

PROJET DE LOI

ENTITLED

Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. VIII, p. 29; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010); the Health and Safety at Work (Equality Provisions) Ordinance, 2021 (No. ** of 2021). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Education (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 318); the Children (Guernsey and Alderney) Law, 2008 (No. XIV of 2009); the Health and Safety at Work (General) (Guernsey) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 162).

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ARRANGEMENT OF ARTICLES

Préambule.

1. Article I.
2. Article II.
3. Article III.
4. Article IV.
5. Article V.
6. Article VI.

SCHEDULE

- | | |
|----------|---|
| Part I | Convention fixing minimum age for admission of children to industrial employment. |
| Part II | Convention concerning the night work of young persons employed in industry. |
| Part III | ... |
| Part IV | Convention fixing the minimum age for admission of children to employment at sea. |

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Préambule.

ATTENDU QUE le vingt-huit novembre mil neuf cent dix-neuf une assemblée générale de l'Organisation dite "The International Labour Organisation of the League of Nations" adopta trois conventions contenant les dispositions prescrites dans les titres I, II et III de la cédule de cette loi;

ATTENDU QUE le neuf juillet mil neuf cent vingt, une assemblée générale de la dite Organisation "The International Labour Organisation of the League of Nations" adopta une convention contenant les dispositions prescrites dans le titre IV de la cédule de cette loi;

ATTENDU QUE l'Acte du Parlement dit "The Employment of Women, Young Persons and Children Act, 1920", a pour objet de mettre à effet les dispositions des dites conventions;

ATTENDU QU'IL est nécessaire d'établir des règlements ayant force de loi dans les Îles de ce Bailliage pareils à ceux qui sont prescrits par le dit Acte du Parlement, en tant que tels règlements sont applicables aux conditions industrielles des dites Îles;

LA COUR, moyennant l'approbation des États et la Sanction de Sa Majesté le Roi en Conseil, a adopté le Projet de Loi rédigé en anglais qui ensuit: –

ARTICLE I

1. No child shall be employed in any industrial undertaking.
2. No child shall be employed in any ship except to the extent to which and in the circumstances in which such employment is permitted under the convention set out in Part IV of the Schedule to this Law.
3. 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 Parts II and III respectively of the Schedule to this Law.
4. 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.
5. There shall be included in every agreement with the crew entered into under the Merchant Shipping Act, 1894, a list of the young persons under the age of sixteen years who are members of the crew, together with the particulars of the dates of their birth, and in the case of a ship in which there is no such agreement, the Master of the ship shall, if young persons under the age of sixteen years are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open to inspection.

This Article, so far as it relates to employment in a ship, shall have effect as if it formed part of the law intituled "Loi relative à la Marine Marchande dans le Bailliage de l'Île de Guernesey", sanctioned by an Order of His Majesty in Council dated the 10th of May, 1916, and registered on the Records of the Island on the 6th of

June, 1916, and of such parts of the Merchant Shipping Acts, 1894 to 1920, as are applicable to the Islands of the Bailiwick.

NOTES

In Article I, the words omitted in square brackets in paragraph 3 were repealed by the Health and Safety at Work (Equality Provisions) Ordinance, 2021, section 4(2), with effect from 15th July, 2021.

In accordance with the provisions of the Health and Safety at Work etc. (Guernsey) Law, 1979, section 7, Schedule, with effect from 13th November, 1979, this enactment is one of those that the States may repeal or modify by Ordinance made under the said section 7.

In accordance with the provisions of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 35(1), Schedule 4, with effect from 1st December, 1987, this enactment is one of those to be regarded as "relevant statutory provisions" for the purposes of the 1987 Ordinance.

In accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, section 123, Schedule, paragraph 8, with effect from 4th January, 2010, this Law is one of those specific enactments that the States may repeal, amend, extend, adapt, modify or disapply, and make transitional and savings provisions in relation to, by Ordinance made under the said section 123.

ARTICLE II

(a) If any person employs a child or young person in any industrial undertaking in contravention of this Law, he shall be deemed to have employed a child or young person in contravention of Part VI of the law intituled, "Loi ayant rapport à la protection des enfants et des jeunes personnes" sanctioned by an Order of His Majesty in Council dated the 24th January, 1917, and registered on the Records of this Island the 10th day of February, 1917, and Articles 49 and 50 of that law shall apply as if they were herein re-enacted and in terms made applicable to children and young persons within the meaning of this Law; and

(b) If any child is employed in any ship in contravention of this Law, the Master of the ship shall be liable for each offence to a fine not exceeding [level 2 on

the uniform scale], or in the case of a second or subsequent offence, not exceeding [level 3 on the uniform scale], and where a child is taken into employment in any ship in contravention of this Law on the production, by or with the privity of the parent [or other person with parental responsibility under the Children (Guernsey and Alderney) Law, 2008], of a false or forged certificate or on the false representation of his parent [or other person with parental responsibility under the Children (Guernsey and Alderney) Law, 2008] that the child is of an age at which such employment is not in contravention of this Law, that parent [or other person with parental responsibility under the Children (Guernsey and Alderney) Law, 2008] shall be liable to a fine not exceeding [level 2 on the uniform scale]; and

(c) 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 a member of the States Island Police Force, not below the rank of Sergeant, he shall be liable to a fine not exceeding [level 2 on the uniform scale]; and

(d) If the Master of a ship 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 a member of the States Island Police Force not below the rank of Sergeant, or any other person having power to enforce compliance with the provisions of the Merchant Shipping Acts 1894 to 1920, he shall be liable to a fine not exceeding [level 2 on the uniform scale]; and

(e) ...

