L.N. 71 of 1996

OCCUPATIONAL HEALTH AND SAFETY (PROMOTION) ACT, 1994 (ACT NO. VII OF 1994)

Work Place (Protection of Young Persons) Regulations, 1996

IN exercise of the powers conferred by sections 6 and 16 of the Occupational Health and Safety (Promotion) Act, 1994, the Minister of Education and Human Resources, in consultation with the Commission for the Promotion of Occupational Health and Safety, has made the following regulations:—

Citation and commencement.

1. (1) These regulations may be cited as the Work Place (Protection of Young Persons) Regulations, 1996.

(2) These regulations shall come into force on the 1st October, 1996.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires —

"Act" means the Occupational Health and Safety (Promotion) Act, 1994;

"child" means a person under fifteen years of age;

"employer" includes any person who gives out work to any child or young person, or who gives out to any parent or person having the legal care and custody of a child or young person, or to any other person, any work to be performed by such child or young person;

"parent" includes any person having the legal care and custody of a minor;

"training scheme" or "apprenticeship" means a training scheme or apprenticeship approved in accordance with the provisions of the Employment and Training Services Act; Cap. 343.

"young person" means a person between fifteen and eighteen years of age;

"work" includes any service which is ordinarily performed by one person, or for another person, for gain, and includes service as an outworker or as a self-employed person.

(2) In these regulations, words and expressions defined in the Act shall have the same meaning as they have in these regulations, and the provisions of these regulations shall be read and construed in conjunction with the Act.

Employment of children and young persons.

3. (1) No person shall employ under any contract of service or otherwise, or give out any work to a child.

(2) No person shall employ under any contract of service or otherwise, or give out work to a young person of compulsory school age, unless such employment is covered by an exemption issued under subsection (2) of section 43 of the Education Act.

Cap. 327.

(3) Before engaging or offering work to any young person in terms of the provisions of paragraph (2) of this regulation, the employer shall carry out an assessment of the occupational health and safety hazards which may be involved at the place of work. The employer shall ensure that the young person shall at all times be adequately protected against any hazards which may result from the assessment, and shall further ensure that —

(a) the work assigned to the young person is not beyond such young person's physical or psychological capacity; and

(b) the young person shall not be exposed to any of the chemical, physical or biological agents or to any of the processes listed in the Schedule to these regulations, or when so directed by the Director of Labour, in the interests of health and safety.

(4) This regulation shall not apply in respect of any school activities, or any activities carried out in pursuance of any educational curriculum, or any philanthropic, cultural, artistic, sports or educational activities approved by the Minister responsible for education, or in respect of any training or apprenticeship scheme approved by the Employment and Training Corporation.

(5) Any employer who employs a young person in accordance with the terms of subparagraph (2) of this regulation shall ensure that such young person —

(a) is properly trained for the work assigned, taking into account any health and safety hazards which may be present; and

(b) is supervised by a competent person who has himself been trained in the work activity assigned to the young person, including the use of machinery, and who is aware of the risks involved and of the preventive measures to be taken.

Employment during the night.

4. (1) No young person shall be employed at any time between the hours of 10 p.m. on any one day and 7 a.m. of the following day:

Provided that the provisions of this regulation shall not apply —

(a) in respect of any trainees or apprentices covered by a training scheme or apprenticeship approved by the Employment and Training Corporation;

(b) in respect of any educational activity which forms part of the curriculum of any school or of any educational institution approved in terms of the Education Act; and

(c) in respect of any cultural, artistic or sports activities approved by the Director of Education.

(2) The provisions of paragraph (1) of this regulation shall not apply to the employment of young persons in any hotel, or catering establishment, or in any establishment connected with tourism, provided that such young person shall be allowed —

(a) not less than twelve consecutive hours of rest within any period of twenty-four hours, and

(b) not less than two days of rest in any calendar week, of which one day shall be a Sunday.

Days of rest and overtime.

