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ARGENTINE

1. Act: Employment of Women and Young Persons

Ley número 11.317 reglamentando el trabajo de mujeres y menores. 30 de septiembre de 1924. (Cronica Mensual del Departamento Nacional del Trabajo, año VII, núm. 81, septiembre de 1924, p. 1417.)

Act no. 11,317, to regulate the employment of women and young persons. Dated 30th September, 1924.

CHAPTER I. EMPLOYMENT OF CHILDREN.

1. The employment of children under the age of twelve years on any kind of work on account of another, including agricultural work, shall be prohibited throughout the territory of the Republic.

The employment of young persons over the age of twelve years who are of school age and who have not completed their compulsory education shall also be prohibited. Nevertheless, the competent authority for the protection of minors (ministerio de menores) may authorise the employment of these young persons if it considers their employment indispensable for their own maintenance or that of their parents or brothers and sisters, provided that the minimum educational requirements prescribed by the law are complied with in a satisfactory manner.

2. Young persons under the age of fourteen years shall not be employed on domestic work or in public or private industrial or commercial undertakings or establishments, whether carried on for profit or for philanthropic purposes, with the exception of undertakings or establishments in which only members of the same family are employed.

3. The prohibition laid down in the preceding sections shall not apply to the employment of children for purposes of training in schools recognised for this purpose by the competent education authority.

4. Boys under the age of fourteen years and unmarried girls under the age of eighteen years shall not engage, either on their own account or on account of another, in any occupation which is carried on in the streets or in public open spaces.

CHAPTER II. EMPLOYMENT OF YOUNG PERSONS UNDER THE AGE OF EIGHTEEN YEARS AND OF WOMEN.

5. Women over the age of eighteen years shall not be employed in industry and commerce for more than eight hours in the day or forty-eight hours in the week, nor young persons under the age of eighteen years for more than six hours in the day or thirty-six hours in the week.

6. Young persons under the age of eighteen years and women shall not be employed on night work, except in nursing and domestic occupations; for the purposes of this section night work shall mean work between 8 p.m. and 7 a.m. in winter, and between 8 p.m. and 6 a.m. in summer.

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The provision laid down in the preceding paragraph shall not apply to undertakings for public entertainments given at night; women over the age of eighteen years may be employed in such undertakings.

7. Young persons under the age of eighteen years and women who are employed both morning and afternoon shall be granted a break of two hours at midday.

8. Young persons under the age of eighteen years and women who are employed in any part of the premises or dependencies of an undertaking shall not be given work to be done at home.

9. Young persons under the age of eighteen years and women shall not be employed in dangerous or unhealthy industries or occupations.

The regulations shall specify the industries to which this prohibition shall apply in general.

10. The prohibition laid down in the preceding section shall apply in particular to the following industries:—

- (a) the distillation of alcohol and the manufacture or mixing of liqueurs;
- (b) the manufacture of white lead, red lead and other poisonous colouring materials, and the manipulation of paints, enamels or varnishes containing salts of lead or arsenic;
- (c) the manufacture, manipulation or working up of explosives or inflammable or caustic substances, or work on premises or in places where explosives or inflammable or caustic substances are manufactured, worked up or stored manipulated, in quantities involving danger of accident;
- (d) the cutting and polishing of glass, the polishing of metals with emery, and work in any place or on any premises where dust or irritant or poisonous vapours are habitually produced.

11. Young persons under the age of eighteen years and women shall not be employed as follows:—

- (a) in the loading and unloading of ships;
- (b) in quarries or on underground work;
- (c) in loading or unloading by means of cranes or hoists;
- (d) as engineers or stokers;
- (e) in the oiling and cleaning of machinery in motion;
- (f) in the handling of driving belts;
- (g) at circular saws or other dangerous machines;
- (h) in the smelting of metals, melting of glass and blowing of glass with the mouth;
- (i) in the transport of substances in a state of incandescence;
- (j) in the retail sale of alcoholic beverages, whether distilled or fermented, and in work on any premises where such beverages are thus sold.

12. If a young person or a woman incurs an industrial accident or a disease, and if it is proved that the said accident or disease is due to an occupation prohibited for women and young persons by this Act or carried on under conditions involving a contravention of the requirements of this Act, or to the presence of such woman or young

person in a workplace in which their presence is unlawful, the accident or disease shall, by reason of these circumstances alone, be deemed to be due to the fault of the employer.

