

CORPORATE SAFETY COMMITTEE - 10TH JULY 2003

SUBJECT: YOUNG WORKERS AND THE LAW

REPORT BY: DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

1.1 The purpose of this report is to inform Members, Management and Trade Union Safety Representatives of the legal controls in place to ensure the safety of young people at work.

2. SUMMARY

2.1 According to the Health and Safety Executive (HSE), a total of 54 young people below the age 18 were killed in workplace accidents in the five years between 1996 and 2001.

2.2 The HSE says that this was due because of young peoples inexperience, immaturity and lack of awareness of health and safety risks. As a result workers between 16 and 24 years of age face a higher risk of being injured at work than any other age group.

2.3 It will therefore come as little surprise to find that there are tight legal controls in place to ensure the safety of young people at work.

2.4 In April 2003 the Working Time Regulations 1998 were amended to limit the amount of time that a young person can be required to work to a maximum of eight hours a day and 40 hours per week.

3. EXEMPTION

3.1 A young worker - who is defined under safety law as someone under 18 years of age but over the school leaving age of around 16 years of age is exempt from these limits if:-

- There is need for continuity of service or production, or to respond to a surge in demand.
- No adult is available to perform the work; and
- Carrying out the work would not effect the young workers training or education.

3.2 The Regulation also prohibits people under 18 working between 10.00 p.m. and 7.00 a.m. unless they are:-

- Involved in cultural, sporting, artistic or advertising activity.
- Working in shipping, fisheries or the armed forces.
- Employed in healthcare establishment.

3.3 However, the Regulations allow young people to work between 10.00 p.m. and midnight or 4.00 a.m. and 7.00 a.m. if they are employed in:-

- Retail, hotel, catering and bakery industries - including bars, restaurants and public houses.

- The postal or newspaper delivery services; or
- The agriculture sector.

3.4 Again, however, all of the above exemptions only apply if the work is necessary to maintain continuity of service, or is in response to a surge in demand.

3.5 Children between the age of 13 years old and the minimum school leaving age cannot be employed in Industrial Undertakings such as factories or Construction Sites.

4. RISK ASSESSMENT

4.1 In addition to the above employers are required to carry out a specific risk assessment to identify the health and safety risks posed to any person under 18 years of age before they begin work - taking in factors such as their possible inexperience and lack of awareness of workplace risks.

4.2 Finally, if the young person is below the minimum school leaving age, the employer must inform their parents of the key findings of the risk assessment - and the measures put in place to protect their child - before the work begins.

5. Members are asked to note the content of this report.

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