

London Borough of Ealing

Child Employment Regulations (rev)

Effective from 1st September 1998 (reviewed Aug 2021)

Child Employment

There are laws and bylaws about the type of work children can do. There are also regulations about the number of hours and the times they can work. The rules are there to ensure that whilst young people get the benefits of work their health, education or development does **not** suffer.

A child means any young person who is **not** yet over compulsory school age. The legal age for leaving school is after the last Friday in June of the school year in which the pupil has their 16th birthday. The school year runs from 1 September to 31 August. Usually, pupils are in Year 11 when they become 16. So, for most young people these regulations and laws apply until they officially leave Year 11 on the last Friday of June.

These laws and regulations are put into action by the employers of children being required to tell the Education Department that they are employing a child and the Education Department then ensuring the child is legally employed. The Education Department will issue a work permit to the child.

Type of work

The type of work young people can do depends on their age.

No child of any age may be employed:

- a. in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children;
- b. to sell or deliver alcohol, except in sealed containers;
- c. to deliver milk;
- d. to deliver fuel oils;
- e. in a commercial kitchen;

- f. to collect or sort refuse;
- g. in any work which is more than three metres above ground level or, in the case of internal work, more than three metres above floor level;
- h. in employment involving harmful exposure to physical, biological or chemical agents;
- i. to collect money or to sell or canvas door to door, except under the supervision of an adult;
- j. in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
- k. in telephone sales;
- l. in any slaughterhouse or in that part of any butcher's shop or other premises connected with the killing of livestock, butchery or the preparation of carcasses or meat for sale.

Permitted employment of children aged 14 and over

A child aged 14 or over may be employed only in light work. 'Light work' means work of a nature that is **not** likely to be harmful to the safety, health or development of a child. Nor is it likely to be harmful to their attendance at school, their capacity to benefit from the teaching they receive at school, or opportunity to participate in the school's work experience programme.

Permitted employment of children aged 13

A child aged 13 may **not** be employed except in light work in one or more of the following specified categories:

- a. agricultural or horticultural work;
- b. delivery of newspapers, journals and other printed material, and collecting payment for same, subject to the provisions of paragraph (i) in "Type of Work" section;
- c. shop work, including shelf stacking.;

- d. hairdressing salons;
- e. office work;
- f. car washing by hand in a private residential setting;
- g. in a café or restaurant;
- h. in riding stables; and
- i. domestic work in hotels and other establishments offering accommodation.

Permitted employment of children under 13

[The employment of children under 13 on an occasional basis by and under the direct supervision of their parent in light agricultural or horticultural work is no longer permitted: Children (Protection at Work) Regulations 2000 (SI 2000:1333)]

Hours, times and conditions of employment

- j. **No** child may be employed in any work out of doors unless wearing suitable clothes and shoes.
- k. A child may work for up to one hour before the start of school on any day when they should attend school.

On any day when they should attend school, a child may work for one hour between 7.00am and the start of the school day and one hour between the close of the school day and 7.00pm: OR For 2 hours between the close of school and 7pm.

- l. A child may **not** work
 - i. before 7 o'clock in the morning or after 7 o'clock in the evening on any day;
 - ii. for more than 2 hours on any day that they should attend school;
 - iii. for more than 2 hours on any Sunday;
 - iv. on days that are **not** a Sunday or a school day 15 and 16 year olds **cannot** work for more than 8 hours and 13 and 14 year olds **cannot** work for more than 5 hours;
 - v. for more than 35 hours or, if he is under the age of 15 years, for more than 25 hours in any week in which he is **not** required to attend school; or

- vi. for more than 4 hours in any day without a rest break of one hour;
- vii. at any time in a year, unless at that time he has had, or could still have, during a period in the year in which he is **not** required to attend school, at least 2 consecutive weeks without employment.

Regulation of street trading

1. No child under the age of 14 may engage in street trading and a child aged 14 or over may **not** engage in street trading unless:
 - a. he or she is employed to do so by their parent, in connection with the parent's retail business and under the parent's direct supervision; and
 - b. he or she has been granted a licence to do so ("a street trader's licence") by the authority and is acting in compliance with the terms of that licence.
2. The authority shall **not** grant a street trader's licence to any child if it has reason to believe that the employment of the child in street trading would be prejudicial to their health, welfare or ability to take full advantage of their education or the child's street trader's licence has previously been revoked.
3. A street trader's licence shall prohibit the holder from engaging in street trading on a Sunday;
and shall:
 - a. be valid for not more than 12 months and shall expire on 31 December,
 - b. prohibit the holder from touting or importuning to the annoyance or obstruction of any member of the public in any street or public place; and
 - c. require that the child notify the authority within one week of any change of address.
4. The authority may suspend or revoke a street trader's licence if it has reason to believe that the holder's continued employment in street trading would be prejudicial to their health, welfare or ability to take full advantage of their education, or if the holder:

- a. is found guilty of any offence connected with the street trading;
- b. commits any breach of the Council's Bylaws on child employment or the terms of his/her street trader's licence;
- c. uses the licence as a means for begging, immorality or any other improper purpose; or
- d. fails to notify the authority within one week of any change of address.

Telling the Education Department about children who are employed and the issuing of work permits

1. Within one week of employing a child, the employer must send to the authority written notification stating:
 - a. their own name and address;
 - b. the name, address and date of birth of the child;
 - c. the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved and, if different from a. above, the place of employment;
 - d. a statement of the child's fitness to work, and of approval for the child to be employed, completed by the child's parent;
 - e. details of the school at which the child is a registered pupil; and
 - f. a statement to the effect that an appropriate risk assessment has been carried out by the employer.
2. Where, on receipt of a notification, the local authority is satisfied that:
 - a. the proposed employment is lawful;
 - b. the child's health, welfare or ability to take full advantage of their education would **not** be jeopardised; and
 - c. the child is fit to undertake the work for which they are to be employed;

it will issue the child with an employment permit.

3. Before issuing an employment permit a local authority may require a child to have a medical examination. This usually only happens if there are special concerns about a child's health or the type of work to be undertaken.
4. The employment permit will state:
 - a. the name, address and date of birth of the child;
 - b. the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved and the place of employment.
5. A child may be employed only in accordance with the details shown on their employment permit.
6. A local authority may amend a child's employment permit from time to time on the application of an employer.

Further considerations

Further advice or information is available to schools, parents, pupils and employers from the Education Department Tel. No 020 8825 5040 Email: ESW@ealing.gov.uk

These regulations do **not** apply to work experience placements organised through school.

Children working without registration may **not** be covered by the employer's liability insurance.

There are currently no regulations concerning the rate of pay for children under school leaving age.

Whilst a child is of school age, their earnings should **not** affect parents' entitlement to income benefits.