

# **WORKING AGE OF CHILDREN AND ADOLESCENTS (YOUNG) IN TURKISH LABOUR LAW**

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# INTRODUCTION

- ✘ According to Universal Declaration of Human Rights, rights such as, right of life, liberty, physical integrity rights.. which are people have when their birth protection of vulnerable children and young people are entitled to a separate matter **about age**.
- ✘ In this respect, those who execute in our law what age limits for children and young workers, in which jobs can be run and what time periods is extremely important matter.
- ✘ In these times we are in the process of EU accession, the relevant ILO Conventions and the European Union, in this material is appropriate arrangements will be detailed in this study.
- ✘ First, we examine the current legal regulations of the European Union and contemporary arrangements, after taking into consideration the age and conditions of working children and young workers be examined.
- ✘ In our law, children and young workers protect about working condition and it is guaranteed for Constitution. According to Constitution article 50: **Nobody can work inappropriate for their age, gender, and inappropriate with their physical force. Youth and women workers and who have problem with their body and psychological are protected in special way.**

- ✘ **I. THE CONCEPT OF CHILD AND YOUTH WORKER**
- ✘ Age factor is usually used to separate the period of childhood and youth. This distinction may vary from country to country and over time may vary according to gender. Children's term, said biological, legal, and traditional criteria are used.
- ✘ The age of the children to run our country and in relation to the execution of the ILO's No. 138 and 182 for children of all contracts, including contracts, bassist, and the appropriate regulations of the European Union Directive No. 94/33 was carried out in the relevant legislation.

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- ✘ "The ban on working children and children's working age is explained article 71: "prohibited employment of children below the age of **fifteen**. However, over the age of **fourteen** children, and who have completed primary education, **can work** that, it shouldn't prevent their from physical, mental and moral development.
  - ✘ According to Children's and Young Workers Employment Regulations on the Procedures and Principles Article 4: the **young workers**, have completed fifteen years of age, but the age of 18 is not completed, while **child workers**; 14 age completed, below the 15 age are defined as a person and have completed primary education. According to this explanation; a worker who is **14 age and completed primary education is child worker** and a worker who is **15,16,17 age is young worker**.

## ✘ II. CHILDREN and YOUTH WORKERS WORKING AREAS

- ✘ Abuse of children and young people in the international arena in general the open work environments;
- ✘ 1 - **Agricultural area** (especially within the family or the village-rural setting), heavy and long to take part in ongoing in industry,
- ✘ 2 - **Construction, industry** (repair, painting, carpentry and so on.) sectors, and the difficult conditions work under the **chemical risks**,
- ✘ 3 - **Street dealership** ; heavy and long-term home jobs with social events and cultural life, far below the psychological and physical pressures their execution,
- ✘ 4 - In the absence of refuge-housing environments in the street adhere (to collect garbage and cardboard waste), and sometimes a crime as a result of the contacts, willpower to break away from crime to become an early age,
- ✘ 5 - Prostitution and the sex industry because of their sexual goals sought exploitation, forced labor and the sector 'capital' of the subject to form (especially the Far East),
- ✘ 6 - Slavery and the like used in applications,
- ✘ 7 - the operation of hazardous industries as workers,
- ✘ 8 - Social and legal rights of will and sufficient knowledge of search financial and moral damage reasons, insurance is not paid, exposure to unnecessary interruptions such fees.

### ✘ III. REASONS FOR PROTECTION OF CHILDREN and YOUNG WORKERS

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- ✘ Children and young people's dynamism, energy and labor force especially the case based on different reasons to be pleased with their performance and lower charges to the fore in the labor market has removed them. Adult non-participation in working life and sometimes exceeded the national borders and **'foreign child labor'** and **'child trafficking'** are also brought up. **Although the situation for children and young workers in working life, but not directly subject to crime,** the modern sense, slavery, sexual exploitation or organs, such as the use of illegal practices or sexual harassment, etc. subject to the eclipses. exposure is probable actions.

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✘ Whether industry-whether it be due to environmental factors, mental and physical development of children working at risk, these children's responsibility not only of their parents, but also all of society.

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## ✘ IV. PROTECTION OF CHILDREN and YOUTH WORKERS

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- ✘ In our law, children and young workers protect about working condition and it is guaranteed for Constitution. According to Constitution Article 50: Nobody can work inappropriate for their age, gender, and inappropriate with their physical force. Youth and women workers and who have problem with their body and psychological are protected in special way.
- ✘ Children and young workers are in development of physical and mental aspects. The main objective is to impede the development of working life. In addition, the education of children in the study should not harm for working.
- ✘ On the other hand, children and young workers lack the necessary experience and awareness of the danger of accidents at work due to the higher probability is undeveloped. These workers do a lot of work accidents and they creates a more severe results. For these reasons, detection of at least the age of the study, shortening the duration of business, hire and make periodic inspections, child protection workers, heavy and dangerous jobs and so on. Measures should be taken.



