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Prohibition of hazardous and unhealthy work for Adolescent workers
N° 8922

THE LEGISLATIVE ASSEMBLY
OF THE REPUBLIC OF COSTA RICA,
DECREES:

**PROHIBITION OF HAZARDOUS AND UNHEALTHY
WORK FOR ADOLESCENT WORKERS**

ARTICLE 1.

For the purposes of this Law, adolescent work is understood as the personal provision of services performed by adolescents over fifteen years of age and under eighteen years of age, who are under a special protection regime that guarantees them full equality of opportunities, remuneration and treatment in employment and occupation.

[Article sheet](#)

ARTICLE 2.

The work of adolescents is permitted only within the framework of Chapter VII of the Special Regime for the Protection of Adolescent Workers of the Code for Children and Adolescents, Law No. 7739, of January 6, 1998, and Section II of Chapter II of the Regulations for Labor Contracting and Occupational Health Conditions for Adolescents. Likewise, the principles contained in the Code mentioned in this article are of mandatory application.

[Article sheet](#)

ARTICLE 3.

By their nature, hazardous and unhealthy work are activities, occupations or tasks that have the intrinsic possibility of causing harm to the physical and mental health, integral development and even death of the adolescent worker, as a result of exposure to adverse technological, safety and physical-environmental factors, use of products, objects and hazardous substances, physical overload and environments with danger of violence and exploitation, without prejudice to the provisions of Article 4 of Law No. 8122, Approval of International Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, of August 2001, which establishes that the worst forms of child labor are hazardous and unhealthy.No. 8122, Approval of International Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, of August 17, 2001.

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ARTICLE 4.

The Occupational Health Council of the Costa Rican Ministry of Labor may determine, in accordance with the competence granted to it by Article 294 of the Labor Code, that workplaces are dangerous and unhealthy.

Article sheet

ARTICLE 5.

As established by the above article, the participation of adolescent workers in the following activities, occupations or tasks is prohibited:

- a) Mining, quarrying, subway and excavation work or activities.
- b) Work or activities carried out in confined, closed spaces, that is, confined to a single area, with hazardous structural conditions or dangerous processes involving the concentration of chemical, combustible or biological substances or exposure to harmful environmental conditions due to lack or excess of oxygen.
- c) Work or activities on the high seas, seaman on any scale and mollusk extractor.
- d) Underwater work or activities, diving and any activity involving submersion.
- e) Work or activities with agrochemicals in synthesizers, formulators, repackagers, repackaging, handling, transportation, purchase and sale, application and waste disposal.
- f) Work or activities involving contact with products, substances or objects of a toxic, combustible, oxidizing, flammable, radioactive, infectious, irritant and corrosive nature, and all those that indicate in the safety data sheet of each product harmful effects to health such as: carcinogenicity, mutagenicity, teratogenicity, neurotoxicity, alterations of the reproductive system, white organs and other products declared as such by the Ministry of Health.
- g) Work or activities of manufacture, placement and handling of explosive substances or objects in themselves and in the manufacture of objects with explosive or pyrotechnic effect.
- h) Work or activities involving the use of heavy equipment, vibration generators, crushing, crushing, trapping and cutting machinery, cranes, forklifts, crawler tractors and other types of machinery and vehicles not authorized for minors under eighteen years of age, according to the provisions of the Law on Transit on Public Land Roads in force.

i) Construction work or activities of public or private roads, maintenance of highways, dams, bridges and piers and similar works, specifically involving earth moving, asphalt handling, road mapping, profiling and recycling of asphalt and demarcation.

j) Work or activities requiring the use of machines and manual and mechanical tools of high complexity and of a cutting, crushing and grinding nature.

k) Work or activities that involve the manual and continuous transport of heavy loads, including lifting and placing them, as long as it is fully supported by the adolescent.

l) Work or activities in environments with exposure to noise and vibration in excess of internationally established standards.

m) Work or activities at heights involving the use of scaffolding, harnesses, ladders and lifelines.

n) Work or activities with exposure to extreme temperatures, whether low or high.

ñ) Work or activities with electricity involving the assembly, regulation and repair of electrical installations in the construction of public or private works.

o) Work or activities in production, distribution or exclusive sale of alcoholic beverages and in establishments of immediate consumption.

p) Work or activities in environments that favor the acquisition of dissociative behaviors that threaten the emotional integrity of the adolescent and others, in nightclubs, brothels, gambling halls, adult entertainment halls or places or workshops and establishments where erotic and pornographic material is recorded, printed, photographed or filmed, or establishments that carry out similar activities.

q) Work or activities in which the adolescent worker's own safety and that of other people depend on him/her, such as public and private security work, care of minors, the elderly, the sick, transfer of money and other goods or valuables.

r) Work or activities mentioned in Article 3 of Law No. 8122, Approval of International Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, of August 17, 2001.

