

## EMPLOYMENT OF CHILDREN

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#### INTRODUCTION

Devon County Council has made byelaws governing the employment of children under the Children and Young Persons Acts 1933-1963 (as amended). A 'child' is deemed to be a person who is not over compulsory school age. It should also be noted that a person who assists in a trade or occupation carried on for profit shall be **deemed to be employed notwithstanding that he/she receives no reward for his/her labour.**

**PROHIBITED EMPLOYMENT** - No child can be employed in any of the following:-

1. Any work involving exposure to harmful or dangerous substances or processes (including fuel oils, poisons, chemicals etc.)
2. Work with any prescribed dangerous machine (under s. 19 of the Offices, Shops and Railway Premises Act 1963)
3. Kitchens etc. of any commercial enterprise
4. Places licensed for games or in any registered club
5. The sale or delivery of intoxicating liquors (except where such liquors are sold exclusively in sealed containers)
6. Places of public entertainment (excepting the provisions of children's performance legislation).
7. Tobacco sales
8. Collecting/sorting rags, refuse, scrap materials
9. Fairgrounds
10. Slaughterhouses
11. Racing tracks
12. Where heavy strain is likely to cause the child injury
13. Window cleaning where any part of the window is more than 3 metres above ground floor level
14. In touting or selling door to door
15. Street trading

## 16. Milk Delivery

### **REGULATION OF EMPLOYMENT**

#### **Minimum age**

No child below the age of 13 can be employed.

#### **School days**

- For not more than two hours in any day
- Only between 7.00am and 8.00am and between the end of the school day and 7.00pm.
- For no more than one hour in the morning period.

#### **Saturdays and School Holidays**

- A child between 13 to 14 may be employed for up to five hours per day between 7.00am and 7.00pm subject to a maximum of 25 hours per week.
- A child aged 15 years and over may be employed for up to eight hours a day between 7.00am and 7.00pm subject to a maximum of 35 hours per week.
- The total hours are exclusive of rest periods which exceed 15 minutes
- A child shall not be employed for more than four hours continuously without a period of at least one hour for rest and recreation.

#### **Sundays**

- A child can only be employed between 7.00am and 7.00pm and for no more than two hours.

#### **Clothing**

- Suitable clothing and footwear should be worn.

#### **Employment Permits**

A system is in place for **Employment Permits** relating to the employment of children. Application forms are available from Devon County Council Education Dept,

An employer must keep a **written record** (including name, address, date of birth, occupation and hours of work) relating to every child employed.

**NB** - The byelaws do **NOT** apply to a child in his/her last year of compulsory schooling who is undertaking work experience.

### **PENALTIES**

If a person is employed in contravention of the Children and Young Persons Act 1933 (as amended) or any byelaws made thereunder, the employer and any other person (other than the person employed) to whose act or default the contravention is attributable shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (currently £1000).

## **CHECKLIST - EMPLOYMENT OF CHILDREN**

- |                                                                                                                                                                     | YES | NO |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| 1. Do you employ, or have plans to employ, children?                                                                                                                | YES | NO |
| 2. Can you confirm that the nature of their employment does not breach the byelaws relating to the employment of children?                                          | YES | NO |
| 3. Have you applied to Warwickshire County Council for an employment permit?                                                                                        | YES | NO |
| 4. If you employ children, do you maintain a written record relating to every child employed (including name, address, date of birth, occupation and hours worked?) | YES | NO |

## **REFERENCES/FURTHER DETAILS**

1. Children and Young Persons Act 1933-1963 (as amended by the Education Acts 1944 to 1976 and the Children Act 1972)

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