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From the Ministry of Work and Social Security:

## **Regulations on the Fundaments and Principles of the Employment of Children and Young Workers**

### **FIRST PART**

#### **General Decrees**

### **FIRST SECTION**

#### **Aim, Scope, Basis and Definitions**

#### **Aim**

##### **Article 1**

The aim of these regulations is to prescribe the fundaments of the ways in which children and youths can work without endangering their health and safety, physical, mental, spiritual and social development or their studies and to prevent their economic exploitation.

#### **Scope**

##### **Article 2**

These regulations shall cover the principles and fundaments relating to the conditions of jobs which according to Article 71 of Labour Law 4857 are illegal for children and young workers who are not 18, jobs in which young workers who are aged 15 - 18 are permitted to work, and light jobs and work which children over 14 and who have completed their primary education may be employed in.

#### **Basis**

##### **Article 3**

These regulations have been prepared on the basis of Article 71 of Labour Law 4857, which came into force upon publication in Official Gazette 25134 dated 10.6.2003.

#### **Definitions**

## **Article 4**

Ministry: The Ministry of Work and Social Security

Inspector: Chief Labour Inspector, Labour Inspector or Labour Inspector's authorised assistants

Young worker: A person who is over 15 but not yet 18

Child Worker: A person over 14 who is not yet 15 and has not completed primary education

Light Work: According to special conditions as regard its structure, nature and execution.

- a) Jobs which will probably not have a harmful effect on children's development or health and safety,
- b) Jobs that do not prevent them continuing at school, participating in vocational training or training programs ratified by the local official and their benefiting from these types of activities.

Heavy and Dangerous Work: Jobs described in regulations envisaged in Article 85 of Labour Law 4857 dated 22.5.2003.

## **SECOND PART**

Conditions of Work and Jobs that Children and Young Workers may or may not be employed in.

### **FIRST SECTION**

Jobs in which Children and Young Workers may or may not be employed

## **Fundamentals of Employment of Children and Young Workers**

## **Article 5**

When placing children and young workers in jobs and while they are working, their safety, health, physical, mental, spiritual and psychological development and individual aptitude and abilities shall be taken into account.

Children and young workers may work in jobs that do not impede those continuing at school in their continuation and success at school, and do not impede their preparation for vocational choices and their participation in vocational training whose adequacy has been accepted by the authorised offices.

Employers shall ensure children and young workers are protected against every type of risk which may endanger their development linked to their lack of experience, ignorance on the topic of actual and probable risks or the fact they are not fully developed, and their health and safety.

Light jobs in which children are permitted to work have been outlined in Appendix 1, jobs in which young workers are permitted to work in Appendix 2 and jobs forbidden for children and young workers who are not yet 18 are outlined in Appendix 3.

## **SECOND SECTION**

### **Working Conditions**

#### **Periods of Work and Rest Breaks**

##### **Article 6**

The working hours of children who have completed basic education and who do not go to school may not exceed seven hours per day and 35 hours per week. But for children who are 15 years old this period may be increased up to eight hours per day and 40 hours per week.

The daily working periods of children and young workers shall be applied taking into consideration an uninterrupted 14-hour rest in a 24-hour period.

The working period during the school term of children continuing at school may be two hours per day and ten hours per week so as to be outside the hours of instruction. During periods when schools are closed, the working hours may not exceed those set out in the first paragraph. A rest break must be given of 30 minutes in jobs of two-four hours and one hour in the middle of the work period in jobs of four-seven hours.

#### **Cases that count as part of Daily Work Periods**

##### **Article 7**

Besides the cases which count as work hours according to Article 66 of Labour Law 4857,

- a) Periods spent in training which the employer must give,
- b) Periods spent in courses and meetings which the employer sends people to outside the workplace and periods in vocational training programmes arranged by the authorised institutions and establishments
- c) Periods when people may not continue their work because they are participating representatives at conferences, congresses, commissions and similar meetings arranged in regards to children and young workers by national and international institutions and establishments

shall count as working periods.

#### **Weekly Rest**

##### **Article 8**

The weekly periods of rest for children and young workers may not be less than 40 hours uninterrupted. In addition the weekly rest shall be paid, without work being made up.

## **National Holidays and Public Holidays**

### **Article 9**

Children and young people may not be put to work on national and public holidays. In addition they shall be paid for these days without making up the work.

