

THE EMPLOYMENT OF CHILDREN

THIS SECTION OF THE WEBSITE WAS LAST UPDATED ON 6 FEBRUARY 2008

THE EMPLOYMENT OF CHILDREN HAS BEEN THE SUBJECT OF EXTENSIVE LEGISLATION SINCE THE EARLY NINETEENTH CENTURY.

INCREASING RESTRICTION AND PROHIBITION IN THE EMPLOYMENT FIELD HAS BEEN MIRRORED BY THE EXPANSION OF COMPULSORY EDUCATION.

IN 1933 THE U.K. PARLIAMENT CONSOLIDATED A GREAT DEAL OF THE LEGISLATION THEN IN EXISTENCE WITH REGARD TO THE EMPLOYMENT OF CHILDREN. THE CHILDRENS AND YOUNG PERSONS ACT 1933 AND AMENDMENTS MADE BY THE 1963 ACT OF THE SAME NAME, THE FACTORIES ACT 1961 AND FINALLY THE CHILDRENS ORDER (NI) 1995, TODAY GOVERNS THE EMPLOYMENT OF CHILDREN IN NORTHERN IRELAND.

THE CURRENT SITUATION PLACES SIGNIFICANT RESTRICTIONS AND PROHIBITIONS ON THE EMPLOYMENT OF CHILDREN. CHILDREN HOWEVER FOR THE PURPOSES OF EMPLOYMENT PROTECTION ARE DEFINED AS THOSE WHO HAVE NOT YET REACHED COMPULSORY SCHOOL LEAVING AGE. THIS WILL DIFFER FOR INDIVIDUAL CHILDREN, BUT AS A GENERAL RULE OF THUMB IS SIXTEEN YEARS OF AGE.

ONCE CHILDREN REACH THIS AGE, THE EXTENSIVE LEGISLATIVE PROTECTION ENDS AND CHILDREN BECOME YOUNG PEOPLE, WHO HAVE VIRTUALLY NO EXTRA PROTECTION OVER AND ABOVE ADULTS IN EMPLOYMENT, AND BECAUSE INITIATIVES SUCH AS THE MINIMUM WAGE DO NOT APPLY TO THIS GROUP IT COULD BE ARGUED THAT THEY ARE IN FACT TREATED LESS FAVOURABLY THAN ADULTS.

THE EUROPEAN UNION HAS ALSO BEEN CONCERNED TO PLACE RESTRICTIONS ON THE EMPLOYMENT OF CHILDREN AND THE COUNCIL DIRECTIVE 94/33/EC OF 22ND JUNE 1994 ENCOURAGES MEMBER STATES TO LEGISLATE AGAINST THE EMPLOYMENT OF ANYONE UNDER THE AGE OF FIFTEEN EXCEPT IN CERTAIN LIGHT WORK. THE EC DIRECTIVE ALSO PLACES A DUTY ON MEMBER STATES TO INTRODUCE IMPROVED HEALTH AND SAFETY REQUIREMENTS FOR YOUNG WORKERS I.E. THOSE WORKERS AGED BETWEEN 15 AND 18. THESE EXTRA SAFEGUARDS WERE INTRODUCED IN NORTHERN IRELAND IN 1998 AS PART OF THE WORKING TIME REGULATIONS (NORTHERN IRELAND) 1998.

WORKING TIME REGULATIONS.

YOUNG WORKERS ARE ENTITLED TO 12 CONSECUTIVE HOURS REST IN EACH 24 HOUR PERIOD. IN ANY 7 DAY PERIOD A YOUNG WORKER IS ENTITLED TO 48 HOURS OFF, ALTHOUGH THIS CAN BE REDUCED TO NO LOWER THAN 36 CONSECUTIVE HOURS FOR TECHNICAL OR ORGANISATIONAL REASONS.

A YOUNG WORKER WHOSE WORKING DAY LASTS FOR MORE THAN 4 1/2 HOURS IS ENTITLED TO A REST BREAK OF 30 MINUTES AND MAY TAKE THIS, AWAY FROM HIS/HER WORKSTATION IF THERE IS ONE.

YOUNG WORKERS ARE ENTITLED TO 4 WEEKS ANNUAL PAID LEAVE ONCE THEY HAVE BEEN EMPLOYED FOR MORE THAN 13 WEEKS.

