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AN BILLE UM CHOSAINT DAOINE ÓGA (FOSTAÍOCHT), 1996

PROTECTION OF YOUNG PERSONS (EMPLOYMENT) BILL, 1996

Mar a tionscnaíodh
As initiated

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COUNCIL DIRECTIVE 94/33/EC OF 22 JUNE 1994

SECOND SCHEDULE

ENACTMENTS REPEALED

ACTS REFERRED TO

Civil Service Regulation Act, 1956	1956, No. 46
Conditions of Employment Act, 1936	1936, No. 2
Courts Act, 1981	1981, No. 11
Defence Act, 1954	1954, No. 18
Defence (Amendment) (No. 2) Act, 1960	1960, No. 44
Employment Agency Act, 1971	1971, No. 27
Industrial Relations Acts, 1946 to 1990	
Local Government Act, 1941	1941, No. 23
Petty Sessions (Ireland) Act, 1851	1851, c. 93
Protection of Young Persons (Employment) Act, 1977	1977, No. 9
School Attendance Act, 1926	1926, No. 17
Trade Union Act, 1941	1941, No. 22

AN BILLE UM CHOSAINT DAOINE ÓGA (FOSTAÍOCHT), 1996

PROTECTION OF YOUNG PERSONS (EMPLOYMENT) BILL, 1996

BILL

entitled

AN ACT TO REVISE AND EXTEND THE LAW RELATING TO THE PROTECTION OF YOUNG PERSONS IN EMPLOYMENT AND TO ENABLE EFFECT TO BE GIVEN TO COUNCIL DIRECTIVE NO. 94/33/EC OF 22 JUNE 1994 ON THE PROTECTION OF YOUNG PEOPLE AT WORK (OTHER THAN ARTICLES 6 AND 7) AND FOR THOSE PURPOSES TO REPEAL THE PROTECTION OF YOUNG PERSONS (EMPLOYMENT) ACT, 1977, AND CERTAIN PROVISIONS OF THE CONDITIONS OF EMPLOYMENT ACT, 1936, AND TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act—

"agreement" means a collective agreement, an employment regulation order or a registered employment agreement;

"break" means the interval during which a child or young person may not be permitted under this Act to work;

"child" means a person who is under 16 years of age or the school-leaving age, whichever is the higher;

"collective agreement" means an agreement by or on behalf of an employer on the one hand, and by or on behalf of a trade union or trade unions representative of the employees to whom the agreement relates on the other hand;

"contract of employment" means—

(*a*) a contract of service or apprenticeship, and

(*b*) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of the Employment Agency Act, 1971, and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is party to the contract),

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whether the contract is express or implied or if express, whether it is oral or in writing;

"the Council Directive" means Council Directive No. 94/33/EC of 22 June 1994[1] on the protection of young people at work, the text of which, with the exception of Section II and the Annex thereto, is set out for convenience of reference in the *First Schedule*;

"day" means a period of 24 consecutive hours commencing at midnight;

"employee" means a child or a young person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer; and for the purposes of this Act, a person holding office under, or in the service of, the State (including a member of the Garda Síochána or the Defence Forces) or otherwise as a civil servant, within the meaning of the Civil Service Regulation Act, 1956, shall be deemed to be an employee employed by the State or Government, as the case may be, and an officer or servant of a local authority for the purposes of the Local Government Act, 1941, a harbour authority, a health board or a vocational education committee shall be deemed to be an employee employed by the authority, board or committee, as the case may be;

"employer" in relation to an employee, means the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment subject to the qualification that the person who under a contract of employment referred to in *paragraph (b)* of the definition of "contract of employment" is liable to pay the wages of the individual concerned in respect of the work or service concerned shall be deemed to be the individual's employer;

"employment regulation order" means an employment regulation order within the meaning of the Industrial Relations Acts, 1946 to 1990;

"hours of work" does not include periods of rest during which the employee is not required to be available for work;

"industrial work" means such work as the Minister may declare by order under *section 2* to be industrial work for the purposes of this Act;

"inspector" means a person appointed by the Minister under *section 21* to be an inspector for the purposes of this Act;

"light work" means all work which is not industrial work and which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed, 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, their participation in vocational guidance or training programmes approved by the competent authority or their capacity to benefit from the instruction received;

"the Minister" means the Minister for Enterprise and Employment;

"prescribed" means prescribed by regulations made by the Minister;

[1] O.J. No. L216, 20.8.94, p. 12.

"registered employment agreement" means a registered employment agreement within the meaning of the Industrial Relations Acts, 1946 to 1990;

"representatives of employees" means such trade unions as are, in the opinion of the Minister, representative of the employees in relation to whom the expression is used, or where there is no such trade union, such persons as are, in the opinion of the Minister, representative of such employees;

"representatives of employers" means such associations as are, in the opinion of the Minister, representative of the employers in relation to whom the expression is used, or where there is no such association, such persons as are, in the opinion of the Minister, representative of such employers;

"rest period" means any period which is not working time;

"the school-leaving age" means the age at which the School Attendance Act, 1926, ceases to apply or in lieu thereof any age set down by or under any enactment, passed and in operation after the passing of this Act, as the minimum age at which compulsory full-time schooling ends;

"trade union" means a body entitled under the Trade Union Act, 1941, to carry on negotiations for the fixing of wages or other conditions of employment;

"the Tribunal" means the Employment Appeals Tribunal;

"week" means a period of 7 consecutive days;

"working time" means any period during which a young person is at work, at the employer's disposal and carrying out his or her activity or duties;

"young person" means a person who has reached 16 years of age or the school-leaving age (whichever is higher) but is less than 18 years of age.

