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## GERMANY 2

### Orders: Employment of Young Persons and Women

A) *Verordnung über die Beschäftigung jugendlicher Arbeiter im Steinkohlenbergbau. Vom 26. März 1930. (Reichsgesetzblatt, den 28. März 1930, Teil I, Nr. 9, S. 104.)*

#### Order respecting the employment of young persons as wage-earning employees in coal mining. Dated 26th March, 1930.

The following Order, respecting the employment at the surface in coal mining of male wage-earning employees between fourteen and sixteen years of age who are no longer liable to compulsory school attendance, is issued with the consent of the Federal Council under section 139a of the Industrial Code and Article 179 (second paragraph) of the Federal Constitution.

1. *Employment in the haulage of coal.* The following provisions shall apply to employment in operations directly connected with the haulage of coal:—

1. the hours of work, including breaks, shall not be more than eight hours a day;
2. at least one break of half an hour or two breaks of a quarter of an hour each shall be granted during the hours of work;
3. an uninterrupted rest period of not less than fifteen hours shall be granted after the daily hours of work;
4. by way of exception to the provisions of section 136 (first paragraph, first sentence) of the Industrial Code<sup>1</sup>, work may begin at 5.30 a.m.; in special cases the mining authority may authorise an earlier start (but not in any case before 5 a.m.) for particular establishments;
5. by way of exception to the provisions of section 136 (first paragraph, first sentence) of the Industrial Code, employment may be continued until 10 p.m. where work is organised in two shifts; in special cases the mining authority may authorise continuation until 11 p.m. for particular establishments.

2. *Employment in lowering and raising.* By way of exception to the provisions of section 136 (first paragraph, first sentence) of the Industrial Code, employment in operations connected with the lowering and raising of the miners may begin at 5.30 a.m.

3. *Earlier start and later finish on account of the Sunday rest.* (1) On Saturdays and the eves of holidays work may begin at 4 a. m.

(2) Where work is organised in two or more shifts, the mining authority may authorise the employment of young persons on the second shift until 12 midnight on Monday and the day next after each holiday in particular establishments.

<sup>1</sup> This sentence limits the employment of young persons to the time between 6 a. m. and 8 p. m.

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(3) In employment under subsections (1) and (2), an uninterrupted rest period of not less than thirteen hours shall be granted before the shift beginning earlier and after the shift ending later.

4. *Medical examination.* (1) Employment before 6 a.m. and after 8 p.m. shall not be permitted unless a medical practitioner authorised by the mining authority certifies that the health and physical development of the young person are not endangered by such work.

(2) The employer shall keep the certificate permanently available for inspection by the mining authority, and shall return it to the young person on the termination of the employment.

5. *Notices.* In case of employment under the provisions of sections 1—3, the employer shall be bound to display in a conspicuous position in the establishment a printed copy of sections 1—4 of this Order as well as the notices prescribed in the second paragraph of section 138 of the Industrial Code<sup>2</sup>.

6. *Coming into operation.* This Order shall come into operation on 1st April, 1930. It shall remain in operation until 31st March, 1935.

B) *Verordnung über die Beschäftigung von Arbeitern unter achtzehn Jahren und von Arbeiterinnen in Walz- und Hammerwerken.* Vom 26. März 1930. (Reichsgesetzblatt, den 28. März 1930, Teil I, Nr. 9, S. 104.)

**Order respecting the employment of male wage-earning employees under eighteen years of age and of women wage-earning employees in rolling mills and forges. Dated 26th March, 1930.**

The following Order is issued with the consent of the Federal Council under sections 120e and 139a (first paragraph, nos. 1 and 2) of the Industrial Code and Article 179 (second paragraph) of the Federal Constitution.

1. *Prohibited employments.* (1) Children who have not attained the age of fourteen years or are still liable to compulsory attendance at an elementary school shall not be employed in rolling mills and forges for iron, steel or other metals where these metals are not worked cold.

(2) Women wage-earning employees shall not be employed on the actual manufacturing processes in such establishments.

2. *Night work.* (1) By way of exception to the prohibition contained in section 136 (first paragraph, first sentence) of the Industrial Code<sup>1</sup>, the supreme State authority or an authority designated by it may authorise the employment of male wage-earning employees under sixteen years of age until 10 p.m. in the second shift at the weekly change of shift in particular iron and steel rolling mills and forges where these metals are not worked cold. A permit shall not be granted

<sup>2</sup> This paragraph requires the employer to display a list of the young persons employed by him, with their days and hours of work, and an extract of the provisions respecting the employment of women and young persons.

unless the distribution of these employees over two shifts is necessary for technical reasons and their hours of work do not exceed forty-eight hours a week.

