater risk compared with the average worker.

Some data on accidents at work at a national level

This section presents national pictures. As far as possible they follow the same structure with information on the total number of accidents at work amongst young persons, socio-economic structure of accidents at work including their severity, comparison with the overall workforce and the evolution of accidents in recent years. The picture is, however, very heterogeneous. Statistical samples are often insufficient and, consequently, comparisons between countries or even groups of MS are not possible. Hence, the effort to present an overview on the situation in the European Union leads to a patchy and incomplete picture, but clearly a better picture than the one drawn up from available data at a European level.

Main data sources are the national monographs delivered within the framework of this study. The original source of information used in these reports is cited. The aforementioned report of the Bilbao-based Agency also contains some valuable information. This report is also cited, but not its original sources.⁶⁷ Information on MS is presented in alphabetical order.

In **Austria**, the number of accidents at work of young persons aged 15–17 showed a slight increase from 6,519 in 2002 to 7,032 in 2006 (+ 7.9 %). Within the same period, the number of fatal accidents stood at 5 or 6 per year.⁶⁸ The proportion of male casualties accounted for 80 %. Obviously, most accidents at work amongst young persons are not very serious. At the end of 2005, the Austrian Social Insurance for Occupational Risks (AUVA) paid altogether more than 60,000 compensations to persons with a reduced earning capacity of 20 percent or more.⁶⁹ Only 189 of them were 19 years old or younger. Of this group, 116 persons received compensation for reduction in earning capacity of a maximum 25 %.

From 2002 to 2006, the distribution of accidents per industry calculated on the basis of all accidents at work for 15–18 year-old Austrians showed that the construction industry (28.1 %) and the manufacturing industry (27.2 %) were at the head of the list of accidents at work followed by wholesale and retail trade (19.7 %). These three industrial sectors accounted for three quarters of all accidents at work. In addition, the tourist branch of hotels and restaurants (8.7 %) showed a remarkable proportion of accidents at work. The European Agency for Safety and Health at Work⁷⁰ states that from 1995 to 2003 the number of accidents at work requiring three or more days of absence for under 18 year-olds fell from

⁶⁶ European Agency for Safety and Health at Work: OSH in figures: Young workers – Facts and figures, Luxembourg 2007, p. 142ff.

⁶⁷ Original sources are not cited because there seem to be some errors in citation. For example, the source for working conditions in Germany is not correct. The cited source (e.g. in footnotes 257, 240, 184, 160 etc.) does not correspond to the information presented in the text.

⁶⁸ Source: Austrian Social Insurance for Occupational Risks (AUVA) which is not responsible for all employed Austrians, but more than 90 % of accidents at work are registered by the AUVA.

⁶⁹ Source: Austrian Social Insurance for Occupational Risks (AUVA): Jahresbericht 2005, Wien 2006, p. 98.

⁷⁰ European Agency for Safety and Health at Work. European Risk Observatory Report. OSH in figures: Young workers – Facts and figures. Luxembourg 2007, p. 135f.

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9,812 accidents (1995) to 3,559 in 2003. Additionally, 20–25 year-old employees had fewer accidents compared with their younger colleagues (8.9 % compared with 6.2 %).

According to Eurostat, the number of accidents at work in **Belgium** fell from 1,083 in 2000 to 705 in 2004, i.e., a fall of approximately 35 %. From 2000 to 2002, no fatal accident was reported⁷¹. Three sectors were at the head of the list in Belgium⁷²: construction, transport and the auxiliary transport services. Even though recent years have shown a reduction in frequency and severity rates, the number of serious accidents that could have been prevented by installing adequate means of protection remains high.

In the **Czech Republic**, as regards annual information on accidents at work, the State Labour Inspection Office and the Czech Mining Office monitor and evaluate accident records sent to them in compliance with the corresponding provision in the Labour Code. In the last ten years, the absolute number of work accidents of young employees (up to 18 years) has decreased, mainly owing to a decrease in the number of these employees to less than one-sixth of the total workforce.

There has been a significant fall in the frequency of work accidents as a percentage of the number of young persons in that age range. In 1994, 2,397 work accidents amongst young persons were registered, i.e. a rate of 6.61% compared to the all-state average of 2.19 % in the same year. In 2005, accidents amongst young workers only accounted for 1.39% of accidents amongst young persons, calculated on a basis of only 98 registered accidents at work. Due to the significant fall in the total number of young workers, this figure is not very convincing and not comparable with the overall accident rate. Fatal work accidents of young employees are extremely rare. The last case was reported in 1998. The statistics of work accidents amongst young persons kept by public institutions are not classified by gender. Causes of work accidents are not registered separately for young persons either.

Considering that most young persons are employed in the manufacturing industry, the highest proportion of the total 121 reported work accidents in 2006 occurred in this branch of industry, as expected. A relatively high number of work accidents amongst young persons was also reported in the branch of mining, food services and accommodation.

In **Denmark**, 3,431 industrial accidents were reported amongst under 18-year-olds for the period 2000–2005. The majority of accidents at work occurred amongst 16 and 17 year-olds (2,800). There is a remarkable number of unreported accidents at work since the statistics on industrial accidents only include reported accidents. Actual numbers are higher. Studies show that approximately 50 % of incidents are not reported.⁷³ Another 174 cases of work-

⁷¹ Data are not available for the following years.

⁷² The ranking was determined by taking into account the number of accidents with temporary incapacity and the number of days lost following the accident. Data were adjusted according to the volume of employment in each sector.

⁷³ A doctor ought to report work-related illness, but a considerable proportion is probably not reported. Cases for age groups under 18 years are not included, because generally employment statistics for these age groups are not reliable. Arbejdstilsynet: *Anmeldte arbejdsskader 2005 – Årsopgørelse 2005*. At-rapport 2, 2006.

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related illnesses were registered within the same period, mostly affecting 16 and 17 year-old workers (148).

The Danish Working Environment Authority (Arbejdstilsynet) defines *industrial injuries* as an umbrella term for industrial accidents and work-related illnesses. In 2005, 566 industrial injuries were reported for young persons under 18 years of age. In 75 of these cases (about 13 %) the industrial injury was serious, not including death. Most industrial injuries occur within the first month of employment. In the period 1993–2005, one to four incidents reported per year stated industrial injury as the cause of death of a young person.⁷⁴

In the Baltic state of **Estonia**, a total of 7,019 accidents at work were reported in the years 2005 and 2006. Only 48 accidents occurred amongst young persons, i.e. less than 1 % of all accidents at work. One of the accidents was fatal. In relation to the total number of 15–18 year-old workers, approximately 1 % of workers in this age group were affected by an accident at work in 2006. In the same year, only one accident at work of a minor under 15 years of age was registered. The majority of accidents at work (2005–2006) occurred in the manufacturing industry followed by hotels and restaurants, wholesale and retail trade, and the construction sector. However, the proportion of unreported accidents at work is probably high because employers face financial disadvantages (e.g. covering medical costs).

For **Finland**, the Agency's report says⁷⁵ that the occupational accidents statistics indicate that young workers have a greater risk of meeting with occupational accidents than older workers. In 2002, the incidence rate for those accidents at work leading to disabilities lasting at least three days per 1,000 wage earners was 30.9 among those aged 15–24 years, while the rate for all age categories was 27.9.

In **France**, the latest statistics related to occupational accidents and their causes was compiled in 2005.⁷⁶ With regard to age, the figures show that older workers have fewer work-related accidents than younger workers. However, they are more often involved in the most serious accidents including fatalities and accidents causing permanent disabilities. On the other hand, other work-related accidents ("only" causing absence of at least one day in addition to the day of accident) especially affect employees aged 15 to 19 years. Notably, persons aged 15–19 years represent 1.5 % of the workforce (2003) but 6 % are involved in other work-related accidents. In 2005, young workers aged 15–19 years were involved in 42,118 accidents at work included in the category "other occupational accidents" compared with a total number of 699,217 accidents. Apprentices are apparently less affected by work-related accidents compared with other workforce groups. In 2005, 399 accidents amongst

⁷⁴ In general, the Danish Trades Union Congress (LO) states few serious cases but many cases with unacceptable incidents such as breach of rules or improper training of young persons. Some of the serious accidents could, therefore, have been prevented by a better introduction into the job. Many accidents occur during the high season when many young persons are hired but not trained properly.

⁷⁵ European Agency for Safety and Health at Work. European Risk Observatory Report. OSH in figures: Young workers – Facts and figures. Luxembourg 2007, p. 136.

⁷⁶ See Présentation annuelle maladies professionnelles, accidents du travail, accidents de trajet, année 2005, Direction des Risques Professionnels, CNAMTS, 2006.

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apprentices led a permanent disability (462 in 2004/ total number: 51,938) and 21,297 “other accidents” (total number: 699,217).

In **Germany**, the number of accidents at work amongst young persons subject to compulsory reporting (aged 14–17 years) fell from 31,272 in 1996 to 17,338 in 2005 in the industrial branches,⁷⁷ i.e. a fall of approximately 45 %.⁷⁸ The majority of accidents at work did not cause serious injuries. In the same year, only 72 persons in this age group received a new industrial disability pension⁷⁹ due to a reduced earning capacity of 20 percent or more. Moreover, the Federation registered only three fatal accidents in this age group.

The majority of accidents occurred in the following four branches of industry: retail trade and administration (31.3 %), metallurgy (18 %), food (17.4 %), and construction (16.3 %).⁸⁰ Regarding the age group of 14 - 17 year-olds, these four branches of industries account for 83 % of all accidents at work.

Figures on occupational diseases for young persons aged under 18 years are either unreliable or incomplete. According to information available from the German network website, the number of acknowledged cases of occupational hearing loss for persons under the age of 20 amounts to five cases in the period 1994–2003.⁸¹ The German Federation of Institutions for Statutory Accident Insurance and Prevention has launched a campaign for the prevention of skin diseases. Young workers are one target group, since the Federation explains that this group has more skin problems than older workers. The Agency report provides the following information on occupational diseases.⁸²

- Respiratory diseases: the second-largest proportion of occupational diseases among young workers is due to allergic diseases of the respiratory tract (5.6 % for the 15–19 age group).
- Skin diseases: From 1980 to 2004, by far the largest proportion of confirmed cases of occupational diseases among employees aged 15–19 years involved skin diseases (90 %). The figures for all other categories of occupational diseases were substantially lower.

⁷⁷ Without agriculture, forestry, fishing and the public sector.

⁷⁸ Source: German Federation of Institutions for Statutory Accident Insurance and Prevention which covers the large majority of accidents at work.

⁷⁹ i.e., the consequences of an occupational accident being sufficiently severe to result in compensation payment, for the first time within the reporting year, in the form of a pension or lump-sum settlement, or the payment of a death benefit.

⁸⁰ Due to historical reasons, the subdivision of branches do not correspond with the NACE-Code.

⁸¹ Risk observatory at the European Agency for Safety and Health at the Workplace, Bilbao.

⁸² European Agency for Safety and Health at Work. European Risk Observatory Report. OSH in figures: Young workers – Facts and figures. Luxembourg 2007, p. 154f.

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In **Greece**, the number of accidents at work of persons under 18 years of age amounted to 41 in 2004. With regard to the total of 34,370 registered accidents at work, this only accounts for 0.1 %.⁸³

The Agency report states that in **Hungary**⁸⁴, in the case of young workers, rates of serious and fatal accidents are 2 % higher, and total accidents around 6 % higher than for the 15–64 age group.

For **Ireland**, data provided by Eurostat show that 55 accidents at work were reported for persons under 18 years of age in 2000. In 2004, 120 accidents were reported for this age group, representing a considerable rise (+ 118 %). From 2000 to 2002, no fatal accident was reported.⁸⁵ However, data are not very reliable, so the falling tendency cannot yet be confirmed.

According to data provided for **Italy** by Eurostat in 2004, accidents at work amongst young persons under 18 years of age amounted to 3,995. With regard to the total of 588,152 reported accidents at work, this accounts for just 0.7 %. Compared with the figures provided by the Italian Workers' Compensation Authority (INAIL), these figures are an underestimation. For 2005, INAIL registered a total of 10,144 accidents at work amongst young persons under 18 years in the industrial, commercial and service sectors i.e. a share of 1.2 % of all accidents at work registered by INAIL. During night-work (22:00 pm to 6:00 am), 113 accidents amongst young persons under 18 years were reported. The majority of accidents at work amongst young persons were registered (2005) in the industrially developed North-East (5,079 accidents) and North-West (2,038) amounting to a total of 79 % of all registered accidents. However, the extent of under-reporting is enormous, mainly due to the huge black and grey economies.

For **Latvia**, the State Labour Inspectorate reported 3 accidents at work for the age group of 15–18 year-olds in the first half of 2006, and 3 cases in the first half of 2007. Of them, there was one severe accident in 2006 and none in 2007. The young workers group had no fatal cases. Mass media reported about two fatal accidents of minors in August 2006, while none were reported in the previous year. The Inspectorate reported no cases of occupational diseases amongst minors as a result of work in 2004, 2006, and 2007. Within a four year period, only one case of occupational disease was registered in the age group of 18 years and under (2005). For Latvia, however, only scarce information regarding occupational safety and health is available for young persons. Therefore there is a prevailing impression of notable under-reporting.

In the so-called general branches in **Luxembourg** which account for 77 % of all accidents at work, young persons (20 years and under) suffered 763 accidents at work in 2006, i.e. 3.5 %

⁸³ Source: Eurostat. There appears to be a remarkable amount of under-reporting.

⁸⁴ European Agency for Safety and Health at Work. European Risk Observatory Report. OSH in figures: Young workers – Facts and figures. Luxembourg 2007, p. 137.

⁸⁵ Data are not available for the following years.

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of all accidents at work.⁸⁶ Seven thereof occurred amongst children aged 11–15 years (inclusive), i.e. a proportion of only 0.9% of the total of 763 accidents. From 2002 to 2006, the number of accidents at work decreased in the branches covered by the Association for Insurance against Accidents (AAA) from 1,418 to 763, i.e. a reduction of 46 %.

In the **Netherlands**, systematic overviews regarding accidents at work have been available since 2003.⁸⁷ Figures for 14 year-olds are only partially available. Unfortunately, 2 fatal accidents amongst 14 year-olds were registered in 2004. Statistical data for the age group of 15–19 year-olds found 5,200 accidents at work in 2004 leading to injuries and time off work. A further 130 accidents leading to hospitalisation and 3 fatal accidents in this age group were registered.