(2) A word or expression that is used in this Act and is also used in the Council Directive has, unless the contrary intention appears, the meaning in this Act that it has in the Council Directive.

(3) In construing a provision of this Act, a court shall give to it a construction that will give effect to the Council Directive, and for this purpose a court shall have regard to the provisions of the Council Directive, including the preamble.

(4) In this Act a reference to a section or Schedule, is a reference to a section of, or Schedule to, this Act, unless there is an indication that a reference to any other enactment is intended.

(5) In this Act a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless there is an indication that a reference to some other provision is intended.

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Industrial work.

2.—(1) The Minister may by order declare any form of work to be industrial work for the purposes of this Act.

(2) The Minister may by order amend or revoke an order under this section including an order under this subsection.

Prohibition on employment of children.

3.—(1) Subject to this section, an employer shall not employ a child to do work.

(2) The Minister may, by licence, authorise in individual cases, the employment of a child in cultural, artistic, sports or advertising activities which are not likely to be harmful to the safety, health or development of the child and which are not likely to interfere with the child's attendance at school, vocational guidance or training programmes or capacity to benefit from the instruction received.

(3) The Minister may, by regulations, authorise the employment of children over the age of 13 years in cultural, artistic, sports or advertising activities which are not harmful to the safety, health or development of children and which are not likely to interfere with their attendance at school, vocational guidance or training programmes or capacity to benefit from the instruction received.

(4) An employer may employ a child who is over the age of 14 years to do light work during any period outside the school term:

Provided that—

(*a*) the hours of work do not exceed 7 hours in any day or 35 hours in any week,

(*b*) the work is not harmful to the safety, health and development of the child, and

(*c*) during the period of the summer holidays, the child does not do any work for a period of at least 21 days.

(5) An employer may employ a child who is over the age of 15 years to do light work during school term time, provided that the hours of work do not exceed 8 hours in any week.

(6) Subject to *subsection (7)*, an employer may employ a child who is over the age of 14 years and who is a full-time student at an institute of secondary education pursuant to any arrangements made or approved of by the Minister for Education as part of a programme of work experience or educational programme:

Provided that the hours of work do not exceed 8 hours in any day or 40 hours in any week.

(7) The Minister may, after consultation with the Minister for Education and such other interested parties as the Minister sees fit, by regulations, make exemptions from *subsection (6)* in relation to the hours of work of children participating in a work experience or training programme approved by the Minister for Education under *subsection (6)*.

(8) An employer may employ a child over the age of 15 years to participate in a training or work experience programme pursuant to arrangements made or approved of by the Minister or FÁS — the Employment and Training Authority, provided that the hours of work do not exceed 8 hours in any day or 40 hours in any week.

(9) Whenever the Minister grants a licence under *subsection (2)* or makes regulations under *subsection (3)* or *(7)*, the Minister may attach to such licence or provide in such regulations such conditions as the Minister sees fit.

(10) An employer may retain in his or her employment any child of 15 years of age who was in his or her employment immediately before the commencement of this section:

Provided that the hours of work do not exceed 7 hours in any day or 35 hours in any week.

(11) An employer who contravenes *subsection (1)* shall be guilty of an offence.

Additional provisions in relation to employment of children.

4.—(1) An employer shall not employ any child on any work between 8 p.m. on any one day and 8 a.m. on the following day.

(2) Subject to *subsection (3)*, an employer shall ensure that an employee who is a child receives a minimum rest period of 14 consecutive hours in each period of 24 hours.

(3) The minimum consecutive hours of rest in each period of 24 hours specified in *subsection (2)* may be interrupted by an employer in the case of a child employed on activities that do not extend beyond 2 hours in each day or are separated, exclusive of breaks, over the day, provided that, in each period of 24 hours, the child receives a minimum rest period of 14 hours.

(4) An employer shall ensure that an employee who is a child receives, in any period of 7 days, a minimum rest period of 2 days which shall as far as is practicable be consecutive.

(5) The minimum period of rest during each period of 7 days specified in *subsection (4)* may be interrupted by an employer in the case of a child employed on activities that do not extend beyond 2 hours in each day or are separated, exclusive of breaks, over the day, provided that, in each period of 7 days, the cumulative rest period is 2 days.

(6) The Minister may, by regulations, reduce the minimum period of rest specified in *subsection (4)* to 36 consecutive hours in respect of any class of employees or class of work where in the opinion of the Minister this is justified for technical or organisational reasons.

(7) Whenever the Minister makes regulations under *subsection (6)*, the Minister may provide in such regulations such conditions as the Minister sees fit.

(8) An employer shall not permit a child employed by him or her to do for him or her any work for any period exceeding 4 hours without a break of at least 30 consecutive minutes.

(9) A child shall not be entitled to be paid in respect of the break specified in *subsection (8)*.

(10) An employer who contravenes *subsection (1)*, *(2)*, *(4)* or *(8)* shall be guilty of an offence.

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Duties of employer in relation to young persons and children.

5.—(1) Any employer who employs a young person or child to work for him or her shall—

(*a*) before employing the young person or child, require the production of a copy of the birth certificate of, or other satisfactory evidence of the age of, the young person or child, as the case may be,

(*b*) before employing a child, obtain the written permission of the parent or guardian of the child, and

(*c*) maintain a register, or other satisfactory record, containing, in relation to every young person or child employed by him or her, the following particulars—

(i) the full name of the young person or child,

(ii) the date of birth of the young person or child,

(iii) the time the young person or child commences work each day,

(iv) the time the young person or child finishes work each day,

(v) the rate of wages or salary paid to the young person or child for his or her normal working hours each day, week, month or year, as the case may be, and

(vi) the total amount paid to each young person or child by way of wages or salary.

