

## **Chapter 2: Employment of children and women**

### **A- Employment of children**

#### **Article 21** (as modified by law N0 536 of July 1996)

The employment of adolescents under eighteen years of age is subject to the provisions of the present chapter.

#### **Article 22** (as modified by law N0 536 of July 1996)

It is absolutely forbidden to set to work adolescents who have not yet completed their thirteenth year of age. An adolescent may only begin to work after a medical examination to ascertain that he can carry out the work for which he was hired.

Medical certificates are delivered free of charge by the Ministry of Public Health until the adolescent reaches the age of eighteen. They may be withdrawn at any time if it is later noticed that the adolescent is no longer capable of doing the work for which he was hired.

#### **Article 23** (as modified by law N0 536 of July 1996 and law N0 91 of 14 June 1990)

It is forbidden to set adolescents to work in industrial enterprises or in jobs which are too strenuous or detrimental to health, listed in Annexes N0 1 and N0 2 of the present law, before they have completed their fifteenth year of age.

It is also forbidden to set to work adolescents before they have completed their sixteenth year of age in jobs of a dangerous nature or which represent a threat to life, health or public morals because of the circumstances in which they are carried out.

These jobs shall be determined by decree issued by the Council of Ministers on the proposal of Minister of Labour.

It is forbidden to set adolescents, who have not yet completed their eighteenth year of age, to work more than six hours a day, with a break of at least one hour if the daily working period exceeds four consecutive hours.

It is also forbidden to set them to work between seven o'clock in the evening in the morning. A period of rest of at least 13 unbroken hours must be granted to the adolescent between two periods of work, and it is absolutely forbidden to set him to work on an additional job or set him to work during daily or weekly periods of rest or during holidays or periods during which the establishment is closed.

Every adolescent employed in an establishment for at least one year shall be entitled to an annual holiday of 21 days with full pay. The adolescent shall benefit from at least two-thirds of the period of holiday without interruption, and he shall benefit from the rest of the period during the same year.

#### **Article 24**

The establishment of the age of children and adolescents shall be effected under the responsibility of employers, irrespective of the categories to which they belong. They are required to ask every child or adolescent to produce his identity card before hiring him.

**Article 25** (as modified by law N0 91 of 14 June 1999)

Vocational training establishments may derogate to the provisions of article 22 and 23 on condition that the adolescents is not under full twelve years of age and on condition that the programme of the said establishments specifies the nature of the trades , the hours and conditions of work and that it is approved both by the Ministry of Labour and Public Health Services.

**B-** Provisions common to children and women.

**Article 30**

Shall be penally responsible for the enforcement of the provisions of the present chapter concerning the employment of children, adolescents and women :

- 1- Employers and their proxies
- 2- Parents or guardians who have hired out or allowed to be hired out their children or adolescents or the children or adolescents in their charge, contrary to the provisions of the present law.

**Title V – Penalties**

**Article 107** ( see law of 17 September 1962)

**Article 108** ( see law of 17 September 1962)

**Article 109**

The court decision shall determine the time – limit in which the safety and health measures are to be carried out. If such measures are not executed within the time – limit set, the Court may ordain the closure of the establishment.

## **Annexe n 1**

### **Industries DANS LESQUELLES L'EMPLOI DES ENFANTS, DES FEMMES ET DES ADOLESCENTS EST INTERDIT**

Conformément aux dispositions des articles 22,23 et 27m il est interdit d'employer des enfants, des adolescents et des femmes dans les industries et aux travaux suivants:

- 1- Travail souterrain dans les mines et carrières, tout travail d'extraction de pierre.
- 2- Travail aux fours pour la fusion, le raffinage et la cuisson des produits minéraux.
- 3- Argentage des miroirs par le procédé au mercure.
- 4- Fabrication et manipulation des explosifs.
- 5- Fonte et recuisson de verre dans le four spécial.
- 6- Soudure autogène des pièces métalliques.
- 7- Fabrication de l'alcool et de toutes autres boissons alcooliques.
- 8- Peinture au Duco.
- 9- Renversement, traitement ou réduction des cendres contenant du plomb et désargentage du plomb.
- 10- Fabrication de la soudure ou des alliages métalliques contenant plus de dix pour cent de plomb.
- 11- Fabrication de la litharge, du massicot, de l'aluminium, de la céruse – orange ou du sulfate, du chromate ou du silicate de plomb.
- 12- Opération de mélange et de tartinage dans la fabrication ou la réparation d'accumulateurs électriques.
- 13- Nettoyage des usines où sont effectués les travaux énumérés sous les numéros 9,10,11 et 12.
- 14- Conduite de machines motrices à grand engine.

