

OLEG M. YAROSHENKO<sup>a</sup>, MYKOLA I. INSHYN<sup>b</sup>, ROMAN YE. PROKOPIEV<sup>c</sup>,  
OLENA H. SEREDA<sup>d</sup>, OLEKSANDR A. YAKOVLYEV<sup>e</sup>

## The deterrent effect of the Ukrainian child labour legislation\*

DOI: 10.26350/18277942\_000131

**Summary: 1. Introduction. 2. Materials and Methods. 3. Results. 4. Discussion. 5. Conclusions.**

### 1. Introduction

The problem of the illegal use of child labour is one of the most widespread around the world, including in Ukraine, and, accordingly, is the basis for the emergence of a number of other problems. In general, children belonging to the above-mentioned group usually have difficulties in relations with their families, have problems with education, sometimes they are defenceless against the environment, and accordingly become not only cheap labour, but also, unfortunately, easy prey for the criminal environment<sup>1</sup>. The phenomenon of «working street children» is an extremely acute social problem of modern Ukraine. There is no specific explanation that is the source that forces children to work and sometimes live on the street. However, in this study, a whole system of interrelated objective factors was analysed, respectively, determining the reasons why more and more children are in such an unreliable and usually dangerous lifestyle<sup>2</sup>.

Such a negative trend can be evidenced by the fact that today almost 42% of rural children are constantly engaged in sowing works, and they are also often involved in harvesting and other field activities, another 52% do this from time to time and only 6% are not involved in agricultural work. About 6% work significantly more than 40 hours a week, and 24% – on the terms

---

<sup>a</sup> Yaroslav Mudryi National Law University (olegyaroshenko562@gmail.com).

<sup>b</sup> Taras Shevchenko National University of Kyiv (my.i.inshyn@meta.ua).

<sup>c</sup> Yaroslav Mudryi National Law University (prokopiev\_r51@protonmail.com).

<sup>d</sup> Yaroslav Mudryi National Law University (o.sereda1@proton.me).

<sup>e</sup> Yaroslav Mudryi National Law University (yakovlyev.ol@meta.ua).

\* Il contributo è stato sottoposto a *double blind peer review*.

<sup>1</sup> N. YUSUPOV, *Working hours as an element of the individual labor relationship and as an institution of labor law*, in *Society and Innovation*, 2(2) (2021), pp. 339-348.

<sup>2</sup> K. TOMASHEVSKI – O. M. YAROSHENKO, *Problems of Labour Legislation Codification in Belarus and Ukraine: History, Current Situation and Prospects*, in *Transition Studies Review*, 27(2) (2020), pp. 41-50.

of an extended working week and seven days a week. Now close to 300 thousand children have a job, mostly informally, and another 106 thousand are involved in household work<sup>3</sup>.

Accordingly, to understand how to overcome this problem, it is certainly necessary to analyse the current labour legislation and other regulations concerning child labour in one way or another. The procedure for the use of children's labour is determined by the labour legislation of Ukraine. Accordingly, the Labour Code of Ukraine stipulates that minor in labour relations are equal in rights to adults, and in the field of occupational safety, working hours, vacations, and other working conditions enjoy the benefits established by the legislation of Ukraine<sup>4</sup>, <sup>5</sup>. When hiring, testing for persons under 18 years of age is not established. For minors, the working time has been reduced by 1 hour. People aged 16 to 18 work 36 hours a week, and 15 to 16 years – 24 hours. It is prohibited to involve minors to work at night, during overtime, on weekends<sup>6</sup>.

An important document in these legal relations is the Law of Ukraine «On Child Protection», since it also regulates some principles of involving children in labour, namely, Article 21 provides that it is prohibited to involve children in the worst forms of child labour, participation in heavy work and work with harmful or dangerous working conditions, and in underground work and to work in excess of the reduced working hours established by legislation<sup>7</sup>.

Despite the fact that the age, time and conditions in which minors must work are clearly consolidated in the legislation, these principles are still arbitrarily violated by employers, which is why it is advisable to study foreign experience and legislation in parallel to identify bright advantages and apply them in the future in Ukraine, to actively counter the violation of children's rights, and to increase the deterrent effect of labour legislation. Considering the above, the purpose of the study is to investigate the current

---

<sup>3</sup> N. S. PUZYRNA, *Features of labor regulation of minors: international experience for Ukraine*, in *State and Regions*, 4(62) (2018), pp. 69-73.

<sup>4</sup> O. YAROSHENKO – O. MOSKALENKO – A. M. SLIUSAR – N. M. VAPNYARCHUK, *Commercial Secret as an Object of Labour Relations: Foreign and International Experience*, in *Journal of Legal, Ethical and Regulatory Issues*, 21 (2018), pp. 1-10.