(2) An employer who fails to comply with the provisions of this section and the parent or guardian of a young person or child who aids or abets an employer in the contravention of this section shall be guilty of an offence.

Employment of young persons.

6.—(1) An employer may not employ a young person except:

(*a*) where, subject to this section, the employer—

(i) does not require or permit the young person to work for more than 8 hours in any day or 40 hours in any week,

(ii) does not require or permit the young person to work between 10 p.m. on any one day and 6 a.m. on the following day,

(iii) ensures that the young person receives a minimum rest period of 12 consecutive hours in each period of 24 hours,

(iv) ensures that the young person receives in any period of 7 days a minimum rest period of 2 days which shall, as far as is practicable, be consecutive, and

(v) does not require or permit the young person to do for him or her any work for any period exceeding $4\frac{1}{2}$ hours without a break of at least 30 consecutive minutes; or

(*b*) under and in accordance with a licence granted under *section 7*; or

(*c*) under and in accordance with regulations made under *section 8*.

(2) The minimum consecutive hours of rest in each period of 24 hours specified in *subsection (1) (a) (iii)* may be interrupted by an employer in the case of a young person employed on activities that do not extend beyond 2 hours in each day or are separated, exclusive of breaks, over the day provided that, in each period of 24 hours, the young person receives a minimum rest period of 12 hours.

(3) The minimum periods of rest during each period of 7 days specified in *subsection (1) (a) (iv)* may be interrupted by an employer in the case of a young person employed on activities that do not extend beyond 2 hours in each day or are separated, exclusive of breaks, over the day provided that, in each period of 7 days, the cumulative rest period is 2 days.

(4) The minimum periods of rest in each period of 24 hours and each period of 7 days specified in *subsection (1) (a) (iii)* and *(iv)* shall not apply to a young person who is employed in the shipping or fishing sectors:

Provided that—

(*a*) there are objective grounds justifying the non-application of the provisions;

(*b*) such young persons receive appropriate compensatory rest times at some time during each period of 24 hours and each period of 7 days, and

(*c*) the trade union or representative of the young person is consulted.

(5) The limitations on hours of work and on night work specified in *subsection (1) (a) (i)* and *(ii)*, and the minimum periods of rest specified in *subsection (1) (a) (iii)* and *(iv)* shall not apply to young persons who are members of the Defence Forces when they are—

(*a*) on active service within the meaning of section 5 of the Defence Act, 1954, or deemed to be on active service, within the meaning of section 4 (1) of the Defence (Amendment) (No. 2) Act, 1960;

(*b*) engaged in action in the course of operational duties at sea;

(*c*) engaged in operations in aid of the civil power; or

(*d*) engaged in training directly associated with any of the aforesaid activities:

Provided that such young persons are allowed equivalent compensatory rest times within 3 weeks of having ceased to engage in the aforesaid activities.

(6) A young person shall not be entitled to be paid in respect of the break specified in *subsection (1) (a) (v)*.

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(7) An employer who contravenes *subsection (1)* shall be guilty of an offence.

Employment of young persons under licence.

7.—(1) The Minister may, by licence, permit an individual employer to employ young persons and may attach to the licence such conditions as the Minister sees fit, provided that the Minister is satisfied that—

(*a*) the terms of the licence are in compliance with the terms of the Directive,

(*b*) the health, welfare and safety of the employees affected will not be endangered, and

(*c*) compliance by the employer or group or category of employers with one or more of the terms of *section 6 (1) (a)* would be impractical due to the seasonal nature of the work or the technical or organisational requirements of the work or for other substantial reasons.

(2) Before granting a licence under *subsection (1)*, the Minister shall consult such representatives of employers and representatives of employees as the Minister considers appropriate.

Employment of young persons under regulations.

8.—(1) The Minister may, by regulations, permit any group or category of employers to employ young persons and may include in the regulations such conditions as the Minister sees fit:

Provided that the Minister is satisfied that—

(*a*) the terms of the regulations are in compliance with the terms of the Directive,

(*b*) the health, welfare and safety of the employees affected will not be endangered, and

(*c*) compliance with one or more of the terms of *section 6 (1) (a)* would be impractical due to the seasonal nature of the work or the technical or organisational requirements of the work or for other substantial reasons.

(2) Before making regulations under *subsection (1)*, the Minister shall—

(*a*) consult such representatives of employers and representatives of employees as the Minister considers appropriate, and

(*b*) publish in such manner as the Minister thinks fit notice of the Minister's intention to do so and give persons desiring to make representations in relation to the proposed regulations a period of 21 days to do so.

Prohibition on double employment.

9.—(1) An employer shall not permit an employee to do for him or her any form of work on any day on which the employee has done any form of work for any other employer, except where the aggregate of the periods for which the employee does work for such employers on that day does not exceed the period for which such employee could lawfully be employed to do work for one employer on that day.

(2) Whenever an employer employs an employee in contravention of this section, the employer shall be guilty of an offence and the employee, if he or she is a young person, shall also be guilty of an offence.

(3) The parent or guardian of an employee who aids or abets an employer in the contravention of this section shall be guilty of an offence.

(4) Whenever an employer is prosecuted for an offence under this section it shall be a defence for him or her to prove either that he or she did not know, or could not by reasonable enquiry have known, that the employee had done work for any other employer on the day in respect of which the prosecution is brought or that he or she did not know, or could not by reasonable enquiry have known, that the aggregate of the periods for which the employee did work on that day exceeded the period for which he or she could lawfully be employed to do work for one employer on that day.

Time spent on vocational training.

10.—Any time spent, with the consent of his or her employer, by an employee who is a young person working under a combined work/training scheme or an in-plant work experience scheme shall be deemed to be working time for the purposes of *section 6*.

Display of abstract of Act.