## **Annual Leave**

### **Article 10**

The annual paid leave to be given to children and young workers may not be less than 20 days. It is fundamental that annual leave shall not be interrupted. But in situations when it is to their benefit, upon the wish of the child or young worker it may be taken in two parts at most.

Annual paid leave shall be given to children and young workers continuing in school or education in periods when it is the school holidays or when their course or other training programme is not ongoing.

## **THIRD PART**

### **Responsibilities of Employers and the State**

#### **FIRST SECTION**

##### **Employers' Responsibilities**

### **Employers who may not employ children and young workers**

#### **Article 11**

Children and young workers may not be employed by employers or employers' agents who

- a) Have been convicted of offences against children
- b) Have been convicted of shameful crimes.

## **Labour Agreements and Document Responsibilities**

### **Article 12**

The employer

- a) Shall inform the guardian of the child or young worker of the work in which the child or young worker shall be employed, risks that they may face and measures taken
- b) Before a child or young worker who is continuing at school starts working, shall ask for their student certificate and shall keep this document in the employee file
- c) Must make a written labour contract with the child or young worker's guardian.

## **Employers' Training and Other Responsibilities**

### **Article 13**

The employer shall give the child or young worker the necessary training about the job according to the risks in the workplace, their rights in the job and legal rights according to the nature of the job before they start working.

The employer, in cases when it is necessary to make changes in working conditions, shall, before the child or young worker starts work or in the course of the work must consider the following elements in order to be able to make these changes:

- a) The suitability and structure of the workplace or place where the work is carried out
- b) The type and number of work equipment used and the ways in which they are used
- c) Labour organisations
- d) The level of training and instruction given to the child or young worker.

If upon evaluation it is established that there is a risk from the point of view of the child or young worker's physical or mental development and safety, the necessary medical checks must be carried out as soon as possible.

## **SECOND SECTION**

### **Responsibilities of the State**

#### **Education**

### **Article 14**

#### **The Ministry**

- a) Shall organise seminars, meetings, conferences, symposiums and similar educational programmes in order to make aware and inform families, employee and employer unions, professional establishments, employers, groups and individuals on the subject of children and young workers, and to this end shall prepare books, brochures, magazines and educational materials.
- b) Shall organise educational seminars on the topics of working relations, work health and safety, legal rights and similar subjects relating to children and young workers, and shall take the necessary steps to ensure the participation of children and young workers in these programmes.

- c) Shall give educational seminars to workers relating to topics on workplaces and jobs where children and young workers are employed, institutions and establishments which are authorised to check and inspect, existing legal arrangements on these topics, the application of these and other necessary elements.

## **Analysis – Research**

### **Article 15**

The Ministry shall carry out analysis and research in workplaces and jobs which employ children and young workers on the topics of the health situation of children and young workers, their physical, mental, social and professional development, work health and safety conditions and work relations. They shall publish their information containing the findings, problems and possible solutions brought about by analysis and research.

## **Coordination and Collaboration**

### **Article 16**

The Ministry shall collaborate with public institutions and foundation relevant to children and young workers, worker and employer foundations, professional foundations, universities and voluntary foundations and shall ensure coordination between these foundations.

## **Validity**

### **Article 17**

These regulations shall come into force on the date of publication.

## **Administration**

### **Article 18**

The Ministry of Work and Social Security shall administer the decrees in these regulations.

## **Appendix 1**

### **Light jobs in which child workers may be employed**

1. Jobs picking fruit, vegetables and flowers except for those which need to be done in a way which may pose a danger of falling or getting hurt,
2. Jobs assisting in the fattening of cooped livestock and jobs in sericulture,
3. Sales jobs for tradesmen and artists,
4. Jobs assisting in office services,
5. Jobs distributing or selling newspapers, magazines or written press (except for carrying loads and stacking),
6. Jobs as a busboy or sales staff in bakers, patisseries, grocers, food stands or alcohol free restaurants,
7. Jobs producing stickers for sales goods and wrapping by hand,
8. Jobs assisting in libraries, expositions, exhibitions and display places (apart from carrying loads and stacking),
9. Jobs assisting at sports facilities,
10. Jobs selling and arranging flowers.