<sup>5</sup> O. M. YAROSHENKO – N. M. VAPNYARCHUK – Y. M. BURNYAGINA – N. V. KOZACHOK-TRUSH – L. V. MOHILEVSKYI, *Professional Development of Employees as the Way to Innovative Country Integration*, in *Journal of Advanced Research in Law and Economics*, 11(2) (2020), pp. 683-695.

<sup>6</sup> <https://zakon.rada.gov.ua/laws/show/322-08#Text> (Accessed 11. 03. 2021).

<sup>7</sup> <https://zakon.rada.gov.ua/laws/show/2402-14> (Accessed 01. 09. 2022).

norms and principles on which the sphere of labour relations of minors is based<sup>8</sup>.

To conduct thorough research on this issue, the following tasks have been identified:<sup>9, 10</sup>

- compile a comprehensive list of all regulations in Ukraine related to child labour, providing a clear overview of the existing legal framework;
- identify the main societal factors that contribute to the occurrence of child labour, examining social, economic, and cultural influences;
- study the labour legislation of other countries to draw insights from their successful approaches and experiences. this comparative analysis can provide valuable lessons for addressing child labour in Ukraine;
- utilize the information gathered to formulate recommendations. these recommendations should not only inform future rule-making techniques but also contribute to scientific developments in the field, enhancing the overall understanding and efforts to combat child labour.

## **2. Materials and Methods**

The conduct of this study is extremely important, since it concerns the rights of children and labour legislation. Accordingly, to consider all the necessary elements of this issue, several theoretical and practical methods were used. Consequently, the method of logical analysis was certainly important in the work, which allowed dividing the question posed, namely the restraining effect of Ukrainian child labour legislation, into separate components, in particular regulations and social factors affecting this phenomenon, and, accordingly, analysing each of them in depth.

The opposite, but no less necessary, is the synthesis method, which allowed comparing the separated concepts to connect them into one whole and, accordingly, to determine the interrelated elements between the aforementioned components. The method of comparative analysis was applied, since the unconditional component of the study was international experience and regulations, which in turn were compared with Ukrainian legislation and, accordingly, based on which recommendations were developed to improve the quality of the deterrent effect of Ukrainian regulations.

---

<sup>8</sup> A. LINETS, *Effectiveness of International Labor Standards: An Interdisciplinary Approach*, in *Bulletin of the Saratov State Law Academy*, 2(127) (2019), pp. 241-251.

<sup>9</sup> O. LUTSENKO, *Bringing civil servants to liability for disciplinary misconduct in judicial practice of Ukraine, Poland, Bulgaria and Czech Republic*, in *Journal of Advanced Research in Law and Economics*, 8(1) (2017), pp. 103-112.

<sup>10</sup> N. O. PUSTOVA – O. O. AKIMOV, *Child labor and public administration policy against its use*, in *Investments: Practice and Experience*, 20 (2021), pp. 81-86.

The logical structure of the study fully depends on the method of deduction, since it allows the issues to be disclosed consistently, namely from the general ones contained in the legislation of Ukraine to the specific ones revealed in the context of establishing the causes of systematic violation of the norms consolidated in regulations. Based on the method of abstraction, the separation of the subject of study from connections with other subjects, namely, the problem of the misuse of child labour from other social problems.

One of the main methods of work is the method of analysing scientific literature, this is explained by its priority, because it allows analysing a list of scientific sources, in particular dissertations, monographs, articles, theses, books and, accordingly, regulations, with the rest it allowed filling the study not only with theoretical foundations, but also practical ones, consisting in their comparison. Separately, such research methods as content analysis and comparative law should be noted, since their use was extremely important for the essential content of the work, since the article belongs to the legal sphere.

The content analysis method was applied in the study of the above sources, invariant in essence to the content of the Ukrainian child labour legislation. The value of this method lies in the ascent from a large volume of textual material to an abstract model of the content of this work by considering specific offences related to the work of minors. As for the comparative legal method, it consists in comparing various legal systems, institutions and categories, in particular Ukrainian and foreign, to identify similarities and distinctive features between them. Accordingly, the advantages of international legislation were established, and proposals for their implementation in Ukrainian laws were formed.

The study was carried out in three stages:

1. At the first stage, the general theoretical foundations were determined, namely, the legislative framework of Ukraine on child labour, in addition, goals and objectives in the work were formed.
2. At the next stage, the level of effectiveness of the restraining action of the legislation of Ukraine on child labour was determined, social factors affecting the constant increase in the number of children illegally involved in work were identified. In addition, at the second stage, positive foreign trends were identified to ensure the rights of working children.
3. At the final stage, concise conclusions were formed, including a list of regulatory documents in force on the territory of Ukraine, and the foundations necessary for the development of the restraining effect of the legislation of Ukraine on child labour were established.