11.—(1) Every employer shall display at the principal entrances to the premises where any of his or her employees work, and in such other places as an inspector may require, in such a position that it may be easily read by employees so employed, the prescribed abstract of this Act.

(2) An employer who fails to comply with the provisions of this section shall be guilty of an offence.

Preservation of existing pay and conditions of employment.

12.—Where, in order to comply with the provisions of this Act, the hours of work prevailing immediately before the commencement of this section in regard to all employees or any particular employee employed in any particular form of work are reduced or are otherwise altered, the following provisions shall have effect, that is to say—

(*a*) the rate of salary, wages or other reward payable to any such employee immediately before the commencement of this section shall not be reduced or be otherwise altered to the detriment of such employee merely because of the said reduction or alteration in the hours of work of such employee;

(*b*) the said reduction or alteration of hours shall not terminate or prejudicially affect the contract of service under which such employee is so employed immediately before the commencement of this section, and every such contract shall continue in force after such commencement with such modifications only as may be necessary in order to comply with this Act;

(*c*) every agreement which is in force immediately before the commencement of this section and regulates or restricts the rate of salary, wages or other reward payable to any such employee shall continue in force after such commencement notwithstanding the said reduction or alteration of hours of work but with the modification that

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every rate of salary, wages or other reward which is fixed by such agreement and every restriction on any rate of salary, wages or other reward contained in such agreement shall remain unchanged in amount;

(*d*) every minimum rate of salary, wage or other reward fixed by statute or under statutory authority which is in force immediately before the commencement of this section shall, if and so far as it is applicable to any such employee, continue after such commencement in force and unchanged in amount notwithstanding the said reduction or alteration of hours of work.

Emergency as defence.

13.—(1) It shall be a defence to any proceedings taken against any employer for a breach of any of the provisions of this Act in relation to an employee who is a young person if such employer shows to the satisfaction of the court before which such proceedings are brought that any act occasioning such breach was rendered necessary or reasonably proper by the actual occurrence or the threat or reasonable anticipation of fire, flood, storm, violence, a breakdown of plant or machinery or any other emergency:

Provided that—

(*a*) the work is of a temporary nature and has to be performed immediately,

(*b*) adult workers are not available,

(*c*) the young person is allowed equivalent compensatory rest time within 3 weeks of the date of occurrence of the breach concerned, and

(*d*) the young person is paid at the rate of time plus a quarter for any time worked as a result of the emergency.

(2) A certificate signed by or on behalf of any Minister of the Government that an act done by or in relation to any young person employed by that Minister was rendered necessary by an emergency shall be evidence that such act was so rendered necessary.

Employer records.

14.—(1) An employer shall keep, at the place where a young person or child is employed, such records as are necessary to show whether the provisions of this Act are being complied with in relation to his or her employees and such records shall be retained by the employer for at least 3 years.

(2) In any case where—

(*a*) there is a dispute between an employer and employee, or

(*b*) there is a prosecution for an offence under this Act,

and the records required to be kept by an employer under *subsection (1)* are not available, the onus of proving that the provisions of this Act have been complied with shall lie on the employer.

(3) An employer who contravenes *subsection (1)* shall be guilty of an offence.

Recovery of money due to employee.

15.—(1) Any sum of money due to an employee from his or her employer under any provision of this Act shall be recoverable by the employee from his or her employer as a simple contract debt in a court of competent jurisdiction.

(2) Proceedings for the recovery of any sum due by an employer to an employee under any provision of this Act may be instituted and maintained on behalf of the employee by his or her trade union or parent or guardian.

(3) Whenever in a prosecution for an offence under this Act, it appears that a sum of money is due by an employer to an employee, and the employer is convicted of that offence, a court may, if it is satisfied that the employer is liable to pay to his or her employee a sum of money, order, in addition to any penalty which it may impose pursuant to this Act, that the employer pay any such sum of money to the employee.

Refusal by child or young person to co-operate with employer in breaching Act.

16.—An employer shall not penalise an employee for having in good faith opposed by lawful means an act which is unlawful under this Act.

Complaints to rights commissioner.

17.—(1) The parent or guardian of a child or young person may present a complaint to a rights commissioner that the employer of the child or young person has contravened *section 12* or *16* in relation to the child or young person.

(2) Where a complaint under *subsection (1)* is made, the rights commissioner shall give the parties an opportunity to be heard by the commissioner and to present to the commissioner any evidence relevant to the complaint, shall give a recommendation in writing in relation to it and shall communicate the recommendation to the parties.

(3) A recommendation of a rights commissioner under *subsection (2)* shall do one or more of the following—

(*a*) declare that the complaint was or, as the case may be, was not well founded,

(*b*) order the employer to take a specific course of action,

(*c*) order the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances,

and the references in the foregoing paragraphs to an employer shall be construed, in a case where ownership of the business of the employer changes after a contravention to which the complaint relates, as references to the person who, by virtue of the change, becomes entitled to such ownership.

(4) A rights commissioner shall not entertain a complaint under this section unless it is presented to him within the period of 6 months beginning on the date of the contravention to which the complaint relates or (in a case where the rights commissioner is satisfied that exceptional circumstances prevented the presentation of the complaint within the period aforesaid) such further period not exceeding 6 months as the rights commissioner considers reasonable.

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(5) (*a*) A complaint shall be presented by giving notice thereof in writing to a rights commissioner and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister.

(*b*) A copy of a notice under *paragraph (a)* shall be given to the other party concerned by the rights commissioner concerned.

(6) Proceedings under this section before a rights commissioner shall be conducted otherwise than in public.

(7) A rights commissioner shall furnish the Tribunal with a copy of any recommendation given by the commissioner under *subsection (2)*.

