

Activity sector : entertainment
Technical areas : social legislation
Sources : Labor code: articles L.211-6 to L.211-14 (basic legislation) articles L.261 -1 et al. (clauses stipulating penalties for not respecting legal conditions), R.211 -2 et al. (executive decree), law of January 2, 2004 on childcare and the protection of childhood.
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Employment of children in live entertainment

Conditions for the employment of children in entertainment are strictly regulated by an ordinance codified in articles L. 211-6 to L. 211-14 and R. 211-2 et al. of the labor code. These regulations are aimed simultaneously at entertainment, film, radio broadcasting, sound recording and television businesses, as well as the modeling industry (which will not be discussed in detail here).

Moreover, the law of January 2, 2004 on childcare and the protection of childhood has increased criminal sanctions applicable in the event of failure to respect legal regulations.

Note that this law has also created a specific sanction for the case of concealed employment of a minor of under 16 years of age : employers risk a fine of € 75,000 and a 5-year prison sentence.

INDIVIDUAL PRIOR AUTHORIZATION

If the child employed is under 16 years of age, an individual prior authorization must be obtained.

Employing a child under the age of 16 without the required authorization is punishable with a fine of € 75,000 and a 5-year prison term.

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In addition, for children under the age of 13, the law of January 2, 2004 requires their written consent as a prerequisite for employment.

Authorization is granted by the prefect acting on a favorable decision by a special commission.

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This commission is formed within the departmental council for the protection of childhood. It is composed of the prefect, a juvenile magistrate, a representative from the Schools Inspectorate, a representative from the departmental authority for labor, employment and vocational training (DDTEFP), a representative from the departmental authority for sanitary and social affairs (DDASS), a representative from the regional authority for cultural affairs, and a health inspector. Depending on the department, commission administration is carried out either by the DDASS or the DDTEFP.



The prefect has a period of one month from the date of filing to issue a decision (denial of authorization, conditional authorization, a request for more information, or issuance of authorization). Lack of reply at the end of the one-month period indicates a negative decision.

The request must be filed with the prefect of the department where the employer's business is based (if the employer is based in a foreign country or does not have permanent headquarters in France, then the prefect of Paris is the competent authority).

The request will be examined at the behest of the prefect by the departmental director for labor, employment and professional training and by the departmental director for sanitary and social affairs.

The commission examines whether, given its nature, the role can be given to a child ; and if, given the age and health of the child, the child will be able to perform the proposed work without compromising his or her future. To this end, a medical examination is performed at the expense of the person requesting the authorization by a pediatrician selected from a list drawn up by the commission.

The commission also examines employment conditions, work hours, the frequency of performances (in particular if there are evening performances or several performances within a one-week period), compensation, vacations, rest periods, and hygiene and safety as well as housing conditions if the employment is itinerant or distant from the child's residence. In addition, the commission checks to see if the employment is compatible with the child's mandatory school schedule.

The commission may interview the child or the parents if a commission member requests to do so.

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Requests for authorizations must include the following :

- a document providing proof of the child's civil status ;
- written authorization from the child's legal guardians (parents or guardians) ;
- a list of jobs formerly or currently held by the child ;
- documents giving information on the difficulty and morality of the role (performance description, etc.) ;
- details of employment conditions (dates of rehearsals and performances, times and durations of performances, travel times, types of transportation, housing conditions, compensation) ;
- details regarding how the child's schooling will be maintained (school name, etc.) ;
- a medical certificate from the examining pediatrician.

RESTRICTIONS

> JOB CATEGORIES

Children of under the age of 16 may in no case execute dangerous tricks or acts involving dislocation, or perform jobs which may be dangerous to their life, health or morality.

Parents (or legal guardians) who have their children participate in this type of work despite the restrictions are liable, as is the employer, to criminal sanctions : a € 75,000 fine and a 5-year prison term.

However, fathers and mothers who exercise the profession of circus acrobat, animal trainer, and circus or carnival director may employ their children under 16 years of age during performances ; in this case the legal minimum age is 12 years. Parents must be able to produce birth certificates for the children under their responsibility and prove their origin or identity with a passport or family record book.

> INFORMATION REGARDING THE CHILD'S PERSONALITY

It is strictly prohibited for any person to publish through the press, books, broadcasting or any other means any commentaries, details or information regarding the employed or performing minors with the exception of information concerning their artistic work.

> NIGHT WORK

All forms of night work are prohibited between 10:00 pm and 6:00 am for workers under the age of 18. However, exemptions may be granted until midnight and from 4:00 am by the work inspector for entertainment businesses.

SALARY PAYMENT REGULATIONS

The amount of salary may be freely determined (as long as collective agreements are respected), but the payment of salary is regulated. The special commission which issues the work authorization is also in charge of determining :

- the portion of compensation which is immediately received by the child and which is left at the disposal of the legal guardians (parents or guardians) ;
- the portion of compensation which is obligatorily deposited at the Caisse des Dépôts et Consignations (national French savings and banking institution which manages National Savings Bank funds and local community funds). This deposit is accompanied by a declaration by the employer stating the civil status and address of the child and the names of the legal guardians.

This portion is returned to the child when the child reaches majority, following notification of the account balance to the prefect who issued the work authorization.

The prefect informs the child that the funds are available for collection at the Caisse des Dépôts et Consignations (exceptionally and in the event of an emergency, a part of this deposit may be withdrawn before majority upon authorization from the president of the commission).



Persons who pay funds directly or indirectly to children without filing with the commission are liable for a fine of € 3,750, and € 7,500 and a 4-month prison term in the case of a subsequent offence.