YOUNG WORKERS ARE NOT PERMITTED TO WORK BETWEEN 10 P.M. AND 6 A.M. UNLESS:

1. THE EMPLOYER HAS ENSURED THE YOUNG WORKER WILL HAVE THE OPPORTUNITY OF A FREE ASSESSMENT OF HIS HEALTH AND CAPACITIES BEFORE HE TAKES UP THE ASSIGNMENT; OR
2. THE YOUNG WORKER HAD AN ASSESSMENT OF HIS HEALTH AND CAPACITIES BEFORE BEING ASSIGNED TO WORK DURING THE RESTRICTED PERIOD ON AN EARLIER OCCASION, AND THE EMPLOYER HAS NO REASON TO BELIEVE THAT ASSESSMENT IS NO LONGER VALID.

THE CHILDREN (NI) ORDER 1995

THE CHILDREN (NI) ORDER 1995 IS AN ATTEMPT TO MODERNISE AND FOCUS THE LAW IN NORTHERN IRELAND AS IT RELATES TO CHILDREN. THE ORDER ENCOMPASSES BOTH PRIVATE LAW ARRANGEMENTS AND PUBLIC LAW ARRANGEMENTS, WHICH IMPACT ON CHILDREN.

PART XII OF THE CHILDREN (NI) ORDER AND THE RELATED EMPLOYMENT OF CHILDREN REGULATIONS (NI) 1996 AS AMENDED BY THE EMPLOYMENT OF CHILDREN (AMENDMENT REGULATIONS) (NI) 2006, DEALS WITH AND REGULATES THE EMPLOYMENT OF CHILDREN.

ARTICLE 135 OF THE ORDER SETS OUT SOME GENERAL RULES AND THE REGULATIONS GO ON TO LOOK AT THE EMPLOYMENT OF CHILDREN IN MORE DETAIL.

ARTICLE 135 PROHIBITS;

1. THE EMPLOYMENT OF ANYONE UNDER THE AGE OF THIRTEEN.
2. THE EMPLOYMENT OF A CHILD BEFORE THE END OF THE SCHOOL DAY ON ANY DAY WHEN THE CHILD IS REQUIRED TO ATTEND SCHOOL
3. THE EMPLOYMENT OF CHILDREN BEFORE 7.00AM AND 7.00PM
4. THE EMPLOYMENT OF CHILDREN FOR MORE THAN TWO HOURS ON ANY DAY WHEN THE CHILD IS REQUIRED TO ATTEND SCHOOL.
5. THE EMPLOYMENT OF ANY CHILD IN ANY OCCUPATION LIKELY TO BE INJURIOUS TO HIS LIFE, LIMB, HEALTH OR EDUCATION, HAVING REGARD TO THE CHILD' S PHYSICAL CONDITION.
6. THE EMPLOYMENT OF CHILDREN AS STREET TRADERS.

THE EMPLOYMENT OF CHILDREN REGULATIONS (NI) 1996 PLACES FURTHER RESTRICTIONS ON THE EMPLOYMENT OF CHILDREN.

PERMITTED TYPES OF WORK.

THE REGULATIONS LIST THOSE OCCUPATIONS IN, WHICH CHILDREN MAY BE EMPLOYED.

1. THE DELIVERY OF NEWSPAPERS, MILK, GROCERIES, FOODSTUFFS, FLOWERS OR DRAPERY GOODS.
2. OFFICE WORK EXCEPT IN PREMISES LICENSED FOR THE SALE OF INTOXICATING LIQUOR, BETTING OR GAMING.
3. HOTEL AND CATERING WORK EXCEPT IN THE KITCHEN OR PORTIONS OF PREMISES LICENSED FOR THE SALE OF INTOXICATING LIQUOR.
4. WORK AS A SHOP ASSISTANT EXCLUDING ANY PREMISES LICENSED FOR THE SALE OF INTOXICATING LIQUOR, BETTING OR GAMING.
5. DOMESTIC WORK.
6. LIGHT AGRICULTURAL WORK OR HORTICULTURAL WORK FOR THE PARENTS OF THE CHILD CONCERNED.

HOURS OF WORK.

NO CHILD MAY BE EMPLOYED FOR MORE THAN ONE HOUR BEFORE THE COMMENCEMENT OF SCHOOL HOURS ON ANY DAY WHEN THE CHILD IS REQUIRED TO ATTEND SCHOOL. THE CHILD MUST FINISH THE HOUR OF WORK MORE THAN HALF AN HOUR BEFORE THE SCHOOL IS DUE TO OPEN.

