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ECUADOR 3

Act: Employment of Women and Young Persons

Ley sobre el trabajo de mujeres y menores y de protección a la maternidad. 6 de octubre de 1928. (Registro Oficial, 7 de octubre de 1928, año III, núm. 763, pág. 8,217.)

Act respecting the employment of women and young persons and the protection of maternity. Dated 6th October, 1928.

1. Young persons under the age of fourteen years shall not be employed in work of any kind on account of another.

2. By way of exception the labour inspector in places where there is a labour inspector, or the chief police authority where there is no labour inspector, may authorise the employment of young persons between the ages of twelve and fourteen years, provided that it is proved that they have completed the minimum degree of scholastic instruction required by law or that they are attending an elementary school.

Such authorisation shall not be granted unless it is shown that it is manifestly necessary for the young person to work in order to provide for his own maintenance or the maintenance of his parents or relatives in the ascending line with whom he lives and who are incapacitated for work or that of his brothers or sisters who are in the same condition.

3. Employers who take into their employment young persons under the age of eighteen years who have not completed their elementary education shall be bound to allow such young persons two hours a day to attend school during the hours of work.

If there is no school in the locality where the establishment is situated, and twenty or more children as aforesaid are employed therein, the employer shall set up a school at his own expense in which the said children shall receive elementary instruction and in addition shall be taught the elements of the industry in which they are employed.

The Ministry of Education shall issue regulations for the working of the schools set up in pursuance of this provision.

4. Parents, relatives in the ascending line, guardians and trustees and in general any person responsible for the maintenance and care of young persons of either sex under the age of twelve years shall not employ such young persons as domestic servants with the intention of deriving pecuniary profit from their work.

They shall not be lawfully entitled to do so unless they prove that the young person is obliged to work in order to provide for his own maintenance and education, for which they themselves have not the necessary means.

In such cases the employer shall be bound to provide for the compulsory education of the domestic servant, on pain of incurring the penalties prescribed in this Act.

If the domestic servant is over twelve years but under eighteen years of age and has not completed the minimum degree of elementary

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education, the employer shall be bound to comply with the provisions laid down in the first paragraph of the preceding section.

5. Young persons under the age of sixteen years shall not in any case be employed for more than eight hours a day and forty-eight hours a week.

6. Further, male young persons under the age of sixteen years and girls and women shall not be employed on night work, except in the case of domestic service; "night work" shall be deemed to mean night work as defined in section 5 of the Act respecting the maximum duration of the daily hours of work¹.

Nevertheless, women who have attained the age of eighteen years may be employed as sick-nurses or in establishments which work at night, such as telephone undertakings, theatres, cinemas and the like.

7. Boys under the age of twelve years and unmarried girls under the age of sixteen years shall not engage on their own account or on account of another in any occupation carried on in streets, open spaces or other public places.

8. Male young persons under the age of sixteen years and girls and women shall not be employed in industries or occupations which are deemed to be dangerous or unhealthy; such industries and occupations shall be specified in special Regulations.

The prohibition laid down in this section shall apply in particular to the following industries:—

- (a) distillation of alcohol and manufacture or mixing of liqueurs;
- (b) manufacture of white lead, red lead and any other poisonous pigments, and also the handling of paint, enamel or varnish containing salts of lead or arsenic;
- (c) manufacture or working up of explosives or inflammable or corrosive substances, or work on premises or at places where any of the said substances are manufactured or worked up or are stored in quantities involving risk of accident;
- (d) cutting and polishing of glass, emery polishing of metals, and work on any premises or at any place where dust or irritating or poisonous fumes are habitually generated;
- (e) loading and discharging of ships, even if effected by means of cranes and winches;
- (f) underground work and work in quarries;
- (g) work of enginemen and stokers;
- (h) greasing and cleaning of machinery in motion;
- (i) handling of belts, circular saws and other dangerous appliances;
- (j) melting of glass and metals;
- (k) transportation of substances in a state of incandescence;
- (l) retail sale of distilled or fermented alcoholic beverages, and employment on any premises or at any place where such beverages are sold.

9. Notwithstanding the provisions laid down in section 6 and in the preceding section, young persons between sixteen and eighteen years

¹ Legislative Series, 1928 (Ec. 2).

of age shall not be employed by day or by night in work which involves serious danger to their morals or to their physical development.

It shall be the duty of the labour inspector to notify the Ministry of Social Welfare of occupations and industries which must be deemed to be covered by the foregoing provision, and the Ministry shall have power to prohibit the employment therein of young persons under the age of eighteen years.

10. If a male young person under the age of sixteen years or a girl or woman meets with an accident or falls ill, and it is proved that the accident or illness is due to an occupation prohibited for such person by this Act or that it occurred in circumstances constituting a contravention of these provisions or at a time when the woman or young person was in a workplace where his or her presence was unlawful, the accident or illness shall be presumed on account of this fact alone to be due to the fault of the employer.

11. In every establishment where young persons under the age of eighteen years are employed, a register shall be kept, containing the following particulars, viz., the age of the young persons, the kind of work in which they are to be employed, whether it is day work or night work, the number of hours for which they are employed, the wages or salary which they receive, and a certificate that each young person has completed or is completing his compulsory school attendance.

A copy of this register shall be sent monthly to the labour inspector in places where such an official is resident and to the chief police authority in other places. Either of these officials may require the production of such proofs as he may think fit in order to satisfy himself of the accuracy of the particulars given in the register.

12. Women shall not be employed in industrial or commercial establishments and other workplaces, whether urban or rural, public or private, for a period of three weeks before and three weeks after confinement.

Women shall cease work on production of a medical certificate declaring that confinement will probably take place within a period of three weeks.

13. A woman shall not be dismissed on account of pregnancy, and the post of a woman who is absent from work during the period of six weeks specified in the preceding section shall be kept open for her; in addition, she shall be entitled to receive 50 per cent. of her wages or salary during the said period.

14. Moreover, if a woman remains absent from her employment for a longer period owing to an illness which according to a medical certificate is due to pregnancy or confinement and renders her incapable of work, she shall not be dismissed for this reason.

15. For nine months after her confinement every mother shall be allowed a break of fifteen minutes every three hours to nurse her child, except in cases where a medical certificate fixes a shorter interval.

16. Contraventions of this Act shall be punished by a fine of not less than fifty nor more than 500 sucres, according to the circumstances; the fine shall be double these amounts in the event of a second or further offence.

There shall be deemed to be as many contraventions as there are persons unlawfully employed or women dismissed from their employment in contravention of the above provisions. In the latter case the proceeds of the fine shall be paid directly to the woman concerned.

Such fines shall be imposed exclusively by the Ministry of Social Welfare and Labour, and in the imposition thereof the provisions laid down in the third paragraph of section 11 of the Act respecting the maximum duration of the daily hours of work shall be observed.

The police shall co-operate with the labour inspector and the other special authorities in the establishment of such contraventions.

17. All legislative provisions contrary to the provisions of this Act are hereby repealed.

18. The Minister of Social Welfare and Labour, the Minister of Education and the Minister of Police shall be responsible for the administration of this Act, which shall come into operation on 1st January, 1929.

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