

Labour Relations (Employment of Children and Young Persons) Regulations, 1997

SIs 72/1997, 155/1999.

IT is hereby notified that the Minister of Public Service, Labour and Social Welfare, in terms of section 17 of the Labour Relations Act [Chapter 28:01], has made the following regulations:—

1. Title

These regulations may be cited as the Labour Relations (Employment of Children and Young Persons) Regulations, 1997.

2. Interpretation

In these regulations—

“child” means any person under the age of sixteen years;

“education” means attendance at a school as provided for in the Education Act [Chapter 25:74] or participation in a vocational or training programme approved by the Minister of Higher Education;

“hazardous substance” means a hazardous substance as defined in the Hazardous Substances and Articles Act [Chapter 15:05];

“light work” means work which is not likely to jeopardise the education, health, safety, rest or the social, physical or mental development of a child;

“young person” means any person who has attained the age of sixteen years but has not attained the age of eighteen years.

3. Employment of children and young persons

(1) No person shall employ any child or young person in an activity set out in the Schedule.

(2) No person shall employ a child under the age of fifteen years.

(3) No person shall employ a child or young person except as is provided for in subsection (4) or (5).

(4) A child who is thirteen years of age or more may perform light work where such work—

(a) is an integral part of a course of education or training for which the school or training institution is primarily responsible; and

(b) does not prejudice such child’s education, health, safety, social or mental development.

(5) A young person may be employed in an activity in which he receives adequate specific instructions or vocational training in that activity.

[Section amended by s.i. 155 of 1999.]

4. Hours of works

(1) No employer shall require a child or young person to work—

(a) more than six hours in any one day, or

(b) for a continuous period of three hours without a break of at least fifteen minutes.

(2) No employer shall require or permit a child or young person to work overtime.

(3) A child or young person shall be entitled to at least one and a half days off each week, at least twentyfour hours of which shall be continuous.

5. Contracts of employment

(1) Every employer of child or young person shall specify in the contract of employment for such child or young person—

(a) the wages to be paid; and

(b) the hours of work; and (c) the days off work; and

(d) any other benefits that may be provided for in any applicable collective bargaining agreement or employment regulations.

(2) A contract for the employment of a child or young person shall not be valid unless it is entered into by or with the consent of the parent or guardian of the child or young person.

(3) A child or young person shall not be employed to work during a school term, as fixed in terms of the Education Act [Chapter 25:04], unless the contract of employment concerned has been approved by the Minister.

6. Records to be kept

(1) An employer who employs a child or young person shall keep the following records in respect of such child or young person—

- (a) the name and age of the child or young person:

Provided that, where there is insufficient evidence available on the age of any child or young person, an employer shall ensure that an affidavit certifying the age of the child or young person is obtained; and

- (b) the name and address of the parent, guardian or social Welfare Officer of that child or young person; and
(c) the details of the terms of the contract of employment as required by section 5.

(2) Every employer of a child or young person shall keep the records referred to in subsection (1) for a period of not less than three years and, on request, shall produce such records to—

- (a) a labour relations officer, or
(b) a designated-agent of an employment council.

7. Offences

Any person who contravenes these regulations shall be guilty of an offence and liable to a fine not exceeding two thousand dollars or imprisonment for a period not exceeding twelve months or to both such fine such imprisonment.

SCHEDULE (Section 3(1))

PROHIBITED EMPLOYMENT ACTIVITIES IN RESPECT OF CHILDREN AND YOUNG PERSONS

1. Any work which is likely to jeopardise or interfere with the education of the child or young person.
2. Any work involving contact with any hazardous substance, article or process including ionising radiation.
3. Any work involving underground mining.
4. Any work that exposes a child to electrical cutting or grinding blades.
5. Any work that exposes a child to extremes of heat, cold, noise or whole body vibration.
6. Any night shift work.