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## PORTUGAL 6

### Decrees: Employment of Young Persons and Women

A) *Decreto no. 14:498 — Regula o trabalho dos menores e das mulheres — Institui a tutela sanitária dos menores e das mulheres, que fica a cargo da Inspeção de Higiene do Trabalho e das Indústrias. 29 de Outubro de 1927. (Diário do Governo, 1927, I Série, no. 240, p. 2134.)*

**Decree no. 14,498, to regulate the employment of young persons and women, and to institute a system for safeguarding the health of young persons and women, for which the industrial hygiene inspectorate shall be responsible. Dated 29th October, 1927.**

#### *Employment of young persons and women.*

1. The object of the provisions of this Legislative Decree is to regulate the employment of young persons and women.

*Sole subsection.* For the purposes of this Act the expression "young person" (menor) shall apply to both sexes and shall include boys up to the age of sixteen years and girls up to the age of eighteen years.

2. These provisions shall apply to all establishments and employments or premises in which work of an industrial nature is carried on.

3. Young persons, women, pregnant women and mothers nursing their children shall not be employed otherwise than in light work of short duration which is not harmful to their physical and intellectual development or their morals.

4. Young persons under the age of twelve years shall not be admitted to industrial employment.

*Sole subsection.* A young person shall not be admitted to industrial employment unless he is in possession of a work-book, has passed a medical examination attesting his fitness for employment and has shown that he can read and write.

5. Young persons between twelve and fourteen years of age shall not be employed for more than six hours in every twenty-four hours, and such period of employment shall be interrupted by one or more breaks; the period of employment shall not exceed seven hours in the case of young persons between the ages of fourteen and sixteen years.

6. Young persons shall not be employed on Sundays, even in cleaning the premises.

7. Young persons under fourteen years of age shall not be employed as postilions or horse riders in any vehicles, whether public or private. Young persons under sixteen years of age shall not be employed in gymnastic or acrobatic feats in public entertainments.

#### *Night work.*

8. Work done between 9 p.m. and 5 a.m. during the months from May to October (inclusive) and between 8 p.m. and 7 a.m. during the other months of the year shall be deemed to be night work.

9. As a rule women and young persons shall not be employed in night work.

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(1) The employment of women and of young persons under eighteen years of age in night work may be allowed by way of exception in cases of *force majeure*, when there occurs an unforeseen interruption of work which is not of a periodical character, or where the raw materials or materials in course of treatment are subject to rapid deterioration and liable to perish if work thereon is interrupted.

(2) By way of exception, women may be employed in hotels, restaurants, cafés and similar establishments until 10 p.m.

(3) For the purposes mentioned in the preceding subsections an application for a permit shall be made to the authority for the health district concerned, provided that in cases of emergency the local health authority may issue a permit which shall not be valid for more than three consecutive days.

(4) Night work shall not last for more than six hours during every twenty-four hours and shall be interrupted by one or more breaks.

(5) A person who has been employed in night work shall not be employed during the day unless he has been granted a compensatory rest period which shall not in any case be less than ten hours.

*Underground work.*

10. A boy shall not be allowed to work underground until he has completed his sixteenth year; women and girls shall not be employed in such work.

11. A boy under eighteen years of age shall not be employed in underground work at night in any case.

*Safeguarding of health.*

12. A system for safeguarding the health of young persons and women is instituted by this Decree, and the industrial hygiene inspectorate shall be responsible for the carrying out thereof.

13. Establishments where industrial work is carried on and where young persons or women are employed shall have a private medical officer, who shall be responsible to the industrial hygiene inspectorate.

*Sole subsection.* Where factories and workplaces do not possess a private medical officer, the local public health inspector or sub-inspector shall undertake the duties of that post on payment of an annual fee of 10 escudos for each person subject to the provisions of this Decree.

14. Employers shall assist in the carrying out of this system for the safeguarding of health.

*Pregnancy and confinement.*

15. Pregnant women shall be employed under conditions which involve no danger to their pregnancy.

*Sole subsection.* During the two months preceding her confinement a woman shall be employed on light work, and such work shall be suspended immediately if the medical officer so directs.

16. The employment of a woman during the four weeks following her confinement shall be prohibited.

17. During such time as a woman nurses her child, both the mother and the child shall receive all necessary attention.

18. Large establishments employing more than 400 women shall have a maternity home provided with the necessary accommodation and arrangements.

(1) The above requirement may be extended to other establishments as need arises.

(2) Two or more factories may found or maintain a maternity home jointly.