- 15- Réparation ou nettoyage de machines motrices en action.
- 16- Fabrication de l'asphalte.
- 17- Travail dans les tanneries.
- 18- Travail dans les dépôts d'engrais extraits de matières fécales de fumier, d'os ou de sang.
- 19- Écorchement des animaux.

L'admission d'adolescents dans une usine ou dans un atelier aux fins d'apprentissage ou de préparation technique ne sera pas considérée comme un emploi au sens de cet article, à la condition que l'usine ou l'atelier ait obtenu une autorisation à cet effet du ministère de la santé publique.

## **Annexe n 2**

### **INDUSTRIES DANS LESQUELLES L'EMPLOI DES ADOLESCENTS EST SOUMIS A LA PRESENTATION D'UN CERTIFICAT MEDICAL**

Conformément aux dispositions des articles 22 et 23 qui interdisent le travail des enfants, l'emploi des adolescents est soumis à autorisation dans les industries et aux travaux suivants:

- 1- Cuisson du sang
- 2- Cuisson des os
- 3- Cuisson du savon
- 4- Cuisson du suif
- 5- Fabrication d'engrais
- 6- Toute opération afférente à la fabrication du cuir.

- 7- Fabrication de la colle.
- 8- Fabrication du ciment.
- 9- Engrenage du coton (travail dans les pièces où sont installées les machines)
- 10- Fabrication du verre.
- 11- Fabrication du sucre.
- 12- Compression du coton.
- 13- Imprimerie.
- 14- Effilochage et traitement de lambeaux.
- 15- Préparation du chanvre, du lin et de la laine.
- 16- Sculpture et taille du marbre et d'autres pierres.
- 17- Chaudronnerie.
- 18- Traitement du tabac.
- 19- Filature, tissage et tricolage de la soie, du coton, et du lin au moyen de machines.
- 20- Travaux de construction sauf les bâtiments ruraux n'excédant pas une hauteur maximum de huit mètres.
- 21- Fabrication des peintures et du vernis.
- 22- L'art du forgeron.
- 23- Transport de passagers ou de marchandises par route, par voie ferrée ou fluviale, ainsi que le transport des marchandises au sein des dépôts, des hangars, sur les ponts et les trottoirs.

مرسوم رقم ٧٨٩٨ تاريخ ٢١٠٢/٩/٩٢

Ministry of Labor  
The Diwan  
No. 2538/3  
October 2, 2012

Decree No. 8987  
*The prohibition of employment of minors under the age of 18  
in works that may harm their health, safety or morals*

*The President of the Republic*

*Pursuant to the Constitution,  
Pursuant to the Labor Law of 23/09/1946 and its amendments;  
Pursuant to ILO Conventions ratified by virtue of legislative decree # 70 of 25/06/1977, in particular ILO Convention No. 59 Fixing the Minimum Age for Admission of Children to Industrial Employment, ILO Convention No. 77 on the Medical Examination of Young Persons (industry) in particular Article 2 thereof, and ILO Convention No. 78 on the Medical Examination of Young Persons (Non-Industrial Works) in particular, Article 3 thereof;  
Pursuant to ILO Convention No. 182 (elimination of the worst forms of child labor) ratified by virtue of law No. 335 of 02/08/2001 and Recommendation No. 190;  
Pursuant to ILO Convention No. 138 (Minimum age convention) ratified by virtue of law No. 400 of 05/06/2002;  
Pursuant to Arab Labor Convention No. 18 concerning minor employment ratified by virtue of law No. 183 of 24/05/2000;  
Pursuant to Decree No. 5137 of 01/10/2010 the establishment of a National Committee to Combat Child Labor  
Pursuant to Decree No. 700 of 25/05/1999 prohibiting the employment of minors under the age of 16 or 17 in works that may by their nature harm their health, safety or morals  
Pursuant to the Minister of Labor's proposal;  
Following the consultation of the State Council (opinion No. 239/2008 -2009 of 26/05/2009)  
Following the Council of Ministers' approval,*