(8) The Minister may by regulations—

(*a*) provide for any matters relating to proceedings under this section that the Minister considers appropriate, and

(*b*) amend *paragraph (c)* of *subsection (3)* so as to vary the maximum amount of the compensation provided for in that paragraph, and this section shall have effect in accordance with the provisions of any regulations under this paragraph for the time being in force.

Appeals from and enforcement of recommendations of rights commissioner.

18.—(1) A party concerned may appeal to the Tribunal from a recommendation of a rights commissioner under *section 17* and, if the party does so, the Tribunal shall give the parties an opportunity to be heard by it and to present to it any evidence relevant to the appeal, shall make a determination in writing in relation to the appeal affirming, varying or setting aside the recommendation and shall communicate the determination to the parties.

(2) (*a*) Subject to any regulations made under *subsection (3) (g)*, an appeal under this section shall be initiated by the party concerned giving, within 6 weeks of the date on which the recommendation to which it relates was communicated to the party, a notice in writing to the Tribunal containing such particulars (if any) as may be specified in regulations under *subsection (3)* and stating the intention of the party concerned to appeal against the recommendation.

(*b*) A copy of a notice under *paragraph (a)* shall be given by the Tribunal to the other party concerned as soon as may be after the receipt of the notice by the Tribunal.

(3) The Minister may by regulations provide for all or any of the following matters in relation to proceedings under this Act before the Tribunal and for anything consequential thereon or incidental or ancillary thereto—

(*a*) the procedure in relation to all matters concerning the initiation and the hearing by the Tribunal of appeals under this section,

(*b*) the times and places of hearings of such appeals,

(*c*) the representation of the parties to such appeals,

(*d*) the publication and notification of determinations of the Tribunal,

(*e*) the particulars to be contained in a notice under *subsection (2)*,

(*f*) the award by the Tribunal of costs and expenses in relation to such appeals and the payment thereof,

(*g*) the extension by the Tribunal of the time for initiating such appeals.

(4) (*a*) The Minister may, at the request of the Tribunal, refer a question of law arising in proceedings before it to the High Court for determination by it and the determination of the High Court shall be final and conclusive.

(*b*) A party to proceedings before the Tribunal may appeal to the High Court from a determination of the Tribunal on a point of law and the determination of the High Court shall be final and conclusive.

(5) (*a*) The Tribunal shall, on the hearing of any matter referred to it under this section, have power to take evidence on oath and for that purpose may cause to be administered oaths to persons attending as witnesses at such hearing.

(*b*) Any person who, upon examination on oath authorised under this subsection, wilfully gives false evidence or wilfully swears anything which is false, being convicted thereof, shall be liable to the penalties for perjury.

(*c*) The Tribunal may, by giving notice in that behalf in writing to any person, require such person to attend at such time and place as is specified in the notice to give evidence in relation to any matter referred to the Tribunal under this section or to produce any documents in his or her possession, custody or control which relate to any such matter.

(*d*) A notice under *paragraph (c)* may be given either by delivering it to the person to whom it relates or by sending it by post in a prepaid registered letter addressed to such person at the address at which he or she ordinarily resides.

(*e*) A person to whom a notice under *paragraph (c)* has been given and who refuses or wilfully neglects to attend in accordance with the notice or having so attended, refuses to give evidence or refuses or wilfully fails to produce any document to which the notice relates shall be guilty of an offence.

(6) (*a*) Where a recommendation of a rights commissioner in relation to a complaint under this Act has not been carried out by the employer concerned in accordance with its terms, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought, the employee concerned may bring the complaint before the Tribunal and the Tribunal shall, without hearing the employer concerned, other than in relation to the matters aforesaid or any evidence other

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than in relation to such matters, make a determination to the like effect as the recommendation.

(*b*) The bringing of a complaint before the Tribunal by virtue of this subsection shall be effected by giving to the Tribunal a notice in writing containing such particulars (if any) as may be specified in regulations made for the purposes of *subsection (3)*.

Enforcement of determination of Tribunal.

19.—(1) (*a*) If an employer fails to carry out in accordance with its terms a determination of the Tribunal in relation to a complaint under *section 17* within 6 weeks from the date on which the determination is communicated to the parties, the District Court shall, on application to it in that behalf by—

(i) the parent or guardian of the child or young person concerned,

(ii) the trade union of the young person concerned, or

(iii) the Minister, if the Minister considers it appropriate to make the application having regard to all the circumstances,

without hearing the employer concerned, other than in relation to the matters aforesaid or any evidence other than in relation to such matters, make an order directing the employer to carry out the determination in accordance with its terms.

(*b*) In *paragraph (a)* the reference to a determination of the Tribunal is a reference to such a determination in relation to which, at the expiration of the time for bringing an appeal against it, no such appeal has been brought, or if such an appeal has been brought it has been abandoned and the reference to the date on which the determination is communicated to the parties shall, in a case where such an appeal is abandoned, be construed as a reference to the date of such abandonment.

(2) The District Court may, in an order under this section, if in all the circumstances it considers it appropriate to do so, where the order relates to the payment of compensation, direct the employer concerned to pay to the employee concerned interest on the compensation at the rate referred to in section 22 of the Courts Act, 1981, in respect of the whole or any part of the period beginning 6 weeks after the date on which the determination of the Tribunal is communicated to the parties and ending on the date of the order.

(3) Proceedings under this section shall be heard by the judge assigned to the district court district in which the employer concerned ordinarily resides or carries on any profession, business or occupation.

20.—A document purporting to be signed by the chairman or a vice-chairman of the Tribunal stating that— Evidence of failure to attend before or give evidence or produce documents to Tribunal.