Data from the annual “monitor” show that young workers aged 15–19 years run a certain risk of being injured or having an even more serious accident at work, but the risks are lower than in other age categories, in particular in the ‘next stages’ of 20–24 and 25–30 year-olds. Compared with the previous year, data for 2004 showed a positive tendency, although it is not clear if this tendency is incidental or structural. In the category of 15–19 year-old workers, the total number of accidents with injuries decreased from 6,300 in 2003 to 5,200 in 2004. Consequently, the number of accidents at work per 100,000 workers (in this age group) decreased from 1,300 to 1,100. In the category of accidents at work leading to hospitalisation, the figures decreased from 260 in 2003 to 130 in 2004. But the number of fatal accidents increased by one case from 2 in 2003 to 3 in 2004, although this cannot be characterised as a tendency.

Statistics in **Poland** distinguish between accidents at work outside the agricultural sector and accidents at work in agriculture. In the general economy without agriculture the number of accidents at work of young persons under 18 years of age decreased considerably from 1,009 in 1995 to 169 in 2004, i.e. a decrease of 83 %.

According to the analysis of occupational safety and health conducted by the Ministry of Labour and Social Policy in 2005, the risk of accidents at work for young persons remains very high. The younger a worker is and the shorter the term of employment, greater is the risk of being involved in an accident at work. Data provided by the National Labour Inspectorate (PIP) confirm a high risk of having an accident at work for young workers with short-term employment.

In the agricultural sector, the risk of having an accident at work remains very high for both children and young persons, and the accident at work figures for these groups do not follow the general tendency. The total number of accidents at work in agriculture decreased from

⁸⁶ The general branches are most industrial branches, not including agriculture, forestry, public services etc. Source: Association for Insurance against Accidents (AAA).

⁸⁷ Data from different sources – a.o. National Bureau of Census CBS, Labour Inspectorate – are brought together in the annual monitor ‘Accidents at work’, which is published by the Dutch research institute TNO and is commissioned by the Ministry of Social Affairs.

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57,041 in 1995 to 32,564 in 2006 (- 43 %).⁸⁸ But the number of injured children (under 15 years) increased from 1,071 in 1996 to 1,397 in 2003 (+ 30 %). Although these two periods diverge, exact data shows that occupational safety and health of young persons in the Polish agricultural sector is quite poor.

The largest number of young workers injured in accidents at work outside the agricultural sector was recorded in the following branches of industry: manufacturing, construction, trade and repair, hotels and restaurants. The Agency's report states a decreasing number of accidents at work affecting workers younger than 20 years⁸⁹.

In **Slovakia**, the number of work injuries of young workers under 18 years is low. According to statistics provided by the Labour Inspectorate, 165,723 work injuries occurred in the last ten years (1996 – 2005), and 1,443 thereof affected young persons under 18 years of age, i.e. 0.8 %. The number of fatal accidents at work (6 persons, i.e. 0.5 % of all accidents) and of accidents causing serious injuries (19 cases, i.e. 0.8 %) is small.

In **Slovenia**, the Labour Inspectorate provides statistics on accidents at work. In recent years, the number of accidents at work of young persons has decreased from 29 in 2004 to 24 in 2006, accounting for 0.2 % of all accidents at work, compared with the total number of accidents at work, which increased by 12.5 % within the same period. In the age group of 18 years and under, approximately half of the injured persons were 17 years old. 86 % of injured persons under 18 years were male. Comparing the two parameters relating to the share of young persons in employment relationships in the total number of employed persons (0.002 % in 2006) and the share of work accidents involving young persons in the total number of reported work accidents (0.17 % in 2006), it can be seen that the risk of young workers is above average. Work related accidents of workers aged 15–19 years mostly result in minor injuries.⁹⁰ Half of all reported accidents at work (under 18 years) occurred during manufacturing activities. More than 11 % of reported accidents at work occurred in the area of construction, except in 2006, when no young workers were involved.

However, the figures should only be used for guidance purposes because comparative analyses cannot be performed. A research study carried out in 2006 found that young workers aged 15–19 years are at a threefold risk of accidents at work compared with older workers.⁹¹

In **Spain**, data for 2006 reveals that of a total of 911,561 accidents at work, 16 and 17 year-old workers suffered 10,138 accidents at work, i.e. 1.1 %.⁹² Most injuries were not very serious: 10,076 (99 %) were minor injuries and only 58 accidents at work had serious consequences. In addition, 4 fatal accidents at work were registered for this age group. The

⁸⁸ Data provided by the National Labour Inspectorate.

⁸⁹ European Agency for Safety and Health at Work. European Risk Observatory Report. OSH in figures: Young workers – Facts and figures. Luxembourg 2007, p. 137f.

⁹⁰ Ibidem.

⁹¹ Teržan, M.: Zdravstveno stanje mladih delavcev v Sloveniji, Delo and varnost, No. 5 (2006), pp. 5 – 7.

⁹² Source: Anuario de Estadísticas Laborales y de Asuntos Sociales, Ministerio de Trabajo y Asuntos Sociales.

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proportion of female casualties accounts for 13.5 %. In 2006, none of the fatalities were female.

However, statistical data on the evolution of the number of accidents at work over the last years in Spain is not consistent. Since 1998, the number of accidents at work in the 16 and 17 year-old working age group compared with the previous year shows increases and decreases alike. No homogenous tendency can be observed. Since 2000, however, there were more years with decreases than increases, and only from 2002 to 2003, a slight increase was observed. On the other hand, the total number of accidents at work increased from 1997 to 2002, and the number remained on a high level in subsequent years.

In **Sweden**, a total of 170 accidents at work were reported amongst workers under 18 years of age for the period of 2004–2006. 54 accidents were reported in 2006 (32,000 among all age groups), i.e. 0.2 %. However, the statistics for this year are not yet complete, so data cannot be compared to previous years. In 2005, 52 accidents were reported (33,000 among all age groups), a decrease compared with the 64 reported accidents in 2004 (34,000 among all age groups). Men have the largest share, accounting for 103 of the 170 accidents (61 %). The accidents referred to are accidents resulting in sick leave.⁹³

In this period (2004 – 2006), the sectors reporting most accidents were: the construction sector, hotel and restaurant sector, as well as the grocery, beverage and tobacco manufacturing sector. The jobs that were mostly involved were warehouse assistants, kitchen and restaurant assistants, garden workers, and carpenters working in construction. Young persons under 18 years of age working in agriculture were most notably exposed to risks, and within the sector an estimated average of three youngsters per year were killed in accidents.⁹⁴

In the **United Kingdom**, the Health and Safety Executive is the main national body responsible for the enforcement of health and safety legislation, including the provision of relevant statistics. In the fiscal year 2004/05 for the age group of workers under the age of 20, a total of 4,734 accidents at work were reported including two fatal injuries. The age group of 16 years and under reported 21 accidents at work. In the following period (2005/06), a total of 4,228 accidents at work were suffered by workers under the age of 20, 5 of which were fatal. 30 injuries were reported in the under-16 age group.

Some sporadic local surveys on working schoolchildren have tried to elicit information on safety issues. A Low Pay Unit study found that one in three school-age workers suffered injury at work. A survey in the London Borough of Greenwich found that 78 % of working schoolchildren aged 10–15 years were working illegally. Over a third had had an accident while working. In addition, the European Agency for Safety and Health at Work report⁹⁵

⁹³ Swedish Work Environment Authority.

⁹⁴ Source: The Federation of Swedish Farmers.

⁹⁵ European Agency for Safety and Health at Work. European Risk Observatory Report. OSH in figures: Young workers – Facts and figures. Luxembourg 2007, p. 138.

found that the rate of overall workplace injury is 37 % higher for young workers aged 16–19 years than the rate for the total workforce.

Young persons working in family farming

A relatively high level of participation in agriculture has been reported in several MS, especially in MS that still have a high proportion of employment in the primary sector (Poland, Romania, Bulgaria, and other new MS). Although the work is generally undertaken in the family sphere, the everyday nature of this work in rural areas means that work is often carried out as a community, and hence young persons will occasionally work on other farms apart from their own family farm. This high level of participation of young persons in agricultural and cattle-breeding activities entails serious safety risks.

The reasons for this high-risk situation in the agricultural sector lie in outdated and ineffective farm machinery, seasonal jobs performed in poor weather conditions, deeply ingrained habits and outdated working methods of older farmers, hindering the use of the latest technological developments. Similarly, the low profitability of agricultural production on many farms fails to enhance the level of safety at workplaces. Very often, unsupervised children and those helping out with different farm work are victims of work accidents. The fact that children work in agriculture is explained by the low level of mechanisation, shortage of workers, and the deep-rooted tradition that child labour on farms is a widely-accepted practice.

11. Youth employment policies and contracts for young people

Under the auspices of the European Union, active national employment policies have sought to incorporate young people onto the labour market. As a consequence of these measures and the pressure exerted by the need to make the European economy more competitive in a globalised market, the MS have introduced flexible contractual forms that have added their *atypical* effect to the effect of measures aimed at favouring the entry of young people onto the labour market. The result is therefore the appearance of many new and diverse contractual forms which are job-specific. They vary considerably depending on whether the approach is focused on making contracts more flexible or whether they have the objective of protecting and reinforcing the need for an ordered transition *from and within* compulsory education – or once this has ended – to the job world.

Training and apprenticeship contracts

In several MS (**Austria, Bulgaria, Czech Republic, Belgium, Estonia, France, Germany, Hungary, Italy, Lithuania, Portugal, Romania, Slovakia, Slovenia, the Netherlands, United Kingdom**) training and apprenticeship contracts are common and often used as an option to enter the labour market as a sideline, or following secondary or higher level education. The range of these contractual relationships is constantly changing and new forms

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have appeared in the last few years. In **France**, there are an increasing number of types of fixed-term contracts to promote training and employment (contracts of qualification, professionalisation, youth contracts etc), within the categories that are most affected by unemployment. The specific nature of these contracts is to entitle the employer to be eligible for government subsidies.

The general objectives of these contractual relationships are to promote the training and work experience of young workers and students, as well as entry or re-entry of disadvantaged persons on the labour market. It is hard to find common features of these national measures, because national legislations and different forms within some legal systems tend to be heterogeneous in the following areas:

- a) The names of these contracts vary greatly: training, apprenticeship, scholarship holder, teaching practice, insertion, juvenile workers, work-and-learning contracts.
- b) Legal relationships and labour law protection: There may be an employment relationship (**Austria, Bulgaria, France, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, The Netherlands, United Kingdom**), or a special, legal, non-employment relationship (**Austria, Belgium, Czech Republic, Hungary, Ireland, Luxembourg, Portugal, Slovakia**), in which case labour law protection is often limited.
- c) Eligible workers: mostly students and persons at the start of their career (**Austria, Czech Republic, Estonia, Germany, Hungary, Italy, Luxembourg, Poland, Romania, Slovakia, Slovenia, The Netherlands, United Kingdom**), or a wider category including younger and older workers (**Belgium, France, Germany, Italy**),
- d) Length of employment: Some are limited in time (**Austria, Hungary, Romania, Slovakia**) and others are not limited (**Austria, Belgium, Czech Republic, Germany, France, Slovenia, The Netherlands, United Kingdom**), some are of a fixed term or are indefinite (**Poland, Slovenia**).
- e) Remuneration: contracts may be unpaid (**Austria, Germany**) or mostly paid with a low salary (**Austria, Belgium, Bulgaria, Czech Republic, France, Germany, Hungary, Italy, Lithuania, Romania, Slovakia, Slovenia, The Netherlands, United Kingdom**),

Some national experiences

In **Austria**, there are both typical and atypical apprenticeships:

- a) Typical apprenticeships usually start after school attendance at the age of 14 or 15. They are characterised by the duality of practice in the undertaking where the apprentice is trained and theory in an occupational training college, leading to a final apprenticeship examination. These apprenticeships are fix-term, government-regulated, paid and subject to a special labour law act. At the beginning of the apprenticeship there is a

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three-month probation period by law; after this period, early termination is only currently permitted in exceptional circumstances or by amicable agreement. From 2008 onwards, an amendment to the Apprenticeship Act allows dismissal once a year after an obligatory mediation process between the apprentice and their instructor. These apprentices are fully covered by statutory social insurance.

- b) In addition, there are other atypical training contracts such as school practice agreements or voluntary service agreements with little pay (“pocket money”) or even no pay. These atypical contracts are common. Contracts without pay are admissible, as long as the unpaid service is stipulated explicitly. There is no personal subordination, compulsory attendance, or any obligation to work. Therefore there can be no claim for payment. In practice these volunteers are often used as unpaid and non-insured employees. Labour law contains no specific regulations on internships, but the inherent aim of apprenticeship justifies fixed-term employment and therefore prevents illegal consecutive fixed-term contracts from occurring. Since the insurance system only refers to wage-earners, unpaid trainees are only covered through statutory accident insurance. Definitions and stricter regulations, and stricter control of the real intention behind the engagement are urgently needed, in order to avoid further circumventing labour law benefits within this imprecise legal situation.

In **Belgium**, it is possible to combine school with training in an undertaking in the following ways:

- a) Industrial training: a youngster can receive training in specific companies under a special contract similar to an employment contract. There is a probation period, the student can be dismissed, the contract may be breached and the student can receive compensation.
- b) Apprenticeship: training and counselling of self-employed workers under regional regulations.
- c) Teaching practice contracts: the trainee acquires experience by working and is paid for the work.

In **Bulgaria** the apprenticeship contract binds the employer to train the novice while working in a specified profession or speciality; and the novice to master it. The contract sets down the forms, place and duration of training, which cannot be longer than 6 months, the compensation due to the parties in the event of non-performance as well as other issues related to the training. The contract sets forth the trainee’s mandatory period of work with the employer after successful completion of the training course, and the employer is obliged to provide work in accordance with the qualification acquired. This period is a maximum of 3 years. During training, the trainee receives labour remuneration in proportion to the work done but not less than 90 per cent of the minimum work salary decreed for the country. The parties to an employment relationship may enter into a contract for higher qualification training of the employee or for training in another profession or speciality (re-training). This contract stipulates the profession and speciality in which the employee is to be trained. The

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contract may also provide an obligation of the employee to work with the employer for a fixed period, but not longer than 5 years.

In **Italy**, an apprenticeship contract has a training content: the employer undertakes to pay the worker a wage while providing suitable vocational training. The purpose of this type of contract is to deliver alternating school/work training. In 2003 legislation was passed to define the different modalities of this contract, each serving different purposes. The training contract (*contratto di formazione-lavoro*, CFL) is a fixed-term contract for subordinate employment by which young workers aged 16 to 32 can be hired. Since the end of 2004, the CFL can only be stipulated by the public administration. On the other hand, the work-entry contract is a training and work arrangement that is specific to the private sector, which lasts between nine and eighteen months, and is not renewable. To some extent, the work-entry contract has replaced the CFL. Its purpose is to enable the labour-market entry or re-entry of certain categories of persons through an individual plan to adapt of their occupational skills to a particular work context.

