

Dawlish Town Council

Employment of Young People and Children

1. Statement of Policy

A young person, for the purposes of this policy, is someone who has not attained the age of eighteen. A child is someone who is not yet sixteen. Young people in employment may be particularly at risk of injury or ill health because of their lack of knowledge and experience. The Council may employ young people, especially on work experience placements, and therefore there is a need to give consideration to their health and safety.

There are general restrictions on the employment of young people and children and these are noted in appendix 1. Young people on work experience placement are regarded as employees¹ for the purposes of health and safety. All health and safety legislation that applies to employees therefore applies to young people including work experience students.

The Health and Safety (Young Persons) Regulations 1997 introduced additional protection to young people under health and safety legislation. These regulations have now been revoked in their entirety. The purpose of the regulations is now achieved by the Management of Health and Safety at Work Regulations 1999, particularly regulation 19.

The Council intend that young people and children who are employees, including students on work experience placement, are able to work without unacceptable risks to their health or safety. Compliance with this policy should ensure that objective.

¹ Health and Safety (Training for Employment) Regulations 1990

2. Organisation and Arrangements

2.1 Town Clerk

If intending to employ young people (including students on work experience placement) will ensure that :-

- they do not take children into Council employment in circumstances which would be illegal. See appendices.
- the general risk assessment for areas and work under their control takes adequate account of the risks to young people. Where it does not then it should be revised or a separate assessment carried out. See appendix 4 for factors which must be considered;
- employed young people are protected at work from any risks to their health or safety which are a consequence of their lack of experience, lack of awareness of risks or immaturity;
- consideration is given to prohibiting young persons from undertaking work if it is of a type given in appendix 3. If the young person is to be employed then they must be given adequate supervision by a competent person and the risk must be reduced to the lowest level reasonably practicable.

2.2 The Employee Benefits Officer (they deal with work placements)

will, when arranging work placements for students :-

- ensure that we do not employ children in circumstances which are illegal (see appendix 1);
- liaise with line managers, as appropriate, to ensure that young people are not placed in work of a type given in appendix 3 unless it is a necessary part of their training.

2.3 The Health Safety and Welfare Officer

- will advise and assist staff on the health and safety aspects of employing young people and in particular on risk assessment.

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Appendix 1

Restrictions on employment of young persons

Definitions :-

- a **young person** is defined² as someone who has ceased to be a child but who has not attained the age of eighteen.
- a **child** is defined³ as a person under the compulsory school leaving age. At the time of writing this was sixteen.

General prohibitions⁴

A child may not be employed if :-

- the child is under the age of 14, unless the child is a 13 year old doing a job listed by the Local Authority as permissible under bylaws;
- the work is before the end of school hours;
- the work is before 7 a.m. or after 7 p.m. on any day;
- the work exceeds 2 hours on any school day;
- the work lasts for more than 2 hours on a Sunday.

Employment in industrial undertakings⁵

- children must not be employed in industrial undertakings (e.g. factories, construction sites, etc.) except on work experience schemes approved by the local authority.

² Employment of Women, Young Persons and Children Act 1920

³ Education Act 1944; Education (School-Leaving Dates) Act 1976

⁴ Children and Young Persons Act 1933, s 18(1) (a)-(e) as amended by the Children (Protection at Work) Regulations 1998

⁵ Employment of Women, Young Persons and Children Act 1920, ss 1(1)-(4) and 4

Appendix 2

Main points of the Management of Health and Safety at Work Regulations 1999 relating to Young Persons

Duties on employers

Employers must :-

- assess the risks to young people before they start work;
- ensure that employed young people are protected at work from any risks to their health or safety which are a consequence of their lack of experience, lack of awareness of risks or immaturity;
- comply with prohibitions given in appendix 3;

Situations where young people, who are not children, may be employed

Notwithstanding the above young people who are **not** children may be employed for work :-

- where it is necessary for their training;
- where they will be supervised by a competent person; and
- where any risk will be reduced to the lowest level reasonably practicable.

Appendix 3

Prohibition on employment of young people in certain types of work⁶

Employers must not employ young people in work :-

- which is beyond the young person's physical or psychological capacity;
- involving harmful exposure to agents which are toxic or carcinogenic, cause heritable genetic damage or harm to the unborn child or which in any other way chronically affect human health;
- involve harmful exposure to radiation;
- involve the risk of accidents which it may reasonably be assumed cannot be recognised or avoided by young persons owing to their insufficient attention to safety or lack of experience or training;⁷
- where there is a risk to health from extreme cold or heat, noise or vibration.

⁶ Regulation 19 of the Management of Health and Safety at Work Regulations 1999

⁷ HSE guidance HS(G)165, ISBN 0717612856, contains a list of examples, too extensive to reproduce here, of types of work, agents and processes which are likely to give rise to danger to young people

Appendix 4

Assessment of risks to Young People

Factors to be considered

Employers are required⁸ to carry out an assessment of risks to health and safety of all employees. The specific factors which must⁹ be considered in assessing risks to young people are :-

- the fitting-out and layout of the workplace and the workstation;
- the nature, degree and duration of exposure to physical, biological and chemical agents;
- the form, range and use of work equipment and the way in which it is handled;
- the organisation of processes and activities;
- the extent of the health and safety training provided, or to be provided, to the young people concerned; and
- risks from agents, processes and work which may be particularly hazardous for young people;

⁸ Management of Health and Safety at Work Regulations 1999

⁹ HSE guidance HSG165, Young people at work: a guide for employers