(*a*) a person named in the document was, by a notice under *paragraph (c)* of *section 18 (5)* required to attend before the Tribunal on a day and at a time and place specified in the document, to give evidence or produce a document,

(*b*) a sitting of the Tribunal was held on that day and at that time and place, and

(*c*) the person did not attend before the Tribunal in pursuance of the notice or, as the case may be, having so attended, refused to give evidence or refused or failed to produce the document,

shall, in a prosecution of the person under *paragraph (e)* of that section, be evidence of the matters so stated without further proof.

21.—(1) The Minister may appoint in writing such and so many persons as the Minister sees fit to be inspectors for the purposes of this Act. Powers of inspectors.

(2) An inspector may for the purposes of this Act do all or any of the following things—

(*a*) subject to the provisions of this section, enter at all reasonable times any premises or place where he or she has reasonable grounds for supposing that any employee is employed in work,

(*b*) make such examination or enquiry as may be necessary for ascertaining whether the provisions of this Act are complied with in respect of any employee employed in any such premises or place,

(*c*) require the employer of any employee or the representative of such employer to produce to him or her any records which such employer is required to keep and inspect and take copies of entries in such records (including in the case of information in a non-legible form a copy of or an extract from such information in a permanent legible form),

(*d*) require any person whom he or she has reasonable cause to believe to be or to have been an employee or the employer of any employee to furnish such information as the inspector may reasonably request,

(*e*) examine with regard to any matters under this Act any person whom he or she has reasonable cause to believe to be or to have been an employer or employee and require him or her to answer such questions (other than questions tending to incriminate him or her) as the inspector may put relative to those matters and to sign a declaration of the truth of the answers.

(3) An inspector shall not, other than with the consent of the occupier, enter a private dwelling (other than a part of the dwelling used as a place of work) unless he or she has obtained a warrant from the District Court under *subsection (6)* authorising such entry.

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(4) Where an inspector in the exercise of his or her powers under this section is prevented from entering any premises an application may be made under *subsection (6)* authorising such entry.

(5) An inspector appointed under this section, where he or she considers it necessary, may be accompanied by a member of the Garda Síochána when performing any powers conferred on an inspector by this Act.

(6) If a judge of the District Court is satisfied on the sworn information of an inspector that there are reasonable grounds for suspecting that there is information required by an inspector under this section held on any premises or any part of any premises, the judge may issue a warrant authorising an inspector accompanied by other inspectors or a member of the Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter the premises (if need be by reasonable force) and exercise all or any of the powers conferred on an inspector under *subsection (2).*

(7) A person who—

(*a*) obstructs or impedes an inspector in the exercise of any of the powers conferred on an inspector under this section,

(*b*) refuses to produce any record which an inspector lawfully requires him or her to produce,

(*c*) produces or causes to be produced or knowingly allows to be produced, to an inspector, any record which is false in any material respect knowing it to be false,

(*d*) gives to an inspector any information which is false or misleading, or

(*e*) wilfully fails or refuses to comply with any lawful requirement of an inspector under *subsection (2)*

shall be guilty of an offence.

(8) Every inspector shall be furnished by the Minister with a certificate of his or her appointment and, on applying for admission to any premises or place for the purposes of this Act, shall, if requested by a person affected, produce the certificate or a copy thereof to that person.

Offences by bodies corporate.

22.—(1) Where an offence under this Act is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been facilitated by any neglect on the part of any director, manager, secretary or any other officer of such body or a person who was purporting to act in any such capacity, such person shall also be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Any summons or other document required to be served for the purpose or in the course of proceedings on a body corporate may be served by leaving it at or sending it by post to the registered office of that body or, if there is in the State no such office, by leaving it at or sending it by post to that body at any place in the State at which it conducts its business.

23.—(1) An offence under this Act may be prosecuted summarily by the Minister. Prosecutions.

(2) An offence, other than an offence under *section 18* or *21*, may be prosecuted summarily by the trade union of which the employee is a member.

(3) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be instituted within 12 months from the date of the offence.

24.—(1) A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding £1,500. Penalties.

(2) Where a person after conviction for an offence under this Act continues to contravene the provision concerned, the person shall be guilty of an offence on every day on which the contravention continues and for each such offence shall be liable to a fine on summary conviction not exceeding £250.

25.—The enactments specified in *column (2)* of the *Second Schedule* are hereby repealed to the extent specified in *column (3)* of that Schedule. Repeals.

26.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas. Expenses.

27.—Every order (other than an order under *section 28*) or regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. Laying of orders and regulations before Houses of Oireachtas.

28.—(1) This Act may be cited as the Protection of Young Persons (Employment) Act, 1996. Short title and commencement.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

FIRST SCHEDULE

Section 1.

COUNCIL DIRECTIVE 94/33/EC
of 22 June 1994

on the protection of young people at work

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 118a thereof,

Having regard to the proposal from the Commission [1],

[1] OJ No C 84, 4.4.1992, p. 7.

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Having regard to the opinion of the Economic and Social Committee [2],

Acting in accordance with the procedure referred to in Article 189c of the Treaty [3],

Whereas Article 118a of the Treaty provides that the Council shall adopt, by means of directives, minimum requirements to encourage improvements, especially in the working environment, as regards the health and safety of workers;

Whereas, under that Article, such directives must avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings;

Whereas points 20 and 22 of the Community Charter of the Fundamental Social Rights of Workers, adopted by the European Council in Strasbourg on 9 December 1989, state that:

'20. Without prejudice to such rules as may be more favourable to young people, in particular those ensuring their preparation for work through vocational training, and subject to derogations limited to certain light work, the minimum employment age must not be lower than the minimum school-leaving age and, in any case, not lower than 15 years;

22. Appropriate measures must be taken to adjust labour regulations applicable to young workers so that their specific development and vocational training and access to employment needs are met.