In the **Czech Republic** and **Slovakia**, training contracts cover internships under specific agreements between educational institutions and enterprises for undergraduates, which is part of certain study programmes. The form of these internships differs according to the type of institution. Some enterprises offer long-term employment contracts to internship pupils and those who have previously had part-time contracts. Paid internships are considered to be employment contracts. Remuneration is established by specific agreements between educational institutions and undertakings, including working conditions and working hours. Remuneration in undertakings is governed by wage agreements.

In **Germany**, an initial training contract has to be entered into for apprenticeship. The legal provisions governing contracts of employment are of application in these initial training contracts, providing that it is compatible with the nature and purpose of the contract. Unpaid insertion contracts are only allowed if the employee does not owe any specific performance and the contractual relationship is short-term. The crucial question to ascertain the difference between employment on probation and insertion contracts is whether or not the relevant person is under the direction authority of the employer. Training contracts are partly considered to be contractual relations of their own kind. From another point of view, they are seen as normal employment contracts with special rights and obligations on the side of the employee. Usually, remuneration is agreed upon; however, it takes a form closer to an allowance or to maintenance assistance. Unlike current initial training contracts, former training contracts did not necessarily lead to a job afterwards.

In **Lithuania**, training contracts fall within the scope of labour law with an essential condition of remuneration. If individuals are paid for their activity, it is presumed to be a labour law contract, and it must therefore be laid down in accordance with the requirements of the legal provisions of labour law. If contracts do not include a remuneration clause they do not fall into the scope of labour law.

In **the Netherlands** two types of training contracts can be used. The first are work-experience contracts, which are usually not real employment contracts; duration is short, work is unpaid, the focus is on training, tasks are often not clearly specified, and schools take

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part in supervision. The second type of training contracts is apprenticeships, which are usually dual work-and-learning contracts, signed by employers and schools (plus the students/employees). These are paid in accordance with normal wage levels, entail specific tasks, supervision is provided by the company, and labour law is nearly fully applicable. Contracts are usually fixed-term contracts, and their term covers the duration of the education.

In **Romania**, the apprenticeship contract is a fixed-term employment contract (from 6 months to 3 years), where the apprentice is obliged to follow professional training and work for a salary. The rules of standard employment contracts are applicable. The employer is obliged to register at the labour inspectorate. The apprentice is an individual aged between 16 and 25 years who does not hold a qualification for the activity to be performed.

In **Slovenia**, a law or branch collective agreement may provide that a person who starts to work at a certain level and type of professional qualification for the first time must enter into a contract of employment as a trainee in order to gain the skills to carry out their job independently. The length of a traineeship is up to one year, depending on the employee's level of qualification/education. Training contracts are ordinary contracts of employment, and they may be indefinite or fixed-term. Exceptionally, traineeship may be served without a contract of employment (voluntary traineeship) if the trainee is not entitled to salary or other employees' rights. The contract of the voluntary traineeship must be entered into in writing.

In the **United Kingdom**, preparation for skilled manual labour through established apprenticeship schemes has more or less ended. From the 1980s onwards there have been a series of government schemes providing alternatives to formal apprenticeships. This shift coincided with employers' suggestions to move to alternatives to formal apprenticeships, particularly in a period where significant job losses made traditional schemes a burden. Formal apprenticeships carried a specific contractual status. An apprentice had very important rights to job protection, while being trained. This meant that it was difficult for any employer to terminate an apprenticeship prior to its completion. Changes in government targets for a significant increase in the numbers of young people going into further education, may also have contributed to a fall in the number of young people seeking formal apprenticeships. The current government scheme is called the Modern Apprenticeship. This is a combination of at-work and in-college training, where an external trainer provides training, while work experience is supplied through the employer. In 2002 there were just over 100,000 individuals on Modern Apprenticeships, mostly in hospitality and business administration. Those employed on Modern Apprenticeships have recently been held to have the same contractual status as those on formal apprenticeships. However, where the training contract does not involve a duty to perform work, but consists mainly of the individual observing work, there may not be an employment contract at all, and this means that there is no enforcement of employment-based rights.

12. Labour inspections and control activities

This chapter contains information on the activities of labour inspections in the MS, namely the number of inspections carried out in the field of child labour and work of young persons. It includes the number and type of irregularities and violations of regulations – where such data have been properly collected and are available. In some MS, labour inspections provide valid information on working conditions for this age group which is presented too. Information was available for the following MS.⁹⁶

In **Austria**, labour inspectors observed altogether more than 83,000 violations against health and safety regulations in 2005.⁹⁷ Among them, there were 1,110 offences against the protection of young persons. In addition, there were six cases of prohibited child work. The number of sentences resulting from violations of protection regulations for young workers is not available. In 2005, most violations against the rules to protect young workers were reported in the “hotels and restaurant” sector (56 %), followed by “retail, vehicle repair and consumer goods” (19 %). In the same year, offences against regulations regarding breaks and rest periods, night time peace, prohibition of working on Sundays and weekly free time headed the list of violations (602 cases), followed by offences against the maximum daily working time (254 offences). Violations against the duty to keep a register of young workers were down in comparison with the previous year (199 offences compared with 225 in 2004). Moreover, 55 violations against the regulations of prohibited or restricted work were observed. Figures from 2005 and 2004 show that “minor” violations such as non-existing (or insufficient) registers of young persons and posting of working time regulations account for a remarkable part of all violations.

In **Belgium**, even if strong rules on child and young persons labour do exist, frequent non-compliance has been identified, especially in the collective of young persons aged between 15 and 18.

Indeed, the number of working hours, age, and kind of work done are frequently breached in general for apprentices and students. Nevertheless, these situations are very difficult to control and to estimate.

In **Bulgaria**, a national campaign called “Control on the observation of Labour Code regulations, related to the protection of minor workers” was carried out in the summer of 2006. In this context, 4,098 inspections were conducted in the whole country in co-operation with the Police and other institutions. During the campaign, the inspectors uncovered 24,467 breaches of law. Ten per cent of the total number of breaches (2,432) were related to underage workers, as follows: 1,311 related to health and safety working conditions (8.16 % of the total); 440 related to the duration of holidays; 76 related to night work; 30 related to the duration of the working day; 4 related to no working permits and 4 concerned the hiring

⁹⁶ For this chapter, the Agency report does not provide any valuable information.

⁹⁷ Not including labour inspectors responsible for the transport sector, agriculture and parts of the public sector. See Bundesministerium für Wirtschaft und Arbeit: Die Tätigkeit der Arbeitsinspektion im Jahr 2004, Wien 2005, p. 14, 53.

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of minors under 15 years of age. Most of the breaches of the Law for Health and Safety Working Conditions of Minor Workers were detected in the hotel and restaurant sector (78 %).

In the **Czech Republic**, the control of labour conditions for children who are allowed by employment offices to perform economic activities corresponds to labour inspectorates. Operating since 2005, neither the regional labour inspectorates nor the State Labour Inspection Office have yet carried out an inspection focused on compliance with the children's working conditions within the scope of their work.

According to the experience of regional labour inspectors in charge of monitoring compliance with regulations concerning young person (15 – 17 years), infringements are only observed in exceptional cases. The number of Labour Code violations relating to young persons is also minimal. The majority are violations concern night work prohibition or imposing overtime hours on a young employee. Labour inspectorates, however, do not carry out systematic goal-directed monitoring in the sector of young employees. Consequently, these cases are only found only at general, irregular, random controls by labour inspectors in individual regions. Only work accidents amongst young persons that are subsequently processed and evaluated by statistics are subject to consistent and systematic registration by labour inspectorates.

The area where most breaches of labour conditions occur is in occasional jobs carried out by secondary-school students, who earn extra money in this way while studying at secondary school. It mostly concerns weekend and summer jobs, but there is no register of these activities. Quite a considerable part of such work takes place within the informal labour market, which helps employers to lower their work costs.

In **Denmark**, the Danish Working Environment Authority has no particular focus on the situation of children and young persons.⁹⁸ Problems have been identified in the part of the retail trade that is unrelated to large companies and also in the hotel and restaurant trade. Such problems focus in particular on pay, contracts and working hours. Often the young people are trapped, as they initially want to work long hours to make a lot of money fast, but later they feel that it is too hard. Many accidents occur in the high season, where many young people are hired but not trained properly. Jobs in tourism are particularly focused in the high season, e.g. at restaurants and pizza outlets. Injuries are found in all types of trades. A range of problems in the work place are especially found in five trade groups: Transportation of goods, shops, supermarkets and warehouses, hotels with restaurant and finally bread, tobacco, chocolate and sugar products.

In **Estonia**, the Labour Inspectorate checked compliance with the requirements of legal acts governing employment relationships in 2,861 cases and in 1,878 companies in 2006. Employers were issued 1,279 writs on violation of the requirements governing employment relations. There is no breakdown of data on violations involving young workers, and there

⁹⁸ Arbejdstilsynet: Arbejdstilsynets årsrapport 2006, 2006.

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have not been any special inspection campaigns regarding minors' work relations or working conditions.

In **France**, the annual reports of the Labour Inspectorates provide information on the number of infringements notified by labour inspectors. The latest available data corresponds to 2004⁹⁹ and some data are directly related to young persons or children. Most of the reports made by labour inspectors were related to compliance with specific regulations on protection of health and safety of women and young persons. Other reports were related to compliance with regulations on working time and night work as well as the minimum employment age.

Some studies carried out at local level provide more accurate information on working conditions of apprentices in France. In particular, one analysis was carried out by occupational physicians in the West of France from 1997–1999.¹⁰⁰ This study focused on a third of the apprentices under 18 years. Their average age was 16.6 years and they were employed in trade and industry (especially catering with 36.6 %). The main findings of this study were that labour law provisions were often infringed, especially those related to working time.

The **German** labour inspectorates of the *Länder*, which are in charge of inspections and monitoring the law protecting children and young workers, reported 3,796 violations of OSH-regulations¹⁰¹ in 2002 and 3,006 violations in 2003.¹⁰² Only a part of the *Länder* provides records on the nature of these offences and, consequently, no total figures are available. The most-commonly breached regulations are daily working time and resting time; prohibition for young persons to work more than five days a week; work on Sundays and public holidays; work of children and young person of school age (in compulsory education); duty to instruct young workers and permission required for children to participate in cultural events.

Data on labour inspections in **Italy** from 2003 state that during 3,000 inspections of enterprises, 3,979 minor workers were found. 1,678 of them (42 %) had irregularities or breaches of regulations related to the employment of young persons. In several cases, there were offences against more than one regulation. The commonest violation of the 2,963 recorded were offences against the minimum age for employment (242 offences), medical surveillance (1,238), as well as breaks, rest-time and holidays (637). In principle, these

⁹⁹ L'inspection du Travail en France en 2004, rapport au Bureau International du Travail, Ministère de l'Emploi, du Travail; et de la cohésion sociale, mai 2005.

¹⁰⁰ See Une analyse des conditions de travail dans une population d'apprentis de moins de 18 ans, Documents pour le Médecin du Travail, n°91, INRS, 2002.

¹⁰¹ OSH is the national occupational safety and health (OSH) system. Considering that Germany is a federal state, at least three levels have to be distinguished: the Federal level ("Bund"), the *Länder* level, and the level of communities. The latter consists of municipalities and districts. In general, all three levels have independent rights and duties. In specific cases, however, as defined by the constitution, the higher levels can issue instructions to the lower levels. The authority to enact laws, ordinances and other regulations lies mainly with the federal level. The responsibility for inspection of workplaces lies with the *Länder* and at a community level. Bund, *Länder* and communities form the so-called 'direct-state' or 'federal state' which is one pillar in the German OSH-system at a national level.

¹⁰² Source: Deutscher Bundestag, Drucksache (printed paper) 16/2886, p. 5, 9.

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results were confirmed by data for the following year when 4,931 minors were found during the course of inspections and a total of 1,854 offences was registered, including 174 breaches of the minimum working age.

In **Latvia**, young people at work are at risk of accidents and injuries regardless of whether they are working legally or illegally. The reason is that there is insufficient knowledge on labour legislation on the part of young people and their families. Young workers are not informed about dangers at work, and they agree to work in workplaces without previous preparation. The risk is higher amongst young workers employed in simple jobs. For instance, young persons have had accidents and injuries in sawmills, painting jobs, in construction or in toxic plants in outdoor cleaning jobs.

In **Malta**, the number of infringements (30 in 2006) relating to child labour reported by the labour inspectorate is considered to be the tip of the iceberg by persons involved in children's rights. Several experts and stakeholders confirm this.

In the **Netherlands**, a study¹⁰³ compared empirical data on the risks at work and well-being and absenteeism at work amongst young workers with the same data amongst older workers. Data were taken from a large survey of the Dutch working population. A representative sample was taken consisting of almost 10,000 workers who were interviewed. Amongst them, there were 520 workers in the age group of 15 – 19 years. According to these data, risk reports of young workers do not differ much from those of older workers. In most cases, they report risks to a lesser degree. Only risks entailed in heavy loading and cutting work are signalled more frequently by young workers. There is a difference, however, as regards type of contract. Far more young workers have a temporary work contract.

Labour inspectors from **Poland** point out the high risk of having an accident at work for young workers with short duration of employment (outside the agricultural sector). They also emphasise the importance of large-scale educational and preventive initiatives. An analysis of the circumstances surrounding the accidents shows that the most frequent causes of accidents at work are:¹⁰⁴

- the absence of persons supervising young workers when an accident happens,
- the lack of risk assessment with reference to the job performed by the injured workers, or the risk assessment not taking into account the threats related to a job,
- the lack of preventive measures to reduce the risk,
- the lack of safety rules at the workplace with regard to instruction and training.

In its annual reports, the National Labour Inspectorate analyses working conditions in agriculture. Special attention is paid to the problem of children involved in accidents in

¹⁰³ Smulders, 2005.

¹⁰⁴ Balasińska-Świtkowska E., Młodzi w wypadkach przy pracy – działania prewencyjne potrzebne natychmiast, "Bezpieczeństwo Pracy", nr 5, 2006.

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agricultural work. In 2005, inspectors recorded 1,864 cases of children helping their parents-farmers in farm jobs. Despite a reduction of nearly 300 cases compared with 2004, these children perform jobs prohibited amongst young persons, such as driving farm vehicles, operating stationary machinery, labour-intensive manual work related to loading and unloading of heavy bales of straw. In 2005, inspectors also recorded a substantial percentage of children not doing any farm work but accompanying their parents while the latter were working (928 cases).