NOTES

In Article II,

the words and figures "level 2 on the uniform scale" and "level 3 on the uniform scale" in square brackets, wherever occurring, were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section

2(5), Schedule, Part I, with effect from 1st July, 1989;

the words and figures in the third, fourth and fifth pairs of square brackets in section (b) were inserted by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 5, with effect from 4th January, 2010;

paragraph (e) was repealed by the Health and Safety at Work (Equality Provisions) Ordinance, 2021, section 4(3), with effect from 15th July, 2021.

ARTICLE III

1. The provisions of this Law shall be in addition to and not in derogation of any of the provisions of any other law in force within the Bailiwick restricting the employment of [...] young persons or children.

2. Nothing in this Law shall apply to an industrial undertaking or ship in which only members of the same family are employed.

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

NOTE

In Article III, the word and punctuation omitted in square brackets in paragraph 1 were repealed by the Health and Safety at Work (Equality Provisions) Ordinance, 2021, section 4(4), with effect from 15th July, 2021.

ARTICLE IV

In this Law –

The expression "**child**" means a person under the age of fourteen

years.

The expression "**young person**" means a person who has ceased to be a child and who is under the age of eighteen years.

[...]

[The expression "**industrial undertaking**" has, with respect to the employment of children and young persons, the meanings respectively assigned thereto in the conventions set out in Parts I and II of the Schedule to this Law.]

The expression "**ship**" means any sea-going ship or boat of any description which is registered in the Islands of the Bailiwick.

NOTES

In Article IV, first, the words omitted in square brackets immediately after the definition of the expression "young person" were repealed and, second, the definition of the expression "industrial undertaking" was substituted by the Health and Safety at Work (Equality Provisions) Ordinance, 2021, section 4(5), respectively paragraph (a) and paragraph (b), with effect from 15th July, 2021.

In accordance with the provisions of the Education (Guernsey) Law, 1970, section 46, with effect from 28th October, 1970, for the purposes of this Law relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of the 1970 Law over compulsory school age shall be deemed to be a child within the meaning of this Law.

ARTICLE V

For the purposes of this Law the Royal Court shall have power to declare by ordinance what undertakings carried on in the Bailiwick, being industrial as distinct

from commercial or agricultural, are subject to this Law, and to prescribe the form of register to be kept and generally for the enforcement of the Law.

NOTE

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 63, with effect from 17th January, 1949, the powers and functions of a legislative nature previously exercised by the Royal Court (save for the making, variation, modification and revocation of Rules of Procedure) were transferred to and vested in the States of Deliberation, and thenceforth any enactment conferring power on the Royal Court to exercise any such powers and functions by way of Ordinance shall be construed as having conferred the like power on the States of Deliberation or (pursuant to amendments to that Article made by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 8(b), Schedule 2, Part 6, paragraph 2, with effect from 1st May, 2016) on the States Policy & Resources Committee, as the case may be.

ARTICLE VI

This Law shall come into force on the date of its registration on the Records of the Island by Order of His Majesty in Council.

NOTE

The Law received Royal Sanction on 5th November, 1926 and was registered on the Records of the Island of Guernsey and came into force on 20th November, 1926.

SCHEDULE

PART I

CONVENTION FIXING MINIMUM AGE FOR ADMISSION OF CHILDREN TO
INDUSTRIAL EMPLOYMENT

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 and motive power of any kind.
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railways, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, 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 or inland waterway, including the handling of goods at docks, quays, wharves, and ware-houses, 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

Children under the age of fourteen years shall not be employed or work 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.

ARTICLE 3

The provisions of Article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

ARTICLE 4

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of sixteen years employed by him, and of the dates of their births.

PART II

CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY

ARTICLE 1

For the purposes 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, gaswork, waterwork, 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 galvanising 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.

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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 III

CONVENTION CONCERNING THE NIGHT WORK OF WOMEN EMPLOYED IN INDUSTRY

...

PART IV

CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA

ARTICLE 1

For the purpose of this Convention, the term "**vessel**" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned: it excludes ships of war.

ARTICLE 2

Children under the age of fourteen years shall not be employed or work on vessels other than vessels upon which only members of the same family are employed.

ARTICLE 3

The provisions of Article 2 shall not apply to work done by children on school ships or training ships, provided that such work is approved and supervised by public authority.

ARTICLE 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

NOTE

In the Schedule, Part III was repealed by the Health and Safety at Work (Equality Provisions) Ordinance, 2021, section 4(6), with effect from 15th July, 2021.
