

Guidance to the Employment of Young Persons

The law concerning young workers in Ireland is set out in the Protection of Young Persons (Employment) Act, 1996. This Act is designed to protect young workers and to ensure that a young person's education is not put at risk during their school years.

The Act sets out minimum age limits for employment, rest intervals, maximum working hours, prohibits the employment of under 18s on late night work and sets down specified record-keeping regulations for young workers.

The Act generally applies to employees under 18 years of age but makes a specific definition between 'child' and 'young person'. Under the Act a 'child' is classified as a person who has not reached 16 years of age whereas a 'young person' is a person who has reached 16 but not yet reached 18 years of age.

The full provisions of the Act do not apply to:

- employment of close relatives
- employment in fishing, shipping or the defence forces.

Provisions for 14- and 15-Year-Olds

Under the Act, employers cannot employ children aged under 16 in regular full-time jobs. They may be employed carrying out light work only during school holidays or for 15 year olds only, during the school term or as part of an approved work experience programme. The Act specifies that such work must not be harmful to their health or safety.

Maximum Working Time:	<u>14-year-olds</u>	<u>15-year-olds</u>
Term-time:	no employment	8 hours per week
Outside Term-Time:	35 hour week	35 hour week
Maximum Day:	7 hours	7 hours
Work Experience:	40 hours	40 hours
Rest Breaks:	Half Hour after 4 hours	Half Hour after 4 hours
Daily Rest Break:	14 consecutive hours off	14 consecutive hours off
Weekly Rest Break:	2 days off, (as far as practicable must be consecutive)	
Night & Early Morning:	not before 8am or after 8pm	

During Summer holidays, under 16s must have at least 21 days free from any work.

Provisions for 16- and 17-Year Olds

Maximum Working Day:	8 hours
Maximum Working Week:	40 hours
Rest Breaks:	Half hour after 4.5 hours

Daily Rest Break:	12 consecutive hours off
Weekly Rest Break:	2 days off (as far as practicable must be consecutive)
Night & Early Morning:	not before 6am or after 10pm

A 16 or 17-Year-old may not go behind a bar to dispense drinks but may pour wine at a table or transfer a tray of drinks from the bar counter to the table.

Working up to 11pm - Young Persons Act 1996 (Employment in Licensed Premises) Regulations 2001

Young persons are only permitted to work between 6am and 10pm. Exceptions to this rule are provided by the Protection of Young Persons Act 1996 (Employment in Licensed Premises) Regulations. This regulation permits young people employed on *general duties in a licensed premises to be required to work up to 11pm at night during school holidays and on weekend nights where there is no school the next day. *General duties do not include supplying intoxicating liquor from behind the bar counter in a licensed premises or supplying it for consumption off those premises.

When availed of, the following provisions apply:

- The early morning ban then moves forward to 7am.
- Employers must have regard to the Code of Practice concerning the Employment of Young Persons in Licensed Premises. This code lays down criteria which an employer must abide by to remain compliant. Please click [HERE](#) for a copy of the Code of Practice.

Bar Apprentices - Protection of Young Persons Act, 1996 (Bar Apprentices) Regulations, 2001 - (S.I. 351 of 2001).

A second regulation under the Act provides for the employment of 16- and 17-year-olds working as bar apprentices. This concerns a bar apprentice who is employed in a full-time capacity in a licensed premises. As such he/she may work up to midnight on any one day but not before 8am on the following day. The young person must be supervised by an adult.

Prohibition on Double Employment: where someone under 18 works for more than one employer the combined daily or weekly hours cannot exceed the maximum hours set out for each category of employee as defined above. Any employer, parent or 16- and 17-year-old who helps breach this regulation may commit an offence.

Safety, Health and Welfare at Work: Under the Act, employers are obliged to carry out any additional risk assessments in the workplace and to take any preventative measures necessary. Employers must assess risk arising from:

- lack of experience
- not being aware of existing or potential risks

- activities that may involve harmful exposure to biological and chemical agents

Under 18-year-olds must not be employed if the risk assessment shows that the work:

- is beyond their physical or psychological capacity
- involves harmful exposure to agents which are toxic or carcinogenic
- involves harmful exposure to radiation
- involves the risk of accidents because of lack of experience or training
- is a health risk because of exposure to extreme heat, cold, noise or vibration

Health surveillance must be made available where a risk assessment reveals a risk to safety or health or to the physical or mental development of a child or young person, or before a young person is assigned night work.

Where health surveillance is completed for a child, the results must be shared with the child's parent or guardian.

The Safety, Health and Welfare at Work Act 2005, strongly emphasises the need to provide employees with instruction, information and training necessary to ensure their health and safety. Health and Safety training should form a core part of the induction process for all new hires and is especially important for young employees who may be new to employment.

Please note that some overseas students on college placements may be under the age of 18 and are thus considered 'young persons' under the Act. Although the Act's regulations apply only during their working hours, it is advisable to carry out a health and safety risk assessment on their accommodation and non-employment-related activities.

Display of the Act

An employer must display the prescribed abstract of the Act at place of work of the employees, and in such a place where it can be easily read. A copy of this abstract (in poster format) may be obtained from the Workplace Relations website [HERE](#). Employers are also obliged to give a copy of the official summary of the Protection of Young Persons (Employment) Act to all appropriate employees.

Offences & Penalties

The Minister can take a summary prosecution for any offence under the Act. Proceedings for an offence may be initiated within 12 months of the date of the offence. A person found guilty of committing an offence under the Act can be ordered to pay a fine of up to €4,000, while continuing contraventions can be subject to a fine of €500 per day.

Section 13 stipulates that an employee shall not be penalised for opposing an act that is unlawful under the Act.

Inspections

Authorised inspectors are empowered to enter premises where they have reasonable grounds for supposing that a child or young person is employed and to request any relevant information.

Records

An employer is obliged to maintain specific records under the Act.

- Before employing a 'young person' or 'child' an employer must acquire a copy of the birth certificate or satisfactory evidence of age.
- An employer must obtain written permission from a parent or guardian.
- A register with the following details must be maintained
 - i. Full name
 - ii. Date of birth
 - iii. Starting and finishing times of work
 - iv. Wage rate and total wages paid to each employee

The above records must be kept at the place of work for a period of 3 years.

Sample form for obtaining written permission from parent or guardian

Code of Practice - Employment of Young Persons in Licensed Premises

I have read and understand the Code of Practice and agree to adhere to its contents.

Employee:

Employer:

Date:

Parental or Guardian consent:

I agree to the employment of _____ with the above employer.

Signature of either parent or guardian: _____

Date: _____

Detach here (This part is to be retained by the Employer)

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