### **3. Results**

The issue of eliminating cases of violations of children's rights in the labour sphere is becoming widely publicised not only by the scale of exploitation of minors and the level of violation of their fundamental rights, but also by the disastrous impact on the education and health of children, their mental, spiritual, and moral development. Moreover, the development of human resources and the overall socio-economic development of the state are under threat, which ultimately threatens the future prosperity of the nation. It is advisable to establish that child labour that violates the law is, first of all, work that deprives children of childhood, human dignity, the opportunity to develop their potential, and harms their physical and mental development.

To begin with, it is necessary to define this aspect in two dimensions: positive and negative. In a positive understanding, the process of a child's work contributes to the fact that they acquire knowledge about the world around, socialise, acquire important skills, learn to adopt experience. In addition, work is closely intertwined with creativity. This is conditioned by the fact that it contributes to the development of such important qualities as perseverance, diligence, the ability to plan and achieve results.

All of the above refers to the positive aspect only under one condition, namely, full compliance by the employer with the rights of the child during their professional activity. However, provided that ignoring or even arbitrary violation of the established norms, the manifestation of child labour acquires a negative character, respectively, lies in the fact that children with a fairly busy schedule, which usually includes training, hobbies, development, can allocate time for systematic work only to the detriment of the above occupation or their own rest. In addition, a fairly common trend among employers is the incorrect correlation of the size of the load with the strength of the child, which as a result negatively affects their health<sup>11</sup>.

It is not unimportant to identify the socio-economic factors that contribute to child labour in Ukraine. These include:

- poverty: economic hardship and lack of basic necessities drive families into poverty, leading children to work to support family income or their own survival.
- limited educational opportunities: insufficient access to quality education, especially in marginalized communities or rural areas, limits alternatives for children, making them more vulnerable to engaging in labour.

---

<sup>11</sup> M. YU. ZARUBIN – M. A. ANTASHOV, *To the question about some topical problems of labor law in different jurisdictions*, in *Education and Law*, 8 (2021), pp. 306-310.

- informal economy: the prevalence of an unregulated informal sector creates an environment where child labour can thrive, as children may be exploited in hidden or unregulated work settings.
- unemployment and underemployment: high levels of unemployment and underemployment among adults increase reliance on child labour as children are compelled to contribute to household income.
- migration and displacement: displacement due to conflict or economic reasons disrupts communities and increases vulnerability, making children more susceptible to exploitation and labour-related abuses.
- weak enforcement of labour laws: inconsistent enforcement and inadequate monitoring of labour laws contribute to the persistence of child labour, as weak regulations fail to provide sufficient protection.

When considering the theoretical component of the work, attention should be paid to the fact that today, in the conditions of the economic crisis, social inequality, and restrictions directly related to COVID-19, the problems of the spread of illegal child labour are becoming larger in size and, accordingly, require due attention from both state authorities or local governments, and from international and public organisations. The approaches and organisation of such events should be based on international experience and, accordingly, be adapted to specific conditions, needs, and peculiarities of each region of the state <sup>12, 13</sup>.

Referring to the Ukrainian legislation, it can be noted that minors in labour relations are equated with adults, and in the field of occupational safety, working hours, vacations, and other working conditions, and enjoy the benefits established by Section XIII of the Labour Code, labour capacity for minors arises from the age of 16, this is provided for by Article 188 of the Labour Code of Ukraine. Setting the age for hiring minors is an extremely important condition responsible for health care and providing the opportunity to receive the necessary education.

Part 2 of Article 188 of the Labour Code of Ukraine establishes the possibility of employment with the consent of one of the parents or a person who replaces them, as an exception, minors who have reached the age of 15. In addition, to properly prepare young people for productive work, it is allowed to employ students of secondary schools, vocational schools and secondary specialised educational institutions, but a prerequisite for such a process is that they will perform light work, which, accordingly, will not cause harm to health of the child, and also will not disrupt the learning

---

<sup>12</sup> A. PROTS, *Child rights in Ukraine and Poland: legal and sociological comparative analysis*, in *Roczniki Nauk Prawnych*, 2 (2019), pp. 65-77.

<sup>13</sup> V. PRISEKIN – D. V. PARIN – A. A. ABOYAN, *Forced labor as a form of modern slavery*, in *Law and Law*, 5 (2020), pp. 51-54.

process. Referring to Article 189 of the Labour Code of Ukraine, every enterprise, institution, and organisation must keep a special record of employees under the age of 18.