In **Romania**, controls carried out by the Labour Inspection over the past years (2001-2003) within the Campaign for the elimination of child work¹⁰⁵ revealed some cases of young persons being employed in breach of legal provisions, either by violating the prohibition of employing persons under 15 years or by non-compliance with legal provisions on young person's working conditions. For example, in 2003 alone, a total of 80,289 employers with 3,030,337 employees were inspected. 222 young persons (aged 5–15 years) were found to be in breach of legal provisions, mainly in the industrial branches of agriculture, fruit growing, wine production, forestry, street trade, construction, markets, fairs, services (guards, car service, car washing, hairdressing), warehouse supermarkets, textiles, leather goods, footwear, public food outlets (bars, restaurants, patisseries, bakeries).¹⁰⁶

In **Slovakia**, the Labour Inspectorate inspected 196 workplaces employing 3,634 young workers under the age of 18 in 2006. According to the findings of the Labour Inspectorate,¹⁰⁷ most breaches detected were in the field of management of safety and health at work (399 problems). The most common breach in this field was no policy (95 cases) or no up-to-date policy on "Safety and health protection at work", which must be drawn up by each employer for each workplace. This problem is mainly observed in small and medium enterprises but also occurs at some schools. Many employers explain that drawing up this policy only gives them extra bureaucratic work and increased expenses. Further common breaches are no regular training/ information sessions on safety and health at work/ in the workplace by employers. Other violations of regulations protecting young workers concern night work, working environment, working conditions, record keeping and other administrative duties.

The Labour Inspectorate also detected serious breaches of safety regulations, as regards workplaces used by high schools for work experience or vocational training of students (as part of schooling) which were equipped with machines that had faults or were in poor working order.

In **Slovenia**, labour inspectors detected 4 offences in 2006 and 3 offences in 2005 connected with child labour. As regards provisions on working time, rest and night work, no violations

¹⁰⁵ The Campaign has been carried out since 2001 due to the International Programme on the Elimination of Child Labour <http://www.inspectmun.ro/problematika%20eliminarii%20muncii%20copilului.doc>.

¹⁰⁶ However, the number of breaches detected is extremely low compared with Labour Inspectorate data of Slovakia on the same page (399 problems in 196 companies with 3,600 workers) and of Spain on the next page (157 cases of breaches in 938 workplaces). These big differences question the reliability of data.

¹⁰⁷ Under the auspices of the "European week of safety and health protection at work".

involving children were observed in 2006 or 2007.¹⁰⁸ Regarding young workers, labour inspectors detected 4 offences against provisions regarding rest, breaks and working time and 4 offences against night work in 2005. Very often provisions on rest are violated by secondary school students under 18 years, because the employer does not provide a continuous 48-hour break per week. This mostly occurs during summer holidays.

In **Spain**, in 2000 and 2001 a total of 938 workplaces with young workers were inspected. The authority detected 157 cases of breaches relating to the employment of 217 young workers. In Spain, however, the evolution of the informal economy suggests that cases of abuse are actually higher than this figure.

In 2006, the Work Environment Authority in **Sweden** launched an inspection campaign to investigate the working environment of young persons aged 16–24 years who had a summer job. The inspections focused on the following sectors: retail; fast food chains; car repair shops; transport manufacturing, and personal care assistance. Unfortunately, no conclusion to the inspections' outcome or results was available for this report.

13. Some explanations on the use of lawful and unlawful work amongst young people at work in the EU

Child and young workers must be studied within the social context as a whole: school, family, labour market, lack of resources, new complex challenges regarding growth and the need for training, labour "culture", territory and one's own living environment.

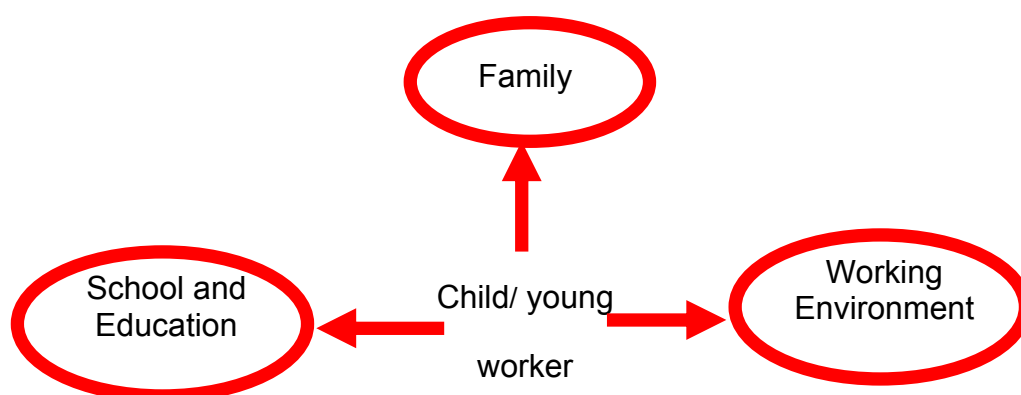
There are multi-factor, multi-dimensional and multi-directional characteristics in child and young workers (under 18 years of age) and in both age groups (under 15, and 16 - 17). This type of work is dominated by the presence of three dimensions in the minor's identity and the relationship between them: a) the economic environment in which the work is carried out; b) the family and c) the school and the education system.

The minor has a different relationship with each area: with the family, where key emotional and educational bonds are formed; with the school, which is the most important social context that builds the minor's socialisation process; with the work environment, which is the setting where the minor does his/her job (labour activity, modalities, working hours etc.).

The first step to studying child and young workers in Europe is to examine the relationships that exist between these dimensions, as shown in the diagram below.

¹⁰⁸ Letno poročilo Inšpektorat za delo Republike Slovenije za leto 2005, p. 120; www.id.gov.si/fileadmin/id.gov.si/pageuploads/Splosno/POROCILO_2005.pdf and Sonja Konestabo, M. Sc., op. cit.

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These three major areas or dimensions interact with each other and combine depending on different complementary factors: cultural factors such as imitating consumer behaviour; predominant productive economy (monoculture) in the territory; lack of mechanisms for intergenerational social class mobility; unappealing formal labour market; links between the education system and labour opportunities; population distribution between rural and urban areas, etc.

Compulsory education

Young population and school attendance

With regard to the relationship between the education system and young people, the situation in the EU MS is also diverse. European statistics are available on education attainment. These data can be analysed from the table showing the percentage of young people aged between 18 and 24 who do not continue their education and obtain a school certificate equivalent to the lowest level of secondary education.

The average proportion of early school leavers in Europe is 15.3 percent. This proportion reflects the percentage of the population aged 18-24 with lower secondary education at most, who do not go on to further education or training. Here, it is reasonable to focus on the 18-24 year-old group because lower age groups would not show the ultimate proportion of early school leavers. Table 13.1 provides an overview of the situation, including the proportion of the population that completed upper secondary education at least.¹⁰⁹

Table 13.1 – Early school-leavers and youth education attainment level in EU 27, 2006

| | Total EU 27 | Males | Females |
|--|-------------|-------|---------|
| Early school-leavers* | 15.3 | 13.2 | 17.5 |
| Youth education attainment level: at least upper secondary education | 77.8 | 80.7 | 74.8 |

* Percentage of the population aged 18-24 with at most lower secondary education and not in further education or training

Source: Eurostat, ISCED

¹⁰⁹ Source: Eurostat, ISCED

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In order to guarantee that educational data are read correctly, it is necessary to include the levels established by the International Standard Classification of Education (ISCED), detailing the degree of instruction and the established age in each MS. Grouping MS together, we can distinguish three macro areas:

- The macro area that includes the new MS that accessed the EU in 2004 have a figure of 7.5% that corresponds to half the European average, with some countries placed at a third of the European average such as Slovenia (5.2%), Czech Republic (5.5%) and Poland (5.6%);
- The macro area made up of Southern Europe, which has figures that are significantly higher than the European average: Malta (41.6%), Portugal (39.2% with a particularly high figure for men at 46.4%), Spain (29.9%), and Italy (20.8%). In this area, only Greece and Cyprus show figures that are close to the European average, although they are lower in the case of women.
- The Northern Europe macro area which has figures that are below the European average.

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Table 13.2. Early school-leavers - Percentage of persons aged 18-24 with only lower secondary education who are not currently in education

| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|-----------------------------|------|------|------|------|------|------|------|
| EU-27 European Union | 17.6 | 17.3 | 17.1 | 16.6 | 16.1 | 15.6 | 15.4 |
| Austria | 10.2 | 10.2 | 9.5 | 9.3 | 8.7 | 9 | 9.6 |
| Belgium | 12.5 | 13.6 | 12.4 | 12.8 | 11.9 | 13 | 12.6 |
| Bulgaria | : | 20.3 | 21 | 22.4 | 21.4 | 20 | 18 |
| Cyprus | 18.5 | 17.9 | 15.9 | 17.4 | 20.6 | 18.1 | 16 |
| Czech Republic | : | : | 5.5 | 6 | 6.1 | 6.4 | 5.5 |
| Denmark | 11.6 | 9 | 8.6 | 10.3 | 8.5 | 8.5 | 10.9 |
| Estonia | 14.2 | 14.1 | 12.6 | 11.8 | 13.7 | 14 | 13.2 |
| Finland | 8.9 | 10.3 | 9.9 | 8.3 | 8.7 | 9.3 | 10.8 |
| France | 13.3 | 13.5 | 13.4 | 13.7 | 14.2 | 12.6 | 13.1 |
| Germany | 14.9 | 12.5 | 12.6 | 12.8 | 12.1 | 13.8 | 13.8 |
| Greece | 18.2 | 17.3 | 16.7 | 15.5 | 14.9 | 13.3 | 15.9 |
| Hungary | 13.8 | 12.9 | 12.2 | 11.8 | 12.6 | 12.3 | 12.4 |
| Ireland | : | : | 14.7 | 12.3 | 12.9 | 12.3 | 12.3 |
| Italy | 25.3 | 26.4 | 24.3 | 23.5 | 22.3 | 21.9 | 20.8 |
| Latvia | : | : | 19.5 | 18.1 | 15.6 | 11.9 | 19 |
| Lithuania | 16.7 | 13.7 | 14.3 | 11.8 | 9.5 | 9.2 | 10.3 |
| Luxembourg | 16.8 | 18.1 | 17 | 12.3 | 12.7 | 13.3 | 13.3 |
| Malta | 54.2 | 54.4 | 53.2 | 48.2 | 42 | 41.2 | 41.6 |
| Netherlands | 15.5 | 15.3 | 15 | 14.2 | 14 | 13.6 | 12.9 |
| Poland | : | 7.9 | 7.6 | 6.3 | 5.7 | 5.5 | 5.6 |
| Portugal | 42.6 | 44 | 45.1 | 40.4 | 39.4 | 38.6 | 39.2 |
| Romania | 22.3 | 21.3 | 23.2 | 23.2 | 23.6 | 20.8 | 19 |
| Slovakia | : | : | 5.6 | 4.9 | 7.1 | 5.8 | 6.4 |
| Slovenia | : | 7.5 | 4.8 | 4.3 | 4.2 | 4.3 | 5.2 |
| Spain | 29.1 | 29.2 | 29.9 | 31.3 | 31.7 | 30.8 | 29.9 |
| Sweden | 7.7 | 10.5 | 10.4 | 9 | 8.6 | 11.7 | 12 |
| United Kingdom | 18.4 | 17.7 | 17.8 | 16.8 | 14.9 | 14 | 13 |

Source: Laborsta, 2007

Early school leavers refers to persons aged 18 to 24 in the following two conditions: the highest level of education or training attained is ISCED 0, 1, 2 or 3c short and respondents declared not having received any education or training in the four weeks preceding the survey.

According to the Laborsta database¹¹⁰ on early school leavers, the most interesting figure concerns the population aged 18 to 24, living in the EU, with a low level of education and who are not receiving any type of training or instruction. Malta and Portugal followed by Spain, and Italy, Greece and Cyprus are the MS where this phenomenon has by far the most outstanding dimension. Romania, Bulgaria and Latvia complete the picture of MS with a

¹¹⁰ An ILO database on labour statistics in 200 countries.

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high percentage of young people who have dropped out of the regular education system and who hold a lower academic certificate of education. With regard to the influence of gender, the percentage of women in this age range who have a low level of education is below average in Southern (Malta, Spain, Portugal, Italy) and Eastern (Bulgaria, Romania) countries, but also in Germany and Latvia. Data show that women (13.2%) perform better than men (17.5%) in education in Europe.

Relationship between young and child workers and compulsory schooling

Most young men and women under 18 years of age, divided into two age groups (aged 15 and under, and 16 to 17) attend the different types and levels of schools in compliance with the modalities laid down by the regulatory system for each type of school. Only a small minority (the size of which often varies significantly amongst MS) are no longer in education. In this case there is a very high likelihood of a direct correlation between working and dropping out of school, and the two elements work in a circular fashion since many young people who drop out of school often start an on-going or permanent job.

At the same time, many young people who work are often forced to stop going to school in order to keep working (this figure is inversely proportional to school attendance). This means that an increased workload (in terms of working hours and working modalities) has a direct (and negative) impact on school performance and grades as well as on school attendance.

Dropping out of school is widely recognised as highly disadvantageous. There is a growing body of evidence that shows the effects and causes of such early school leaving. For instance in **Bulgaria**, an EC study linked early school drop out to illegal child labour and school standards of provision¹¹¹. In **Romania**, although compulsory education lasts for 10 years, many children drop out or do not apply to attend compulsory education. The school drop-out rate is also determined by a lack of interest in education, children preferring to work, inappropriate peer groups, as well as lack of parents' interest. School enrolment figures for Roma children are much lower than the average. It is estimated that almost 30 per cent of Roma children between the ages of seven and nine and 17 per cent of 10-16 year olds have never attended school. Roma children are especially likely to enter child labour because their parents have little interest in their schooling. They may work alongside their parents or alone, and may also have to look after younger siblings.

To the contrary, the main objective of youth employment policy in Northern Europe is to guarantee compulsory education and promote the insertion of younger generations onto the labour market. The aim is to get work through education. This questions the correlation between child labour and dropping out of school. The key variable is the continuity or otherwise of the employment relationship. In fact, only children who work on a continuous basis tend not to attend school. By contrast, children who work on a casual basis tend to continue their studies. However, even those who continue at school have difficulties, has can

¹¹¹ European Commission Directorate-General for Employment and Social Affairs, Unit E.2, *Social protection in the 13 candidate countries - a comparative analysis*, Manuscript completed in March 2003

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be seen by the indicators of repeated years and absenteeism. Work therefore does not lead to dropping out of school, but it has a damaging effect on the quality of school studies (United Kingdom).

In other MS and particularly in some regions in the South of Europe there is little confidence in the education system; people feel that schools do not guarantee quick access to the world of work. Most young people prefer low-level job-oriented vocational training which guarantees quick and secure access to jobs.