NO CHILD SHALL BE EMPLOYED FOR MORE THAN TWO HOURS ON SUNDAYS.

ANY CHILD, WHO WORKS, SHALL BE ALLOWED TWO WEEKS UNINTERRUPTED HOLIDAYS BETWEEN THE 1ST OF JULY AND THE 31ST AUGUST.

THERE IS A DUTY PLACED ON THE EMPLOYER TO ENSURE THAT ANY CHILD EMPLOYED IN ANY OCCUPATION OUT OF DOORS IS SUITABLY SHOD AND SUITABLY CLAD FOR PROTECTION AGAINST THE WEATHER.

NO CHILD SHALL BE EMPLOYED WITHOUT THE WRITTEN CONSENT OF THEIR PARENTS.

NO CHILD IS ALLOWED TO WORK MORE THAN 12 HOURS PER WEEK IN TERM TIME

NO CHILD IS ALLOWED TO BE EMPLOYED IN ANY OTHER OCCUPATION ON THE DAY OR DAYS OF, OR FOLLOWING A PUBLIC PERFORMANCE TO WHICH ARTICLE 137 OF THE CHILDREN (NI) ORDER 1995 APPLIES

THE REGULATIONS THEN DRAW A DISTINCTION BETWEEN A CHILD UNDER AND OVER THE AGE OF FIFTEEN, WITH DIFFERENT REGULATIONS APPLYING TO EACH AGE GROUP.

REGULATION 4 DEALS WITH CHILDREN UNDER THE AGE OF FIFTEEN.

WHEN NOT REQUIRED TO ATTEND SCHOOL CHILDREN OVER THIRTEEN BUT UNDER FIFTEEN CANNOT BE EMPLOYED FOR MORE THAN FIVE HOURS PER DAY ON MONDAYS TO SATURDAYS, EMPLOYMENT IS RESTRICTED TO TWO HOURS ON SUNDAYS AS OUTLINED ABOVE.

CHILDREN UNDER FIFTEEN MAY NOT BE EMPLOYED FOR MORE THAN TWENTY-SEVEN HOURS IN ANY WEEK IN WHICH HE IS NOT REQUIRED TO ATTEND SCHOOL.

ON ANY DAY A CHILD SHALL BE ALLOWED A CONTINUOUS INTERVAL FOR REST OF NOT LESS THAN THREE HOURS BETWEEN SEVEN O' CLOCK IN THE MORNING AND SEVEN O' CLOCK IN THE EVENING.

ON ANY DAY A CHILD SHALL BE ALLOWED A ONE HOUR BREAK FOR MEALS AND REST FOLLOWING ANY CONTINUOUS EMPLOYMENT FOR THREE HOURS (FOUR HOURS ON SATURDAYS).

REGULATION 5 DEALS WITH WORKING CONDITIONS FOR CHILDREN OVER FIFTEEN.

WHEN NOT REQUIRED TO ATTEND SCHOOL NO CHILD OVER FIFTEEN SHALL BE EMPLOYED FOR MORE THAN SEVEN HOURS PER DAY MONDAYS TO SATURDAYS.

CHILDREN OVER FIFTEEN SHALL NOT BE EMPLOYED FOR MORE THAN THIRTY- SEVEN HOURS IN ANY WEEK IN WHICH THEY ARE NOT REQUIRED TO ATTEND SCHOOL.

THEY SHALL BE ALLOWED AT LEAST ONE HOUR FOR MEALS AND REST FOLLOWING ANY CONTINUOUS EMPLOYMENT FOR A PERIOD OF FOUR HOURS.

RESPONSIBILITY FOR ENFORCING AND POLICING THE LEGISLATION LIES WITH THE EDUCATION AND LIBRARY BOARDS. RECENT RESEARCH (SAVE THE CHILDREN ' PLAY FAIR WITH WORKING CHILDREN' 1999), FOUND THAT THE EDUCATION AND LIBRARY BOARDS IN FACT DO LITTLE TO POLICE THE LEGISLATION. THEY DO NOT ENGAGE IN ANY PUBLICITY CONCERNING CHILD EMPLOYMENT AND DO NOT PRODUCE ANY LEAFLETS OTHER THAN THE REGULATIONS THEMSELVES.