The duration of work must, in particular, be limited — without it being possible to circumvent this limitation through recourse to overtime — and night work prohibited in the case of workers of under eighteen years of age, save in the case of certain jobs laid down in national legislation or regulations';

Whereas account should be taken of the principles of the International Labour Organization regarding the protection of young people at work, including those relating to the minimum age for access to employment or work;

Whereas, in this Resolution on child labour[4], the European Parliament summarised the various aspects of work by young people and stressed its effects on their health, safety and physical and intellectual development, and pointed to the need to adopt a Directive harmonising national legislation in the field;

Whereas Article 15 of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [5] provides that particularly sensitive risk groups must be protected against the dangers which specifically affect them;

[2] OJ No C 313, 30.11.1992, p. 70.

[3] Opinion of the European Parliament of 17 December 1992 (OJ No C 21, 25. 1. 1993, p. 167). Council Common Position of 23 November 1993 (not yet published in the Official Journal) and Decision of the European Parliament of 9 March 1994 (OJ No C 91, 28. 3. 1994, p. 89).

[4] OJ No C 190, 20.7.1987, p. 44.

[5] OJ No L 183, 29.6.1989, p. 1.

Whereas children and adolescents must be considered specific risk groups, and measures must be taken with regard to their safety and health;

Whereas the vulnerability of children calls for Member States to prohibit their employment and ensure that the minimum working or employment age is not lower than the minimum age at which compulsory schooling as imposed by national law ends or 15 years in any event; whereas derogations from the prohibition on child labour may be admitted only in special cases and under the conditions stipulated in this Directive; whereas, under no circumstances, may such derogations be detrimental to regular school attendance or prevent children benefiting fully from their education;

Whereas, in view of the nature of the transition from childhood to adult life, work by adolescents should be strictly regulated and protected;

Whereas every employer should guarantee young people working conditions appropriate to their age;

Whereas employers should implement the measures necessary to protect the safety and health of young people on the basis on an assessment of work-related hazards to the young;

Whereas Member States should protect young people against any specific risks arising from their lack of experience, absence of awareness of existing or potential risks, or from their immaturity;

Whereas Member States should therefore prohibit the employment of young people for the work specified by this Directive;

Whereas the adoption of specific minimal requirements in respect of the organisation of working time is likely to improve working conditions for young people;

Whereas the maximum working time of young people should be strictly limited and night work by young people should be prohibited, with the exception of certain jobs specified by national legislation or rules;

Whereas Member States should take the appropriate measures to ensure that the working time of adolescents receiving school education does not adversely affect their ability to benefit from that education;

Whereas time spent on training by young persons working under a theoretical and/or practical combined work/training scheme or an in-plant work-experience should be counted as working time;

Whereas, in order to ensure the safety and health of young people, the latter should be granted minimum daily, weekly and annual periods of rest and adequate breaks;

Whereas, with respect to the weekly rest period, due account should be taken of the diversity of cultural, ethnic, religious and other factors prevailing in the Member States; whereas in particular, it is ultimately for each Member State to decide whether Sunday should be included in the weekly rest period, and if so to what extent;

Whereas appropriate work experience may contribute to the aim of preparing young people for adult working and social life, provided

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it is ensured that any harm to their safety, health and development is avoided;

Whereas, although derogations from the bans and limitations imposed by this Directive would appear indispensable for certain activities or particular situations, applications thereof must not prejudice the principles underlying the established protection system;

Whereas this Directive constitutes a tangible step towards developing the social dimension of the internal market;

Whereas the application in practice of the system of protection laid down by this Directive will require that Member States implement a system of effective and proportionate measures;

Whereas the implementation of some provisions of this Directive poses particular problems for one Member State with regard to its system of protection for young people at work; whereas that Member State should therefore be allowed to refrain from implementing the relevant provisions for a suitable period,

HAS ADOPTED THIS DIRECTIVE:

SECTION I

Article 1

Purpose

1. Member States shall take the necessary measures to prohibit work by children.

They shall ensure, under the conditions laid down by this Directive that the minimum working or employment age is not lower than the minimum age at which compulsory full-time schooling as imposed by national law ends or 15 years in any event.

2. Member States ensure that work by adolescents is strictly regulated and protected under the conditions laid down in this Directive.

3. Member States shall ensure in general that employers guarantee that young people have working conditions which suit their age.

They shall ensure that young people are protected against economic exploitation and against any work likely to harm their safety, health or physical, mental, moral or social development or to jeopardise their education.

Article 2

Scope

1. This Directive shall apply to any person under 18 years of age having an employment contract or an employment relationship defined by the law in force in a Member State and/or governed by the law in force in a Member State.

2. Member States may make legislative or regulatory provision for this Directive not to apply, within the limits and under the conditions which they set by legislative or regulatory provision, to occasional work or short-term work involving:

(*a*) domestic service in a private household, or

(*b*) work regarded as not being harmful, damaging, or dangerous to young people in a family undertaking.

Article 3

Definitions

For the purposes of this Directive:

(*a*) 'young person' shall mean any person under 18 years of age referred to in Article 2 (1);

(*b*) 'child' shall mean any young person of less than 15 years of age or who is still subject to compulsory full-time schooling under national law;

(*c*) 'adolescent' shall mean any young person of at least 15 years of age but less than 18 years of age who is no longer subject to compulsory full-time schooling under national law;

(*d*) 'light work' shall mean 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;

(*e*) 'working time' shall mean any period during which the young person is at work, at the employer's disposal and carrying out his activity or duties in accordance with national legislation and/or practice;

(*f*) 'rest period' shall mean any period which is not working time.