In **Luxembourg** more than a quarter of the population leaves school after primary education. Only 15 % have attended higher education. An on-going problem is the employment of early school leavers who face major problems joining the job market. In **Portugal**, the early leaving school percentage among children and young persons involved in economic activities is 10.8% and this figure tends to increase as the minor workers' situation gets worse. This means that the school drop-out percentage goes up to 12.3% amongst minors in child labour and doubles (23.4%) amongst those involved in dangerous tasks/activities. In **Malta** although statistics confirm that parents highly value their children's education, child labour may be associated with school absenteeism. Official and more importantly unofficial absenteeism particularly in state secondary schools is relatively high. State secondary schools seem to breed the ideal candidates for child and young workers. They apparently have inherited the trend of the high level of absenteeism that was associated with the phased out trade schools.

The Family

The minor's family is an important point of analysis. In particular, the family can influence the minor's decision to start working when the household/family is particularly large. The size of the family/household is an important factor that can be linked to early employment and it should be taken into account in the analysis of child/adolescent labour. Furthermore, the working minor's family often has normal features (the child lives with both parents and family relationships are neither imbalanced nor troublesome).

Although generally speaking poverty is one of the key features that drives a minor towards early employment, in the EU (even taking into account differences between MS and within the same country) economic poverty is neither the only nor the main cause of child/adolescent labour. Income is not an absolute, decisive feature. In many of these families both parents work, and sometimes even other family members work too, and these families are not in dire poverty (except in some cases). Very often the minor works to satisfy his/her own needs, following consumer models (designer clothes, mobile phones, etc.)

On the other hand, cultural poverty plays an essential role, alongside economic and material poverty. This is very often related to the culture in the minor's family which often, for example, does not consider that school plays a positive role in the minor's development and upbringing. Going out to work is very often looked on as an absolute positive value for its ability to quickly meet immediate needs. Another factor, which often has a greater impact than income, is adults' professional and educational level in the minor's family. Usually

minors start working earlier than it would be expected in view of their school attendance and performance if their parents' level of education is low.

Socioeconomic context

The European Commission Joint Report on Social Protection and Social Inclusion¹¹² highlights that in 2006 19% of children were at risk of poverty, versus 16% of the total population. In almost half the EU countries, the risk of poverty for children is above 20%, reaching 25% in Italy, Lithuania, Hungary and Romania, and 26% in Latvia and Poland. In most EU countries, children are at a greater risk of poverty than the rest of the population.

Evidence of increased risk of poverty for families with children is consistently found in the majority of new MS¹¹³. Evidence of higher risk of poverty linked to family break-up is also prevalent – particularly for single parents in all countries – but also for divorced women, and widows in **Cyprus**. Households with children account for a large proportion of all poor households, standing at over 95 per cent in the **Czech Republic**, and 44 per cent in **Bulgaria**. Single parent households are at a much higher risk of poverty than other households with children in most countries – except Bulgaria and Latvia. The reasons for these exceptions are not clear. Children in **Cyprus** are at a low risk of poverty. Between 4 to 5 per cent are poor, and their relative poverty risk is less than 1, standing at about 0.18. Similarly, in **Malta** two-parent families with children have a low incidence of poverty. Poverty is more evident in separated and widowed families with and without children.

In **Italy**, the results of one survey¹¹⁴ show that child labour is caused not only by economic but also cultural poverty. In **Germany**, there are no surveys or analyses on the correlation between poverty (or the risk of suffering it) and child and young workers. However, this does not imply that there is no correlation between poverty and young workers. Poverty amongst children is a problem¹¹⁵: 10.2 % of children are affected by relative poverty. Unemployed adult members of households is the main cause of income poverty.

In **Portugal**, the introduction of a minimum wage is considered as being instrumental in the recent reduction over the last few years, of the number of children and young people at work amongst families with serious economic difficulties. With regard to poverty, recent studies point out that not all families send their children out to work. A survey undertaken in the **United Kingdom** demonstrates that amongst poorer families it is dishonourable to have their children working and, on the other hand, families that are better off, allow and even encourage their children to have a job.

¹¹² Joint Report on Social Protection and Social Inclusion: 2007. European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities.

¹¹³ This original data and this information come from the European Commission study, Directorate-General for Employment and Social Affairs, Unit E.2: “Social protection in the 13 candidate countries - a comparative analysis. March 2003.”

¹¹⁴ Istat (Istituto Nazionale di Statistica), 2002, *Lavori e lavoretti* - Italy

¹¹⁵ Source: Bundesverband der Betriebskrankenkassen: Faktenspiegel März 2006.

Underground economy and undeclared work

The shadow economy clearly accounts for a considerable proportion of employment volume¹¹⁶. Several studies¹¹⁷ with diverse methodology have estimated the size of the underground economy in the EU. According to these calculations, the size of the shadow economy varies from one MS to another. Bulgaria's¹¹⁸ shadow economy, for example, was twice as large as that of the Czech Republic or Slovakia. The sectors that are specifically mentioned in all, or nearly all, studies and surveys as having a large share of undeclared work in the EU are agriculture, community, social and personal services (such as cleaning and care), construction and manufacturing (including the textile sector).

Obviously, data and information about sectors where children and young people are employed illegally is scarce and unofficial. In **Belgium**, there is little child labour, but illegal work is indeed undertaken by children, and it is often known to parents. The most common sectors are for example hotel/catering, retail, agriculture and horticulture, as well as the clothes industry. According to a survey carried out by Randstad¹¹⁹, a large number (13%) of students work without a contract. This figure is probably higher because moonlighting is not often admitted. The youngest students (under 18 years of age) are more affected by this situation: 28% of them work without a contract. The most-affected sectors are the food service industry and establishments which prepare and serve food and beverages, as well as the construction sector.

In the **Czech Republic**, foreign predominate amongst persons employed in the sector of informal economy, but young persons and students in general also take advantage of short-term, occasional job offers in the private sector, in order to increase their pocket money, without being liable for tax payments and other obligations related to formal employment.

In **France**, several reports by NGOs and public authorities point out difficulties related to irregular employment of children and young workers, but there is no statistical data. In **Germany**, a report on the situation of children and young persons¹²⁰ states that a lot of activities carried out by young persons is undeclared work or even forms part of the black market. The majority of young persons' jobs entail working for enterprises, newspaper and magazine deliveries, and unskilled labour in households and gardens.

¹¹⁶ A European Parliament Report states: "It is clear from all these studies that the figures for the individual countries have increased between two and three times as fast as growth in GDP. The black economy is growing much faster than the official economy". A.-K. Glase, Committee on Employment and Social Affairs, 2000. Report on the Commission communication on undeclared work, A5-0220/2000, rapporteur.

¹¹⁷ Mateman, Renoy, *Undeclared Labour in Europe*, 2001; Schneider (2002);

¹¹⁸ Schneider, Friedrich (2002), *the Size and Development of the Shadow Economies of 22 Transition and 21 OECD Countries* (IZA Discussion Paper No. 514), Bonn, June 2002.

¹¹⁹ Randstad, *Le travail des jeunes sous la loupe*, 2005, available at: www.randstad.be/_files/communique280605.pdf

¹²⁰ Federal Ministry for Family, Senior Citizens, *Women and Youth: Zwölfter Kinder und Jugendbericht - Bericht über die Lebenssituation junger Menschen und die Leistungen der Kinder und Jugendhilfe in Deutschland*, Berlin 2005.

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In **Italy**, child labour is associated with illegal employment and is part of the clandestine, underground economy. In **Latvia**, illegal employment amongst children and youths is not systematic and there are no informal networks for employing children. The typical sectors of undeclared unemployment in general are agriculture and greenhouse businesses, construction, manufacturing, and transport services. Cases of problematic child labour that were mentioned by representatives of the state institutions were found in agriculture and trade. Therefore, from an “official” point of view, illegal child work is almost non-existent or very limited, or exists in a formal legal fashion. In reality, child labour in the form of undeclared employment cannot be completely excluded, and is similar to undeclared employment of adults, characterised by work without a contract, where violation of working hours and poor working conditions are the greatest danger.

In **Lithuania** the informal economy plays a big role in forcing young persons to work illegally. It is estimated that about 15-25 percent of 13-14 years old might be working without a contract (in paid jobs) or helping parents (paid or not paid) in their jobs. Children from urban areas tend to look for summer holiday jobs. Leaflet distribution, deliveries and lawn moving are very popular activities; some children work in retail, services or as construction helpers. Children themselves look for illegal work in order to earn more money.

In **Poland**, risks related to children and young workers doing unregistered¹²¹ and illegal work hit the headlines and the media in the most extreme cases. In addition to the cases mentioned above, work involves roadside selling of mushrooms and blueberries gathered in the woods by children and youngsters living in the countryside and small towns; windscreen cleaning at junctions and petrol stations, helping out during the harvest season, and scrap metal collection.

In the **United Kingdom**, a survey of 3,000 schoolchildren in North Tyneside in 1990 by the Low Pay Unit found two-thirds working illegally, with a quarter working under the legal minimum age, 17% starting work before 7am and one in five working after 7pm.

14. Relevant measures adopted at a national level

In this review of national measures on child employment, the focus is specifically on initiatives to improve the protection of children and young people at work. We have therefore not provided much detail on projects or programmes with much broader aims such as tackling youth unemployment or improving education and training opportunities although these are likely to have an impact on the extent to which children work, particularly in illegal situations.

¹²¹ GUS latest research on grey area labour market indicates that in the first 9 months of 2004 there were 1,317 thousand unregistered workers and 1,019 thousand households benefited from unregistered work. Unregistered workers constituted over 9.6% of the entire labour force

National debates

The lack of major national debates on these issues is something that corroborates the social perception which considers this type of work as normal, or even actually positive or favourable for a young person's development. Such debates have only taken place in certain countries, such as **Bulgaria**. The topic is in the spotlight of the two biggest trade union confederations, the General Labour Inspectorate, the Bulgarian Helsinki Committee and some NGOs. In 2005, at the Commission session on problems of young people, children and sport, the president of the Confederation of Independent Trade Unions insisted that child labour exploitation exists and that measures must be undertaken to prevent it.

Also, in June 2000, the **Maltese** committee on the rights of the child expressed its concern about the phenomenon of under-age employment during the holiday season in family businesses and in tourism-related activities.

In **Lithuania**, there is an on-going social debate about allowing children from 13 years upwards to join the labour market, not only for domestic, but also light work.

In the **Czech Republic**, heated discussions were held on the subject of prohibiting child labour as set forth in the employment law¹²². Employers and union organizations operating within the cultural area were against express restrictions of child labour in the arts, cultural and advertising fields. As a matter of fact, they claimed these restrictions would actually exclude child labour in these areas. Until the implementation of the Directive and the ILO agreement, child labour was prohibited by the Labour Code, but it took place without any restrictions under Civil Law.

National measures adopted

To summarise the main national measures adopted by member states, in **Austria** various national activities were carried out as part of the 2006 campaign of the European Agency for Safety and Health at Work. For example, the "Safe Start" campaign was dedicated to young persons at the beginning of their working lives and was preceded by a similar national initiative in 1999 by the Austrian Labour Inspectorate, called "Team for Kids". "Safe Start" included lectures in schools and the organisation and management of information events and shows with examples in the retail sector, hotels and restaurants, and agriculture.

In **Belgium**, two of the main union confederations (CSC/ACV and FGTB/ABVV) have youth organisations that inform and advise young people on their rights through booklets, information in schools, websites and informative meetings.

In **Bulgaria**, the government adopted a broad strategy on the education and employment of young workers with a particular focus on increasing participation in education and in 2006 it endorsed a national action plan against the worst forms of child labour. The plan set out

¹²² Working conditions for young people had been strictly regulated in the **Czech Republic** even before introduction of the Directive.

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measures to prevent children from working in conditions that would be hazardous to their health. The social profile of working children and the consequences of child labour will be monitored and analysed. Controls will be tightened over business activities employing children. Ministries and agencies will join forces against hidden child employment.

In the **Czech Republic**, various campaigns are taking place aimed at increasing the knowledge and awareness of health and safety regulations by employers, young employees, schoolchildren and parents. The Czech Republic supported the European Agency for Occupational Health and Safety's year of action on young workers and the national safety agency drew up the so-called Ten Commandments of occupational safety for young workers and Ten Commandments of safety for pupils doing occupational or practical training. The campaign also monitored employers and highlighted those deemed to be "safe enterprises" for young workers. The agency has also run a competition to make a short documentary, story, TV advertisement, report, musical or animated film about the health and safety of young people at the workplace. At a regional level, in 2007, Prague's labour inspectorate planned the first in-depth inspection of working conditions for children. This is because Prague is the main centre of activity for the employment of children in cultural activities, advertising, sporting agencies, modelling and similar activities.

In **Denmark**, in 1996, the government undertook an action programme that aimed to achieve a safe working environment. This had a particular focus on improving the working environment for young employees (under 18) in the leisure industry. The initiative found that many workplaces lacked knowledge on the rules regulating employment of children and young people but as a result of the campaign there was a fall in the number of reported industrial injuries for young people under 18 years of age. Furthermore, it was concluded that most companies hire young people over the age of 15. Between 1996 and 1998 industrial safety organisations compiled information and advice on the employment of children and young people in different sectors and then in the period up to 2005 initiated 120 projects linked to the national action programme.

The Danish Trades Union Congress set up a "job patrol" that visits workplaces during the summer to talk to young people about their working conditions and inform them of their rights. The job patrol has no authority, but is still welcomed in most workplaces. Where employers systematically breach the rules, the job patrol will sometimes alert the local media giving the offending company negative publicity.

In **Estonia**, national measures undertaken include the activities of the labour inspectorates in monitoring the employment of young people, carrying out state surveillance of employment relations, occupational health and safety and informing the public of the relevant rules and regulations. Draft legislation has been prepared to rectify the problems with protection of young workers and working time restrictions.

In **France**, in 2006, there were several initiatives aiming to raise awareness among young workers and employers about occupational health and safety issues, in support of the campaign by the European Occupational Safety and Health Agency. In a specific initiative, the Mutualité Sociale Agricole (social insurance provisions in agriculture) has set out a global action plan for the period 2006-2010 in order to improve the health and safety of

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employees in agriculture. The first step focuses on the dissemination of information related to occupational risks amongst young persons.

In 2004 the French government launched a national plan aiming to improve the fight against illegal work and in 2006-2007, the National Commission for the Fight against Illegal Work (Commission Nationale de Lutte contre le Travail Illégal) has planned to increase controls carried out by the Labour Inspectorate. In 2005, the Inspectorate concentrated its investigations on sectors such as building, hotels and restaurants, agriculture, retail trade and entertainment and it has carried out information campaigns on illegal work, especially in sectors such as entertainment, agency work, agriculture and services for individuals.

