

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

SECTION II

Article 6

General obligations on employers

1 Without prejudice to Article 4 (1), the employer shall adopt the measures necessary to protect the safety and health of young people, taking particular account of the specific risks referred to in Article 7 (1).

2 The employer shall implement the measures provided for in paragraph 1 on the basis of an assessment of the hazards to young people in connection with their work.

The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:

- a the fitting-out and layout of the workplace and the workstation;
- b the nature, degree and duration of exposure to physical, biological and chemical agents;
- c the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled;
- d the arrangement of work processes and operations and the way in which these are combined (organization of work);
- e the level of training and instruction given to young people.

Where this assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC.

The free health assessment and monitoring may form part of a national health system.

3 The employer shall inform young people of possible risks and of all measures adopted concerning their safety and health.

Furthermore, he shall inform the legal representatives of children of possible risks and of all measures adopted concerning children's safety and health.

4 The employer shall involve the protective and preventive services referred to in Article 7 of Directive 89/391/EEC in the planning, implementation and monitoring of the safety and health conditions applicable to young people.

Article 7

Vulnerability of young people — Prohibition of work

1 Member States shall ensure that young people are protected from any specific risks to their safety, health and development which are a consequence of their lack of experience, of

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absence of awareness of existing or potential risks or of the fact that young people have not yet fully matured.

2 Without prejudice to Article 4 (1), Member States shall to this end prohibit the employment of young people for:

- a work which is objectively beyond their physical or psychological capacity;
- b work involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm to the unborn child or which in any other way chronically affect human health;
- c work involving harmful exposure to radiation;
- d work involving the risk of accidents which it may be assumed cannot be recognized or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; or
- e work in which there is a risk to health from extreme cold or heat, or from noise or vibration.

Work which is likely to entail specific risks for young people within the meaning of paragraph 1 includes:

- work involving harmful exposure to the physical, biological and chemical agents referred to in point I of the Annex, and
- processes and work referred to in point II of the Annex.

3 Member States may, by legislative or regulatory provision, authorize derogations from paragraph 2 in the case of adolescents where such derogations are indispensable for their vocational training, provided that protection of their safety and health is ensured by the fact that the work is performed under the supervision of a competent person within the meaning of Article 7 of Directive 89/391/EEC and provided that the protection afforded by that Directive is guaranteed.