## ✘ IV. PROTECTION OF CHILDREN and YOUTH WORKERS

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### ✘ A. Age of Child and Youth Workers

✘ (Labour Law article 71) Children Working Age and the Ban On Employment of children below the age of **fifteen** is prohibited. **However, over the age of fourteen children, and who have completed primary education, physical, mental and moral development and continuing education of those who will not hinder the schools, they can be operated light jobs.**

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- ✘ Children and young workers can **work placement** and work safety, **health, physical, mental and psychological development, personal vulnerability, and capabilities** are taken into account. The child who is working, his job shouldn't prevent him from **go to school, continuation of vocational education**, it's lessons can not harm your monitor on a regular basis. **Have completed basic training, working hours can't be 7 working hours a day, and thirty-five hours per week.** However, this time for the children have **completed the age of 15, working on be increased 40 hours per week and 8 hours per day.** Continuing education to school children during the working hours, training hours to be out of a maximum of two hours a day and ten hours per week.

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- ✘ Dated 06/April/2004 to this article based on the Regulation on the Procedures and Principles of Children's and Young Workers Employment was accepted.

- ✘ Mentioned in the regulation of occupational health and safety of children and young workers and employers in this regard will be taken to ensure provision is under training will be provided. According to Regulation 5. Article 3.paragraph:
- ✘ Employers of children and young workers' **lack of experience**, ignorance, or on existing or potential risks have not been fully developed, depending on not complete developments, which may endanger the **health and safety risks** shall provide protection against any risk.

- ✘ Labour Law and Regulation in order to protect the health of children and young workers to other workers in different times been shortened work periods and school attendance of children is also held business.
- ✘ Labour Code, according to Art. 71 / 4;
- ✘ Have completed basic education and out of school children's working hours can be 7 hours in a day, thirty-five hours per week. However, this time for the children have completed the age of fifteen they can be worked forty hours per week and increased up to eight per day.
- ✘ Continuing education to school children during the working hours, training hours to be out of a maximum of two hours in a day and ten hours per week may be. The school closed during periods of operating times in the first paragraph above shall not exceed the prescribed period.
- ✘ It needs to sleep during the night that night, the operation of the workers as little as objectionable. This point about the fact that the Labour Law Art..73 / 1 also organized.

## ✘ B- Prohibition of Night

- ✘ It needs to sleep during the night that night, the operation of the workers as little as objectionable. This point about the fact that the Labour Law Art..73 / 1 also organized.
- ✘ According to Labour Law Art.73: Industry of the children and young workers below the age of eighteen jobs run at night is prohibited.

## × C- Holiday and Period of Annual Leave

- × In addition, children and young workers' paid annual leave periods are in regulation, at article 8,9,10.
- × According to Art.8: week holiday in children and young workers can not be less than **forty hours** per day permits uninterrupted. In addition, regardless of a work week paid vacation day.
- × According to Art.9: Children and young workers, can not be worked national holidays and public holidays. In addition, charges for these days is paid regardless of a job.
- × According to Art.10: Children and young workers can not be less than **20 days** paid annual leave will be given. The annual fee is essential to permit uninterrupted using. However, at the request of the employee for the benefit of children and young people up to where can use, **divided into two**.
- × School or continuing education schools for children and young workers annual paid vacation is permissions, course and other continuing education programs are not periods.

## ✘ D- Being Healthy Screening

- ✘ Children and young workers **before employment** and periodically, medical examinations **during the continuation of work** need to be. Labour Code, Art. 87. detailed in this issue. According to Art. : 87: - Fourteen years of age until the age of eighteen (including eighteen) children and young office workers hired before receipt physician, occupational health dispensaries, they are not available to the nearest Social Security Administration, respectively, **a health clinic**, or municipal **government doctors examined** the nature and conditions of work resistant structures of the body **according to the report**, stated that it fills them up to the age of eighteen times in the same way a medical examination every six months to work through this thing, and maintenance of check whether there is a drawback in the workplace by hiding all these reports at the request of the authorized officers must be shown to them. The first entrance examination can not avoid making the Social Security Administration to work.
- ✘ If a written objection to the report given to doctors in the first paragraph, to the nearest Social Security Administration hospital health care workers are subject to the inspection committee, the report shall be final.



- ✘ **E- Ban on Location and Operation of Water and Underground**
- ✘ Besides these arrangements at article 72. Labour Law; a worker who cannot work at the (small and young workers) were underground and under water.
- ✘ According to A.72: - cable laying mines, such as sewer and tunnel construction jobs to work **underground or under water, below the age of eighteen men and women of all ages**, running is prohibited.

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- ✘ **F-** It is prohibited that children who are below 18 age; cannot work Turkish bath, bar and casinos.( Common Health Protection Law Art. 176)
  - ✘ **G-** According to (Police Regulation, Polis Vazife ve Salahiyetleri Kanunu Art.12; Child workers who are below 18 age are prohibited that working fun, game, and alcohol sectors.
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## ✘ CONCLUSION

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- ✘ Children who are working around the world and our country as well as an ongoing problem. Children and young people in their execution as contrary to law, as well as outside the scope of the Labor Law, including ones operated in accordance with the laws protecting the rights of children and young people, working hours and improving the workplace environment, health and protection against security risks and so on. also need to focus on issues important themes.
- ✘ Labour Law and the Regulations need to Turkish Law (Regulation on Heavy and Dangerous Affairs and Children and Young Workers Employment Regulations on the Procedures and Principles) of children and young workers are prepared in detail the shapes executed.