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## **Labor regulation and protection of teenager's labor rights in Russia**

The Russian legislation in the field of protection of labor rights of minors is based on fundamental acts and the conventional principles of international law, including the UN Convention on the Rights of the Child,<sup>2</sup> ILO instruments, the European Social Charter<sup>3</sup> and other international agreements. The development of international labor law was promoted, first of all, due to the desire of states to restrict the use of child labor. Russia has ratified seven ILO Conventions directly regulating working conditions of children and teenagers, and the two conventions prohibiting forced labor. The most important of them is the Convention of the ILO on No. 138 "About the minimal age for employment". However, despite the relatively large volume of international regulation, there is no single act which would establish the general (common) principles concerning the regulation and protection of labor rights of minors. The national legislation of the Russian Federation also lacks such act.

The Constitution of the Russian Federation<sup>4</sup> guarantees the right of everyone, including minors, to freedom of labor, the right to safe working conditions, wages, the right to rest and protect their labor rights. However, a number of universally recognized guarantees, contained in international law, received different content in the Constitution of the Russian Federation. For example, freedom of labor is defined as the right to freely dispose of someone's abilities to work, while international law understands freedom of labor wider.

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<sup>2</sup> Convention on the Rights of the Child, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

<sup>3</sup> European Social Charter, <https://www.coe.int/en/web/turin-european-social-charter>

<sup>4</sup> The Constitution of the Russian Federation, <http://pravo.gov.ru/konstituciya>.

According to Article 37 of the Constitution of the Russian Federation minors have the right to dispose freely of the capabilities to work, and also the right to safe working conditions, salary, the right to rest and to protect their labor rights. In the Russian Federation also as well as in Poland the fundamental act in this area is the Labor Code of the Russian Federation<sup>5</sup>, however, a number of guarantees and restrictions are placed also in other law articles.

The labor legislation of the Russian Federation guarantees the right to execution of an employment agreement of the persons which reached age of 16 years (general working capacity)<sup>6</sup>. However, the legislation allows the conclusion of an employment agreement by persons under the age of 16 in the following cases:

*First of all*, the persons who have got a general education or receiving a general education and reach the age of fifteen years can sign the employment contract for accomplishment of the easy work which is not harmful to their health.

*Secondly*, employment of 14-year-old teenagers is allowed under the following conditions:

- 1) the work should not be contraindicated for health of the juvenile/minor;
- 2) the work must be carried out in their non-study time and must not break the learning process;
- 3) the consent of a parent on the child labor; consent of the guardianship authority.

Thirdly, execution of an employment agreement with persons under the age of 14 is allowed in the presence of the following conditions:

- 1) for participation in the creation and/or performing of compositions in the organizations of cinematography, theaters, theater and concert organizations, circuses;
- 2) the work should not cause damage to health and moral development;
- 3) the consent of a parent (adoptive parent, guardian) on the child labor;
- 4) the consent of the guardianship authority<sup>7</sup>.

Thus, the legislation does not set a minimum age at which there is a special ability to work. In the Russian Federation also as well as in Poland, the registration of labor relations by civil agreements is prohibited. However, there is an opportunity to carry out activities on the basis of a civil contract from 14 years in the presence of a written parental consent. At the

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<sup>5</sup> Labor code of the Russian Federation no. 197-FZ of December 30, 2001, <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm>

<sup>6</sup> *Ibid.*, a. 63.

<sup>7</sup> *Ibid.*, a. 63.

same time the civil legislation does not set restrictions for minors of such activities, for employment duration, etc. That situation poses a threat of violation of children's rights.

The labor legislation sets a number of restrictions in the implementation of labor by minors. These restrictions concern the extreme duration of working time for minors (Articles 92 and 94 of the Labor Codes of the Russian Federation), leisure time (Article 122), the compensation guarantees (Article 271), special working conditions etc. They are directed to protect the physical and mental health of minors. At the same time, these guarantees are not absolute, in particular, minors between ages of 14 and 18, who have been convicted of crimes, serving sentences in juvenile detention centers, are actually involved in forced labor.

The protection of labor rights of minors is carried out by state bodies of a general competence (courts, prosecutor's offices, police, etc.) and special competence (the Federal Service for Labor and Employment – Rostrud). In addition, Ombudsmen for Children is directly involved in the protection of labor rights of minors is provided by guardianship and trusteeship. Besides, underage workers have the ability to self-defense of labor rights, as well as protect the rights of trade unions.

Describing the overall protection of labor rights of minors in the Russian Federation, we may conclude that the existing mechanism is quite effective, and that labor legislation contains a fairly high level of guarantees for minors. One of the main problems of protection of minors is not the imperfection of law, but the lack of effective enforcement mechanism and the lack of the effective control over implementation of law.