CHAPTER III. PROTECTION OF MATERNITY.

13. A woman shall not be employed during the six weeks following her confinement in industrial or commercial establishments or dependencies thereof, whether in towns or in the country, public or private, with the exception of establishments in which only members of the family of the employer are employed.

A woman shall be entitled to leave her work on the production of a medical certificate stating that her confinement will probably take place within six weeks.

A woman shall not be dismissed on account of pregnancy; and a woman who absents herself from her work in virtue of the provisions laid down above shall retain her employment.

14. If a woman remains absent from her work for a period longer than that specified above on account of an illness which is medically certified to be due to pregnancy or confinement, and which renders her unfit to resume her work, she shall not be dismissed for this reason.

15. Nursing mothers shall be entitled to a break of fifteen minutes every three hours for the purpose of nursing their children, except when a shorter interval is prescribed by a medical certificate.

In establishments in which the number of women employed is not less than a minimum number to be specified by the regulations, suitable nurseries shall be provided for children under the age of two years, in which such children shall be cared for while their mothers are at work.

CHAPTER IV. ADMINISTRATIVE PROVISIONS.

16. In industrial and commercial establishments in which young persons under the age of eighteen years are employed, the birth certificates of such young persons from the civil register, or equivalent documents, shall be filed in classified order, and, further, a general register shall be kept of such young persons, giving the data prescribed by the regulations.

17. The offices of the civil register shall provide all young persons covered by this Act, free of charge, with a book in which shall be entered their name, surname, age, occupation and hours of work, and also the name, surname, occupation and address of their parents or guardians or the persons in charge of them.

An entry shall also be made in this book by the competent authority if the young person has completed his compulsory school attendance.

18. All persons who employ young persons under the age of eighteen years shall enter in the book referred to in the preceding section the conditions of employment and the wage or salary of such young persons.

A return giving this information shall be sent in to the administrative authority.

No other marks in the form of signs or words, particularly such as would be prejudicial to the bearer, shall be made in the said book, under penalty of payment of damages.

19. The administrative authorities for this Act shall be for the capital the National Labour Department, and for the provinces and national territories the authorities specified by the relevant regulations.

The police authorities shall co-operate with the above-mentioned authorities in investigating contraventions.

20. The representatives of the administrative authority shall have the right to enter all establishments covered by this Act during working hours.

Outside working hours a magistrate's warrant shall be required.

CHAPTER V. PENAL PROVISIONS.

21. Contraventions of this Act shall be punished by a fine of not less than fifty and not more than one thousand pesos, national currency (in case of a repetition of the offence, double these amounts), or in default thereof an equivalent period of imprisonment in conformity with the Penal Code.

Every case where a person has been unlawfully employed or a woman deprived of her employment in contravention of the provisions laid down in sections 13 and 14 of this Act shall be reckoned as a separate contravention thereof.

In the last-mentioned case, the amount of the fine shall at once be handed over to the woman in question.

22. Any person who causes dangerous feats of strength or dangerous acrobatic feats to be performed by young persons under the age of eighteen years or women shall be liable to a fine of not less than one thousand and not more than five thousand pesos, national currency, or in default thereof to an equivalent period of imprisonment in conformity with the Penal Code.

Any person who employs a young person under the age of sixteen years in a public entertainment given at night, and also the parents or guardians of such young person who profit by his employment, shall be liable to the same penalty.

In case of a repetition of the offence, the maximum fine or a period of imprisonment of not less than six months and not more than two years shall be imposed.

23. Without prejudice to the rights of the administrative authority and the authority for the protection of minors, the persons who have suffered loss, and also organisations for the protection of women and young persons, and workers' organisations, acting through their governing bodies, shall be entitled to report contraventions of this Act and to prosecute the persons guilty thereof in the criminal courts.

24. The provisions of this Act shall be incorporated in the national Civil and Penal Codes.

25. Act no. 5,291¹ shall be repealed.

¹ Act of 14th October, 1907, relating to the employment of women and children. Bulletin of the International Labour Office (Basle) 1908, vol. III, p. 27.