*Decrees the following:*

*Article 1: Minors under the age of 18 shall not be employed in totally prohibited works and activities which, by their nature harm the health, safety or morals of children, limit their education and constitute one of the worst forms of child labor included in Annex No. (1) hereto attached.*

*Article 2: Minors under the age of 16 shall not be employed in works which, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children. These works are included in Annex No. (2) hereto attached.*

*Article 3: Minors of more than 16 years of age may be employed in the works indicated in Annex No. (2) provided they are offered full protection for their physical, mental and moral health and provided these minors received a special education or appropriate vocational training in the field of these works, unless the type of work or the hazard is totally prohibited for those under the age of 18 as specified in Annex No. (1).*

*Article 4: The vocational training and technical education of minors not having completed the age of 17 in one of the plants or factories shall not be deemed an employment; it must be subject to the Minister of Labor's approval, and the minor shall receive a medical certificate from the Ministry of Public Health.*

Article 5: The annexes hereto attached shall be amended by virtue of the decisions of the Minister of Labor based on the proposal of the National Committee to Combat Child Labor.

Article 6: The Authority for Labor Inspection, Prevention and Safety with the Ministry of Labor shall be in charge of supervising the implementation of the provisions of this decree, including the provision of the Arab and International labor conventions.

Article 7: Decree No. 700 of 25/05/1999 on the prohibition of the employment of minors under 16 or 17 years of age in works which by their nature harm their health, safety or morals shall be repealed.

Article 8: This Decree enters into force as of the date of its publication in the official gazette.

Issued by the President of the Republic  
2012  
Michel Suleiman

Baabda, on September 29,

Prime Minister  
Mohammad Najb Mikati

Minister of Labor  
Salim Jraissati

Annex No. (1)  
List of the worst forms of child labor

List of works and activities which are totally prohibited for minor under 18

1- Activities involving physical hazards

- Activities requiring handling explosives, wearing weapons, engaging in combats or war, given of course the psychological hazards of these activities as well as their physical hazards;
- Working in quarries, caves, mines, and crushing sites, whether underground or not.
- Activities that may not be carried out without wearing personal protective and preventive equipment to prevent immediate and direct hazard;
- Activities exposing the child to carcinogenic substances or atomic radiations or substances that may cause infertility or birth defect.

2- Activities involving psychological hazards

- Any forced labor, including slavery and trafficking of children;
- Domestic service;
- Work that requires the child to sleep or reside in the workplace or outside the parents' house;
- Working in the streets or on the roads;
- Working in the preparation of bodies for funerals and burials.

3- Activities involving moral hazards

- Any work using or exploiting a child's body for sexual or pornographic purposes or similar acts.

- Betting, gambling and horse-races etc...
- Any illicit work or activity or any work or activity that violates the criminal laws, such as the transportation, sale, marketing, dealing or use of all kinds of drugs.

#### 4- Activities limiting education

- Activities preventing the child from pursuing academic education or statutory vocational training or assistance lessons.

Annex No. (2):

*List of the works which, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children under 16 years of age and which are allowed for children of more than 16 years of age, provided they are offered full protection for their physical, mental and moral health and provided these minors received a special education or appropriate vocational training in the field of these works, unless the type of work or the hazard is totally prohibited for those under the age of 18 as specified in Annex No. (1).*

*These works are distributed over two categories, the first tackles occupational hazards and the second some occupations and activities.*

#### I- Works that expose the working child to any of the following occupational hazards:

##### a) Chemical hazards, including dusts and fibers

- Carcinogenic substances

*Including for example, without being purported to be exhaustive:*

*Amiante (Asbestos), Benzene, Chromium*

- Substances that cause infertility, congenital or physiological malformation, fetal and newborn growth retardation
- Substances causing allergies (allergens)
- Substances harming the neurological system and mental growth
- Substances causing dangerous diseases in case of exposure to these substances for a long period or causing permanent health symptoms and effects

##### b) Physical Hazards

- Noise
- Atomic/ ionic radiations
- Other radiations (non-atomic and non-ionic) (infra-red or electromagnetic radiations)
- High atmospheric pressure (during diving for example)
- Tremors
- High temperatures
- Low temperatures

##### c) Biological hazards (Viruses, bacteria, parasites, etc...)

- Directly transmitted through a transmitter like mosquitoes, flies and rodents
- Transmitted through exposure to biologically contaminated body fluids and others
- Transmitted by touch or by handling animals, in particular dead animals.

