

Questionnaire for the meeting of the IVth. Study Commission the IAJ
(Abidjan 27-31 October 2002)

Working conditions for children
HUNG CHUN-LI
(Judge of Taipei District Court R.O.C)

1. Has your country provided for a legislation or protective measures concerning children at work?

Yes.

In the affirmative, specify the purpose and main lines, particularly:

-minimum age for employment

In our regulation, Labor Standards Law, the definition of child workers is:

“Males and females of more than fifteen but less than sixteen years of age shall be child workers if they are employed to work.”

(see the Law above-mentioned, Article 44 first paragraph)

Besides, no employer may employ a worker below fifteen years of age unless the worker is a graduate of *junior high school or by nature and circumstances the work is confirmed by the competent authority to be such that it will do no harm to the worker's physical or mental health.

The provisions for the protection of child workers shall apply, mutatis mutandis, to the employees referred to in the preceding paragraph.

(see the Law above-mentioned Article 45)

* the age of the students in junior high school in Taiwan are generally from 13 to 15 years old.

-differences in rights based on age

To employ a worker below sixteen years of age, an employer shall possess the letter of consent and the certificate of age from the guardian of the worker. If not, no child

Workers shall be employed.

The child workers have the same rights no matter what age they are and certainly the rights of child workers are very different from that of workers who are more than 16 years old. The details describe as following.

-special working conditions for children

Yes. No child worker shall be permitted to do heavy and hazardous work. The heavy work mentioned means work beyond the mental or physical capabilities of children to operate. Hazardous work means work stipulated according to the provisions of labour safety & health laws or regulations. Besides, work time for child workers shall not exceed eight hours per day. No child worker shall be permitted to work on a regular day off. No child worker shall be permitted to work between eight o'clock in the afternoon and six o'clock in the following morning.

(see the Law above-mentioned Article 42 paragraph second, 47 and 48)

2. What are the sanctions (applies or applicable) in case of breach of childrens's right at work?

Any recent cases in your country on violation of children's right at work?

The employers shall be imprisoned for a term not exceeding six months, detained or fined 20,000 yuan or both.

(see the Law above-mentioned Article 77)

No.

3. Specify, if need be , the concrete measures likely to improve the conditions of children at work in your country?

In our country, the regulations protecting the child workers are quite exhaustive. No further improvements are needed.

I am eager to learn from the meeting.