

LAWS OF GUYANA

EMPLOYMENT OF YOUNG PERSONS AND CHILDREN
ACT

CHAPTER 99:01

Act

14 of 1933

Amended by

6 of 1934

7 of 1940

21 of 1983

9 of 1999

Current Authorised Pages

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Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 99:01

EMPLOYMENT OF YOUNG PERSONS AND CHILDREN ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
 2. Interpretation.
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- SCHEDULE—Convention forms.

1953 Ed.
c. 107

14 of 1933

An Act to implement certain Conventions relating to the employment of young persons and children.

[1st April, 1938]

[9 of 1999]

WHEREAS at Washington, on the 28th November, 1919, a general conference of the International Labour Organisation of the League of Nations adopted three Conventions one of which (together with other provisions) contains the provisions set out in Part I of the Schedule to this Act;

AND WHEREAS at Geneva on the 26th June, 1973, a general conference of the International Labour Organisation adopted a Convention containing (together with other provisions) the provisions set out in Part II of the Schedule to this Act;

AND WHEREAS it is expedient that for the purpose of carrying out the said Conventions set out in the Schedule to this Act the provisions hereinafter contained should have effect:

BE IT THEREFORE enacted as follows:—

Short title.
[21 of 1983
9 of 1999]

1. This Act may be cited as the Employment of Young Persons and Children Act.

Interpretation.
[7 of 1940
21 of 1983
9 of 1999]

2. In this Act and in the provisions of the Conventions contained in the Schedule—

“child” means a person under the age of fifteen years;

“industrial undertaking” has, with respect to the employment of children and young persons the meanings respectively assigned thereto in the Conventions set out in Part I of the Schedule;

c. 49:01

“ship” means any sea-going ship or boat of any description which is registered in Guyana under the Guyana Shipping Act;

“young person” means a person who has ceased to be a child and who is under the age of sixteen years.

Restriction on the employment of young persons and children in industrial undertakings.
[21 of 1983
9 of 1999]

3. (1) No child shall be admitted to employment or work in any occupation.

(2) No young person shall be employed at night in any industrial undertaking, except to the extent to which and in the circumstances in which such employment is permitted under the Convention set out in Part I of the Schedule.

(3) Where young persons are employed in any industrial undertaking, a register of the young persons so employed, and of the dates of their birth, and of the dates on which they enter and leave the service of their employer, shall be kept and shall at all times be open to inspection.

4. [Repealed]

Offences
[21 of 1983
9 of 1999]

5. (1) If any person employs a child in any occupation or work or a young person in any industrial undertaking in contravention of this Act, he shall be liable on summary conviction to a fine of ten thousand dollars, or, in the case of a second or subsequent offence, of fifteen thousand dollars.

(2) Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

(3) Where an employer is charged with any offence under this Act, he shall be entitled upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the court is satisfied that the employer had used due diligence to comply with this Act, and that the other person had committed the offence in question without the employer's knowledge, consent, or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine.

(4) When it is made to appear to the satisfaction of the Chief Labour Officer at the time of discovering the offence, that the employer had used all due diligence to enforce compliance with this Act, and also by what person the offence had been committed, and also that it had been

committed without the knowledge, consent or connivance of the employer, and in contravention of his order, then the Chief Labour Officer shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer.

(5) If any person being the employer of a young person fails to keep such a register so required to be kept by him as aforesaid or refuses or neglects when required to produce it for inspection by an officer of the Department of Labour, he shall be liable on summary conviction to a fine of twenty-one thousand dollars.

(6) If any parent of or any person who is liable to maintain or has the actual custody of a child or young person has, by wilful default or by habitually neglecting to exercise due care, conduced to the commission of the offence of taking a child into employment in contravention of this Act, he shall be liable on summary conviction to a fine of ten thousand dollars or, in case of a second or subsequent offence, fifteen thousand dollars.

(7) Where a child is taken into employment in contravention of this Act on the production, by or with the privity of the parent, of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable on summary conviction to a fine of ten thousand dollars.

Regulations.
[21 of 1983
9 of 1999]

6. The Minister may make regulations –

- (a) defining the line of division which separates industry from commerce and agriculture;
- (b) extending the provisions of this Act which

apply to young persons or children to persons who are not young persons or children, as the case may be, but are under the age of eighteen years, in respect of any occupation or occupations in which the employment of such persons may seem deleterious;

- (c) in respect of safety and sanitary conditions (including ventilation, overcrowding, et cetera) in regard to any industrial undertakings in which young persons or children are employed.

Savings.
[21 of 1983
9 of 1999]

7. (1) The provisions of this Act shall be in addition to and not in derogation of any of the provisions of any other Act restricting the employment of young persons or children.

(2) Nothing in this Act shall apply to any employment or work in which only members of the same family are employed.

(3) Nothing in this Act shall prevent the employment in any industrial undertaking or ship of a child lawfully so employed at the commencement of this Act.

SCHEDULE

PART I

CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY

ARTICLE 1

For the purpose of this Convention, the term “industrial undertaking” includes particularly:—

- (a) Mines, quarries, and other works for the extraction of minerals from the earth;
- (b) Industries in which articles are manufactured, altered, cleaned repaired, ornamented, finished, adapted for sale, broken up, or demolished or in which materials are transformed; including shipbuilding, and the generation, transformation and transmission of electricity or motive power of any kind;
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction as well as the preparation for or laying the foundations of any such work or structure;
- (d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2

Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night:

- (a) Manufacture of iron and steel; process in which reverberatory or regenerative furnaces are used, and galvanizing of sheet metal or wire (except the pickling process);
- (b) Glass works;
- (c) Manufacture of paper;
- (d) Manufacture of raw sugar;
- (e) Gold mining reduction work.

ARTICLE 3

For the purpose of this Convention the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

ARTICLE 4

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in cases of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

ARTICLE 7

The prohibition of night work may be suspended by the Government for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

PART II

CONVENTION CONCERNING MINIMUM AGE FOR
ADMISSION TO EMPLOYMENT.

ARTICLE 1

Each member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental

development of young persons.

ARTICLE 2

Each Member which ratifies this Convention shall specify in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

ARTICLE 3

The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

ARTICLE 4

In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

ARTICLE 5

The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity; gas and water; sanitary services; transport; storage and communication; and

plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

ARTICLE 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of –

- (a) a course of education or training for which a school or training institution is primarily responsible;
 - (b) a programme of training mainly or entirely in an under taking, which programme has been approved by the competent authority; or
 - (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.
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