##### d) Ergonomic hazards (the compatibility between humans and work equipment



and machines)

- Working in positions that are not adequate for the spinal cord, the joints, and muscles such as squatting, torsion, stretching or contraction for long periods;
- Using machines and equipment that are unfit for the size of the hand or body in general;
- Pushing or pulling weights exceeding the child's capacity;
- Lifting or transporting weights exceeding the child's capacity or capability;
- Working in places not abiding by the acceptable conditions of lighting, ventilation, humidity and temperature.

e) Psychological, social and mental hazards and general working conditions

- Works requiring night shifts (between 07:00 pm and 07:00 am);
- Works requiring long working hours (more than six hours per day);
- Works requiring the child to bear a given responsibility requiring significant supervision, care or guidance by an adult;
- Works exposing the child to verbal or physical abuse.

f) Safety Hazards

- Working at an elevation of 2 or more meters above ground
- Working on roof tops, edges, windows or balconies
- Working with sharp and mobile machines
- Working with mobile movable machineries
- Working with explosives or combustibles
- Working in closed spaces with low levels of air or oxygen
- Driving any machinery, bus, human transportation machine, equipment and tools regardless of the means of transportation
- Working with voltages and electrical supplies
- Working for more than one consecutive half hour under the sun or in high temperature conditions, provided the total working hours does not exceed 4 hours per day including not less than five rest periods of not less than 10 minutes each with fluids intake.
- Working for more than one consecutive half hour in cold or storming weather, provided the total working hours does not exceed 4 hours per day including not less than five rest period of not less than 10 minutes each in a moderate weather location.

II- Works prohibited to minors

1- Agricultural activities (including family farms) which require:

- § Driving or operating tractors or agricultural machines;
- § Mixing or transporting or spraying agricultural pesticides
- § Touching or handling poisonous plants (such as tobacco leaves which produce a poisonous nicotine substance)
- § Climbing high trees or ladders
- § Using sharp tools such as the use of the tray to hang tobacco leaves
- § Working for more than 4 hours per day.

2- Fishing deep in the sea, diving, using fishing guns, explosives or electricity;

- 3- Working in animal slaughter houses;
- 4- Working with dangerous, wild or poisonous animals;
- 5- All kinds of works in factories that manufacture tiles, rocks and the like;
- 6- All types of works in production or transformative industries employing more than 20 worker; for example:
  - § Food and beverage industry
  - § Textile and clothing industry
  - § Leather tanning and manufacturing of bags
  - § Wood products
  - § Paper and paper products
  - § Chemical substances
  - § Cement, soil and building materials
  - § Rubber and plastic products
  - § Non-mineral mining products (glass products)
  - § Minerals and mineral products
  - § Various machines, equipment, vehicles and trailers
  - § Furniture
  - § Re-manufacturing of all types of waste
- 7- All types of work in the supply of electricity, gas, water and steam;
- 8- All types of work in building, demolition, excavation, construction, sand-blasting and heights climbing;
- 9- Working in commercial, industrial, services small enterprises (of less than 20 workers) with high rate of occupational hazards.

Example of commercial, industrial, services small enterprises (of less than 20 worker) with high rates of occupational hazards

- § Mechanical works (maintenance and repair of cars and transportation machines)
- § Smithery
- § Welding
- § Painting
- § Cocking blood, bones or fat
- § Cleaning and tanning animal hides and skins
- § Pottery, glass or crystal crafts
- § Smelting, pouring and painting minerals
- § Dry cleaning
- § Wood sawing and furniture painting
- § Slaughtering of animals and sale of meat
- § Plumbing
- § Preparing and spraying fertilizers and pesticides for houses and others
- § Cutting papers and cartons

- § *Printing*
- § *Production of ice and refrigeration*
- § *Extracting lead from cars batteries*
- § *Silver plating mirrors with Mercury*
- § *Filling cylinders with compressed gases*

10- *Working in hotels, restaurants, amusement centers, internet cafes, which may expose the minor to the following:*

- i. *Transportation, sale or intake of alcoholic beverages;*
- ii. *Transportation or sale of cigarettes and tobacco, including Nargileh delivery;*
- iii. *Delivering any purchases to houses, unaccompanied and without any escort or supervision;*
- iv. *Being alone with the child in a room, a corner or a secluded area away from any supervision;*
- v. *Use of sharp tools and machines such as the ones in kitchens and others.*

