

APPENDIX 1

PROVISIONS FOR MINORS ASSIGNED REGULATED WORK

1- Minor's age

During this workplace training period (*période de formation en milieu professionnel*), only school pupils aged at least 15 years old, enrolled on a training course studying for a vocational or technology diploma, in accordance with the provisions of Article L.336-1 and L.337-1 of the French Education Code along with the provisions of Articles R.715-1-5, L.811-1, L.811-2, L.813-1, L.813-2, L.813-9 and R.813-42 of the French Rural and Maritime Fishing Code, may be authorised, under the conditions set out in Articles R.4153-38 to R.4153-45 of the French Labour Code to use the machines, equipment or products which minors are prohibited from using under Articles D.4153-17 to D.4153-35 of the French Labour Code.

2- Exemption procedure

Before any regulated work subject to an exemption is assigned to the minor, an exemption declaration for the work unit in question, which is valid for 3 years from notification of acknowledgement of receipt thereof, must have been made by the head of the company or host organisation to the labour inspector for the geographical area of this unit.

For government departments and public institutions governed by French Decree no. 2015-1583 of 3 December 2015, this declaration is made by the head of the host organisation to the relevant workplace health and safety inspector.

For regional and local authorities governed by French Decree no. 2016-1070 of 3 August 2016, minors may only be assigned prohibited work that may be subject to an exemption provided that this has been deliberated by the decision-making body of the host organisation's regional or local authorities. Any deliberations on this must involve the assistant or relevant prevention adviser.

Without this declaration, the regulated work subject to an exemption cannot be assigned to the minor. **A copy of this declaration must be appended to this agreement.**

The minor must only ever do this work under the constant supervision of their mentor.

The medical fitness certificate, issued either by the pupil occupational health physician at the French Ministry of Education, or by the occupational health physician at the Mutualité Sociale Agricole (agricultural social insurance organisation), is sent by the school to the head of the company or host organisation before any regulated work which is subject to an exemption is assigned to the minor.

The employer assigns the regulated work subject to an exemption to the minor, based on their level of training, their training progress and the training objectives.

Any employer making an exemption declaration provides the information below to the labour inspector, upon assigning the work in question to the minor:

- 1°) The minor's full name and date of birth;
- 2°) Their professional training programme, its duration and the known placement locations;
- 3°) The safety information and training given to the minor, in accordance with Articles L.4141-1 and L.4141-3 of the French Labour Code;
- 4°) The medical fitness certificate relating to this work;
- 5°) The full names and position(s) of the relevant individual(s) responsible for supervising the minor while they are doing the work in question.

3- Steps taken by the company or host organisation ahead of assigning regulated work or work which may be subject to a permanent exemption

The head of the company or host organisation confirms that they have taken the measures below:

1° They have performed the assessment set out in Article 4121-3 of the French Labour Code, including an assessment of the existing risks for the minors and any associated with their work; this assessment is performed prior to assigning the jobs to the minors;

Accordingly, in relation to the planned work, the mentor shall present the assessment performed of the specific company risks in accordance with Articles L. 4121-3 et seq of the French Labour Code, presented in a single document, and shall outline the potential risks that they may encounter and the preventive measures taken to address them.

2° They have implemented the preventive measures set out in Article L. 4121-3(2) of the French Labour Code following this assessment.

3° In accordance with Articles L. 4141-1 et seq of the French Labour Code, they have informed the minor of the risks to their health and safety and the measures taken to address this, and have provided them with relevant safety training, which they have ensured is suitable for the minor's age, level of training and professional experience.

4° They shall ensure that the minor undertaking the workplace training is supervised while doing this work.

5° They have obtained a medical fitness certificate for each minor, issued each year either by the student occupational health physician at the French Ministry of Education or by the occupational health physician at the Mutualité Sociale Agricole, from the educational institution.

4- List of prohibited work tasks subject to an exemption which shall be assigned to the minor

Please state the type of equipment and the operating conditions: mentor supervision and personal protective equipment worn. The head of the company or host organisation must ensure that only equipment that complies with regulations is used.

5- Work that may be subject to a permanent exemption

5-1. Information on self-propelled mobile work equipment and mobile work equipment for lifting

Under Article R.4323-55 of the French Labour Code, proper training must be provided beforehand in order to operate self-propelled mobile work equipment and mobile work equipment for lifting, including agricultural tractors.

For minor pupils, a declaration of exemption is required for operating all self-propelled mobile work equipment, including farming and forestry tractors, under Article D.4153-27 of the French Labour Code.

However, this exemption declaration is not required for operating self-propelled equipment and work equipment used for lifting, for minors who have received training beforehand, as set out in Article R.4323-55 of the French Labour Code and if they have been granted the operating authorisation set out in Article R. 4323-56 of this code, as this authorisation is required to operate this equipment.

Minors aged at least 15 years old can only drive agricultural and forestry tractors when the vehicle fulfils all of the three following technical requirements:

- 1°) it has a roll-over protection structure;
- 2°) this structure is kept in its raised position while the vehicle is driven;
- 3°) it has a lap seat belt to keep the driver in place in the driver's seat.

