

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

SECTION III

Article 8

Working time

1 Member States which make use of the option in Article 4 (2) (b) or (c) shall adopt the measures necessary to limit the working time of children to:

- a eight hours a day and 40 hours a week for work performed under a combined work/training scheme or an in-plant work-experience scheme;
- b two hours on a school day and 12 hours a week for work performed in term-time outside the hours fixed for school attendance, provided that this is not prohibited by national legislation and/or practice;

in no circumstances may the daily working time exceed seven hours; this limit may be raised to eight hours in the case of children who have reached the age of 15;

- c seven hours a day and 35 hours a week for work performed during a period of at least a week when school is not operating; these limits may be raised to eight hours a day and 40 hours a week in the case of children who have reached the age of 15;
- d seven hours a day and 35 hours a week for light work performed by children no longer subject to compulsory full-time schooling under national law.

2 Member States shall adopt the measures necessary to limit the working time of adolescents to eight hours a day and 40 hours a week.

3 The time spent on training by a young person working under a theoretical and/or practical combined work/training scheme or an in-plant work-experience scheme shall be counted as working time.

4 Where a young person is employed by more than one employer, working days and working time shall be cumulative.

5 Member States may, by legislative or regulatory provision, authorize derogations from paragraph 1 (a) and paragraph 2 either by way of exception or where there are objective grounds for so doing.

Member States shall, by legislative or regulatory provision, determine the conditions, limits and procedure for implementing such derogations.

Article 9

Night work

1

- a Member States which make use of the option in Article 4 (2) (b) or (c) shall adopt the measures necessary to prohibit work by children between 8 p.m. and 6 a.m.

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- b Member States shall adopt the measures necessary to prohibit work by adolescents either between 10 p.m. and 6 a.m. or between 11 p.m. and 7 a.m.

2

- a Member States may, by legislative or regulatory provision, authorize work by adolescents in specific areas of activity during the period in which night work is prohibited as referred to in paragraph 1 (b).

In that event, Member States shall take appropriate measures to ensure that the adolescent is supervised by an adult where such supervision is necessary for the adolescent's protection.

- b If point (a) is applied, work shall continue to be prohibited between midnight and 4 a.m.

However, Member States may, by legislative or regulatory provision, authorize work by adolescents during the period in which night work is prohibited in the following cases, where there are objective grounds for so doing and provided that adolescents are allowed suitable compensatory rest time and that the objectives set out in Article 1 are not called into question:

- work performed in the shipping or fisheries sectors;
- work performed in the context of the armed forces or the police;
- work performed in hospitals or similar establishments;
- cultural, artistic, sports or advertising activities.

3 Prior to any assignment to night work and at regular intervals thereafter, adolescents shall be entitled to a free assessment of their health and capacities, unless the work they do during the period during which work is prohibited is of an exceptional nature.

Article 10

Rest period

1

- a Member States which make use of the option in Article 4 (2) (b) or (c) shall adopt the measures necessary to ensure that, for each 24-hour period, children are entitled to a minimum rest period of 14 consecutive hours.
- b Member States shall adopt the measures necessary to ensure that, for each 24-hour period, adolescents are entitled to a minimum rest period of 12 consecutive hours.

2 Member States shall adopt the measures necessary to ensure that, for each seven-day period:

- children in respect of whom they have made use of the option in Article 4 (2) (b) or (c), and
- adolescents

are entitled to a minimum rest period of two days, which shall be consecutive if possible.

Where justified by technical or organization reasons, the minimum rest period may be reduced, but may in no circumstances be less than 36 consecutive hours.

The minimum rest period referred to in the first and second subparagraphs shall in principle include Sunday.

3 Member States may, by legislative or regulatory provision, provide for the minimum rest periods referred to in paragraphs 1 and 2 to be interrupted in the case of activities involving periods of work that are split up over the day or are of short duration.

4 Member States may make legislative or regulatory provision for derogations from paragraph 1 (b) and paragraph 2 in respect of adolescents in the following cases, where there are objective grounds for so doing and provided that they are granted appropriate compensatory rest time and that the objectives set out in Article 1 are not called into question:

- a work performed in the shipping or fisheries sectors;
- b work performed in the context of the armed forces or the police;
- c work performed in hospitals or similar establishments;
- d work performed in agriculture;
- e work performed in the tourism industry or in the hotel, restaurant and café sector;
- f activities involving periods of work split up over the day.

Article 11

Annual rest

Member States which make use of the option referred to in Article 4 (2) (b) or (c) shall see to it that a period free of any work is included, as far as possible, in the school holidays of children subject to compulsory full-time schooling under national law.

Article 12

Breaks

Member States shall adopt the measures necessary to ensure that, where daily working time is more than four and a half hours, young people are entitled to a break of at least 30 minutes, which shall be consecutive if possible.

Article 13

Work by adolescents in the event of *force majeure*

Member States may, by legislative or regulatory provision, authorize derogations from Article 8 (2), Article 9 (1) (b), Article 10 (1) (b) and, in the case of adolescents, Article 12, for work in the circumstances referred to in Article 5 (4) of Directive 89/391/EEC, provided that such work is of a temporary nature and must be performed immediately, that adult workers are not available and that the adolescents are allowed equivalent compensatory rest time within the following three weeks.