

Fact Sheet - Employing Children.

The employment of children is governed by legislation that must be complied with when considering employing a child. Under the legislation a child is defined as a person who has not yet attained minimum school leaving age and certain restrictions apply. In England and Wales, a child can leave school on the last Friday in June if they are 16 or will be 16 before the start of the next school year.

Different restrictions apply to the employment of young workers who have attained minimum school leaving age but are under the age of 18 years. These restrictions are not covered in this fact sheet.

The restrictions

There are several restrictions on when and where children are allowed to work.

Children are not allowed to work:

- without an employment permit issued by the education department of the local council, if this is required by local bylaws
- in places like a factory or industrial site
- during school hours
- before 7am or after 7pm
- for more than one hour before school (unless local bylaws allow it)
- for more than 4 hours without taking a break of at least 1 hour
- in most jobs in pubs and betting shops and those prohibited in local bylaws
- in any work that may be harmful to their health, well-being or education
- without having a 2-week break from any work during the school holidays in each calendar year

There are also special rules which only apply during term times and school holiday times.

Term time rules

During term time children can only work a maximum of 12 hours a week. This includes:

- a maximum of 2 hours on school days and Sundays
- a maximum of 5 hours on Saturdays for 13 to 14-year-olds, or 8 hours for 15 to 16-year-olds

School holiday rules

During school holidays 13 to 14-year-olds are only allowed to work a maximum of 25 hours a week. This includes:

- a maximum of 5 hours on weekdays and Saturdays
- a maximum of 2 hours on Sunday

During school holidays 15 to 16-year-olds can only work a maximum of 35 hours a week. This includes:

- a maximum of 8 hours on weekdays and Saturdays
- a maximum of 2 hours on Sunday

Local rules on the types of work children can do

Local bylaws list the jobs that children can't do. If a job is on this list, a child under the minimum

school leaving age can't do this work.

Local bylaws may also have other restrictions on working hours, conditions of work and the type of employment.

Contact your local council's education department or education welfare service for more information.

Failure to comply with any of the restrictions set out above may lead to criminal prosecution and the imposition of a fine of up to £1,000.

What is "light work"?

Light work means work that is not likely to be harmful to the child's health, safety, development, school attendance or participation in any work experience. A health and safety risk assessment must also be carried out and information on the outcome provided to the child's parents. The employment of children is prohibited for work that:

- Is beyond their physical or psychological capacity.
- Involves harmful exposure to toxic or carcinogenic agents or agents which cause heritable genetic damage or harm to the unborn child or which in any other way chronically affect human health.
- Involves harmful exposure to radiation.
- Involves the risk of accidents which it may reasonably be assumed cannot be appreciated or avoided by a child owing to his insufficient attention to safety or lack of experience.
- Presents a risk to health from extreme cold, heat, noise or vibration.

In addition, no child can be employed in any industrial undertaking such as mines, quarries, factories, building and works of engineering construction and transportation.

The powers of local authorities

In addition to the restrictions set out above, local authorities have the power to pass bye-laws restricting the employment of children. For example, bye-laws could authorise the employment of children aged 13 years by their parents or guardians in light agricultural or horticultural work, or may authorise the employment of children aged 13 years in certain categories of light work. Since each local authority has its independent powers, it is important for employers to check with their local education authority to see whether there are any relevant bye-laws to be aware of. Employers should also be aware that a breach of a bye-law is a criminal offence and again the fine of up to £1,000 will apply.

Requirement for a work permit

Each local authority generally has the power to supervise the employment of children in its geographical area. Many local authorities require the employer to obtain a work permit enabling the child to carry out the particular work, so employers check the position with your local education authority before allowing a child to carry out any work. In summary, the local authority may require details of how the child is employed and at what times and for what periods the work will be done before a permit is granted.