

# Child Employment

The Children's Legal Centre is a unique, independent national charity concerned with law and policy affecting children and young people.

## Children under the age of 13 do not have a 'right' to work



### What are the limitations on the hours that a 14 year old can work?

A 14 year old may not work:

- Before 7am or after 7pm on a school day;
- For more than 2 hours on a school day (this can either be 1 hour before and after school or 2 hours after school);
- For more than 12 hours in a school week;
- For more than 5 hours on a Saturday or a weekday during the school holidays;
- For more than 2 hours on any Sunday;
- For more than 25 hours in any week during the school holidays;
- For more than 4 hours in any day without a rest break of one hour.

A child must also have at least 2 consecutive non-school weeks without employment in any one year. That means every child is entitled to 2 weeks holiday a year.

### What is employment?

Section 30 of the *Children and Young Persons Act 1933* defines employment as assistance in any trade or occupation which is carried on for profit, whether or not payment is received.

### What is the minimum age of employment?

Section 18 of the *Children and Young Persons Act 1933* sets 14 as the minimum age at which a child may take part-time employment.

It is possible for 13 year olds to take part-time employment provided that local byelaws permit them to undertake 'light work' on an occasional basis.

Where local byelaws do not specify whether 13 year olds can work then they should not be employed. 13 year olds do not have a 'right' to work.

A child under 13 years of age may not be employed at all (although they may be able to take part in performances, sports and modelling where a payment is made for the child's participation) Before a child can take part in such performance the employer will have to apply for a licence to the local authority.

### What are the limitations on the hours that a 13 year old can work?

Local authorities are able to decide the number of hours that a 13 year old may work through local byelaws. The hours worked can be the same as for a 14 year old, but must not be more.

A 14 year old may not work for more than 12 hours in a school week.

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### What are the limitations on the hours that a 15 and 16 year old (under the compulsory school age) can work?

A 15 and 16 year old may not work:

- Before 7am or after 7pm on a school day;
- For more than 2 hours on a school day (this can either be 1 hour before and after school or 2 hours after school);
- For more than 12 hours in a school week;
- For more than 8 hours on a Saturday or a weekday during the school holidays;
- For more than 2 hours on any Sunday;
- For more than 35 hours in any week during the school holidays;
- For more than 4 hours in any day without a rest break of one hour.

A child must also have at least 2 consecutive non-school weeks without employment in any one year. That means every child is entitled to 2 weeks holiday a year.

A young person can begin full-time employment as soon as they are no longer of compulsory school age.

### What work is permitted for children under compulsory school age?

This will once again depend on your local authority, but *light work* that children are generally permitted to undertake includes:

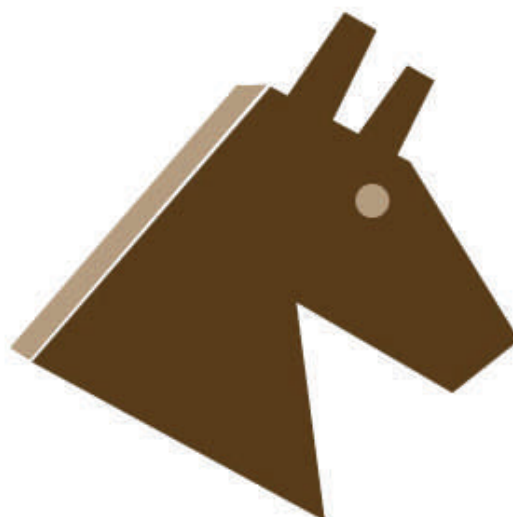
- Agricultural and horticulture work;
- Delivery of newspapers, journals and printed materials;
- Shop work, including shelf stacking;
- Office work;
- Hairdressing salons;
- Car washing by hand in a private residential setting;
- In a café or restaurant, but not in the kitchen;
- In a riding establishment;
- Domestic work in hotels and other establishments offering accommodation (but not in kitchens).

### At what age can a child commence full-time employment?

A young person can begin full-time employment as soon as they are no longer of compulsory school age. Compulsory school age ends on the last Friday in June of the school year in which the young person reaches the age of 16. It is therefore possible for a young person to be 15 and no longer of compulsory school age if their 16th birthday is in either July or August.

### Is it against the law for a child to work alone?

There is no law that prohibits employees, including children, from working on their own.



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### What work is prohibited for children under compulsory school age?

There are types of work that are specifically forbidden or restricted by national legislation. These include:

- Street trading- however a local authority can make byelaws to allow 14 year olds to work for their parents in street trading.
- Industrial undertakings- unless they are working with members of the family. Industrial undertakings include mines, quarries, and other mineral extraction works, manufacturing or construction work and transport of passengers or goods by road, rail or inland waterway.
- Performing abroad- unless a licence has been granted by the justice of peace.
- Scrap metal- a child under the age of 16 cannot be employed to sell scrap metal.
- Betting shops- a child under the age of 18 cannot work in a betting shop.
- Petrol stations- the Home Office has recommended that no one under the age of 16 should be permitted to serve petrol, however, this is a recommendation and therefore not legally enforceable.
- Charitable collections- a child under the age of 16 may not take part in collecting money house to house for charitable purposes.

