

# EMPLOYMENT OF YOUNG PEOPLE

**PERS**  
**FACTSHEET**  
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Community  
Legal Service



This factsheet outlines key aspects of the regulations regarding the employment of young people. It tells you **what kind of work** young workers may and may not do, **the age they must be** to do this work and the number of hours and **times of day** that they are allowed to work. It also informs you about young workers' **entitlements to breaks** and **holidays** as well as other **health and safety protection** and **registration requirements**.

Ever since children were forbidden to work up chimneys there have been laws that limit the kind of work that young people are allowed to do and the time they are allowed to work. Nowadays these laws are contained either in Acts of Parliament or in local byelaws. Byelaws aim to reflect the particular needs and circumstances of an area. In practice most byelaws are the same in most places, but there are exceptions.

**The law says that young people may work, but only to the extent that their health, development and education are not put at risk.**

What does the legislation cover?

- ▶ The law covers all forms of paid work done by young people below the minimum school leaving age, apart from babysitting. 'Work experience' organised for educational purposes is not covered by this legislation. There is separate legislation covering children taking part in public performances, not dealt with in this factsheet.

What is the minimum school leaving age?

- ▶ A young person may officially leave school on the last Friday in June in Year 11. After that date they may obtain a national insurance number and legally engage in employment on 'adult' terms, although some health and safety restrictions still apply (see page 4).

What types of work are allowed?

- ▶ The type of work that a young person is allowed to do **depends on their age** and to some degree on the **specific byelaws** of their local authority. However, in most cases the following applies:

Children under 13 **may not be employed**, other than in entertainment (under licence from the local authority) and in sports and modelling.

Children aged 13 may only do **'light work' which is specifically permitted** by the local authority – usually this will include, for instance:

- agricultural work
- newspaper delivery
- work in a shop, café, hairdressing salon or office
- domestic work in a hotel
- work in riding stables
- car washing by hand in a private residential setting.

Young people aged 14 or over may only do **'light work' of a kind which is not 'prohibited'**

What types of work are prohibited?

- ▶ Young People below the minimum school leaving age are not allowed to work in 'prohibited employment'. The full list will depend on the local byelaws but will usually include:

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## What types of work are prohibited?

- work in a cinema, disco, nightclub, pub or betting office, commercial kitchen, fairground or amusement arcade, slaughterhouse or butcher's shop
- work in an 'industrial undertaking' (factories, mines), construction and transport of passengers or goods
- selling or delivering milk, alcohol or fuel oils
- refuse collection
- work involving exposure to 'adult material'
- telephone sales
- any work at heights above three metres from ground or floor level (such as window cleaning), any work which involves handling dangerous loads or cleaning dangerous machinery and any work involving exposure to physical, biological or chemical agents
- door to door selling, canvassing or money collection
- personal care duties in care homes
- street trading (such as 'hawking newspapers, flowers or matches, shoe blacking or singing, playing and performing for profit') is often prohibited, but may be allowed for 14 year olds employed by their parents.

Most byelaws state that young people employed to work outdoors must be supplied with and wear suitable safety clothing and shoes.

## What hours of work are allowed?

- ▶ These too depend to some extent on age, although some rules are common to all ages. There are different rules for school days, Saturdays, Sundays and school holidays. Night work is prohibited. Limits on working hours are generally laid down by Act of Parliament, rather than in byelaws.

**All days - No work to be done before 7.00 am or after 7.00pm.**

### **School days and weeks**

- no work to be done before the end of school hours (although some byelaws permit one hour's work before school).
- no more than 2 hours per day to be spent doing paid work.
- no more than 12 hours' work in any week (including Saturdays and Sundays) in which the child is required to attend school.

### **Saturdays**

- no more than 5 hours' paid employment in the day if you are under 15.
- no more than 8 hours' paid employment in the day if you are 15 or over.

### **Sundays**

- no more than 2 hours' paid employment in the day

### **School holidays**

- no more than 5 hours' paid employment **per day** if you are under 15.
- no more than 8 hours' paid employment **per day** if you are 15 or over.
- no more than 25 hours' paid employment **per week** if you are under 15.
- no more than 35 hours' paid employment **per week** if you are 15 or over.

## Rest breaks and holidays

- ▶ No more than 4 hours' work to be done without a rest break of at least one hour. At least two weeks of holiday per year, which must be work and school free. Local byelaws may impose additional restrictions in some cases. Holiday pay entitlement applies to young people who are above the school leaving age.

## Health and Safety regulations

- ▶ All the regulations concerning child employment are intended to protect the health and safety of young workers. Employers need to take particular care to comply with the **Management of Health and Safety at Work Regulations 1999**.