In **Germany**, there have been a number of initiatives that focus on safety at work with a Protection of Young Persons at Work Award given to young persons who contribute to improving safety at work, while vocational training schools run a campaign called “Youths want to live safe and self-aware” with the motto “new job – safe start”. In the agriculture sector with a lot of small and owner-managed enterprises, the German Federation of agricultural statutory accidents insurance agencies started an information campaign titled “Safe and healthy children on farms”. The campaign aims to inform and advise adults on all relevant aspects of health and safety for children (of all ages) living and working on farms. Several information campaigns and single information brochures aim to improve the situation of holiday jobs. For example, the German Federation of institutions for statutory accident insurance and prevention and also the Länder publish a lot of material for pupils, parents and especially employers who are often not aware that this group is subject to specific as well as global safety regulations.

The German federal government has set up a working group with representatives of the Länder in order to assess the need for any legal changes relating to child employment. The main points of discussion are child work in the cultural and media-sector, working hours, breaks and rests, shift work, working on Saturdays and Sundays and medical examinations. At present, legal amendments or changes seem unlikely.

In **Ireland**, the Health and Safety Agency (HAS) launched a new education module, “Choose Safety”, in 2007 aimed at providing an introduction to health and safety issues in schools. Farm safety is a specific issue addressed by the government through the issue of a new safety guide by the HSA, *Children and safety on farms*, in 2007.

In **Latvia**, in 2004 the Children’s Rights Protection Inspectorate began a project to encourage schools to get young people involved in work during their summer holidays as a part of their education. The aim was to keep children busy during the summer months and provide them with a degree of financial independence while introducing them to the world of work. Initially aimed at children aged 15 and over, it was extended to 13 and 14-year-olds in 2007. The total period of employment was limited to two months so that schoolchildren could have at least one month free. The children are employed on the basis of tripartite job contracts, which are signed between the employer, the child and the State Employment Agency.

The State Employment Agency finances schoolchildren’s wages by up to 50% of the national minimum monthly wage and covers other employer expenses. Approximately

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12,000 children were involved in summer work in 2006 – almost four times more than in 2004 (3,200). According to data from the State Employment Agency, 7,780 schoolchildren worked in this project, 1,554 of whom were in the 13-14 age group, and 6,226 were aged 15 and over.

The program will continue in 2008 and the plan is to set up a website where vacancies for children will be placed, and to encourage local authorities to facilitate the employment of 13-14-year-olds. Employers are also being encouraged to enter into working contracts without the intermediation of the State Employment Agency.

In **Lithuania**, the government has established a Youth Labour Exchange. Although this is primarily concerned with tackling youth unemployment, it also participates in national and local programmes linked to youth labour problems and prepares information and training material.

In **Luxembourg**, the Ministry of Work, through the Labour and Mines Inspectorate (ITM), and the Ministry for Social Security, through the “Association d’assurance contre les accidents” (AAA - the Association for Insurance against Accidents), developed a number of campaigns directed at young workers during the European Week for Safety and Health at Work 2006. This included an awareness-raising campaign held on the Internet (website Safestart.lu), in schools and in the press. Subsequently, they took part in the Student Fair (November 9-10) with an information stand and the organisation of a round table. The AAA, in conjunction with the Ministry of National Education and Vocational Training, also organised a competition on health and safety at work for students. The Labour and Mines Inspectorates has published information on occupational safety and health of young people.

In **Malta**, the main initiatives specifically on protecting young workers include a “Safe Start” campaign as part of the European initiatives in 2006, along with Good Practice Awards intended to encourage employers and workers to follow good safety and health practices to safeguard young workers at work.

In the **Netherlands**, the Dutch government’s child labour action programme of 2001 included a number of measures such as monitoring of working time regulations and working conditions; inspection of holiday employment by the Labour Inspectorate and a range of information and education activities. These activities consisted of an information package for schools and pupils, a general brochure about child employment in different languages, a health and safety booklet about ‘Youngsters and work’, special leaflets for holiday workers, and a digital office especially for young workers. A government research project on the subject has examined whether existing regulations are appropriate, recommending for instance that regulations for children in media and artistic performances could be made slightly more lenient. However, the general conclusion was that although offences against the rules are regularly reported, there is no need for major changes.

The Labour Inspectorate provides information and promotes safety awareness among employers, young workers and parents. Its website sets out the rules on child employment, obligations for employers and the enforcement policies of the Inspectorate. It has a special Internet site with standards for risk assessments and evaluation procedures for small and

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medium enterprises, targeted at different sectors; these standards contain sections about special measures for young workers.

Every two years since the 1990s the Labour Inspectorate has organised a major inspection project in the summer to monitor the working hours and conditions of employment of holiday workers. They are published in the media and often attract a lot of attention among the public. The Inspectorate has the impression that these actions have made a substantial contribution to safety awareness and protection of young workers.

Trade union websites often provide specific information on the rights of young workers and specific safety rules. For a number of years now, every summer unions have run campaigns to encourage holiday workers to report their experiences and complaints. Data from telephone calls and emails are analysed and reported to the government, Labour Inspectorate, employers and unions in different sectors as well as the media.

As regards health and safety, most sectoral agencies do not focus specifically on young workers but there have been some examples such as a safety handbook for student workers in the technical installation sector and an information brochure for workers under 18 developed by ABU, the employers' association of the temporary work agency sector.

In **Poland**, the National Labour Inspectorate (PIP) has undertaken educational initiatives on safety in agriculture in cooperation with the Polish Scouting Organization (ZHP). These kinds of initiatives are also supported by a range of NGOs and trade unions. In 2006, PIP prepared a campaign focused on young workers starting their first job "Young workers –safe start" in cooperation with the European Agency for Safety and Health at Work. A number of steps were also taken to enhance the safety of children helping in harvesting work. For instance, the media published an "Appeal of the Chief Labour Inspector to Farmers" and the list of jobs denied to rural children under the age of 15. The Agricultural Social Insurance Fund (KRUS) provides a list of 23 particularly hazardous agricultural jobs that must not be carried out by children under the age of 15. KRUS provides free training sessions aimed at a range of audiences including farmers and their families, village leaders, pupils of agricultural primary and secondary schools in rural areas etc. It also carries out other activities such as competitions for children, the publication of brochures and leaflets, and wide co-operation with the media. The Central Institute for Labour Protection – National Research Institute (CIOP-PIN) has prepared educational material on labour health and safety for Polish primary and secondary schools, colleges and universities.

In **Portugal**, the Social Security and Labour Ministry runs the Programme for the Prevention and Elimination of Child Labour Exploitation (PETI), the main focus of which is on employment and training initiatives and social inclusion to ensure more children stay in school.

In **Romania**, in 2004 the Romanian government approved a National Strategy (2004-2013) to protect and promote the rights of children, and in January 2005 it set up the National Authority for the Protection of Child's Rights to protect and promote the rights of children. The Labour Inspectorate has been carrying out a national campaign for the elimination of children's employment since 2001. Its main objectives are to make employers aware of their obligation to comply with the law, eliminate the worst forms of child labour, and identify

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cases of child exploitation through work. The campaign includes central and local monitoring, as well as information and awareness-raising amongst employers, local authorities, non-governmental bodies, public opinion and the mass media.

In **Slovakia**, the Labour Inspectorate has issued a booklet on health and safety protection of young persons at work (which is published on its web site and is distributed to the public free of charge). It has also organised a series of health and safety seminars and lectures for students at all types of colleges and universities. The Labour Inspectorate monitors vocational training centres and work training experience in schools.

In **Slovenia**, the national Labour Inspectorate monitored employment conditions and health and safety at work in relation to temporary secondary school and college student work in 2005, and specifically the health and safety of young workers in the public sector in 2006. The Inspectorate provides advice and information on the legal situation. In 2006 there was a competition for young workers titled “Good practice in the field of health and safety at work”. It issued several publications, including, for instance, a manual for young workers called *Safe beginning*.

In **Sweden**, during 2006 the Work Environment Authority launched an inspection campaign to investigate the working conditions of 16-24 year olds with summer jobs. The inspectors focused on the retail sector, fast food chains, car repair shops, transport manufacturing industry and personal care assistance. No report has been published on the results of these inspections.

In 1994 the Federation of Swedish Farmers in Skaraborg was one of the organisations that initiated the FarmarBUS project (Children and Youth Safety in agriculture). This involves specially trained advisers who inform farmers about the risks involved in agricultural work and children. FarmarBUS has been evaluated as an effective and simple way of reaching out to farmers, and has attracted many participants.

The youth organisation of the LO trade union confederation, LO young, operates a helpline aimed at workers aged between 16 and 25. The helpline functions as an information and advice point, and the majority of questions raised concern wages; however, illegal employment, working time and working hours are other areas that are frequently discussed. During the period June-August 2006, the helpline received 5,500 calls. The helpline started as an initiative targeted at those with summer jobs but the service is now extended to cover other types of employment. The European Agency for Safety and Health at Work acknowledged the positive contribution of the service by awarding it a European Good Practice Award in 2006.

In the **United Kingdom**, the responsibility for child employment is devolved to the nations that make up the United Kingdom and so there is no initiative that covers the whole country. It is then further delegated to local authorities which implement child employment legislation. The national government asked the Better Regulation Task Force to investigate child employment regulations in 2004 but then failed to take up any of its main recommendations about the need to standardise child employment regulations. The Scottish Executive has examined the issue in detail by commissioning a report on the part-time employment of schoolchildren. In Wales, there has been a move to improve the

standardisation of local authority by-laws by circulating a set of model by-laws that local authorities were invited to adopt.

Trade unions and other non-governmental organisations have campaigned for the modernisation and standardisation of child employment legislation. Their main activities have focused on reports and surveys that have exposed the extent of child employment and what they see as the failure of legislation to protect young workers. Child employment officers in many local authorities have come together in the National Network for Children in Entertainment and Employment. The Network is working with employers and trade unions in establishing codes of conduct on the employment of young workers. It is also planning a national information campaign.

15. Main findings

Child labour does exist in the EU...

Child labour in the under 15 year-olds and young people aged 15, 16 to 17 inclusive does take place everywhere in the 27 EU MS, although in different ways. Children and young persons under 18 often have contacts with the labour market at an early age (under 15) and in the 16-17 year-old age group, in which labour is governed by the laws in force. The phenomenon of child labour takes place in the EU under different guises and a significant number of children and young people under 18 years of age are involved in the world of labour in all MS.

In many MS there is deep rooted acceptance of child labour. This basically takes two forms. The generic form sustains that work is beneficial for children, and that even oppressive forms of child labour are acceptable as sources of family income and training. Turning to the job providers' side, profitability is the second reason why demand for child labour remains high. The fact is that this type of work, its magnitude in the informal economy and the need to contribute to family income, acts as a social buffer that generates complementary income. In this sense, economic hardship, together with unemployment and the existence of an underground economy are predisposing factors amongst child and young workers.

Lack of research and statistics

In general, not much attention has been paid to the under-18 age group in other studies, at a national or European level. Most studies that deal with this issue in the EU are not very recent and they do not focus on our area of interest. The reasons for this general lack of interest may be caused, on the one hand, by the difficulty in obtaining homogenous statistics for this under-18 age group, rendering this specific category of workers almost invisible; and on the other hand, it may be caused by the widespread perception that this is not a particularly socially-sensitive issue.

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In general, young workers under 18 years of age are not registered as such in national data. This relevant category is either not considered in age ranges usually applied in official statistics or it is almost completely masked by the broadness of age ranges grouped as 15-24 years or even 15-19 years.

Only a few MS have analysed this phenomenon in depth and have published some articles on the subject. In other MS, a global perspective is largely absent and studies that are undertaken refer only to partial aspects of this issue e.g. young people in the labour market, the relationship between school drop-outs and the young workers, etc.. Furthermore, the studies are undertaken with different methodologies, in principle pursuant to the specific national problems. The definitions and concepts used also vary, as well as the age groups used as a sample. For instance, the Community's legal classification that distinguishes light work is hardly present in the studies. Not surprisingly, these studies' findings with regard to the magnitude of child labour vary considerably, and transnational studies offer surprising results with regard to the magnitude of this issue in some MS.

Some data on young workers in the EU

It is difficult to quantify child and young workers under the age of 18 because they have a number of unique features. Initially, there is the invisible nature of this group, which may be manifested in informal and illegal contexts in the case of young people, and in the private dimension of domestic and family work. It should also be pointed out that the phenomenon is of a multi-dimensional nature and it is not concentrated in certain territorial areas.

Child labour under the age of 15 is extremely difficult to estimate. Indeed, there are no exact figures that accurately reflect all cases of children at work, mainly because, first, this kind of work usually takes place in the family environment, through activities in which children help their parents and, second, the line between an activity and a job is sometimes unclear.

According to our estimations, there are 17 million young persons aged 15-17 years in EU-27. This age group accounts for 3 - 4 percent of the total population in the 27 EU MS. The average activity rate for young persons aged 15-17 in all 27-EU is about 21 percent. The activity rate among boys is somewhat higher than for girls but this is not so in all countries. European MS differ greatly with regard to the activity rate of young persons. This varies from less than 10 percent to more than 50 percent. A total number of 3.5 – 4.0 million young persons aged 15-17 undertake work, even for as little as one hour per week, for pay, profit or family gain. However, child labour is only partly reflected in the aforementioned figures.

Estimations of child labour

An unknown but probably quite high number of very young child workers under the age of 15 years must also be taken into account. Provisional estimations suggest that there are about 3.0 to 3.5 million working children under the age of 15. The estimated number of child workers includes a broad definition of child labour, taking into consideration the lack

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of balance between applications for individual exemption, the resulting authorisations (a few thousands across the EU 27) and this estimated total number.

Type of work and related economic activities

There is a wide variety of type of work. This variety includes formal and informal agreements, legal and illegal work, domestic and non-domestic work. Given the lack of official statistics, it is hard to provide a clear-cut description of these activities. However, even official statistics have to overcome the difficulty that informal or even illegal types of work do not fall into formal categories.

To provide a general idea about the status of children and young persons under 18 years of age who work in the EU, it can be said that minors are usually employed in commerce and services although in some countries there is a significant number of minors working in agriculture and the manufacturing sector. The broad category of services includes work in hotels, restaurants and all type of supermarket work.

Family work and domestic service are private matters....