19. Every establishment employing 50 women or more shall have a crèche.

(1) Two or more factories or establishments may jointly found or maintain a crèche for the children of their female wage-earning or salaried employees, provided that it contains the necessary accommodation.

(2) The distance between the crèche and each of the establishments shall not exceed 400 metres.

20. Establishments employing less than 50 women shall set apart a room in which mothers may nurse their children and in which the children may remain. Establishments contributing to a crèche shall be exempted from this provision.

21. The measures taken to improve the situation of a woman during her pregnancy or the period when she is nursing her child shall not entail any reduction or suspension of wages.

*Schedules.*

22. The Government shall issue special regulations and schedules to specify the establishments, workplaces and trades in which the employment of women and young persons shall be prohibited and those in which their employment shall be permitted subject to certain conditions and restrictions.

*Inspection.*

23. The General Directorate of Public Health shall be responsible for the administration of this Legislative Decree and of the regulations issued thereunder, and for supervision of their observance.

24. The officials responsible for the administration of the provisions of this Decree and for supervision of their observance may order the suspension or restriction of the work of women and young persons or a change in their occupation.

*Penalties.*

25. The officials entrusted with the duty of inspection shall have free access to the premises and establishments mentioned in section 2.

26. Employers and their managers or agents shall be bound to furnish the officials with the information which they require.

27. The officials shall be competent to make reports, which shall be accepted as evidence in default of proof of the contrary.

28. Notices or placards to make known this Decree and the hygiene and safety regulations shall be displayed in establishments and workplaces.

29. Any contravention of the provisions of this Legislative Decree shall be punished by a fine of not less than 50 nor more than 5,000



escudos, according to the size of the establishment and the seriousness of the offence.

30. Persons committing contraventions of this Decree shall be prosecuted in the same way as offenders against municipal byelaws. The fine imposed during these proceedings and the costs of the action shall be recovered under a distress warrant, and the establishment shall be the security for it.

31. The fine shall be doubled for a second offence, and quadrupled for a third offence.

32. If the contravention is repeated after the third offence, the offender shall be handed over to the judicial authorities, and the public health authority may request the civil or military authorities to effect the immediate closing of the establishment or the cessation of work by the persons employed therein.

33. Contraventions shall be subject to prescription according to the provisions of the Penal Code.

*Transitional provisions.*

34. Young persons at present in employment shall be required within two years to show that they can read and write.

35. The Government shall publish the necessary regulations for the administration of this Legislative Decree.

36. All legislation contrary to this Decree is hereby repealed.

B) *Decreto no. 14:535 — Aprova o regulamento do trabalho das mulheres e dos menores e tabelas que lhe respeitam. 31 de Outubro de 1927. (Diário do Governo, I Série, no. 245, p. 2161.)*

**Decree no. 14,535, to approve the regulations respecting the employment of women and young persons and the relevant schedules. Dated 31st October, 1927.**

On the recommendation of the Minister of the Interior, in pursuance of the provisions of sections 22 and 35 of the Legislative Decree no. 14,498 of 29th October<sup>1</sup>, I hereby approve the Regulations respecting the employment of women and young persons and the relevant schedules, which are signed by the Minister of the Interior and form part of this Decree.

REGULATIONS RESPECTING THE EMPLOYMENT OF YOUNG PERSONS AND WOMEN.

*Admission to employment. Work-books.*

1. Every young person who desires to be employed shall undergo an examination and show that he can read and write.

2. The examination shall be made by the medical officer of the establishment or workplace in which the young person desires to be employed; the said medical officer shall fill up a special form provided for that purpose.

3. The record of the medical examination, together with the age certificate or legal birth certificate, shall be signed by the young person and forwarded to the industrial hygiene inspectorate, which shall issue a work-book to the young person concerned.

<sup>1</sup> See under (A), p. 1 above.

(1) The application shall be provided with the seals mentioned in section 35 of Decree no. 12,477 of 12th October, 1926<sup>2</sup>, and a remittance of 10 escudos enclosed for the fees.

4. When the work-book is full, it shall be forwarded to the industrial hygiene inspectorate, which shall issue a new book.

5. If a work-book is lost, a new book may be applied for without its being necessary to submit the certificates.

*Safeguarding of health.*

6. The system for safeguarding the health of women and young persons shall be carried out by the medical officers of the industrial hygiene inspectorate and by the medical officers of the establishments, who shall be responsible to the said inspectorate.

7. Within 90 days from the date of publication of this Decree every employer shall notify the industrial hygiene inspectorate of the name of the medical officer attached to his establishment or workplace.