(2) The competent authority may make the issue of a permit conditional upon compliance with certain requirements for the protection of the young persons.

(3) The supreme State authorities shall report to the Federal Minister of Labour within the first three months of each year on the nature and extent of the permits issued during the previous year.

3. *Medical examination.* Where wage-earning employees who have not attained the age of eighteen years are employed after 10 p.m., the employer shall cause them to be examined as to their state of health at least once every six months by a medical practitioner authorised by the industrial medical officer or the industrial inspection official. Persons who fail to submit to examination shall not be employed. If the examination shows that the health of an employee is injured or endangered by night work, he shall not be again employed at night until after a further medical examination.

4. *Examination register.* (1) The employer shall keep a register of the examinations prescribed in section 3. The register shall contain the following particulars:—

1. the Christian name and surname, day and year of birth, address and date of entry into the undertaking of each person liable to examination;
2. the date and result of the examination;
3. the name of the medical practitioner.

(2) The entries under subsection (1), nos. 2 and 3, shall be signed by the examining medical practitioner.

(3) The register shall be submitted to the industrial inspection official on request.

5. *Notices.* The employer shall be bound:—

1. to display in a conspicuous position in the establishment an easily legible printed copy of sections 1—3 of this Order;
2. to draw up the notice prescribed in section 138 (second paragraph, first sentence) of the Industrial Code<sup>3</sup> in such a manner that both the distribution of the wage-earning employees under sixteen years of age between the late and early shifts and the distribution of these employees between the day and night shifts where a night shift is allowed under section 7 are clearly shown for the previous three weeks at least.

6. *Coming into operation.* This Order shall come into operation on 1st April, 1930, and shall remain in operation for five years.

7. *Transitional provisions.* (1) Until the end of the year 1931 the supreme State authority or an authority designated by it may continue to authorise the employment by particular establishments of

<sup>3</sup> This sentence requires the display of a list of young persons as provided in footnote 2, p. 2 above.



male wage-earning employees under sixteen years of age between 8 p.m. and 6 a.m., by way of exception to the prohibition contained in section 136 (first paragraph, first sentence) of the Industrial Code<sup>1</sup>, in cases where the nature of the operations is such as to require continuous working.

(2) Wage-earning employees in respect of whom a permit for employment between 8 p.m. and 6 a.m. has been issued under the Notification of 20th May, 1912<sup>4</sup> (R.G.Bl. p. 311)/25th March, 1929 (R.G.Bl. I, p. 82), concerning the employment of women and young persons as wage-earning employees, or under subsection (1) of this section, may continue to be employed at night in the same establishment in the manner hitherto permitted, even after the coming into operation of this Order, until the expiry of the permit. The provisions of sections 3 and 4 shall apply to these employees also.

C) *Verordnung über die Beschäftigung von Arbeitern unter achtzehn Jahren und von Arbeiterinnen in der Glasindustrie. Vom 26. März 1930. (Reichsgesetzblatt, den 28. März 1930, Teil I, Nr. 9, S. 105.)*

**Order respecting the employment of male wage-earning employees under eighteen years of age and of women wage-earning employees in the glass industry. Dated 26th March, 1930.**

The following Order respecting employment in glass works and glass grinding, glass etching and sandblasting works is issued with the consent of the Federal Council under section 120e and 139a (first paragraph, nos. 1 and 2) of the Industrial Code and Article 179 (second paragraph) of the Federal Constitution.

1. *Prohibited employments.* (1) Male wage-earning employees under the age of eighteen years and women wage-earning employees shall not be employed in rooms where raw material or glass or fireclay waste is crushed or mixed or work is done with hydrofluoric acid.

(2) Children who have not attained the age of fourteen years or are still liable to compulsory attendance at an elementary school, and women wage-earning employees, shall not be employed in work at the furnaces (melting, cooling, annealing or flattening furnaces) or in pot or block rooms. Wage-earning employees under fifteen years of age shall not be employed in blowing with the mouth at melting furnaces.

(3) Male wage-earning employees under fifteen years of age and women wage-earning employees shall not be employed in rooms where glassware is dry-ground or in cracking off by machine or trimming edges.

(4) Children who have not attained the age of fourteen years or are still liable to compulsory attendance at an elementary school and women wage-earning employees under eighteen years of age shall not be employed on wet grinding.

<sup>4</sup> Bulletin of the International Labour Office (Basle), vol. VIII, 1912, p. 295.

(5) Male wage-earning employees under eighteen years of age and women wage-earning employees shall not be employed on work with sandblasting apparatus.