One of the hardest aspects with regard to compliance with national and European legislation on child labour is related to the activities undertaken in the sphere of domestic service and so-called family work. The fact that these situations are considered to belong to the private sphere of family relations makes this a very difficult issue to assess. With regard to the domestic service, there is a limited vision of work carried out in the family environment in most MS. According to social perceptions in many MS, children are generally expected to help out at home. It is practically impossible to determine the frontier that separates this contribution to the family household from a more stable activity of a labour nature. Domestic work undertaken by children in the household is considered to be a private matter of every family. The extent of household help provided by children varies at an individual level; families differ in their requirements of how much children and young people should help. These differences arise from different social and cultural traditions. With regard to helping in family work, situations where this contribution could lead to a stable labour activity in practice have been observed in some MS. However, it is also difficult to identify these situations, and largely depends on which sectors are analysed. Hence, we could say that family work amongst children and young persons is not unusual in rural areas and, specifically, in farming.

Children working in cultural, artistic and sports activities

The nature of this type of labour activity suggests that there are less registered cases in comparison with other spheres or sectors of child labour. Required supervision in the form of authorisation also has an impact on the marginal nature of this type of work. With regard

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to this type of work, there are only isolated, sporadic cases of abuse. The dimensions of work carried out without authorisation requires an in-depth study.

This type of activity, which is usually undertaken within the family environment, makes it difficult to assess the frequency of non-compliance with legislation on child labour. The example of sports activities is usually discussed in this field. Applicable legislation, in the form of a contract, is usually covered by civil rather than labour law, and it is directly implemented through the children's legal representatives, i.e., their parents. Private regulations are extremely complicated, making it hard to tell whether applicable legislation is always respected in practice, especially with regard to these children getting an adequate education.

Young immigrant workers

Although equal opportunities between national and immigrant workers are promoted, in some MS which receive immigrants from within the Community or elsewhere, young immigrants are in a position of relative weakness in their employment. In Greece, Italy, Spain, United Kingdom and Ireland young legal and illegal immigrants alike are considered to be at a greater risk of having their rights to working conditions violated. This risk is not found in other enlargement countries which are potential producers of emigrants, such as Poland, Bulgaria or Romania. In other MS the immigrant population is very small or negligible. In general, these situations of vulnerability are closely linked to forms of irregular work and the underground economy. In this respect, the problem of migrant children buskers has been mentioned as an increasing concern in some MS.

Informal economy and undeclared work

There are clear signs that the phenomenon of the informal economy is present in a large proportion of young workers (aged 15-17) and even amongst children under the age of 15. Data collected from different sources and with different methodologies, usually point to this fact. However, this cannot be confirmed with irrefutable statistics since the nature of informal work itself prevents it. Nevertheless, most of the qualitative opinions agree with this suggestion. Even crossed data on population, occupation and activity seems to suggest this to a great extent. Indeed, even if not all underground activities are related to child and young persons labour, it is clear that this type of work thrives on the economic conditions that distinguish the submerged economy market. This problem involves all the OECD countries to a varying degree.

School attendance and child young workers

The average figure for early school leavers in Europe is 15.3 percent. The rate is higher for females than for males. The role played by the education system also differs from one MS to

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another: from an intense and consolidated bond between school and work in Northern countries to a higher rate of early school leaving in Southern and Central-Eastern countries.

It seems that in some Member States such as Romania and Bulgaria, most young people who work are often forced to stop going to school in order to keep working. In other MS it could be said that that an increased workload (in terms of working hours and working modalities) has a direct (and negative) impact on school performance and grades as well as on school attendance. However, only a few MS (United Kingdom and Malta) have studied the impact of hours worked during (and outside) the school year on performance at school. The few results that are available point towards a negative influence, although its potential depends on the circumstances, such as the type and duration of the activity undertaken.

All of the above seems to point to the existence of a circular, cyclical process of child and young labour: although it is acknowledged that school/educational problems come before choosing to start working and not the other way around, it is indeed true that working may influence school performance, thus increasing minors' problems. This often makes it impossible for minors to acquire new knowledge or skills in order to acquire specialised training for future employment.

Protecting young workers at the workplace: health and safety issues

A limited amount of reliable data has been found with regard to work-related accidents amongst children and young persons. Apart from the known problems of under reporting this type of accidents, there is also the nature itself of the activities undertaken, generally of a seasonal nature and in sectors dominated by small- and micro-enterprises. At an individual level of MS, no comprehensive or permanently established monitoring system was found. Regarding the European level, there are doubts as to whether recent activities can provide valid information on the situation of working children and young persons under the age of 18. In most MS, including the more industrialised countries, there is very poor information on accidents at work in the primary sector, in particular in agriculture. Responsible authorities often avoid providing or publishing accurate data. An exception of note is Poland, where an increase in accidents at work suffered by persons under 18 years of age has been observed in recent years.

The majority of MS records show a fall in the number of accidents at work amongst young persons, keeping in mind that the proportion of young workers is also showing a downward tendency in almost all Member States. Whilst data from Eurostat show a slight increase in accident figures in Denmark, France and Ireland, national data gathered in the context of this study show a slight increase in Austria. This finding confirms the lack of reliable and valid data in this field of the study.

Information collected shows that the majority of young persons involved in an accident at work are male. Young men, in particular, appear to be in a risk group of their own with regard to safety at work. The proportion of male casualties stands at 80 % or more, as can be seen in Austria (approximately 80 %), Slovakia and Spain (both approximately 86 %).

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National and European data suggest that young workers are at a greater risk of having a work-related accident. Young workers have higher accident rates compared with the average working population in Denmark, Germany, Latvia, Poland, Slovenia, Spain and the United Kingdom, amongst other countries. On the other hand, these accidents are less severe on average. Compared with the average working population, young workers have higher non-fatal accident rates. In spite of methodological problems, apparently this also applies to the under-18 workers' age group under study.

Workers under 18 years of age are seldom a target group for prevention activities. In addition, available information suggests that the usual preventive approaches are less effective in this age group. The majority of young workers do not receive adequate training on workplace safety and, furthermore, insurance coverage is inadequate (or lacking altogether) in the majority of activities in which minor workers are involved, including family businesses, agriculture, refreshment/catering and informal work sectors. This leads to a dramatic increase in risk factors and, consequently, high workplace accident/injury rates among working minors.

Very little information was found on occupational diseases in almost all MS. There is some information on occupation-related diseases in other contexts for countries such as Denmark, France, Germany, the Netherlands and Spain.

Minors' working environment is often highlighted by its gross inadequacy caused on the one hand by precariousness and lack of the most basic forms of protection and on the other, by the informal nature of the employment relationship, which in some cases makes the relationship completely illegal. Minors do not usually receive any compensation for accidents and, in most cases, the employer keeps the accident secret (indeed, often even the minor in question does not talk about it). In an informal relationship, influenced by the inequality of the employer's and employee's positions, it is obvious that the young male or female employee will be in an inferior, disadvantaged position and will forfeit even their most basic rights.

Monitoring and control of activities

The majority of authorities in old MS (EU 15) do not pay particular attention to this age group. In the new Member States, national labour inspections recently focused their work on this group (some within the framework of a campaign), e.g., in Bulgaria, the Netherlands, Poland, Romania, Slovakia, and Sweden. In some MS, however, issues concerning this age group are the subject of increasing attention (e.g., Germany).

Registered irregularities and violations of regulations protecting young workers very often concern administrative issues, such as duties of recording the data of young workers, or "unimportant" regulations, such as regulations on working time (rests, breaks, night work, work on Sundays etc.). Examples of the large proportion of this type of registered irregularities and offences are found Austria, Czech Republic, Germany and Slovenia. Irregularities concerning this type of regulations play an important role in other MS such as France and Italy. However, information collected suggests that the picture is distorted and it

is suspected that that these figures do not reflect the reality of children and young workers under 18 years of age.

Grouping the Member States

Although work is undertaken by children and young persons in Europe for different cultural, social and economical reasons, with varying levels of intensity and social appraisal, MS can be categorised according to a set of variables. This of course generalises characteristics, which can mean that results are not necessarily valid and need to be qualified. Major regional differences may even be found within one MS. The influence of the dominant economic sector (or monoculture, as in the case of tourism in certain Mediterranean areas) significantly influences the characteristics of employment of young persons and their working conditions.

With regard to labour activities undertaken by children and young persons, the social and economic context and the relationship between education and employment, MS can be grouped into the following areas:

a) Scandinavian area (Denmark, Finland, Sweden) and the Netherlands

In Northern Europe and most of Western Europe, work is framed within a cultural and social context that is strongly influenced by the education system. Work activity is associated with the building of identity, the meeting of consumer needs and social acknowledgement. Basically, youth employment policies in Scandinavia and the Netherlands have the main objective of guaranteeing compulsory education and promoting the admission of the younger generations into the labour market. There is a well functioning system of free education supported by many legal acts. In this way, institutions try to prevent unemployment and social exclusion. Paid work of young persons outside their schooling hours is considered socially as a positive value that favours the development of personal independence. The aim is to get work through education. Labour activity – during the school year or in the summer holidays – is guided towards gaining knowledge of the world of work and to earn some money for consumer needs. Despite the proportionally high rates of employment of young persons – for instance in Denmark – compared with the *official* European average, labour activity takes place in a normal context.

b) Continental area (Austria, Belgium, France, Germany and Luxembourg)

In this area that we have labelled as Continental, compulsory school attendance is respected in general. The labour activity of young persons is framed within a context of acquiring work experience as a mechanism of insertion into the labour market or to earn money for personal consumer needs. In poverty groups or collectives at the risk of exclusion in urban areas, the labour activity of young persons is detected as a way of contributing to family income. Young immigrants form the group with a higher risk of carrying out labour activities in the area of informal economy. In some countries such as Germany and Austria, the dual training system or learning through work experience in undertakings is very common and constitutes an important formalised core of labour among young persons.

c) Anglo-Saxon area (United Kingdom and Ireland)

In the United Kingdom, surveys carried out in the 1980s and 1990s revealed considerable illegal employment, with under-age working, unregistered employment, excessive hours and work in illegal sectors. They also found that the law on child employment was confusing, varying from one local authority to another, and the level of resources allocated to enforcement was also very variable. The eventual implementation of Directive 94/33/EC in 2000, following the UK government's earlier opt-out, provided an opportunity to standardise the law and launch a national information campaign on child employment. However, it remained apparent that there was still a problem of inconsistent local authority regulation and implementation. A review of the legislation by the government's Better Regulation Task Force was undertaken in 2004 with a view to standardise local authority regulations and implement other measures to improve the legislation. A series of projected reforms were put forward and initially agreed by the government but it then decided not to go through with the changes. This means that the legal framework covering working school children still varies from one local authority to another, with many local authorities arguing that they do not have adequate resources or legal rights to enforce the law effectively. In Ireland, a relatively high number of students work during the school term. The migrant child labour is also a relevant problem.

d) Central Eastern area (Hungary, Czech Republic, Slovak, Slovenia, Bulgaria, Estonia, Latvia, Lithuania, Poland and Romania)

None of the new MS that joined the EU in 2004 have surveyed or researched this phenomenon. Child and young workers, male and female alike, are likely to be found in rural areas, and this practice is as widespread as the employment of minors in informal and household work. These countries' lower labour standards (with respect to Western Europe) is likely to be a factor in higher rates of child and young workers.

Certain paradoxes are found on the subject of young workers in the new MS. On the one hand, from a legal perspective, national legislations comply with the standards of the European regulation. In practice, compulsory school attendance is highly valued and upheld by society. But there are two important factors that have a negative influence on young workers. First, the presence of a significant informal or parallel economy as a consequence of the effects of a hasty transition to a market economy: undeclared work pools take on young persons with low salaries. Second, the high level of work in the primary sector (agriculture) and the existence of rural nuclei is the reason why young persons remain in employment in the family sphere. In the specific cases of Bulgaria and Romania, there are several reports of young persons carrying out labour activities that are incompatible with compulsory school attendance.

With reference again to Romania and Bulgaria, the minors' conditions in general and with regard to labour conditions in particular are extremely problematic and complex. Furthermore, the situation of the Roma community is of particular note. There are about 2 million Romas in Romania and only 50% of Roma minors aged 7 to 10 attend school regularly, while about a third drop out of school. In cities, minors are often employed in begging, street peddling and prostitution.

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e) South area (Cyprus, Greece, Italy, Portugal, Spain and Malta)

In some of these Member States, the informal economy is still a relatively widespread phenomenon and it provides a favourable environment for the development of irregular work carried out by young workers and even children under the age of 15. There are internal regional differences in the large southern European countries such as Spain and Italy. The work of young persons is primarily associated with territorial informal economy pools and work in coastal tourism and the agricultural sector. Compulsory schooling is respected although the figures for dropping out of school are high in proportion, especially in some areas. Young immigrants also represent a risk group as candidates for work.

In Italy, child labour is a phenomenon that has been subject to some study. In Spain, young persons under the age of 16 normally work within the family or in the immediate economic sphere, mostly helping out in domestic work, domestic service or in child care, the latter two mostly undertaken by girls.

During the 90s, Portugal underwent great progress with regard to the eradication of child labour, in particular in certain grey areas (textile, shoe manufacturing and manufacture of leather goods). However, there are still nuclei where further work must be done. In Greece, since many children help out in family businesses and farms and with animals, the labour force activity rate for children is relatively high in poorer rural areas. Also, child street labour in at least the two biggest cities in the country, remains a serious problem that is apparently hard to solve.

Finally, although the situation is quite diversified in the former EU-15 MS, child and young workers are found in both old and new forms, modalities and degrees of incidence. This type of labour reveals some of the traditional features from the past (school/educational difficulties, economic hardship and minors quickly becoming "grown-ups") which now coincide new features (cultural poverty, personal consumer fashions, the role of the family) that reassert the "modernity" of this phenomenon.

Some explanations of the use of lawful and unlawful work amongst young people

Child and young workers must be studied within the social context as a whole: school, family, labour market, lack of resources, the new challenges of complexity, growth and the need for training, labour "culture", territory and one's own living environment. There are multi-factor, multi-dimensional and multi-directional characteristics in child and young workers in both age groups (under 15, and 16 - 17).

Families play an essential role in this phenomenon. Even if they do not directly influence entrance onto the labour market, they have an indirect influence by tacitly accepting or pretending to ignore the child's decision to work. Families also play an ambivalent role, on the one hand protecting, but also promoting the work of young people, both in their own family businesses and in domestic work.

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On the other hand, the corresponding environmental and economic context, i.e., family poverty and overall economic situation, is a clear factor in whether children and minors start to work. Poverty is obviously at the core of the child labour problem as in so many other countries. Usually the families of these children are too poor to afford not to send their children out to work.

The school and educational context is also a predisposing factor. The school-employment relationship shows that failure at school and academic failure in general are closely connected to starting work at an early age.

This interrelation between school attendance, the family and the socioeconomic environment means that the phenomenon is manifested in different ways within each Member State. That is, child and young labour it is not only due to poverty or to high school-leaving rates: occasional labour activities may take place outside the education system within the same country, or even in the same territory, when a young person only seeks to develop their personal autonomy or obtain some extra money for personal consumer needs.