As for the length of working time for a minor, it is consolidated in Article 51 of the Labour Code of Ukraine<sup>14</sup>. For employees aged 16 to 18 years, the working time should be 36 hours per week, for persons aged 15 to 16 years – 24 hours. For students aged 14 to 15 years working during the holidays – 24 hours a week. An important condition is that if students work during the school year in their free time, then, accordingly, their working day cannot exceed half of the maximum working time provided for persons of the appropriate age. In addition, Articles 55 and 192 of the Labour Code of Ukraine clearly prohibit the involvement of minors to work at night<sup>15</sup>.

The analysis of the defining features of child labour, given in the articles, allows determining the nature of the employment of minors. First of all, the employment of children is more stimulated and regulated by their parents, guardians, and their surrogates. In this context, its forced nature, in particular, conditioned by the insufficient level of material security of families, does not cause significant harm to the health and physical development of children, and also does not conflict with their educational prospects. Consequently, all of the above regulations are the main basis for controlling social relations in the labour sphere and minors in them<sup>16</sup>.

The Ministry of Ukraine for Family, Youth and Sports, in cooperation with relevant institutions and organizations, has introduced mechanisms for tracking and documenting cases of child labor in the country. These mechanisms are aimed at identifying violations, collecting data, and ensuring that appropriate measures are taken to address child labor issues.

The Law of Ukraine “On Child Protection” deserves special attention, which in turn consolidates, and accordingly, expands the social and legal guarantees of children's rights, to ensure the physical, cultural, intellectual capabilities of children at the proper level<sup>17</sup>. The adoption and entry into force of the aforementioned law was aimed at determining the strategic and priority area of Ukraine's activities for the comprehensive implementation and protection of the rights of the child to life, education, health, social protection. It is necessary to analyse Ukraine's actions in the international arena, in particular, its course and implementation in the context of child protection. The main relevant asset is the approval by the Verkhovna Rada

---

<sup>14</sup> <https://zakon.rada.gov.ua/laws/show/322-08#Text> cit. (Accessed 11. 03. 2021).

<sup>15</sup> E. POLTAVETS, *Problems of protection of labor rights of minors*, in *Guarantees of the Rights of the Child – Childhood Safety*, 1 (2020), pp. 192-194.

<sup>16</sup> E. KOPELTSIV-LEVITSKAYA, *Legal aspects of combating trafficking in children*, in *Doc-trina*, in *Studia Społeczno-Polityczne*, 16(16) (2019), pp. 117-131.

<sup>17</sup> <https://zakon.rada.gov.ua/laws/show/2402-14> cit. (Accessed 01. 09. 2022).

of Ukraine of the State Social Programme “National Action Plan for the Implementation of the UN Convention on the Rights of the Child” for the period up to 2021 (the Programme). According to paragraph 4 of task 20 of section IV of the Programme, the State Labour Service was endowed with a number of obligations, the determining one among them is monitoring, and analysing the level of compliance by business entities with legislation on the labour of minors<sup>18</sup>.

Analysing experiences and examples from other countries can be beneficial in developing an effective system for protecting children’s rights in Ukraine. It allows Ukraine to learn from the successes and failures of other nations and apply lessons learned. Best practices and innovative approaches can be identified and adapted to suit the Ukrainian context. Collaboration opportunities can be fostered through partnerships with countries that have made progress in child rights protection. Aligning with international standards ensures that Ukraine’s efforts meet global norms. Adapting successful experiences to fit the local context is crucial. Leveraging other countries’ successes can strengthen Ukraine’s advocacy efforts at the international level. Local input and stakeholder engagement are important for tailoring and implementing an effective child rights protection system in Ukraine.

In addition, according to the interpretation of the International Labour Organisation (ILO), the concept of “monitoring of child labour” should be understood as a dynamic process aimed at stopping the exploitation of child labour, consisting of several components<sup>19</sup>. First of all, conducting monitoring visits on an ongoing basis to identify all working children. In addition, one of the components of monitoring child labour is to assess the risks they may face in the future. In addition, a necessary condition is the implementation of further supervision and control over such children, and, accordingly, the conduct of educational and preventive work by specialists<sup>20</sup>. It is important to note that educational and outreach programs are crucial for strengthening child labour law enforcement. They raise awareness, provide knowledge, build capacity, foster collaboration, and promote prevention and reporting. These programs contribute to changing societal attitudes and behaviours towards child labour, leading to better protection of children’s rights.

---

<sup>18</sup> <http://surl.li/jgoel> (Accessed 01. 01. 2021).

<sup>19</sup> <https://www.ilo.org/global/lang--en/index.htm> (Accessed 06. 06. 2021).

<sup>20</sup> P. BHARADWAJ – K. LAKDAWALA – N. LI, *Perverse Consequences of Well-Intentioned Regulation: Evidence from India’s Child Labor Ban*, in *Journal of the European Economic Association*, 18(3) (2020), pp. 1158-1195.