11- *Working in any of land, air or marine means of transportation.*

12- *Working in places where there is an exchange of currencies, transfer or custody of funds, jewelries and other precious goods.*

13- *Working in health and medical centers that may expose the child to the following:*

- i. *The risk of being in close contact with patients, body fluids, medical waste and the risk of transmission of infections;*
- ii. *The risk of being exposed to chemical substances, drugs, gases or radiations;*
- iii. *The psychological pressure, such as dealing with cases of death or incurable diseases.*

*To the exception of works for public service where the minors are entrusted with works that do not expose them to the abovementioned hazards and where they are supervised by specialists.*

14- *Working in social centers with the elderly, the disabled, persons with congenital malformations, or persons suffering psychological or mental diseases or addiction (unless for short intermittent periods and under the direct supervision of specialized social workers or persons familiar with juvenile psychology);*

15- *Working in centers for personal security and bodyguard*

16- *Working in cleaning services, waste collection and sorting, in sewers or stagnant water channels;*

17- *Working in all types of works requiring the protection of third parties against potential hazards, such as a lifeguard at the beach and pools.*

18- *Working in the horse racing track and in all activities accompanying horse-races.*

**Labor Law  
Title V – Penalties  
(Articles 107-109)**

**Articles 107-108**

**Abrogating Articles 107 and 108 by virtue of Article (1) of Law of 17/9/1962 and replacing the same with Articles 2 till 6 of said law as follows:**

**Law of 17/6/1962**

**Article (1)**

**Articles 107 and 108 of the Labor Law issued in September 23<sup>rd</sup> 1946 are abrogated and replaced by the following articles:**

**Article (2) – Value of fines stipulated in Article (2) has been amended by virtue of Article (46) of Law No. 173 dated on 14/2/2000 as follows:**

**Any infringer to the provisions of the present law, or to the decrees and orders relating to its enforcement and execution, shall be brought before competent courts and shall be liable of each infringement to a fine going between L.P 250 000 and L.P. 2 500 000 and to a term of imprisonment varying between one to three months or to either penalty. This penalty shall be doubled in the event of a second offence in the course of the same year.**

**The following paragraph has been added to Article (2) by virtue of Article (1) of Decree No. 9816 dated on 4/5/1968:**

**Extenuating circumstances nor judgment with stay of execution may be granted for an infringement committed by a contravener or his substitute already served with normal notice to put his situation in order. Every infringement shall be the object of a separate judgment for as many wage-earners as there may be, cumulative penalties being forbidden.**

**Article (3) – Article (3) has been amended by virtue of Article (2) of Decree No. 9816 dated on 4/5/1968 as follows:**

**The infringer shall not be prosecuted if, within fifteen days of the drafting of the procès-verbal, he pays the minimum fine provided under the second article, barring a second offence within a year's time.**

**Article (4) – As amended by virtue of Article (3) of Decree No. 9816 dated on 4/5/1968 then as the value of fines stipulated in Article (4) has been amended by virtue of Article (46) of Law No. 173 dated on 14/2/2000 as follows:**

**Whoever opposes himself to a civil servant in charge of establishing the contravention in the official discharge of his duties or, on the occasion of such discharge, interferes with his activi-**

ties or prevents him from fulfilling his obligations is, without prejudice to sanctions provided by the Penal Code, under penalty of a fine of between L.P 500 and 1 000 and of a term of imprisonment of between one and three months or of either penalty, provided that extenuating circumstances or stay of execution are not granted and that the penalty is doubled in the event of a second offence.

#### Article (5)

If the owner of an enterprise refuses to abide by the safety and protection measures which have been notified to him by the competent commission, the Director General of the Ministry of Labor is authorized to obtain the temporary suspension of work in this enterprise for a period not to exceed ten days provided that the salaries and wages of the employees and workers are paid in full during the period of work stoppage.

#### Article (6)

The Labor Inspection Service shall draft the process-verbaux of infringements to the provisions of the present law and to the texts of its enforcement. These process-verbaux shall acquire power of proof, until the contrary has been established.

(This is how Law of 17/6/1962 regarding the amendments of Article 107 and 108 of the Labor Law ends).

#### Article (109)

The court decision shall determine the time-limit in which the safety and health measures are to be carried out. If such measures are not executed within the time-limit set, the court may ordain the closure of the establishment.