Minors aged at least 15 years old must not be assigned to driving agricultural and forestry tractors that do not fulfil all of the three technical requirements set out above, as well as any motorised quadricycles, with no possible exemptions on this.

Furthermore, minors aged at least 15 years old who can demonstrate prior safe driving training, as defined in Article R.4323-55 of the French Labour Code, may be permanently exempted, as defined in Article R.4153-51 of the French Labour Code, from driving agricultural and forestry tractors equipped with the seat belt and a roll-over protection structure kept in its raised position.

If a minor aged at least 15 years old cannot demonstrate proper prior training, an exemption declaration must be made to the labour inspector in order for them to drive the agricultural and forestry tractors which fulfil all three of the technical requirements outlined above.

Will the work placement student be operating this type of equipment as part of the tasks assigned to them?

Yes No

If yes, which?

The school indicates the trainee's level of proficiency based on their training level, in the appendix containing the list of regulated work tasks subject to an exemption.

Will the head of the company or host organisation issue an operating permit?

Yes No

5-2. Load carrying

Should minors over 15 and under 18 years old be required to carry loads of more than 20% their weight, the school head provides the head of the company or host organisation with the medical fitness certificate set out in Article 13. Therefore, load carrying is not covered by an exemption declaration.

Will the trainee be required to carry loads of more than 20% their weight?

Yes No

5-3. Authorisation for electrical works

During their workplace training period, if the school pupil has to work on (or close to) electrical installations and equipment, they must be authorised by the head of the company or host organisation to do so, depending on the type of work to be carried out. This authorisation can only be granted after the school pupil takes part in an electrical risk prevention training programme at their school prior to the workplace training period. The authorisation is granted on the basis of a qualification issued by the school certifying that the student has successfully completed the training for the authorisation levels indicated.

There is no need to make a declaration of exemption for work that led to the authorisation for electrical works.

Does the trainee require authorisation for the activities that shall be assigned to them?

Yes No

If yes, please specify the authorisation level and the qualification issued by the educational institution certifying that the trainee has completed the relevant training:

Please specify whether the head of the educational institution or host organisation shall issue the authorisation for electrical works:

Yes No

For the aforementioned tasks subject to an exemption or a permanent exemption:

Please specify any safety training provided in relation to the tasks and activities assigned to the trainee and which shall be given to them at the host organisation:

In addition to any safety training provided at the school. Please specify:

Head of the company or host organisation Surname: First name: Signature:	The school head Surname: First name: Signature:
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Approval for educational purposes

The mentor (if a different person to the head of the company or host organisation) Surname: First name: Signature:	The workplace training tutor: Surname: First name: Signature
The work placement student and/or their legal representative Surname: First name: Signature:	

List of regulated work tasks subject to an exception (Articles D.4153-17 to D.4153-35 of the French Labour Code)

	Regulated work subject to an exemption request	Workplace training location(s)		Title of the corresponding vocational training programme for the regulated work subject to an exemption request	Minor's proficiency level based on their training level
		Establishment premises	Construction site		
1	D. 4153-17 - work involving preparing, using, handling or being exposed to dangerous chemical agents, as defined in Articles R. 4412-3 and R. 4412-60				
2	D. 4153-18 - operations that may result in exposure to level 1 or level 2 asbestos dust, as defined by Article R. 4412-98.				
3	D. 4153-21 - work exposing them to category B ionising radiation as defined by Article R. 4451-46				
4	D4153-22 - work which may expose them to artificial optical radiation and for which the results of the risk assessment point to the slightest possibility of the exposure thresholds defined in Articles R. 4452-5 and R. 4452-6 being exceeded				
5	D. 4153-23 - operations in hyperbaric conditions other than those classified as category 0 operations				
6	D. 4153-27 - operating self-propelled mobile work equipment and mobile work equipment for lifting				
7	D. 4153-28 - work involving using or performing maintenance on: « 1° the machinery stated in Article R. 4313-78, irrespective of the initial operation date; « 2° machinery with moving parts directly involved in carrying out the work which cannot be made inaccessible during operation				
8	D. 4153-29 - maintenance work if this cannot be done when the machinery is at a standstill, with no possibility of the transmissions, mechanisms and work equipment involved restarting unexpectedly.				
9	D. 4153-31 - erecting and dismantling scaffolding				
10	D. 4153-33 - Minors are prohibited from doing work involving handling, monitoring, checking and working on pressure equipment which is subject to in-service monitoring under Article L.557-28 of the French Environment Code.				
11	D. 4153-34 - 1° visiting, performing maintenance on and cleaning the inside of tanks, cisterns, basins and reservoirs; 2° work in confined spaces, including in wells, gas pipes, smoke channels, sewers, pits and galleries.				
12	D. 4153-35 - glass or molten metal casting and regularly allowing them to enter the facilities used for this work.				