Protection of young people at work: transition period for the United Kingdom (Directive 94/33 /EC). Report

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PURPOSE : to present a report on the effects of the transitional period granted to the United Kingdom concerning certain provisions of Council Directive 94/33/EC on the protection of young people at work. CONTENT : Council Directive 94/33/EC on the protection of young people at work was adopted on 22 June 1994 and entered into force 2 years later, providing transition periods to allow certain Member States to refrain from implementing the application of this Directive as it posed a number of problems. In particular, this was the case for the United Kingdom, who benefitted form a transition period of four years to apply some of the more specific measures of the Directive, that is until 22 June 2000. It is was provided that at the end of this period, the Commission would present a report to the Council on the effects of this derogation. This is the objective of the present report. On the basis of the views expressed by the relevant personnel of the principal organisations representing the two sides of industry in the United Kingdom and on the documentation provided either during or after those discussions, the effects of the transition period, as perceived by those organisations differ. Employers favour the transitional period because it increases the employment opportunites for young persons whereas the trade unions are opposed to the transitional period because it perpetuates a risk to young persons' health, education and welfare. According to the CBI (Confederation of British Industry), the protection in the United Kingdom for children and adolescents was both appropriate and adequate and that non-renewal of the transitional period in question would create rigidities and impracticalities in sectors such as broadcasting, retailing, hotel and catering. The CBI also expressed the view that non-renewal would affect the employability of young people and could undermine innovative schemes designed to provide practical skills to disaffect young people. Moreover, certain sectors, such as the postal service, newspaper agents and retailers, would be the most affected. A non-renewal of the transition period would prohibit early starts and would prevent adolescents from performing postal and newspaper delivery duties. It would also restrict adolescents from working evening time which would have serious economic repercussions. The CBI argues that if there was not sufficient flexibility, young workers would be tempted into the "black economy" which would be more damaging to their health and safety. On the other hand, the TUC (Trades Union Congress) stressed that the transition period should not be extended. They maintain that those concerned find themselves in a transitional phase from full-time education to full-time employment and are not fully integrated into the labour market. Furthermore, the TUC is of the opinion that adolescent workers have yet to reach intellectual or physical maturity and that their personal development could be impaired in the absence of special protection. The TUC were of the opinion that the working hours provisions of the Directive wouldreintroduce a modest level of regulation essential for the protection of young people at work (the use of the word "reintroduce" was due to the fact that the provisions in the Employment of Women, Young Persons and Children Act 1920 which prohibited the employment of young people on night work in industrial undertakings was repealed by the Employment Act 1989). In light of the opinions expressed by all the parties, the Commission considers that the 6 year implementation period was sufficient to allow the United Kingdom to adapt its legislation progressively to all the minimum requirements laid down at Community level in the Council Directive on the protection of young people at work. As the protection of the safety and health of young peeple is at issue, full implementation and effective application of its provisions in all fifteen Member States must be an over-riding responsibility for each of them. The Directive contains sufficient possibilities for derogation which could provide the necessary flexibility. Consequently, as the deadline for implementing the provision relating to the maximum weekly working time expired on 22 June 2000, the UK must ensure the full implementation of the provisions of Council Directive 94/33/EC