In 2020, the State Labour Service conducted 1,316 inspections related to compliance with the requirements of the Law on the Labour of Minors. The fact of children's labour is recorded in 20 subjects of farming. For some employers, the number of underage employees amounted to 36 people. As a result of the audit, it was determined that the vast majority of working children are 16-18 years old, that is, they are persons whose age is greater than the minimum established by the current legislation of Ukraine<sup>21</sup>. Unfortunately, most of the enterprises where the inspection was carried out have a significant number of violations of the rights of underage workers. Some violations may even harm the health of not only the children but also the clients with whom they work, since there is a tendency to hire without a special medical examination, in addition, many violations of safety rules at the enterprise have been established. There is also no accounting of employees, respectively, there is no official registration, and late salary payments only emphasise the complete insecurity of both labour and other rights of a working child<sup>22</sup>.

In times of a rapidly evolving society, it is important to pay attention to technological advances. Therefore, in the context of this topic, the role of technology and digital platforms in facilitating or monitoring child labor practices should be highlighted (Table 1).

**Table 1.** Role of technology and digital platforms in facilitating or monitoring child labor practices

<b>Role of technology and digital platforms</b>	<b>Examples and applications</b>
Facilitation of child labour practices	Digital platforms enabling informal work arrangements
	Complex global supply chains making traceability difficult
Monitoring and detection of child labour	Data collection and analysis using ai and analytics
Practices	Establishing traceability mechanisms in supply chains
	Mobile technology for real-time reporting of child labour

<sup>21</sup> E. KISELYOVA, *Labor compliance as an instrument of labor relations control*, in *Central European Journal of Labor Law and Personnel Management*, 1 (2020), pp. 22-33.

<sup>22</sup> S. BALAGOPALAN, *Why historicize rights-subjectivities? Children's rights, compulsory schooling, and the deregulation of child labor in India*, in *Childhood*, 26(3) (2019), pp. 304-320.

	Crowdsourcing initiatives for sharing information
Awareness and education	Online awareness campaigns and education programs
	E-learning resources for stakeholders
Collaboration and reporting	Online reporting systems for confidential reporting
	Digital platforms for stakeholder collaboration

*Source: compiled by the author.*

Efforts to combat child labour encompass various contemporary trends and international standards. These encompass the enhancement of legislation to explicitly prohibit child labour and enforce punitive measures for non-compliance. Supply chain due diligence practices are being implemented to identify and mitigate child labour risks within global supply chains. Collaborative endeavours between public and private sectors play a crucial role, promoting coordinated action to address child labour. Effective monitoring and reporting mechanisms, including hotlines and whistleblower protection, are being established to identify and respond to instances of child labour.

The existing legislation on child labour in Ukraine has some gaps that require attention. These may include unclear or weak age limits, incomplete definitions of hazardous work for children, inadequate enforcement and monitoring mechanisms, insufficient social protection measures, the need to prioritize education and awareness raising, and improved coordination and cooperation among stakeholders. Addressing these shortcomings will strengthen the protection of children's rights and help prevent child labour in Ukraine.

#### **4. Discussion**

A fairly common phenomenon around the world is the involvement of parents of their children in work from an early age. Child labour can be found almost anywhere in the world. Despite this, it has become most widespread in poor countries and regions. According to ILO data, twice as many children are attracted to the agricultural sector than in other sectors of the economy in urban conditions<sup>23</sup>. Despite this, there is a clearly noticeable

---

<sup>23</sup> <https://www.ilo.org/global/lang--en/index.htm> cit. (Accessed 06. 06. 2021).

trend of a steady increase in the number of working children in cities, primarily in the service sector and the informal sector of the economy. The need for separate legal protection of minors is primarily conditioned by their physical and mental immaturity, and the need for care, ensuring appropriate conditions for normal development and education<sup>24</sup>.

Depending on the country, there are different age restrictions depending on the type of activity. For example, in Egypt, the law sets the minimum age for all types of work – 12 years, in the Philippines – 14, in Hong Kong – 15. In Peru, there are different standards: in agriculture, the minimum age is 14 years, in industry – 15; in deep-sea fishing – 16, and for work in ports and at sea – 18. In many countries, a distinction is made between light and dangerous types of work, and the minimum age for light work is usually 12 years, and for dangerous work – from 16 to 18 years<sup>25</sup>.