8. The duties of the medical officer attached to each establishment or workplace shall be as follows:—

- (1) to examine young persons who desire to be admitted to industrial employment, and to fill up the forms required by the regulations;
- (2) to vaccinate young persons and women;
- (3) to watch over pregnant women, especially during the later stages of pregnancy, to order a reduction or cessation of work, and to watch over women during the first month after confinement;
- (4) to supervise the health of mothers and children during the period of nursing;
- (5) to order a reduction or cessation of work or a change of occupation for young persons and women if they are unfit for their present work on account of lack of strength or ill-health;
- (6) to order all proper measures to be taken and to isolate young persons in case of infectious disease (diphtheria, mumps, meningitis, poliomyelitis, syphilis, tuberculosis, eruptive fevers);
- (7) to prohibit the return to work of young persons recovering from infectious disease until the danger of infection is no longer present;
- (8) regularly to inspect the establishments or premises under his charge;
- (9) to note all relevant particulars in the work-book of each young person;
- (10) to draw up a report every quarter, in accordance with the prescribed model, concerning the events which have occurred during that period;
- (11) to furnish the inspectorate with any help and information which it may require.

9. Examinations of pregnant and lying-in women may be made by a midwife under the supervision of the medical officer.

10. The duties of the employer or works manager shall be as follows:—

- (1) to keep a list of the staff of young persons and women; this list shall be placed at the disposal of the supervising authorities;

<sup>2</sup> Decree respecting the reorganisation of the public health services. (Diário do Governo, 1926, I Série, no. 259, p. 1944.)



- (2) to give all necessary information to the medical staff of the industrial hygiene inspectorate, and to report those persons who frequently absent themselves from duty on account of sickness or who suffer from ill-health ;
- (3) to place at the disposal of the inspecting medical officers a room which is suitably ventilated and lighted, heated during the cold season and equipped in such a manner that examinations can be carried out with decency and expedition ;
- (4) for the purpose of remuneration to include the time occupied by medical examination in the hours of actual work.

*Pregnant and lying-in women.*

11. Pregnant women as a rule shall do their work seated.
  - (1) They shall not do work which must be done standing and entails long periods in one position.
  - (2) During the later stages of pregnancy work shall always be done seated.
12. The following work shall be prohibited :—
  - (a) heavy work or work necessitating considerable or prolonged effort, and especially the carrying of loads on the head ;
  - (b) work requiring attitudes or positions which are harmful to the state of pregnancy ;
  - (c) work in which the body, and especially the abdomen, is exposed to shocks, jerks or shaking.
13. Pregnant women shall attend for consultation with the medical officer or midwife attached to the factory and comply with the orders and advice given to them.
14. Every mother shall have the right to leave her work for half an hour in the morning and half an hour in the afternoon to nurse her child, without reduction of wages.
15. During the period of nursing night work shall be prohibited, and the woman shall be given employment in which as a rule she does her work seated.

*Inspection and supervision.*

16. The General Directorate of Public Health, and in particular the staff of the industrial hygiene inspectorate, shall be responsible for supervision of the administration of the provisions of these Regulations.

*Sole subsection.* The technical staffs of the industrial and mines inspectorates and the public health, administrative and police authorities shall act as auxiliary agents.

17. Every official responsible for supervision of the administration of these Regulations who observes a contravention of the provisions thereof shall draw up a report in the required manner and forward it to the industrial hygiene inspectorate.

*Penalties.*

18. Fines shall be imposed by the General Directorate of Public Health.

19. The proceeds of the fines shall be distributed as follows : 50 per cent. shall be paid to the State, 30 per cent. to the fees fund and 20 per

cent. to the treasury of the authority collecting the fine, in accordance with the terms of section 3 of Decree no. 14,372, dated 30th September, 1927<sup>3</sup>.

*General provisions.*

20. The provisions of this Decree shall apply also to young persons admitted as apprentices.

*Sole subsection.* Young persons found in establishments shall be deemed to be employed therein unless the contrary is proved.

21. All cases not mentioned above and cases of doubt or complaint to which the administration of this Decree may give rise shall be decided by the Minister of the Interior after consultation with the General Directorate of Public Health and the Superior Council of Hygiene.

