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EMPLOYMENT OF YOUTH AGED 15 TO LESS THAN 18 YEARS

DOLE DEPARTMENT ADVISORY NO. 01 -08, June 10, 2008

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I. RATIONALE AND BASIS

In the interest of service and in response to queries received by the Department concerning the issuance of work certificates and permits to young workers aged 15 to less than 18 years of age, this Advisory is hereby issued for reference and guidance of all DOLE Offices as well as concerned employers and workers.

The policies stated herein are pursuant to the provisions of the Labor Code of the Philippines and Republic Act No. 9231 (An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Special Protection for the Working Child, Amending for this purpose R.A. 7610, as amended) and consistent with Department Order No. 65-04 (Rules and Regulations Implementing R.A. 9231 amending R.A. No. 7610, as amended),

II. CLARIFICATION ON EMPLOYMENT OF YOUNG PERSONS

- R.A. 9231 defines the hours of work of a working child. "A child fifteen (15) years of age but below eighteen (18) shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week." As to work at night, the same law states that "no child fifteen (15) years of age but below eighteen (18) shall be allowed to work between ten o'clock in the evening and six o'clock in the morning the following day."

- In reiteration of RA 7610 as amended by RA 7658, RA 9231 requires the issuance of a work permit prior to the employment of children below fifteen years of age, as allowed in exceptional situations. This law, however, is silent with regard to the issuance of a permit or certificate to those who are 15 but below 18 years of age, although these young persons are still considered children.

- Department Order No. 65-04 (Rules and Regulations Implementing RA 9231) clarifies the prohibitions, which are: the employment of children in the worst forms of child labor in any public or private establishments and the employment of children in advertisements directly or indirectly promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products, gambling or any form of violence or pornography. The employment of a young person 15 to below 18 years of age, therefore, may be 4 allowed subject to the conditions and prohibitions in RA 9231 and the Labor Code.

III. CONDITIONS OF EMPLOYMENT

- Every child shall have access to formal and non-formal education, including alternative learning systems. Thus, where the young person 15 to below 18 years of age is employed, the employer shall provide him or her with access to at least elementary or secondary education, including alternative learning systems. In order to provide access, no employer shall hinder the young person's education and learning opportunities.

- The employer shall observe the prohibitions on employment of a young person, comply with the above conditions on nature of work, number of hours of work, time of work and meet the requirements on recruitment or

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hiring, legitimate contracting, general labor standards and social protection, among others.

- The issuance of a DOLE certificate to youth aged 15 to below 18 years prior to employment is not required by law. No employer shall deny opportunity to any such youth applying for employment merely on the basis of lack of DOLE work permit or certificate of eligibility for employment Any young person 15 to below 18 years of age may present copy of this DOLE Advisory to any employer, job provider, government authority or his/her representative when seeking employment or anytime during employment

For guidance and compliance.

Adopted: 10 June 2008

(SGD.) MARIANITO D. ROQUE
Secretary

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