



## EMPLOYMENT OF CHILDREN (NO. 2) REGULATIONS 2018

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Statutory Document No. 2018/0121

*Education Act 2001*

## EMPLOYMENT OF CHILDREN (NO. 2) REGULATIONS 2018

*Approved by Tynwald:**17 April 2018**Coming into Operation:**1 May 2018*

The Department of Education, Sport and Culture makes the following Regulations under section 54 of the Education Act 2001.

### 1 Title

These Regulations are the Employment of Children (No. 2) Regulations 2018.

### 2 Commencement

If approved by Tynwald, these Regulations come into operation on 1 May 2018.

### 3 Interpretation and extent

(1) In these Regulations —

“**child**” means a person who is not over compulsory school age;

“**the Department**” means the Department of Education, Sport and Culture;

“**employment**” includes assistance in any trade or occupation, which is carried on for profit, whether or not payment is received for that assistance;

“**light work**” means work which —

(a) is not likely to be harmful to the safety, health or development of children; and

(b) is not such as to be harmful to attendance at school, participation in work experience or capacity to benefit from the instruction received or, as the case may be, the experience gained;

“**parent**” includes any person who has for the time being parental responsibility for a child within the meaning of section 2 of the Children and Young Persons Act 2001;

"**school day**" in relation to a child, means a day on which he or she is required to attend the school at which he or she is a registered pupil;

"**school holiday**" means a day which is scheduled by the Department to be a school holiday;

"**week**" means any period of 7 consecutive days;

"**year**", except in expressions of age, means a period of 12 months beginning on 1 January.

- (2) A child taking part in a religious service or in a practice for a religious service shall not, whether he or she receives any reward or not, be treated as employed for the purpose of these Regulations.

#### **4 Restrictions on employment**

- (1) No child may be employed in any work if they are under the age of 13 years.
- (2) No child under the age of 16 years may be employed in work other than light work in accordance with regulation 5 (permitted employment of children aged 13 and above).
- (3) No child under the age of 16 years may be employed —
- (a) in any cinema, theatre or night club, except in connection with an age appropriate performance;
  - (b) to sell or deliver alcohol, (within the meaning of the Licensing Act 1995);
  - (c) to deliver fuel oils;
  - (d) in any work involving the preparation of food in a commercial kitchen;
  - (e) to collect or sort refuse;
  - (f) in any work, which is more than 3 metres above ground level or, in the case of internal work, more than 3 metres above floor level;
  - (g) in employment involving harmful exposure to physical, biological or chemical agents;
  - (h) to collect or to sell or canvass door to door;
  - (i) in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
  - (j) in telephone sales;
  - (k) in any slaughterhouse or in that part of a butcher's shop or other premises connected to the killing of livestock, butchery, or the preparation of carcasses or meat for sale;
  - (l) as an attendant or assistant in a fair ground or amusement arcade or in any other premises used for the purpose of public

- amusement by means of automatic machines, games of chance or skill or similar devices;
- (m) in the personal care of residents of any residential care home or nursing home; or
  - (n) in any other occupation which may be from time to time be prohibited by other legislation.
- (4) Nothing in paragraph (1), (2) or (3) prevents –
- (a) a child taking part in a performance in accordance with a licence granted under the Performances by Children Regulations 2004<sup>1</sup>; or
  - (b) a child aged 14 years or over being employed, pursuant to arrangements made by the head teacher or proprietor of the school at which the child is a registered pupil and approved by the Department, with a view to providing them with work experience as part of the child's education.

## **5 Permitted employment of children aged 13 and above**

- (1) A child of 13 and above may not be employed except in light work in one or more of the following specified categories –
- (a) agricultural or horticultural work on an occasional basis and only where employed by their parent/guardian;
  - (b) delivery of newspapers, journals and other printed material;
  - (c) shop work including shelf stacking;
  - (d) hairdressing salons;
  - (e) office work;
  - (f) car washing by hand;
  - (g) in a café or restaurant (but not in the kitchen);
  - (h) in riding stables but not to supervise riding or be left in charge of riding stables;
  - (i) domestic work in hotels and other establishments offering accommodation.
- (2) Children of compulsory school age who are not registered pupils at a school may not be employed between 8.30 a.m. and 3.30 p.m. on any day which is not:
- (a) a school holiday; or
  - (b) a Saturday or Sunday.
- (3) No child may be employed in any work out of doors unless wearing suitable clothes and shoes.