SCHEDULES

*Employments prohibited for women.*

Manufacture of arsenical acid.  
 Manufacture of nitric acid.  
 Manufacture of hydrochloric acid.  
 Manufacture of oxalic acid.  
 Manufacture of picric acid.  
 Manufacture of salicylic acid.  
 Manufacture of sulphuric acid.  
 Manufacture of sulphurous acid.  
 Employment in fertiliser and guano factories and deposits.  
 Refining of gold and silver by means of acids.  
 Distillation and manufacture of spirit of turpentine and of turpentine.  
 Extraction of the oils contained in fatty liquids for the manufacture of soap and other purposes.  
 Manufacture and grinding of white lead.  
 Manufacture of anilines and benzene derivatives.  
 Manufacture of arsenical products.  
 Prussian blue (see "Cyanides").  
 Treatment of olive cakes with carbon bisulphide and hydrocarbons in workshops where carbon bisulphide and hydrocarbons are used or handled.  
 Manufacture and working up of rubber entailing the use of carbon bisulphide or hydrocarbons.  
 Calcination of wine lees and tartar.  
 Lead smelting and rolling.  
 Manufacture of cyanides.  
 Reduction of ashes containing lead.  
 Treatment of ashes containing gold by means of lead processes.  
 Manufacture of chloride of lime and alkaline chlorides.  
 Manufacture of chlorides of sulphur.  
 Manufacture of chlorine.  
 Dry polishing of crystal and glass.  
 Manufacture of chromates of potash.  
 Employment in depots for the heads, hoofs, horns, etc., of animals.  
 Distillation of alcoholic liquors.

<sup>3</sup> Diário do Governo, 1927, I Série, no. 218, p. 1932.



Manufacture of enamel and enamelling with furnaces not consuming their own smoke and in workplaces where the materials are ground, mixed and screened by a dry process.  
 Work in knackers' yards.  
 Plate glass and mirror silvering.  
 Manufacture of ether.  
 Manufacture of fireworks.  
 Manufacture of phosphorus.  
 Work in cold storage chambers where acid or ammoniacal gases are used.  
 Manufacture of fulminate of mercury.  
 Electroplating (workplaces where acids are used in gilding, silvering, nickeling and scouring metals).  
 Employment at depots of inflammable liquids — alcohol, ether, spirit of turpentine, benzene, petrol and the like.  
 Manufacture of litharge.  
 Manufacture of massicot.  
 Employment in slaughterhouses.  
 Metal grinding and polishing without dust exhausts.  
 Manufacture of nitrate of iron.  
 Manufacture of nitrate of methyl.  
 Manufacture of animal oils.  
 Hand pulling of fur from hare, rabbit, etc., skins.  
 Quartz crushing and milling.  
 Lace bleaching by means of lead processes.  
 Carrotting of hare, rabbit, etc., skins.  
 Manufacture of poultices with hydrocarbons—in workplaces where solvents are used.  
 Manufacture of sulphate of mercury.  
 Manufacture of sulphate of soda.  
 Manufacture of arsenic bisulphide.  
 Manufacture of carbon bisulphide.  
 Manufacture of superphosphates.  
 Carriers' establishments — in the workplaces where the hair is scraped off.  
 Gassing and singeing of textiles in workplaces whence the products of combustion are not immediately exhausted.  
 Dyeworks—in workplaces where noxious materials are used.  
 Treatment of rags by means of acids when the fumes and dust are not removed by exhaustion.  
 Smelting of minerals.  
 Smelting of old tins.  
 Manufacture of glass and crystal — in workplaces subject to dust or where hydrofluoric acid is used.  
 Manufacture of varnishes.

*Employments prohibited for young persons.*

Manufacture of compressed or dissolved acetylene.  
 Manufacture of arsenical acid.  
 Manufacture of nitric acid.  
 Manufacture of hydrochloric acid.

Manufacture of oxalic acid.  
 Manufacture of picric acid.  
 Manufacture of salicylic acid.  
 Manufacture of sulphuric acid.  
 Manufacture of sulphurous acid and of sulphites.  
 Employment in fertiliser and guano factories and deposits.  
 Refining of gold and silver by means of acids.  
 Distillation and manufacture of spirit of turpentine and of turpentine.  
 Extraction of the oils contained in fatty liquids for the manufacture of soap and other purposes.  
 Manufacture and grinding of white lead.  
 Manufacture of aniline dyes and benzene derivatives.  
 Manufacture of arsenical products.  
 Prussian blue (see "Cyanides").  
 Treatment of olive cakes with carbon bisulphide and hydrocarbons in workshops where carbon bisulphide and hydrocarbons are used or handled.  
 Manufacture and working up of rubber entailing the use of carbon bisulphide and hydrocarbons.  
 Calcination of wine lees and tartar.  
 Bleaching of silk, wool, flax, hemp, cotton, jute and coir by means of chlorine, chlorides or sulphurous acid in workrooms where noxious gases are generated.  
 Lime kilns.  
 Meat salting and preparation.  
 Manufacture and regeneration of animal charcoal.  
 Manufacture of felt hats.  
 Lead smelting and rolling.  
 Manufacture of cyanides.  
 Manufacture of cement — in workplaces subject to noxious dust.  
 Reduction of ashes containing lead.  
 Treatment of ashes containing gold by means of lead processes.  
 Manufacture of chloride of lime and alkaline chlorides.  
 Manufacture of chlorides of sulphur.  
 Manufacture of chlorine.  
 Crushing of copper compounds.  
 Manufacture of collodion — in workplaces where the raw materials and solvents are handled.  
 Manufacture of preserved food products — in workplaces where soldering and solder-melting are carried on and gas engines are used.  
 Dry processes in the treatment of hair, bone and mother-of-pearl — in workplaces subject to noxious dust.  
 Bark grinding — in workplaces where the dust is not removed by exhaust ventilation.  
 Cork factories — in workshops where rasping and cutting are carried on.  
 Horsehair (see "Wool, textile fibres and horsehair").  
 Dry polishing of crystal and glass.  
 Manufacture of chromates of potash.  
 Employment in depots for the heads, hoofs, horns, etc., of animals.  
 Distillation of alcoholic liquors.



