

Employment Law Fact Sheet No. 5

YOUNG PEOPLE AT WORK



A 'Young Person' is a person under 18. A 'Child' is anyone who has not yet reached the Minimum School Leaving Age ("MSLA"). A Child will reach the MSLA in the school year in which they turn 16. Young people are not allowed to work (whether paid or unpaid):

- Under the age of 14 years (unless permitted by local authority bylaws) ;
- Without an employment permit, if this is required by local bylaws;
- To do any work other than light work;
- In places like a factory or industrial site or in any work that may be harmful to their well-being or education;
- During school hours;
- Before 7am or after 7pm on any day;
- For more than 1 hour before school (unless local bylaws allow it);
- For more than 2 hours on any school day;
- For more than 12 hours in any school term week;
- For more than 8 hours (or 5 hours if under 15) on a non-school day which is a weekday or a Saturday;
- For more than 2 hours on a Sunday;
- For more than 35 hours (or 25 hours if under 15) in any one non-school week;
- For more than 4 hours in any day without a rest break of at least one hour; and
- At any time in a year unless at that time, he or she has had, or could still have, during a school holiday, at least two consecutive weeks without employment.

Be aware of any local authority bylaws which apply.

16 to 18 Year Olds

A Young Person who is over the MSLA but under the age of 18 should not be employed to work for more than 8 hours a day, or more than 40 hours per week. These hours cannot be averaged out.

Health & Safety

Before any Young Person starts work a health and safety risk assessment should be carried out. This should take account of matters such as:

- Age;
- The Young Person's inexperience, absence of awareness of particular risks and/or level of maturity;
- Fitting and layout of workplace and workstation;
- The nature, degree and duration of exposure to any physical, biological and chemical agents;
- The range and use of work equipment; and
- The extent of health and safety training that will be provided.

If the Young Person is a Child then the results of the assessment must be communicated to one of the Child's parents.

In addition to carrying out a risk assessment it is necessary to consider the following risks in relation to the work:

- Is it beyond the physical or psychological capacity of the Young Person;
- Does it involve harmful exposure to toxic agents or radiation;
- Does it involve a risk of accidents that cannot reasonably be recognised or avoided by the Young Person due to inexperience, lack of training or attention to safety;
- Does it involve a risk to health from extreme cold, heat, noise or vibration.

A Child must never carry out work which involves these risks. Conversely, a young person who is not a Child may carry out work involving these risks if:

1. The work is necessary for training; and
2. The work is properly supervised; and
3. The risks are reduced to the lowest level, so far as reasonably practicable.

Rest Periods

- Night working is prohibited between 10pm and 6am, or where the contract reasonably requires work after 10pm, between 11pm and 7am;
- A minimum daily continuous rest period of 12 hours;
- Two days off per week: and
- A minimum of 30 minutes rest after 4.5 hours continuous work.

Exceptions relating to night working apply in some limited forms of employment (including employment in agriculture) so that the night working is only restricted between midnight and 4am.

A health and capacities assessment must be carried out if a Young Person is required to perform night work and periodically thereafter.

Pay

If a Young Person is under 16 they are not entitled to the national minimum wage. Conversely, a Young Person who is 16 or over is entitled to earn the national minimum wage.

Time off for Study or Training

An employee who is aged 16 or 17 and has not attained the prescribed standard of education or training is entitled to be permitted to take time off during working hours to undertake study or training. The time off must be paid at the normal hourly rate. .

Action points

- Check Local Authority bylaws for your area. Ensure you are compliant and obtain any necessary permit.
- In each case consider and assess the nature and safety aspects of work and whether appropriate for the Young Person to carry out work.

Useful links:

[Young People at Work](#)

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