What kind of youth work is undertaken in the EU?

Some of the key elements in youth employment are worthy of mention. Work is usually characterised by:

- a) Low level of professional training and qualification, as it largely takes part in informal situations, which do not provide any accreditation of the professional experience gained. Many of these jobs are an end in themselves, and the development of a professional career is not regarded as important.
- b) Lack of a suitable protection of safety and health at work, due to the nature of the labour activity undertaken (informal or occasional) and also to young persons' lack of knowledge of their rights.
- c) Economic discrimination: the salary that a young person receives is sometimes lower than an adult salary for the same job. Even in the formal economy, the compensation received by a young person tends to be lower on the grounds of lack of training, as a recognised mechanism to reduce salary costs.
- d) Absence of supportive mechanisms: youth employment is not often supported by mechanisms that facilitate the activity of trade unions or employees' representatives in the company, thus depriving young persons of defending their rights and means of labour integration.

Also, even if the work is formal, job characteristics often make it quite precarious, with fixed-term, seasonal, atypical contracts, etc. Given the age of the employee, this type of labour activity is usually of a secondary nature, in the sense that it does not represent a stable or long-lasting job. In the best of cases it is a mechanism for joining the labour market, providing a bridge towards other, more qualified jobs. In other situations, as is more often the case, it is an occasional type of employment, to generate specific, transitional income, for example in the restaurant trade, fast food or retail sector.

Acceptance and efficacy of European legislation

National legislation transposing Directive 94/33/EC and international agreements in force are such that negative forms of child labour can be banned and sanctioned with severe penalties when detected. These regulations reflect social values and are useful in that they provide a clear and comprehensive description of what is allowed and what is not. Forms of child labour that harm a minor's physical and psychological wellbeing or development are widely considered as being unacceptable in most MS.

In principle, it seems that European legislation shows a positive approach with regard to the objectives sought. The problem does not appear to lie mainly in the content of the Directive, despite its technical complexity and the many exceptions it has to the general rules on the prohibition of child labour. Some elements have been brought up by some MS, and they almost always concern to the need to implement on-going monitoring and control systems and mechanisms, as well as preventive action in the framework of the education system.

So, even if national legislation theoretically appears to adapt to real circumstances, and this leads to the conclusion that national legislation and the Directive are necessary and useful, there are not enough data available in order to confirm that national legislation adapts to real circumstances in practice.

National measures adopted by Member States

Many of the national measures developed by national governments are not aimed specifically at child labour or young workers. They usually form part of Plans or Programmes combining different measures addressed to social goals.

Special initiatives by labour inspectorates have focused on young workers. These have involved information campaigns or monitoring of industries that tend to employ younger workers such as retail, agriculture, leisure and catering. In some MS, it seems that the role of national Labour Inspectorates is usually focused on delivering specific information and advice on the legal and health and safety regulations protecting young workers. However, some inspectorates, or equivalent bodies, have carried out special campaigns to investigate workplaces or increase awareness of the issue, as is the case of the Czech Republic, Denmark, the Netherlands, Romania, Slovakia and Sweden.

Specific national labour inspection campaigns regarding young people undertaken during 2006 have had interesting repercussions as a consequence of the "Safe Start" campaign on health and safety amongst young workers organised by the European Agency for Safety and Health at Work. Countries involved included Austria, the Czech Republic, France, Luxembourg, Malta, Slovenia, Sweden and the UK.

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Very few national measures have been evaluated. Since they involve general information and awareness initiatives these campaigns are difficult to assess in terms of their impact on the working conditions and health and safety of young workers.

Trade unions have been active in a number of countries, taking the initiative in Denmark, the Netherlands and Sweden for example in inspecting workplaces or giving young workers the opportunity to report problems at work. In the United Kingdom, surveys and investigations by trade unions have tried to highlight that there are problems with child employment legislation and that national action by the government is needed.

16. Recommendations

As a consequence of the results obtained in this transnational study, a number of guidelines for Community action on issues of child labour and the work of young people under 18 years of age are proposed as follows:

More data and research are needed...

Firstly, the limited data and information found at national and transnational levels on this specific issue warrant the promotion of a detailed study using accepted standards. Indeed, such a study is essential if we are to improve our knowledge of the conditions of young Europeans in a working environment, undertaking labour activities in the very broadest sense of the term. This covers the different manifestations of child labour and the work of young persons, including formal and stable work governed by an institutional framework with administrative and labour control, as well as other work of a seasonal, irregular or sporadic nature.

The shortfall in statistics and other studies is a gap that must be filled if we are to clamp down on abuse and control the implementation of Community and national law. The invisible nature of labour activities of young Europeans and the potential problems that arise thereby must be broken by providing evidence on the quantitative and qualitative dimension of this phenomenon.

First, these shortfalls require efforts at a European level to standardise data collection, processing and presentation with regard to young persons aged 15-17 years and in general under 18 years of age. We would press for efforts at a European level to promote a systematic and harmonised approach across European MS in order to fill the gap in statistics on young persons under 18 years of age. Second, at a national level, a recommendation should be made for Government agents to include data collection and processing on the labour situation and working conditions at least of the 15-17 year-old age group in their work agenda. And where such data are already available and are regularly obtained in the framework of general data collection, it would be advisable to officially break down and study this data, and publish it separately within the set of labour statistics for each Member State.

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...and transparency

In the case of some MS, the publishing of specific annual reports on the situation and most relevant facts regarding working young people and, in particular, those under 15 years of age, would increase our awareness and knowledge of the evolution of this social reality. The official publication of this data would enhance and complement social awareness, which in general is not in favour of child labour as it is incompatible with compulsory school attendance.

Institutional visibility

In the same way that there are specific bodies in some MS to monitor childhood problems, a specific control of child labour should be considered for children under 15 years of age. Irrespective of the structural or administrative organisation of such bodies, it would be best for the knowledge, monitoring and general control of this phenomenon to be centralised at a national level by a specific surveillance body or mechanism. This form of monitoring would also allow it to be co-ordinated with other public departments and private institutions in charge of specific areas (poverty, social inclusion, health, etc.) in the field of young persons and children. As this study confirms, in many cases child labour amongst persons under 15 years of age is closely related with other phenomena.

Both Community and National action

Community and national action should be reinforced by encouraging in-depth research from the public sphere on the different predisposing factors in child labour. The promotion of specific studies and surveys on the origin and consequences of child labour with regard to education, consumer habits, the influence of the family's social, economic and cultural situation, amongst other aspects, would greatly help to assess the implications of this phenomenon and respond to it. The publication of these studies at a national level would generate standards of awareness and common methodologies that would contribute to disseminate transnational measurement systems. This official promotion of research would be of public interest as it would adjust the focus of studies and their variables, modifying estimates that are unreliable because of the difficulty in accessing official data, or do to the lack thereof.

Within the framework of the implementation of the Lisbon Strategy and with the goal of promoting knowledge, the study of the interaction of child labour and the work of persons under 18 years of age should be the object of special attention. With a few exceptions in some MS, this connection has not been studied sufficiently, in particular with regard to the negative consequences that young people's decision to work may have on school performance and early school leaving.

A specific chapter on young workers should be included in the framework of Community actions that promote the social inclusion of young persons.

Exploring an amendment of Directive 94/33/EC

Although the regulation that supports national legislation, Directive 94/33/EC, is considered to be a suitable legal framework as a whole and not directly responsible for some of the problems detected at national level, it is also true to say that there are some elements that have potential for review. These include the time that has lapsed since it was passed fifteen years ago, with the consequences that can be seen in the national implementation reports, as well as the incorporation of new MS with social and political realities that differ from the standards of the former 15 MS with regard to child labour and the work of young persons.

A second element which could benefit from review refers to the social and productive changes that have taken place in the last few years. The spread of active policies for the insertion of young persons into employment, with new contractual modalities, new forms of atypical labour (telework, work “from home”, and agency work) may be modify the position of young persons with regard to the functioning of the labour market and their incorporation on the labour market. In this context, the evolution of national compulsory education systems towards new competitiveness and qualification requirements is also important. In short, recent changes that have taken place since the end of the 90s would advise an examination of whether it would be appropriate to update the principles and legal contents of Community legislation in this field.

Thirdly, the complexity of the Directive itself, with its intricate system of repeals and exceptions could advocate action aimed at improving it technically within the framework of the *better regulation* political principle. For all of these reasons, a review of the Directive could be proposed with the aim of updating its contents, improving some key aspects and to send a message of awareness to society towards a better regulation of child labour and the work of young persons under 18 years of age.

A review of the Directive could start with a summarised reassessment of the general principles that promote Community legislation on this issue, developments with regard to the decent employment programme and the requirements shared by MS with regard to the Lisbon Strategy and its implications in the work and education of young persons.

Within these general principles, it would be appropriate to further reinforce the relationship between the prohibition to work and on-going attendance during the compulsory education period. Recent developments in national education systems could be a good reason to consolidate this direct relationship which is in the foundation of Community legislation.

Similarly, the age group classification used could be re-examined in view of its implications in the Directive. Age group categories represent a section – including references to certain ILO principles in the preamble – which articulates the Directive’s provisions and requirements, although the repeals system makes it confusing. There could be room for debate, and MS could be consulted about whether or not the established system of set age groups (16 - 17 year olds, under 14 years of age, 15 year olds but still in compulsory

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education etc.) is really useful to comply with the objectives sought by the Directive. A review of the relationship between compulsory schooling in each MS with regard to minimum working age and the possible exceptions and casuistry would be an interesting exercise for updating the Directive to reflect current reality, in particular with regard to national education systems. Indeed, this research with MS should not imply the possibility of reducing protection levels in the established age system.

The second area of attention for a technical review should be aimed at clarifying the regulation, in particular, of the internal system of references on repeals and exceptions. This internal play and logic should be simplified, starting with the general and universal regulation principle, for instance in art. 4: *MS shall adopt the measures necessary to prohibit work by children.*

In the area of legal updating and improvement, the Annex should be reviewed as a consequence of art. 7 (2) subparagraph two, in view of the technical progress and advances made with regard to the issue of safety and health at work. Likewise, the legal contents of Section III, containing the specific regulation of protection and working time limits, could be updated by including sectoral developments that are considered in other directives, such as the Directive on young seafarers.

It would also be advisable to reconsider the scope of the Directive, starting with a more specific definition of domestic service in a private household which allows differentiation between different forms of labour and, hence, including some of them in the scope of implementation. The definition of family work, though complex and highly dependent on national traditions and practices, should at least be the object of a debate that permits the detection of abuse that prevents compulsory education from being completed.

... and reinforcing and controlling the implementation of legislation

In addition to studying the convenience of reviewing or amending the Directive, the results of this study reveal some aspects regarding the **practical implementation** of legislation that should, at the least, be the object of attention of national authorities and the European Commission.

In some MS child labour amongst persons under 14 years of age is an everyday reality beyond an isolated event. The combination of scarce family resources, the need to increase income, the rural environment and dropping out of compulsory education or just partial, incomplete attendance, form a worrying equation, a vicious circle that questions the compliance with the objective of legislation. This is a problem with complex roots and it requires an extraordinary effort by these MS to lessen and eradicate this sad phenomenon of child labour brought about by the above circumstances. Commission services should encourage and monitor the preparation and execution of specific Integral Plans to curb this problem, not only including control measures but also strategic objectives for the social inclusion of families and to eradicate bad habits and uses in the family work environment. Some experiences, such as the case of Portugal, may be used as an example, although activities must be continued over a long period of time in order to obtain the desired results.

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This situation also occurs not so much in MS, but in specific productive sectors, generally linked to specific areas and territories. The EC should promote a *zero tolerance* criterion or clause with regard to the work of persons under 15 years of age, for instance in activities related to seasonal and non-seasonal tourism, and implement this through current sectoral policies, instruments and programmes. Special attention should be paid to the situation of young persons working in agriculture (perhaps through the CAP) because of its widespread nature and its deep roots in cultural traditions, by means of forceful actions aimed to reinforce compulsory school attendance in the rural environment and to drastically reduce safety and health risks of young persons under 15 years of age who work on family and non-family farms.

In the context of the fight against underground economy and undeclared work, the situation of young persons and children who are in this situation should be closely monitored. Since these activities are illegal in themselves, they cause greater harm to society when they affect these age groups, with a negative influence on compulsory school attendance. The possibility of increasing sanctions imposed on those who are liable for non-compliance should be explored by MS, including the case of young EU and non-EU immigrant workers, because they are in an extremely vulnerable situation.

Networks and specific monitoring of working conditions

Monitoring the rigorous implementation of European and national legislation still seems to be an unresolved issue in most MS. In the same way that specific actions and networks have been promoted by the EU for a better understanding, control and reaction to the phenomenon of child poverty, a programme could be set up to monitor the circumstances and evolution of child labour and the work of young people. This action could be complemented by an assessment of the impact of European and national policies and measures implemented by the use of benchmarking measures created specifically for this phenomenon.

In cases where specific campaigns have been carried out by labour inspectorates, results show poor working conditions of young persons, irrespective of the type of work. It seems that the condition of being a young person goes hand in hand with an employer's relaxation in fulfilling their obligations. It is necessary to promote a political will to carry out specific control and monitoring campaigns of working conditions for this unique group of workers at a European level. Campaigns and programmes must be on-going, programmed and aimed at activities that have the highest level of non-compliance of legal standards. This requires inspectors to have specialised knowledge of this casuistry. These actions would achieve the political commitment of exchanging results at a transnational level, and MS would report progress made with regard to established objectives and notify any obstacles or new problems found in this multidimensional phenomenon.

Young workers under 18 years of age usually lack the training and experience needed to understand the health risks inherent in the workplace. They participate in prevention activities at a very low level since their contracts are usually for a fixed term and no continuity is expected in their job. National institutions in charge of monitoring their safety and health are recommended to design specific work risk prevention tools suited to the

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conditions of this age group and make them available to companies, workers, their representatives and trade unions. Guaranteeing the active integration of young persons in risk prevention and assessment as much as possible by means of appealing actions that are suited to their idiosyncrasy and their personal and labour circumstances must be a priority objective.

Certain potential problems have been detected in the working conditions of young persons carrying out cross-border jobs, of a daily nature or based on short time periods. These are usually activities related to construction and services. At a transnational level, the EC could encourage a detailed analysis of the problems of these cross-border workers, where hazardous work could be a constant (including daily travel to their work place). Another reality derived from trans-European mobility is au pair work which has been reported by some MS as a reason for complaint. The EC should make a detailed analysis of the regulation of this type of contractual modality in order to identify whether there is an undercover employment relationship, as well as analysing the working conditions of these young persons who have moved to a different MS, and how such contacts and agreements are made and guaranteed.

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