Manufacture of enamel and enamelling with furnaces not consuming their own smoke and in workplaces where the materials are ground, mixed and screened.

Work in knackers' yards.

Electricity — stations generating power and light for the purpose of distribution and workplaces for the charging of accumulators.

Mirror silvering.

Plate glass and mirror silvering.

Conversion of old cordage into oakum.

Manufacture of ether.

Explosives and fireworks factories and workshops.

Sanitary ware factories — in workplaces where the materials are ground and screened.

Manufacture of fireworks.

Manufacture of phosphorus.

Match factories — in workplaces where the paste is prepared and applied.

Match and match-stick warehouses.

Work in cold storage chambers where acid or ammoniacal gases are used.

Manufacture of fulminate of mercury.

Iron, zinc, copper, brass and lead foundries (second smelting).

Electroplating — workplaces where acids are used in gilding, silvering, nickeling and scouring metals.

Plaster, lime and stone grinding mills where the dust is not removed by exhaust ventilation.

Plaster kilns.

Manufacture of glue.

Willowing, carding and cleaning of wool, textile fibres and horsehair.

Cleaning of textiles and other objects with inflammable liquids.

Flax spinning when the waste water is not promptly drawn off.

Depots of inflammable liquids — alcohol, ether, spirit of turpentine, benzene, petrol and the like.

Manufacture of litharge.

Sawing and dry polishing of marble and stone in workplaces where the dust is not removed by exhaust ventilation.

Manufacture of massicot.

Employment in slaughterhouses.

Metal grinding and polishing without dust exhausts.

Tan-bark mills.

Mother-of-pearl (see "Horn, bone and mother-of-pearl").

Manufacture of nitrate of iron.

Manufacture of nitrate of methyl.

Potteries not equipped with furnaces consuming their own smoke or where lead compounds are used in glazing.

Manufacture of animal oils.

Bone (see "Horn, bone and mother-of-pearl").

Manufacture of oxygen.

Paper factories — workplaces where rags and waste paper are stored and prepared.

Wallpaper — in workplaces where noxious materials are used.

Pulling fur from rabbit or hare skins.

Fur glazing and dressing where dust is raised but not removed by exhaust ventilation.

Removing grease from fur, fur wares and fur waste, with the use of hydrocarbons as solvents.

Textile fibres (see "Wool, textile fibres and horsehair").

Polishing works without dust exhausts.

Manufacture of china where dust is raised but not removed by exhaust ventilation.

Quartz crushing and milling.

Lace bleaching by means of lead processes.

Carrotting of hare, rabbit, etc., skins.

Sawmills — at dangerous machines.

Manufacture of poultices with hydrocarbons — in workplaces where solvents are used.

Manufacture of sodium and its salts.

Autogenous welding.

Manufacture of sulphate of copper.

Manufacture of sulphate of mercury.

Manufacture of sulphate of soda.

Manufacture of arsenic bisulphide.

Manufacture of carbon bisulphide.

Manufacture of superphosphates.

Curriers' establishments — in the workplaces where the hair is scraped off.

Carpet cleaning.

Gassing and singeing of textiles in workplaces where the products of combustion are not immediately removed.

Preparation and application of dyes having a lead basis.

Dyeworks — in workplaces where noxious materials are used.

Rag depots.

Treatment of rags by means of acids.

Smelting of minerals.

Smelting of old tins.

Manufacture of crystal glass in workplaces subject to dust or where hydrofluoric acid is used.

Manufacture of varnish.

Application of varnish by hot processes to paper, wood or any other surface.

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