

# Young Persons & Children at Work



Safer Business - Better Health

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## Introduction

What is the definition of a Young Person?

A young person is a person who is over statutory school leaving age and under 18.

What is the definition of a Child?

A child is a person who is statutory school leaving age. This is the last Friday in June of their Year 11 studies.

What does the law say?

The Health & Safety at Work etc Act 1974 places general duties on employers to ensure the health, safety and welfare of employees at work and so far as is reasonably practicable those not in their employment but maybe affected by their undertaking.

The Management of Health & Safety at Work states that employers must assess the health and safety risks in particular for young people.

Employers should:

- assess the risks to all young people under the age 18 years of age, before they start work;
- ensure the risk assessment takes into account their psychological or physical immaturity, inexperience and lack of awareness of existing or potential risks;
- introduce control measures to eliminate or minimise the risks, so far as is reasonably practicable.

The Working Time Regulations states that young workers may not ordinarily work more than 8 hours a day, 40 hours a week. These hours worked cannot be averaged out and there is no opt-out available.

However, they may work longer hours where this is necessary to either:

- maintain continuity of service or production or
- respond to a surge in demand for a service or product.

and provided that:

- there is no adult available to perform the task, and
- the training needs of the young worker are not adversely affected.

Young workers may not ordinarily work at night between 10pm and 6am, or between 11pm and 7am if the contract of employment provides for work after 10pm.

## What does the law say? (cont'd)

Exceptions apply in particular circumstances in the case of certain kinds of employment as set out below.

They may work throughout the night if they are employed in:

- Hospitals or similar establishments or in any of the following activities:
- Cultural
- Artistic
- Sporting
- Advertising

or work between 10pm or 11pm to midnight and between 4am to 6am or 7am if they are employed in:

- Agriculture
- Retail trading
- Postal or newspaper deliveries
- A catering business
- A hotel, public house, restaurant, bar or similar establishment
- A bakery

A young worker is entitled to 12 uninterrupted hours in each 24

hour period in which they work. The rest may be interrupted if periods of work are split up over the day or do not last long.

A young worker entitlement to daily rest can be reduced or excluded in exceptional circumstances only. Where this occurs, the young worker should receive compensatory rest within 3 weeks.

Young workers are entitled to two days off each week. This cannot be averaged over a two-week period, and should normally be two consecutive days. If the nature of the job makes it unavoidable, a young worker's weekly time off can be reduced to 36 hours, subject to them receiving compensatory rest.

A young worker's entitlement breaks can be reduced or excluded in exceptional circumstances only. Where this occurs, the young worker should receive compensatory rest within 3 weeks.

## Are there any jobs that a young person / child can not do?

Under the Management of Health & Safety at Work Regulations an employer will not employ a young person for work -

- which is beyond his physical or psychological capacity;
- involving harmful exposure to agents which are toxic or carcinogenic cause heritable genetic damage or harm to the unborn child or which in any other way chronically affect human health;
- involving harmful exposure to radiation;
- involving the risk of accidents which it may reasonably be assumed cannot be recognised or avoided by young persons

owing to their insufficient attention to safety or lack of experience or training; or

- in which there is a risk to health from:-
  - extreme cold or heat;
  - noise or vibration.

However nothing listed above shall prevent the employment of a young person (not child) for work-

- where it is necessary for their training;
- where the young person will be supervised by a competent person; and
- where any risk will be reduced to the lowest level that is reasonably practicable.

## What should I include in my risk assessment?

Before employing a young person, you must carry out a risk assessment ensuring that the specific factors below are taken into account:

- layout of the workplace and the particular site where they will work;
- the nature of any physical, biological and chemical agents they will be exposed to, for how long and to what extent;
- what types of work equipment will be used and how this will be handled;
- how the work and processes involved are organised;
- the need to assess and provide health and safety training; and
- risks from the particular agents, processes and work.

The Management of Health & Safety at Work Regulations requires that young people are protected at work from risks to their health and safety which are a consequence of the following factors:

- physical or psychological capacity,
- pace of work,
- temperature extremes, noise or vibration,
- radiation,
- compressed air and diving,
- hazardous substances,
- lack of training and experience.

Employers must identify hazards and carry out a risk assessment to determine the particular risks to young people and the preventative measures needed.

Risk assessment measures and arrangements should cover:

- tasks young people must not do, clearly identifying prohibitions on the use of specific equipment and specified work processes, restricted areas, and activities that can only be done under supervision;
- supervision needs and arrangements;
- information, instruction and training needs and arrangements;
- prevention of bullying and sexual harassment;
- arrangements to take account of any special requirements of young people with disabilities or special needs;
- informing parents and guardians of risks and control measures;
- liaison with work experience placement and vocational training organisers;
- consultation with worker representatives and young workers themselves over arrangements for young workers.