5. (1) No young person shall be employed in the aggregate for more than five days in any one calendar week, provided that where the young person is of compulsory school age, he shall not be employed for more than four hours in the aggregate on any one day during which he is required to attend school, and for more than eight hours in the aggregate on any other day.

(2) No young person shall be employed on overtime.

Medical examination of young persons.

6. (1) An employer shall, before taking into his employment any young person, ensure that the young person has been examined by a medical practitioner who shall certify that the young person is medically fit to carry out the work intended to be assigned to him. The

employer shall further ensure that the young person is medically re-examined at least once every twelve months, or at any such other interval as directed by the Director of Labour:

Provided that the parent or person having the care and custody of any young person shall have the right to be present during such medical examinations.

(2) An employer shall keep a register in which shall be entered the result of any medical examination, any condition or recommendation made by the medical practitioner, the name of the medical practitioner and the date when the next medical examination in respect of the young person examined is due.

(3) The register of medical examinations referred to in paragraph (2) of this regulation shall be open for inspection by any medical practitioner authorised by the Director of Labour, and it shall not be destroyed or otherwise disposed of without the approval of the Director of Labour.

(4) Without prejudice to the provisions of paragraph (1) of this regulation, the Director may, for the purpose of verifying any medical findings or recommendations, require the employer to make arrangements for any young person to be medically examined by any medical officer approved by the said Director for the purpose.

(5) The employer shall be liable to any expenses incurred in carrying out for such examinations. No employee shall suffer any deduction in wages or any loss of benefit in respect of time lost for attendance for such examinations or for any investigations in connection therewith.

Offences.

7. (1) Any breach of any provision of these regulations shall be deemed an offence.

(2) The parent or person who has the custody or care of a child shall be guilty of an offence if a breach of any provision of these regulations takes place with his knowledge or consent.

Amends L.N. 52 of 1986.

8. The Factories (Health, Safety and Welfare) Regulations, 1986 shall be amended as follows:—

(a) regulation 11 thereof shall be deleted;

(b) in regulation 34 thereof, the words "and young persons" in the marginal note, and "or young person" wherever these occur, shall be deleted; and

(c) in regulation 43 thereof —

(i) for paragraph (1) thereof, there shall be substituted the following:

(1) It shall be the duty of the employer to make adequate arrangements to the satisfaction of the Director of Labour, for the medical examination of persons engaged in occupations listed in the Schedule to these regulations before commencing employment with him and periodically thereafter."; and

(ii) paragraph (4) shall be deleted.

SCHEDULE

(Regulation 3(3)(b))

Agents and processes of work to which young persons cannot be exposed

1. (A) Physical agents.

(i) Ionising radiation;

(ii) Work in high-pressure atmospheres, e.g. in pressurized containers, diving.

(B) Biological agents.

All biological agents, including those that have been genetically modified and cell cultures, which can cause severe human disease.

(C) Chemical agents.

(i) All chemical agents regarded as being toxic, corrosive, highly flammable, and/or explosive.

(ii) All chemical agents regarded as being carcinogenic, and/or sensitizing through skin contact or by inhalation, and agents which may cause irreversible health effects, serious health effects, heritable genetic damage, damage to an unborn child, and agents which may impair fertility.

(iii) Lead and compounds of lead.

(iv) Asbestos.

2. (i) Processes which involve the use of carcinogenic chemicals, or which produce carcinogenic chemicals, whether as an end product or as an intermediary.

(ii) Manufacture and handling of devices, fireworks or other objects containing explosives.

(iii) Work with fierce or poisonous animals.

(iv) Animal slaughtering.

(v) Work involving the handling of equipment for the production, storage or application of compressed, liquefied or dissolved gases.

(vi) Works with vats, tanks, reservoirs or carboys.

(vii) Work involving a risk of structural collapse.

(viii) Work involving high-voltage electrical hazards.

(ix) Work the pace of which is determined by machinery and involving payment by results.

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