Brexit, Children and Employment
Shining the Spotlight on Children

Did You Know...?
- Working adults enjoy extensive protection under EU and UK employment law. However, workers under the age of 18 are explicitly excluded from the scope of domestic law on equal pay, the minimum wage, holiday entitlement, sick leave or pension entitlement. It is EU law that provides the most extensive employment protection for under 18s, at least in principle.
- The unemployment rate for young people in the UK is at least double that of the rest of the population (28.7% of 16-17 year olds compared to 4.9% of all people over 16).
- Recent research reveals that there has been a 130% rise since 2011 in unfilled job vacancies among young people due to what employers see as a major skills shortage.

EU law regulating children as employees
The EU introduced binding law in the early 1990s laying down minimum conditions for the protection of children at work. The law, which is now part of UK domestic law (see ex. Part II of the Children Employment (Conditions) Act 1933), prohibits children from working if they are in full-time compulsory schooling. Exceptions are made for over 14s to engage in occasional work or short-term work involving domestic service in a private household or work regarded as not being harmful, damaging or dangerous to young people. Younger children can also be employed in cultural, artistic, sporting or advertising activities, subject to prior authorisation by the competent authorities (ex. the local authority).

EU law also sets minimum health and safety standards to protect children in the work place. Again, this law is now part of the UK legal framework (see for example section 19 of the (see ex. s.19 of The Management of Health and Safety at Work Regulations 1999 relating to England and Wales).

Children’s rights under general EU employment equality law
Aside from EU provision targeting child workers specifically, children benefit from general EU employment equality laws either directly (as workers in their own right) or indirectly (as the children of employed parents).

For instance, the EU pregnancy directive gives pregnant workers the right to attend ante-natal appointments during working hours on full pay and to take at least 14 weeks maternity leave before and/or after childbirth (including at least two weeks leave before and/or after childbirth). This law prohibits employers from dismissing a girl or woman who is pregnant and/or on maternity leave except in exceptional circumstances not connected with pregnancy/maternity.

The EU Parental Leave Directive also sets out minimum requirements on parental leave for male and female workers following the birth or adoption of a child. This law entitles new parents to at least four months leave. When returning from parental leave, workers must have the right to return to the same job or to an equivalent or similar job consistent with their employment contract or relationship. Workers also have the right to request changes to their working hours for a set period.

While all of these rules were developed with adult workers in mind, there is nothing to prevent workers under the age of 18 from benefiting directly from them, particularly since the rules are equally applicable to those who work part time.

In reality, however, aside from the health and safety regulations, children do not really benefit from most employment equality law because they tend to be employed on a casual basis, often on zero-hours contracts which come with extremely limited employment rights.

Children indirectly benefit from EU employment equality measures
In addition to its employment equality laws, the EU has introduced targets and provided funding to support Member States in promoting high quality, affordable and accessible childcare and in implementing flexible working arrangements.

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How might Brexit impact on children’s rights in an employment context?
Following Brexit, the UK will be free to amend any domestic law or policy that implements EU employment equality laws. If current provision is further watered down, this would have serious consequences for the children of workers affected. It would impact negatively on child poverty rates and potentially reduce the capacity of both parents to care for them.