2. *Exceptions to the prohibitions of employment.* (1) The supreme State authority or an authority designated by it may authorise the following exceptions in particular establishments:—

1. the employment in the glass instrument industry of apprentices over sixteen years of age who are bound by an apprenticeship contract within the meaning of the Industrial Code, by way of exception to the prohibition contained in subsection (1) of section 1;
2. the employment of women wage-earning employees over eighteen years of age, by way of exception to the prohibition contained in subsection (1) of section 1, on the washing of objects etched with hydrofluoric acid and on fetching and carrying in rooms where etching is done with hydrofluoric acid, and also on other work in rooms where hydrofluoric acid or mixtures containing hydrofluoric acid are used in dilutions such that the hydrofluoric acid content in an aqueous solution is not more than 30 per cent.;
3. the employment of women wage-earning employees over sixteen years of age on fine polishing, by way of exception to the prohibition contained in subsection (4) of section 1.

(2) The competent authority may make the issue of a permit for the exception conditional upon compliance with certain requirements for the protection of the women employees.

3. *Night work and Sunday work.* (1) By way of exception to the prohibition contained in section 136 (first paragraph, first sentence) of the Industrial Code<sup>1</sup>, male wage-earning employees under sixteen years of age may be employed on work at melting, cooling and annealing furnaces between 8 p.m. and 6 a.m., provided that their hours of work are not more than forty-eight hours a week and subject to the following conditions:—

1. in glass works where the glass metal is melted and worked up simultaneously and work is organised in two or more shifts, the shifts shall be changed every week, unless a rest period of not less than twenty-four hours intervenes between the shifts of the employees under sixteen years of age;
2. in glass works where the glass metal is melted and worked up by alternate shifts, not more than half the total period of employment in a fortnight may fall between 8 p.m. and 6 a.m.

(2) By way of exception to the prohibition contained in the fourth paragraph of section 136 of the Industrial Code<sup>5</sup>, male wage-earning employees under sixteen years of age may be employed on work at melting, cooling and annealing furnaces on Sundays and public holidays. Nevertheless, such employment shall not fall between 6 a.m. and 6 p.m. on any occasion in the glass works mentioned under no. 1 of subsection (1), nor more than once a fortnight in those mentioned under no. 2 of subsection (1).

<sup>5</sup> This paragraph prohibits the employment of young persons on Sundays and public holidays and at the times fixed for their confirmation classes, etc.



(3) The exceptions to the prohibition of night work and Sunday work provided for in subsections (1) and (2) shall not apply to work at machines which work up the glass metal automatically, nor to the manufacture of glass by rolling liquid glass metal on slabs or tables.

4. *Medical examination.* (1) Male and female wage-earning employees under eighteen years of age whose employment is not prohibited under section 1, subsections (2)—(4), section 2, subsection (1), or section 3, subsections (1) and (2), shall not be employed in any of the operations therein mentioned unless a medical practitioner authorised by the industrial medical officer or the industrial inspection official certifies that their physical and mental development is not endangered by such work.

(2) Employers shall be bound to cause male and female wage-earning employees under eighteen years of age to be examined as to their state of health at least once every six months by a medical practitioner authorised in accordance with subsection (1). Employees who fail to submit to examination shall not be employed. If the examination shows that the health of an employee is injured or endangered by his employment, he shall not be again employed on the work to which the medical practitioner objects until after a further medical examination.

5. *Examination register.* (1) The employer shall keep a register of the examinations prescribed in section 4. The register shall contain the following particulars:—

1. the Christian name and surname, day and year of birth, address and date of entry into the establishment of each person liable to examination;
2. the date and result of the examination;
3. the name of the medical practitioner.

(2) The entries under subsection (1), nos. 2 and 3, shall be signed by the examining medical practitioner.

(3) The register shall be submitted to the industrial inspection official on request.

6. *Notices.* The employer shall be bound:—

1. to display in a conspicuous position in the establishment an easily legible printed copy of section 1, and also of sections 2—4 if he avails himself of the exceptions authorised in sections 2 and 3;
2. to draw up the notice prescribed in section 138 (second paragraph, first sentence) of the Industrial Code<sup>3</sup> in such a manner that the duration of employment on the day and night shifts and of the breaks is clearly shown for at least the preceding three weeks.

7. *Coming into operation.* This Order shall come into operation on 1st April, 1930, and shall remain in operation for two years.

8. *Transitional provisions.* (1) If at the date of the coming into operation of this Order male and female wage-earning employees are engaged in an undertaking on work which is prohibited by this Order, their employment on such work in the same undertaking shall be permissible until the expiry of the Order. The provisions of sections 4 and 5 shall apply to them also.

(2) Where the fall in the birth rate due to the War renders this necessary, the supreme State authority or an authority designated by it may in the public interest temporarily authorise the employment of women wage-earning employees over eighteen years of age as carriers or mould girls.

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