Article sheet

ARTICLE 6.

Hazardous and unhealthy jobs are, due to their conditions, activities, occupations or tasks that derive from the way in which the work is organized and developed, and whose content, work demands and time dedicated to it could cause serious damage to the physical or mental health, to the integral development and even the death of the adolescent worker, without necessarily the nature of the activity being unhealthy and hazardous.

Article sheet

ARTICLE 7.

In accordance with the best interests of the adolescent, as defined in Articles 81 and 82 of the Childhood and Adolescence Code, the Ministry of Labor and Social Security may coordinate with the National Child Welfare Agency (PANI); Likewise, ex officio, at the request of a party or by complaint of any natural or legal person and through the National Labor Inspectorate, it shall supervise whether the adolescent worker is working in situations of unhealthy, dangerous or both conditions, in order to intervene and denounce, according to its competencies when the following circumstances occur:

- a)** Shifts in excess of six hours per day and thirty-six hours per week.
- b)** Night work, between 7:00 p.m. and 7:00 a.m. the following day.
- c)** Work or activities that make it impossible to comply with the right to compulsory education, guaranteed in the Political Constitution.
- d)** Work or activities in the agricultural sector, whose conditions and working environment do not allow the activities to be carried out safely.
- e)** Work or activities such as vending or other activities performed on public roads that expose adolescents to traffic accidents, violence, kidnapping, corruption, prostitution and other similar risks.
- f)** Work or domestic activities, when the adolescent person must sleep at the workplace or remain there outside the workday.
- g)** Work or activities that cause uprooting, loss of identity or are an obstacle to the enjoyment of the fundamental rights of the adolescent.
- h)** Jobs or activities with dangers of violence, psychological harassment, unjustified retention, predisposition to acquire dissociative behaviors and danger of abuse.
- i)** Work or activities that generate damage to the adolescent's health due to posture, isolation or that involve high complexity and responsibility, requiring permanent attention, thoroughness or time pressure.
- j)** Maintenance work on machinery as long as the adolescent has not been properly trained to perform this work.

Article sheet

ARTICLE 8.

The Ministry of Labor and Social Security, through the Office for the Attention and Eradication of Child Labor and Protection of Adolescent Workers, with the collaboration of PANI, may develop promotional activities aimed at promoting better working conditions for adolescent workers. Likewise, for purposes of the correct application of this Law, it shall disseminate and advise all social sectors involved, including public entities, adolescents, private companies, workers' organizations, employers' organizations, non-governmental organizations and civil society in general.

[Article sheet](#)

ARTICLE 9.

Violations, by action or omission, of the provisions contained in this Law shall be sanctioned in accordance with the provisions of the Childhood and Adolescence Code.

[Article sheet](#)

ARTICLE 10.

Article 94 of the Childhood and Adolescence Code, Law No. 7739 of January 6, 1998, is hereby amended. The text shall read:

"Article 94.- Prohibited work for teenagers

Adolescents are prohibited from working in mines and quarries, unhealthy and dangerous places, alcoholic beverage outlets, activities in which their own safety or that of other persons is subject to the responsibility of the minor; also, where they are required to work with dangerous machinery, polluting substances and excessive noise, and all work that is regulated according to the Law on the Prohibition of Dangerous and Unhealthy Work for Adolescent Workers."

[Article sheet](#)

ARTICLE 11.

Article 101, paragraph e) of the Code of Childhood and Adolescence, Law No. 7739 of January 6, 1998, is hereby amended. The text shall read:

"Article 101.

[.]

e) For violation of the Law Prohibiting Dangerous and Unhealthy Work for Adolescent Workers, a fine equivalent to nineteen minimum wages in accordance with the provisions of Law No. 7337.

[.]"

Article sheet

ARTICLE 12.

The Ministry of Labor and Social Security shall adopt the operative, administrative and budgetary provisions to make effective the actions entrusted to it by this Law.

Article sheet

ARTICLE 13.

This Law is of public order.

Article sheet

SOLE TRANSITORY.-

Within six months of the entry into force of this Law, the Ministry of Labor and Social Security shall regulate this Law.

Effective as of its publication.

Given at the Presidency of the Republic, San José, on the third day of February two thousand and eleven.

Article sheet

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