If you offer work experience placements to young people, you should provide them with at least the same health and safety protection as you would give your own employees.

If in doubt, you may wish to get professional advice on identifying and controlling the risks. If a significant risk remains in spite of your best efforts to do what is reasonably practicable to control it, you must not employ the young person to do this work.

**Do I need to speak to the parents/guardians?**

Before you employ children of compulsory school age or offer them a work experience placement, you must let their parents or carers know the key findings of the risk assessment and the control measures you have taken.

In the case of work experience, you may ask the work experience organiser to help you in providing information to parents or carers of any child seeking a placement. You must provide the local authority with relevant information on the child so that he/she can be issued with an employment permit.

The local authority will advise you on your full responsibilities, these include providing written confirmation that you have

completed a risk assessment and have written approval from the parents of carers.

When you are offering a work experience placement for school pupils/students, the work experience organiser will deal with parental consent.

You do not need parental consent to employ young people above the minimum school leaving age, but your local authority does require it before you employ a child of compulsory school age. You should obtain written consent from parents or carers before taking on a child of compulsory school age in agriculture and restrict their activities to those that are permitted.

**Do I have to give the young person any special training?**

Young people need training most when they first start a job; they need it to increase their capabilities and competencies to a level where they can do the work without putting themselves and others at risk.

It is not enough to make training available; you should make sure that it is undertaken and also check that key messages have been understood.

Young people will also need training and instruction on the hazards and risks present in the workplace, and on the

preventative control measures put in place to protect their health and safety. This training should include a basic introduction to health and safety, e.g. first aid, fire and evacuation procedures etc.

Employers must make proper arrangements for supervising young people; for example, some employers assign mentors. Supervisors should be adequately training about risks and control measures connected with the work of young people, and made aware of any restrictions on the tasks they can do.

# Lincolnshire Employment of School Children Byelaws

**NO CHILD UNDER 13 MAY BE EMPLOYED AT ALL  
NO CHILD SHOULD BE EMPLOYED WITHOUT A PERMIT**

## **Employers Responsibility**

- 1** Within one week of employing a child:- the employer must send to the Local Authority written notification, in a form prescribed by the Authority, stating: the employer's name and address, the name, address and date of birth of the child, the hours and days which the child is to be employed, the occupation and details of the tasks involved and the place at which it is proposed to employ the child. Details of the school at which the child is a registered pupil. A statement to the effect that a risk assessment has been carried out. A statement of the child's fitness to work and of approval for the child to be employed completed and signed by the child's parents.
- 2** No child shall be employed for more than four hours in any day without a rest break of one hour.
- 3** Each child must have at least two consecutive weeks without employment in each year.
- 4** Young people must be provided with any protective clothing and equipment required by law.

## **Employment Notes**

- A "child" means any person who is under the statutory school leaving age. This is the last Friday in June of their Year 11 studies.
- All children who carry out any kind of work or assist in a trade or occupation which is carried out for profit are considered to be employed even if they receive no payment for that assistance.
- The Management of Health & Safety at Work Regulations 1999 require employers to carry out an appropriate risk assessment, before a young person starts work, and inform their parents of the outcome and measures introduced to minimise the risk.
- A child aged 13 may be employed in light work in permitted occupations specified by the Bye-Laws. These are:-
  - Agricultural or horticultural
  - Delivery of newspapers, journals and other printed material
  - Shop work, including shelf stacking
  - Office work

## Employment Notes (cont'd)

- Car washing by hand in a private residential setting
  - In a café or restaurant but not in a commercial kitchen or handling alcohol
  - In a riding stables and
  - Domestic work in hotels and other establishments offering accommodation
- A child aged 14 or over may only be employed in light work as long as it is not in any prohibited occupations as follows:

**Children are prohibited by National Legislation from working in any industrial undertaking, including mines, quarries, manufacturing industry, construction or transport industry.**

**They cannot operate or clean machinery.**

**They cannot work in a factory at all.**

## **In addition the Bye-Laws say no child of any age may be employed.**

- In a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children
- To sell or deliver alcohol, except in sealed containers
- To deliver fuel oils
- In a commercial kitchen
- To deliver milk
- In a telephone sales
- To collect or sort refuse
- In any work which is more than three meters above ground level, or in the case of internal work, more than three meters above floor level
- In employment involving harmful exposure to physical, biological or chemical agents
- In work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children
- In amusement arcades or fairgrounds
- In a slaughterhouse or premises preparing meat or carcasses for sale
- In personal care in nursing homes or residential care homes unless under the supervision of a responsible adult.

# Lincolnshire Employment of School Children Byelaws cont'd

**No child can be employed before 7.00am or after 7.00 pm on any day and can only undertake specific duties.**

**Light work** - means work, which on account of the inherent nature of the tasks which it involves and the particular conditions under which those tasks are performed, is not likely to be harmful to the safety, health or development of children to their attendance at school.