According to Article 1 of the Convention of the International Labour Organisation «On the Minimum Age for Admission to Work» No. 138 of June 6, 1973, each member of the ILO undertakes to implement a national policy aimed at the effective elimination of child labour and the gradual increase of the minimum age for admission to work to a level that meets the fullest physical and mental development of adolescents<sup>26</sup>. In addition, the main international document on the rights of the child, which, accordingly, the countries that are members of the United Nations (hereinafter – the UN), to which Ukraine also belongs, namely the Convention on the Rights of the Child, adopted by the UN on November 20, 1989, also consolidates the norms on child labour<sup>27, 28</sup>.

According to paragraph 1 of Article 32 of the current Convention of the participating states regulate the right of the child to protection from economic exploitation and from performing any work that may pose a danger to health, be an obstacle to their education or have a detrimental effect on their health, physical, mental, spiritual, moral, and social development<sup>29</sup>. In addition, the Convention defines that every human being is a child until he reaches the age of 18, if, according to the law applicable to this person,

---

<sup>24</sup> V. LADYCHENKO – O. MELNYCHUK – L. GOLOVKO – O. BURMAK, *Waste Management at the Local Level in the EU and Ukraine*, in *European Journal of Sustainable Development*, 9(1) (2020), pp. 329.

<sup>25</sup> O. DLUHOPOLSKYI – T. ZATONATSKA – I. LVOVA – J. KLAPKIV, *Regulations for Returning Labour Migrants to Ukraine: International Background and National Limitations. Comparative Economic Research*, in *Central and Eastern Europe*, 3 (2019), pp. 45-64.

<sup>26</sup> [https://zakon.rada.gov.ua/laws/show/993\\_054#Text](https://zakon.rada.gov.ua/laws/show/993_054#Text) (Accessed 27. 04. 2021).

<sup>27</sup> [https://www.un.org/ru/documents/decl\\_conv/conventions/childcon.shtml](https://www.un.org/ru/documents/decl_conv/conventions/childcon.shtml) (Accessed 25. 08. 2022).

<sup>28</sup> <https://www.un.org/en/> (Accessed 09. 09. 2022).

<sup>29</sup> [https://zakon.rada.gov.ua/laws/show/993\\_166#Text](https://zakon.rada.gov.ua/laws/show/993_166#Text) (Accessed 22. 07. 2022).

adulthood is not reached earlier. States are obliged to take legislative, administrative, and social measures, and measures in the field of education, to ensure compliance with the current Convention <sup>30</sup>.

As already noted above, according to Article 32 of the Convention on the Rights of the Child, States take a number of important measures to protect the rights of children for the normal development of children, in particular, one of them is fixing the minimum age for employment<sup>31</sup>. This document actually reflects the provisions of the ILO Convention No. 138 on the Minimum Age for Employment in 1973<sup>32</sup>. Accordingly, its provisions, as follows from Article 5, are applied at least to work in: mines and quarries, manufacturing industry; in construction; electric, gas, and water supply services; sanitary and technical service; transport, warehouses, and communication services; and on plantations and other agricultural enterprises producing products mainly for commercial purposes, but excluding family or small farms producing products for local consumption and not regularly using hired workers.

According to Article 1 of the ILO Convention No. 138, each UN member for whom this Convention is in force, accordingly, assumes the obligation to implement a national policy, which in turn is aimed at promoting and implementing the effective elimination of child labour and gradually raising the minimum age for employment to a level that will correspond to the fullest physical and mental development of the child, and in paragraph 1 of Article 3 of the ILO Convention No. 138, it is stipulated that the minimum age for admission to any type of employment or other work that, by its nature or the circumstances in which it is carried out, may harm the health or morals of a teenager, cannot be under 18 years of age<sup>33</sup>. However, despite these provisions, national legislation or regulations, the competent authorities may, after consultation with motivated organisations of employers and employees, where such organisations exist, consider employment or other type of work of persons aged at least 16 years if there is such a condition, namely that the health and morals of these adolescents will be fully pro-

---

<sup>30</sup> U. OFUOKU – O. J. OVHARHE – J. U. AGBAMU, *Child Labor in Farming Households in the Niger Delta Region of Nigeria*, in *Journal of Developing Societies*, 36(1) (2020), pp. 41-55.

<sup>31</sup> [https://www.un.org/ru/documents/decl\\_conv/conventions/childcon.shtml](https://www.un.org/ru/documents/decl_conv/conventions/childcon.shtml) cit. (Accessed 25. 08. 2022).

<sup>32</sup> <https://www.ilo.org/global/lang--en/index.htm> cit. (Accessed 06. 06. 2021).

<sup>33</sup> <https://www.ilo.org/global/lang--en/index.htm> cit. (Accessed 06. 06. 2021).

tected, and if these adolescents have received a sufficient level of specialised knowledge or professional training in the field of professional activity<sup>34</sup>.