REQUIREMENTS ON EMPLOYERS.

EMPLOYMENT CARDS.

THERE IS A REQUIREMENT ON EMPLOYERS TO NOTIFY THE APPROPRIATE EDUCATION AND LIBRARY BOARD LEAST SEVEN DAYS PRIOR TO THE EMPLOYMENT OF A CHILD. THIS NOTICE SHOULD BE ON THE APPROPRIATE FORM AND SHOULD CONTAIN THE FOLLOWING DETAILS

- A. THE AGE OF THE CHILD.
- B. THE FULL NAME AND ADDRESS OF BOTH CHILD AND EMPLOYER.
- C. THE PROPOSED OCCUPATION.
- D. THE PROPOSED DATE WHEN EMPLOYMENT IS TO COMMENCE.
- E. THE PLACE OF EMPLOYMENT.
- F. THE HOURS OF EMPLOYMENT.
- G. THE DAYS NOT EXCEEDING SIX ON WHICH THE CHILD IS TO BE EMPLOYED.

PROVIDED NO GROUNDS FOR OBJECTION ARE EVIDENT AND THE ABOVE DETAILS ARE IN ORDER THEN THE EDUCATION AND LIBRARY BOARD WILL ISSUE AN EMPLOYMENT CARD FOR EACH CHILD

TO BE HELD BY THE EMPLOYER. THE CHILD IS ONLY PERMITTED TO WORK IN THE OCCUPATION AND AT THE TIMES ENTERED ON THE CARD.

AN EMPLOYER WHO HOLDS SUCH A CARD SHALL PERMIT AN AUTHORISED OFFICER TO ENTER AND INSPECT ANY PREMISES WHERE THE CHILD IS EMPLOYED.

THE CARD SHALL BE RETURNED TO THE BOARD WHEN THE CHILD CEASES TO BE EMPLOYED, IS NO LONGER A CHILD, THE TERMS ARE BREACHED, THE CHILD' S PARENT WITHDRAWS CONSENT OR THE CHILD IS RENDERED UNSUITABLE FOR EMPLOYMENT FOR ANY REASON.

ANY PERSON WHO EMPLOYS A CHILD IN CONTRAVENTION OF ARTICLE 135 OR THE RELATED ARTICLES IS GUILTY OF AN OFFENCE PUNISHABLE BY A FINE.

THERE HAS BEEN VERY LIMITED WORK DONE IN THE FIELD OF CHILD EMPLOYMENT IN NORTHERN IRELAND. THERE ARE NO FIGURES AVAILABLE FOR THE NUMBER OF CHILDREN WORKING BUT ESTIMATES PUT THE FIGURE AT AROUND SIXTY THOUSAND. THERE IS EVIDENCE THAT THE LEGISLATION IS LARGELY IGNORED AND NOT ENFORCED AND THAT CHILDREN ARE LARGELY IGNORANT OF ANY RIGHTS THEY HAVE IN EMPLOYMENT.

THE RESEARCH REFERRED TO ABOVE BY SAVE THE CHILDREN FOUND THAT IN TWELVE YEARS OF ISSUING PERMITS FOR CHILD EMPLOYMENT AND POLICING THE LEGISLATION ONE EDUCATION WELFARE OFFICER HAD NO PROSECUTIONS AND ONLY TWO COMPLAINTS.

THERE IS A REAL NEED TO LOOK AGAIN AT AN EFFECTIVE SYSTEM TO EDUCATE CHILDREN ABOUT EMPLOYMENT AND TO EFFECTIVELY REGULATE THE EMPLOYMENT OF CHILDREN. THIS CAN ONLY BE DONE BY CONSULTING WITH CHILDREN THEMSELVES. MUCH OF THE EXISTING LEGISLATION IS ANTIQUATED AND IRRELEVANT AND WHEN CHILDREN THEMSELVES HAVE BEEN MADE AWARE OF THE VARIOUS RESTRICTIONS SUCH AS THE LIMIT OF TWO HOURS WORK ON SUNDAYS THEY HAVE FOUND THEM OVERLY RESTRICTIVE WITH 75% OF FIFTEEN YEAR OLD RESPONDENTS IN ONE REPORT DISAGREEING WITH THE TWO HOUR LIMIT.