**Term time** - No child shall be employed for more than 12 hours in any week in which he/she is required to attend school - this includes hours worked on a Saturday and/or a Sunday. Employment on each school day should be for no more than 2 hours and such employment should be limited to either 1 hour between 7.00am and the start of school and 1 hour between end of school and 7.00pm or 2 hours between the end of school and 7.00pm.

**On non-school days** - (Saturday) children aged 13 or 14 years of age may work a maximum of 5 hours a day. Children aged 15 or 16 years of age may work a maximum of 8 hours a day. Hours worked on Saturdays and/or Sundays will be included in the maximum of 12 hours, they must have a 1 hour break after 4 hours.

**During school holidays** - children aged 13 or 14 years of age may work a maximum of 5 hours a day and 25 hours a week. Children aged 15 or 16 years of age may work a maximum of 8 hours a day and 35 hours a week.

**Sunday employment** - on Sunday's employment shall be limited to 2 hours between 7.00am - 7.00pm.

**Holidays** - Children are entitled to a two week break free from work during school holidays.

## For further information:

### Headquarters & Lincoln Team

Education Welfare Service  
17 The Avenue  
Lincoln  
LN1 1PD

Tel: 01522 554683

### South Team

Education Welfare Service  
Council Offices  
Eastgate  
Sleaford  
NG34 7EB

Tel: 01522 553484

### North Team

Education Welfare Service  
Offord House  
Church Street  
Spilsby  
PE23 5EF

Tel: 01790 753574

# Young Person - Checklist

This checklist has been designed as an aid to help you in assessing your systems and controls for employing children & young persons.

Name of business:	
Nature of business:	
Address:	
Name of person completing:	Date:

## Section 1 - Employment of Children

1-4 (of 8)		Yes	No
1	Do you employ / offer work experience to children?		
2	Have you assessed all tasks in the workplace and identified which tasks are not suitable for them?		
3	Have you carried out a risk assessment on the tasks they will be carrying out, before they are employed?		
4	<p><b>Does the risk assessment cover the following points:</b></p> <ul style="list-style-type: none"> <li>1 The fitting-out and layout of the workplace and the particular site where they will work?</li> <li>2 What types of work equipment will be used and how this will be handled?</li> <li>3 Physical or psychological capacity?</li> <li>4 Pace of work?</li> <li>5 Temperature extremes?</li> <li>6 Noise?</li> <li>7 Vibration?</li> <li>8 Radiation?</li> <li>9 Compressed air and diving?</li> <li>10 Hazardous substances?</li> <li>11 The child's experience?</li> <li>12 Identifies training needs?</li> </ul>		

# Young Person - Checklist (cont'd)

## Section 1 - Employment of Children (cont'd)

5-8 (of 8)		Yes	No
5	Have you a work permit from Lincolnshire County Council for the child?		
6	Have you been in contact with the parents/carers of the child and informed them of the findings of the risk assessment?		
7	Have you checked the times that child is allowed to work and put controls in place to ensure they are not exceeded?		
8	Have you checked with the parents/carers that the child is not employed by any one else, and if they are checked the hours they are working plus yours does not exceed the byelaws?		

## Section 2 - Employment of Young People

1-3 (of 4)		Yes	No
1	Do you employ young people (over statutory school leaving age but below 18)?		
2	Have you assessed all tasks in the workplace and identified which tasks are not suitable for them?		
3	Have you carried out a risk assessment on the tasks they will be carrying out before they are employed?		



# Young Person - Checklist (cont'd)

## Section 2 - Employment of Young People (cont'd)

4 (of 4)		Yes	No
4	<p><b>Does the risk assessment cover the following points:</b></p> <ol style="list-style-type: none"> <li><b>1</b> The fitting-out and layout of the workplace and the particular site where they will work?</li> <li><b>2</b> What types of work equipment will be used and how this will be handled;</li> <li><b>3</b> Physical or psychological capacity?</li> <li><b>4</b> Pace of work?</li> <li><b>5</b> Temperature extremes?</li> <li><b>6</b> Noise?</li> <li><b>7</b> Vibration?</li> <li><b>8</b> Radiation?</li> <li><b>9</b> Compressed air and diving?</li> <li><b>10</b> Hazardous substances?</li> <li><b>11</b> The child's experience?</li> <li><b>12</b> Identifies training needs?</li> </ol>		

**NOTE: This checklist is purely produced to start you thinking of what hazards / controls you have at the premise. The lists are NOT exhaustive and there maybe hazards / controls that have not been covered.**

### **THIS CHECKLIST IS NOT A RISK ASSESSMENT**

**If you require further guidance please contact South Holland District Council, Safety & Environment Team to arrange an advisory visit with an officer.**