According to the ILO, the overwhelming number of children work in agriculture, including about 75-80%, almost 10% work in the manufacturing industry, the rest in the service sector, that is, restaurants, shops, cafes, etc.<sup>35</sup>. At the moment, international legal methods and approaches aimed at protecting minors as the most vulnerable groups of workers are fully sufficient and fully translate the world policy in the field of regulating the labour rights of certain categories of workers, namely minors. Regulations in foreign countries determine the minimum age for employment, which is usually 15-16 years, and for dangerous and harmful work – 18, and sometimes even 19 years.

Attention should be paid to the experience of legal regulation of juvenile labour in the Federal Republic of Germany, where, accordingly, more attention is paid to the protection and occupational safety of children and youth than to the occupational safety of adults. The starting points aimed at occupational safety in Germany are consolidated in the law «On Occupational Safety»<sup>36</sup>. Current German legislation prohibits the use of children under the age of 13 as employees. Their regulatory framework classifies people from 13 to 15 years old as children, teenagers include young people from 15 to 18 years old. Accordingly, the same provisions apply to adolescents who are still required to attend school during the full school day as for children in primary and lower secondary schools. In addition, children aged 13 to 15 years can perform only a separate list of jobs, namely: to deliver newspapers, magazines, advertising newspapers and leaflets; to work in private and farming, etc.

As for the United States of America, the general age for concluding an employment contract is regulated by the Law «On Fair Working Conditions» of 1938 (with amendments and additions) and, accordingly, is 16 years old (subject to continuing education in high school)<sup>37</sup>. It is worth paying attention to the fact that the age of majority in the USA is 18 years. However, despite this, there are some exceptions when the age of employment is 15 years; 14 years; 13 years, and even up to 13 years (in their spare time). In

---

<sup>34</sup> C. COUGHLIN – J. GREENBAUM – K. TITCHEN, *Educating paediatric health-care providers about human trafficking*, in *Journal of Paediatrics and Child Health*, 56(9) (2020), pp. 1335-1339.

<sup>35</sup> <https://www.ilo.org/global/lang-en/index.htm> cit. (Accessed 06. 06. 2021).

<sup>36</sup> <https://www.ilo.org/ifpdial/information-resources/national-labour-law> (Accessed 22. 07. 2021).

<sup>37</sup> <http://surl.li/jgovx> (Accessed 10. 10. 2021).

view of the above circumstances, this problem in American science and legislation is considered in close mutual connection with the legal regulation of the work of minors, who in turn act as special subjects of law. Therefore, the procedure for resolving the issue of restricting the ability of persons under the age of 18 to drive vehicles is quite unusual in US labour law. Accordingly, no employee under the age of 17 has the right to drive any vehicles on public roads, in particular in the process of performing their work functions and tasks.

In addition, it is quite interesting in the American labour legislation to consider and resolve the issue of the maintenance of the labour law status of workers aged 16 to 17 years. Underage workers have the full right to work in any type of work, with the exception of work with harmful and dangerous working conditions. However, upon reaching the age of 18, they receive the right to exercise their labour function in jobs with harmful and dangerous working conditions<sup>38</sup>.

Estonia's experience is also quite specific precisely in the context of solving issues directly related to the practical implementation of prohibitions on the use of labour by persons under the age of 18 in the case of certain types of work. According to Article 125 of the Estonian Employment Contract Act, an employment contract that was concluded by: a minor aged 13-18 years without the consent of one of the parents, guardian, trustee, or labour inspector, or a minor under 13 years of age, a minor aged 15-18 years, if their employment may threaten the health and morals of a minor or hinder their education, they may be declared invalid by the labour dispute review body<sup>39</sup>.

As for countries such as the UK, Australia, Canada, their rules for hiring a minor are very similar to each other<sup>40, 41, 42</sup>. Accordingly, in these countries, an employer who has hired a minor is obliged to comply with the following requirements, namely: a minor should not work during the learning process; daytime employment should not exceed 3 hours on a normal school day (no more than 18 hours a week), a teenager should work no more than 8 hours on weekends; during the holidays, work activity does not exceed

---

<sup>38</sup> N. O. DAVYDOVA – V. A. SHATILO – A. M. BABIUK – M. V. LEVCHUK, *History of legal regulation of relations in the field of education in Ukraine*, in *Linguistics and Culture Review*, 5(2) (2021), pp. 328-341.

<sup>39</sup> <https://www.lawyersestonia.com/employment-law-in-estonia> (Accessed 12. 03. 2021).

<sup>40</sup> <https://www.canada.ca/en/canadian-heritage/services/rights-workplace.html> (Accessed 05. 06. 2023).

<sup>41</sup> <https://croner.co.uk/resources/employment-law/legislation-list/> (Accessed 09. 09. 2022).