## **Appendix 2**

### **Jobs in which young workers may be employed**

1. Jobs canning fruit and vegetables and in the production of vinegar, pickles, tomato sauce, preserves, jam and fruit and vegetable juices,
2. Jobs drying and processing fruit and vegetables,
3. Jobs in the production of halva, molasses, *ağda* and *pekmez* [types of grape syrup],
4. Jobs assisting in butchers' shops,
5. Jobs processing tea,
6. Jobs preparing various dried foods,
7. Jobs assisting in the fattening of sheep or goats,
8. Jobs in the production of brooms and brushes,
9. Jobs in the production of decorations, buttons, combs, pictures, mirrors, frames, glass and similar goods made from hand-carved wood, bones, horns, amber, meerschaum, sepiolite, *Erzurum* stone and other materials,
10. Jobs in sales, labelling and wrapping in stores and shops selling wholesale and retail,
11. Office jobs and jobs assisting in offices,
12. Jobs growing flowers, apart from using pesticide and fertiliser,
13. Jobs in the service sector apart from in places with alcohol and cooking services,
14. Jobs in the production of various items of clothing, walking sticks and umbrellas,
15. Jobs in the production of foodstuffs and various trade jobs,
16. Jobs in the production of quilts, tents, sacks, sails and similar goods and in the production of other ready goods that do not involve weaving,
17. Jobs in the production of chests, boxes, barrels and similar package materials, corks, baskets made from rushes and reeds and similar goods,

18. Jobs in the manufacture of bowls, pots, earthenware, tiles, porcelain and ceramic (apart from in kilns and jobs which produce silica and quartz dust),
19. Jobs distributing flyers,
20. Jobs in production in workshops for glass, bottles, optics and similar materials (apart from at the furnace, jobs that produce silica and quartz dust and operational jobs and colouring and chemical jobs),
21. Jobs in the production of vegetable and animal fats and the manufacture of materials made from them (apart from at the extraction level in jobs in oil production) by means of extraction of *prine* which is done by flammable or irritative solvents such as carbon sulphur or similar materials,
22. Jobs dividing cotton, linen, wool, silk and their remnants up between the benches for fluffing up, combing and starching and dying procedures, and jobs in acclimatised and aerated spinning mills and jobs preparing weaving,
23. Jobs in fish markets,
24. Jobs assisting in product preparation in sweet factories,
25. Jobs in bagging, barrelling, stacking and similar jobs which do not require loads of more than 10kg to be lifted without a tool,
26. Jobs in the manufacture of water-based glue, gelatine and starch,
27. Jobs in the manufacture and repairs of rowing boats, caiques and small decorative sea vessels (except for jobs painting and varnishing).

### **Appendix 3**

#### **Jobs in which children and young workers may not be employed**

1. Jobs done in the night period defined in Article 69 of Labour Law 4857,
2. Jobs in mines and jobs which are done underground or underwater such as laying cables, sewage systems and tunnel construction,
3. Jobs in which people who are not yet 18 are forbidden to work in the Regulations on Heavy and Dangerous Work,
4. Jobs that fall under the Regulations on Preparation, Completing or Cleaning Jobs,
5. Jobs which fall under the Regulations on Jobs which must be done in only 7.5 hours or less per day from the point of view of Health Rules,
6. Jobs in the production and wholesale of alcohol, cigarettes or addictive materials,
7. Jobs in wholesale or retail of flammable, explosive, harmful or dangerous materials or jobs in the manufacture, processing or storage of such materials and every type of job which may leave them exposed to these materials,
8. Jobs which are done in an environment which is noisy and/or has a lot of vibration,
9. Jobs which must be done in an extremely hot or cold environment and jobs which are carried out with materials which are harmful to health or lead to occupational illnesses,
10. Jobs which may expose them to radioactive materials or harmful rays,
11. Jobs which are done by the use of electrically powered machinery,
12. Jobs which require extra vigilance and which require continuous standing up,
13. Jobs where the salary is paid on commission and on a bonus system,
14. Jobs in the transport or revenue or money,



15. Jobs which do not provide the opportunity to go home and be with the family at the end of work (excluding jobs which are for the purposes of education),
16. With the exception of jobs done as an internship required in a vocational training programme, jobs in facial and bodily care and aesthetics, depilation and massage which are carried out in beauty salons,
17. Jobs requiring a clear level of physical or psychological adequacy or with expert medical reports,
18. Jobs involving toxins, carcinogens, materials which harm the genes of offspring or are harmful to unborn children or which influence human health harmfully in any way,
19. Jobs that carry a risk of work accidents believed impossible to avoid or notice which could expose young workers because of a lack of education and lack of attention to safety.