Article 4

Prohibition of work by children

1. Member States shall adopt the measures necessary to prohibit work by children.

2. Taking into account the objectives set out in Article 1, Member States may make legislative or regulatory provision for the prohibition of work by children not to apply to:

(*a*) children pursuing the activities set out in Article 5;

(*b*) children of at least 14 years of age working under a combined work/training scheme or an in-plant work-experience scheme, provided that such work is done in accordance with the conditions laid down by the competent authority;

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(*c*) children of at least 14 years of age performing light work other than that covered by Article 5; light work other than that covered by Article 5 may, however, be performed by children of 13 years of age for a limited number of hours per week in the case of categories of work determined by national legislation.

3. Member States that make use of the opinion referred to in paragraph 2 (*c*) shall determine, subject to the provisions of this Directive, the working conditions relating to the light work in question.

Article 5

Cultural or similar activities

1. The employment of children for the purposes of performance in cultural, artistic, sports or advertising activities shall be subject to prior authorisation to be given by the competent authority in individual cases.

2. Member States shall by legislative or regulatory provision lay down the working conditions for children in the cases referred to in paragraph 1 and the details of the prior authorisation procedure, on condition that the activities:

(i) are not likely to be harmful to the safety, health or development of children, and

(ii) are 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.

3. By way of derogation from the procedure laid down in paragraph 1, in the case of children of at least 13 years of age, Member States may authorise, by legislative or regulatory provision, in accordance with conditions which they shall determine, the employment of children for the purposes of performance in cultural, artistic, sports or advertising activities.

4. The Member States which have a specific authorisation system for modelling agencies with regard to the activities of children may retain that system.

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, authorise 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.

(*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, authorise 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.

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However, Member States may, by legislative or regulatory provision, authorise 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 periods

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 organisation 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, authorise 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.

SECTION IV

Article 14

Measures

Each Member State shall lay down any necessary measures to be applied in the event of failure to comply with the provisions adopted in order to implement this Directive; such measures must be effective and proportionate.

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Article 15

Adaptation of the Annex

Adaptations of a strictly technical nature to the Annex in the light of technical progress, changes in international rules or specifications and advances in knowledge in the field covered by this Directive shall be adopted in accordance with the procedure provided for in Article 17 of Directive 89/391/EEC.

Article 16

Non-reducing clause

Without prejudice to the right of Member States to develop, in the light of changing circumstances, different provisions on the protection of young people, as long as the minimum requirements provided for by this Directive are complied with, the implementation of this Directive shall not constitute valid grounds for reducing the general level of protection afforded to young people.

Article 17

Final provisions

1. (*a*) Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 22 June 1996 or ensure, by that date at the latest, that the two sides of industry introduce the requisite provisions by means of collective agreements, with Member States being required to make all the necessary provisions to enable them at all times to guarantee the results laid down by this Directive.

(*b*) The United Kingdom may refrain from implementing the first subparagraph of Article 8 (1) (*b*) with regard to the provisions relating to the maximum weekly working time, and also Article 8 (2) and Article 9 (1) (*b*) and (2) for a period of four years from the date specified in subparagraph (*a*).

The Commission shall submit a report on the effects of this provision.

The Council, acting in accordance with the conditions laid down by the Treaty, shall decide whether this period should be extended.

(*c*) Member States shall forthwith inform the Commission thereof.

2. When Member States adopt the measures referred to in paragraph 1, such measures shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

3. Member States shall communicate to the Commission the texts of the main provisions of national law which they have already adopted or adopt in the field governed by this Directive.

4. Member States shall report to the Commission every five years on the practical implementation of the provisions of this Directive, indicating the viewpoints of the two sides of industry.

The Commission shall inform the European Parliament, the Council and the Economic and Social Committee thereof.

5. The Commission shall periodically submit to the European Parliament, the Council and the Economic and Social Committee a report on the application of this Directive taking into account paragraphs 1, 2, 3 and 4.

Article 18

This Directive is addressed to the Member States.

Done at Luxembourg, 22 June 1994.

For the Council

The President

E. YIANNOPOULOS

SECOND SCHEDULE

Section 25.

Enactments Repealed

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
1936, No. 2	Conditions of Employment Act, 1936	Sections 15, 41 (1) (*b*), 45, 47 and 49 (7).
1977, No. 9	Protection of Young Persons (Employment) Act, 1977	The whole Act.

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AN BILLE UM CHOSAINT DAOINE ÓGA (FOSTAÍOCHT), 1996

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht d'athbhreithniú agus do leathnú an dlí a bhaineann le cosaint daoine óga i bhfostaíocht agus dá chumasú éifeacht a thabhairt do Threoir Uimh. 94/33/CE an 22 Meitheamh 1994, ón gComhairle, maidir le cosaint daoine óga ag an obair (seachas Airteagail 6 agus 7) agus chun na gcríoch sin d'aisghairm an Achta um Chosaint Daoine Óga (Fostaíocht), 1977, agus forálacha áirithe den Acht um Choinníollacha Fostaíochta, 1936, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Fiontar agus Fostaíochta a thíolaic,
15 *Eanáir,* 1996

PROTECTION OF YOUNG PERSONS (EMPLOYMENT) BILL, 1996

BILL

(as initiated)

entitled

An Act to revise and extend the law relating to the protection of young persons in employment and to enable effect to be given to Council Directive No. 94/33/EC of 22 June 1994 on the protection of young people at work (other than Articles 6 and 7) and for those purposes to repeal the Protection of Young Persons (Employment) Act, 1977, and certain provisions of the Conditions of Employment Act, 1936, and to provide for related matters.

Presented by the Minister for Enterprise and Employment,
15*th January,* 1996

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2, nó trí aon díoltóir leabhar.

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