All employers are obliged by law to carry out health and safety risk assessments for their workforce. This is particularly important where younger workers (those under 18, including school-age workers) are concerned. The results of risk assessments of children should be discussed with parents or guardians of the child. The regulations are based on the principle that the employer must take particular account of the inexperience, lack of awareness of risks and immaturity of young people. They must assess risks in relation to:

- the fitting out and layout of the workplace and the workstation;
- the nature, degree and duration of exposure to physical, biological and chemical agents;
- the use of work equipment and the way in which it is handled;
- the extent of health and safety training available to their young workers.

In addition, certain types of particularly dangerous activity (physical, chemical, psychological, or involving radiation, heat, cold, noise or vibration) are prohibited for workers under the age of 18, unless the circumstances are very carefully controlled and supervised.

## What are the rules about registration?

- ▶ Employers of a young person below the school leaving age must apply to the local authority (usually the education welfare department), which will issue a permit application form. It will need to be completed and signed by the employer and young person's parents or guardian. The employer must send this notification within one week of taking the young person on.

The local authority will check that the employment terms and conditions comply with national and local laws and that no risk to the young person can be foreseen. They may in some cases request a medical examination to make sure the young person is fit to do the work.

## Issue of permits

- ▶ On approval of a registration application, the local authority will issue a permit confirming the information sent. If details of the work change, an employer may apply to the authority for an amendment to the permit.

The young person will need to produce the permit if required by an authorised official or police officer. The local authority can revoke the permit if they think the child is being illegally employed or if they feel the young person's health, welfare or educational progress could suffer because of the employment.

## What is covered by byelaws?

- ▶ All matters regarding the employment of children are dealt with by local education authorities (LEA). Employers, children, parents and guardians should contact their LEA for details of employment regulation in their area.

### **These byelaws may:**

- specify light work permitted for children of 13
- allow employment of children for not more than one hour before school (for instance, paper rounds)
- allow street trading for children of 14 and over in parents' business
- prohibit specified occupations for all/any age group
- provide additional restrictions on hourly/weekly limits, rests/meal breaks, holidays and half holidays

What is covered by byelaws?

- require/regulate employment permits
- request medical examinations in some circumstances
- make stipulations about, for instance, appropriate clothing

How does the law apply to sixth formers and young workers aged 16-17?

- In general, workers who are over compulsory school age but have not yet attained the age of 18 are subject to all the rights and restrictions of national employment legislation.

However there are some exceptions:

- special health and safety requirements apply up to the age of 18.
- young workers aged 16-17 are protected from working more than 8 hours a day or 40 hours a week. They are also entitled to a minimum 30-minute rest break if they work longer than 4½ hours (adult workers are entitled to a minimum 20-minute break if their working day is longer than 6 hours).
- young workers aged 16-17 are entitled to 2 days off per week and 12 hours consecutive rest each day (adult workers must have one day off per week and 11 hours' consecutive rest per day).
- young workers aged 16-17 may not ordinarily work at night between 10pm and 6am or 11pm and 7am. However, exceptions may apply in particular circumstances in the case of certain kinds of employment, for instance hospitals or similar establishments or cultural, artistic, sporting and advertising activities.
- young workers aged 16-17 may work between 10 or 11pm to midnight and between 4am to 6 or 7am if they are employed in: agriculture, retail trading, postal or newspaper deliveries, catering business, a hotel or public house, restaurant or similar establishment, a bakery. They may work during the night if the work they are required to do is necessary to either maintain continuity of service or production, or respond to a surge in demand and there is no adult available to perform the task and the training needs of the young worker are not adversely affected. They must be adequately supervised and compensatory rest periods must be allowed if any have been missed.
- young workers aged 16-17 who work in the above categories, which allows them to do limited night work, are entitled to a '**health and capabilities**' assessment before being asked to perform night work and periodically thereafter (adult workers are entitled to a health assessment).
- 16 and 17 year olds are entitled to a national minimum wage of £3.40 per hour from 1 October 2007. 18 to 21 year olds get at least £4.60 per hour from the same date. Apprentices do not qualify for the minimum wage until they are 19, or have been an apprentice for a year, if this is later.
- redundancy rights begin to accrue from the age of 16 but workers do not receive redundancy pay until they have worked for the same employer for at least 2 years. Workers receive statutory redundancy payments of half a week for each complete year of service up to the age of 21.

Enforcement

- Usually the **local authority** will be responsible for enforcing the law, although in some cases the **Health & Safety Executive** may take action against an employer who is putting young workers at risk. Children found to be working illegally are likely to be prevented from continuing in their employment. Provided that normal rules for qualification are observed, there are no provisions which prevent children from taking complaints to employment tribunals.