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<sup>1</sup> SD 439/04

## **6 Employment before school**

Subject to other provisions of these Regulations, children may be employed for up to one hour before the commencement of school hours on any day on which they are required to attend school.

## **7 Hours of employment**

- (1) No child may be employed in any work for more than 28 hours in any week, if they are under the age of 16 years.
- (2) No child may be employed in any work on a school day before 7.00 am or after 9.00 pm.
- (3) No child of school age may be employed in any work —
  - (a) on a school day, which is followed by a day which is a school day, for more than 2 hours in total;
  - (b) on a school day, which is followed by a day which is not a school day, for more than 4 hours in total.
- (4) No child of school age may be employed in any work on a day which is not a school day —
  - (a) before 7.00 am or after 10.00 pm; or
  - (b) for more than 7 hours in total.
- (5) No child of school age may be employed in any work on more than 6 days in any week.

## **8 Rests and breaks**

- (1) No child of school age may be employed in any work —
  - (a) for a continuous period of between 2 and 4 hours in any day without a rest period of at least 15 minutes in every 2 hour period;
  - (b) for a continuous period of between 4 and 6 hours in any day (counting any rest period of less than 30 minutes as part of that period) without a rest period of at least 30 minutes; or
  - (c) for a continuous period of more than 6 hours in any day without a rest period of at least one hour.
- (2) No child may be employed at any time in a year unless at that time they have had, or could still have, during that year, at least 2 consecutive weeks without being either employed or required to attend school.

## **9 Registers of employment**

- (1) Every employer shall keep a register, and make it available for inspection by an authorised officer of the Department, at the place where or in connection with which a child is, or has been within the previous 6 months been employed.

- (2) The register to be kept shall contain the following particulars in respect of each child the employer employs –
- (a) the child's full name;
  - (b) the child's date of birth;
  - (c) the child's address;
  - (d) the nature of the work being undertaken by the child;
  - (e) the date on which the employment commenced;
  - (f) the days and number of hours that the child is normally employed;
  - (g) the days and number of hours for which the child was actually employed in every week ending on a Saturday in the previous 6 months;
  - (h) the child's rate of pay; and
  - (i) the date on which the child's employment ceased (if known).
- (3) This regulation does not apply to any employment referred to in regulation 4(4)(a) or (b).

## 10 Powers of entry etc.

An authorised officer of the Department, or any constable, may enter and inspect any premises where the officer or constable has reasonable cause to believe that a child is being employed, and to make enquiries there with respect to the employment.

## 11 Offences

- (1) Where a child is employed in contravention of any provision of regulations 4, 5, 6, 7 or 8 –
- (a) the employer; and
  - (b) any parent of the child,
- is guilty of an offence.
- (2) An employer who fails to comply with the duty imposed by regulation 9 is guilty of an offence.
- (3) A person who obstructs an authorised officer of the Department or a constable exercising a power conferred in regulation 10 is guilty of an offence.
- (4) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) In any proceedings for an offence under this regulation, it shall be a defence for the accused to show that they took all reasonable steps and exercised all due diligence to avoid committing the offence.

**12 Revocation**

The Employment of Children Regulations 2005<sup>2</sup> and the Employment of Children (Amendment) Regulations 2017<sup>3</sup> are revoked.

**MADE 27 MARCH 2018**

**GRAHAM CREGEEN, MHK**  
*Minister for Education, Sport and Culture*

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<sup>2</sup> SD 355/05

<sup>3</sup> SD 2017/0112



***EXPLANATORY NOTE******(This note is not part of the Regulations)***

These Regulations revoke the Employment of Children Regulations 2005 and the Employment of Children (Amendment) Regulations 2017 and introduce new regulations.

These Regulations regulate the type of occupation in which children over the age of 13 and under the school leaving age may be employed, and other conditions of their employment, including the types of employment that a child can undertake, the maximum number of hours which can be worked and details of rest breaks.