<sup>42</sup> <http://surl.li/jgoel> cit. (Accessed 01. 01. 2021).

more than 40 hours a week; a shift for a teenager begins no earlier than 7 o'clock in the morning and ends no later than 19 o'clock.

Violation by the employer of the established labour legislation in the countries of the European Union is considered either as a violation of public order, or as criminal acts leading to the payment of a fine of up to EUR 15 thousand. An entrepreneur who has been sentenced to pay a fine three times for such a violation of this law is deprived of the right to hire teenagers. In Ukraine, in addition to administrative and criminal liability for violation of labour legislation, financial sanctions are also applied, depending on the type of violation.

Considering the above, the study of international experience is still necessary, in particular, for a better understanding of the peculiarities of the legislation of both Ukraine and for the implementation of comparative legal analysis and the search for ways to improve the existing system. Having analysed the work of minors in Ukraine and abroad, it should be noted that the scope of rights that minors have in foreign countries is somewhat wider than in Ukraine, and their guarantees are adhered to more strictly, which indicates fewer cases of their violation. Ukraine needs to adopt some experience of foreign legislative developments, in particular in terms of securing a clear list of specific works possible for minors, in accordance with their age categories<sup>43</sup>.

## **5. Conclusions**

Having conducted this study, it can be concluded that today the Labour Code of Ukraine includes provisions on the work of minors, the articles of which correspond to the norms adopted in Western countries regarding the possibility of involving minors of different ages to work of varying severity, and the responsibility of the employer concluding an employment contract with a minor, and ensuring optimal working conditions for a minor.

An important component of the work was the analysis of international legislation, including countries such as Germany, the USA, Great Britain, Estonia, etc. It was observed that each of them has certain features, in particular, regarding the minimum age from which a minor can work, and the method of specifying the list of activities that they can engage in. As for the Ukrainian legislation, it specifies only the conditions and loads under which a minor can engage in professional activity, but in Germany, this list is more specific and exhaustive. That is why it is advisable to apply such an

---

<sup>43</sup> D. N. CHORNY – A. RAUB – A. EARLE – J. HEYMANN, *The state of child occupational safety in 193 countries: Are countries living up to their international commitments?*, in *International Journal of Sociology and Social Policy*, 39(7) (2019), pp. 609-626.

approach in Ukraine to reduce the number of violations of children's rights in the labour sphere.

In addition, it should be noted that the dynamic development of the modern world, including the development of technology, allows people under the age of 14 to work in the field of information development, test information systems, etc. Therefore, the development of legislation does not keep pace with the development of technology, therefore it cannot fully regulate the labour relations of such minors. The study suggests that it is necessary to consider these employment opportunities for minors and to form and consolidate certain documents that will protect their rights, because they are also full-fledged participants in labour relations. According to the above, it is necessary to develop documents that will relate to the occupational safety of these persons, since they also need additional labour benefits and guarantees provided by the state when performing labour activities.

The paper contributes by examining the deterrent effect of Ukrainian child labor legislation. It analyzes current legal norms, identifies violations and influencing factors, and provides practical recommendations. The study's value lies in its relevance to the growing issue of child labor and its implications for children's rights in Ukraine.

**Abstract:** The topic under study, namely the deterrent effect of the Ukrainian child labour legislation, is quite relevant today. This is conditioned by the fact that THE number of cases of using children as labour is constantly growing, which indicates a negative trend of violations of both children's rights and the Labour Code of Ukraine. This phenomenon is extremely negative for society, moreover, it has a detrimental effect on children, who are the future of the nation. Thus, the purpose of this study is to analyse the current legal norms regulating the protection of the rights of the child, in particular from their arbitrary violation in the labour sphere. In addition, it is necessary to investigate the dynamics of their violations, to establish the main factors affecting this process, and to determine sanctions for such offences. To achieve this goal, various methods of scientific research were applied, in particular, both general and legal, since the subject of the study is legal. Theoretical methods are the method of logical analysis, synthesis, comparative analysis, deduction, abstraction, and the analysis of scientific literature. The legal methods should include the method of content analysis, and the comparative and legal method. As a result, solid conclusions were obtained, consisting of a theoretical component, in particular, an analysis of regulations concerning child labour, and a practical one, in which the main causes and features of the above-mentioned norms were established. In future studies on this topic, it is necessary to identify gaps in the current legislation on children's rights, in particular in the field of labour, and, accordingly, to formulate ways to eliminate them. The practical value of this work lies in the fact that the analysis of the current legislation took place in comparison with foreign acts, therefore, it formed important recommendations that should be used in future rule-making activities to stop the violation of children's rights in the labour sphere.

**Keywords:** Children – law – offence - labour force - labour sphere