### Work that is prohibited for children under compulsory school age

The type of work that a child is prohibited from doing will vary from local authority to local authority according to the byelaws. It is important to always check with the local authority to make sure that they allow a child to work. However, most authorities will normally ban the following employment:-

- working in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children;
- selling or delivering alcohol, except in sealed containers;
- delivering milk;
- delivering fuel oils;
- working in a commercial kitchen;
- collecting or sorting refuse;
- any work which is more than 3 meters above ground level or, in the case of internal work, more than 3 metres above floor level;
- work involving harmful exposure to physical, biological or chemical agents;
- collecting money, selling or canvassing door to door, except under the supervision of an adult;
- any work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
- telephone sales;
- working in any slaughter house or in that part of any butcher's shop or other premises connected with the killing of live stock, butchery or the preparation of carcasses or meat for sale; or
- as an attendant or assistant in a fair ground or amusement arcade, or in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices.

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### What are the terms and conditions of child employment?

**Contracts-** all employers should provide a statement of the employees' terms and conditions within 2 months of starting work. However, it is very rare for a child to be given a written contract.

**Holiday pay-** children are not entitled to holiday pay.

**Sick pay-** if a child is working under a contract and this contract provides that they will receive sick pay; this will apply irrespective of their age. However, if they do not have a contract of employment, they are unlikely to receive sick pay as children under the age of 16 are not entitled to statutory sick pay.

**Income tax-** the amount of income tax that a person will pay, depends on the amount that they earn. Each person is entitled to earn a certain amount before tax; this is referred to as their 'personal allowance'. However, a child that is still at school is unlikely to pay income tax as they will not usually earn beyond this figure.



**Trade unions-** many trade unions will accept a child of any age once they commence employment; however, this should be checked with individual trade unions before the child attempts to join.

**Insurance-** providing that the employer is aware of the child's employment, then the child will be covered by the employer's liability insurance.

**Child protection-** if an employers normal duties include caring for children or if a substantial part of their duties include training or supervising children under the age of 16, the employers must undergo a criminal records check.

### What are the duties of the employer who employs a child under compulsory school age?

Employers must notify the local authority of the hours and conditions of a child's employment and should produce a medical statement to the effect that the employment will not be detrimental to the health or physical development of the child and will not leave him or her unfit to receive appropriate benefit from his or her education.

Employers must complete a risk assessment, which will cover the health and safety of the young person whilst at work. The assessment should be given to the parent/carer of the employed child.

In making a risk assessment, particular account should be taken to:

- the inexperience, lack of awareness of risks and immaturity of young people;
- the layout of the workplace and the workstation;
- the nature, degree and duration if exposed 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 young people; and
- the risks from agents, processes and work listed in the Annex to *Council Directive 94/33/EC* on the protection of young people at work.

Employers wishing to employ a child in their area must apply to the local authority for a work permit. This must be signed by the parents and in some cases by the school.

The employer will be committing an offence if they employ a child when the local authority has prohibited or restricted the employment of the child.

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### What are the duties of the local authority?

The local authority, in whose area the child is to be employed will be responsible for registering employers and issuing permits for each young person employed. Employment that has not been registered is illegal.

If a child is undertaking work that is detrimental to his or her health or education then the local authority may serve a notice on the employer to stop the employer employing the child or to impose restrictions on the employment of the child.

If the local authority suspects that the employment of a child is having a detrimental effect on his or her education then they can require the parents or the employer of the child to provide them with information of the employment. If the parents or employers fail to do this, it is an offence.

Each local authority must inspect any premises in their area where children are or may be performing.

### What are the child's responsibilities?

The child must adhere to the *Health and Safety at Work etc. Act 1974* as it applies to all people at work, the employers, self employed and employees. They must not act in a way that could cause an accident to themselves or another as a result of their action or judgement. Equipment must be used properly and they must co-operate with the employer to comply with the Health and Safety at Work laws.

### Are there any exceptions to a child working at night?

A child is not allowed to work at night, however, there are exceptions for young workers (those who are over the compulsory school age, but are not yet 18 years old).

### What is the national minimum wage for a child?

The national minimum wage does not apply to workers under 16 years of age. As of the 1st October 2009, the minimum wage for 16-17 year olds above the compulsory school age is £3.57 per hour.

### What is the legal situation for children performing abroad & children performing in the UK from abroad?

UK children performing abroad are required to obtain a licence; specific details on applying for such a licence will differ from local authority to local authority.

Children performing in the UK from abroad are required to be licensed in the UK and the procedures are exactly the same as for a UK child. The UK legislation (i.e. the maximum hours work etc) will apply to a child from abroad performing in the UK.

The minimum wage for 16-17 year olds above the compulsory school age is £3.57 per hour.

### Who will look after my child whilst he or she performs?

When a child takes part in performance work, they must be in the care of either their parent (or those with legal guardianship recognised by the courts) or an approved chaperone at all times. A chaperone will always consider the child as their first priority and they are the key person to whom the child looks to for supervision, protection, and support. The chaperone is able to negotiate with the production company on behalf of the child to ensure that the work is not detrimental to the child's health, well being and/or education. All chaperones are police checked.

## Child Employment

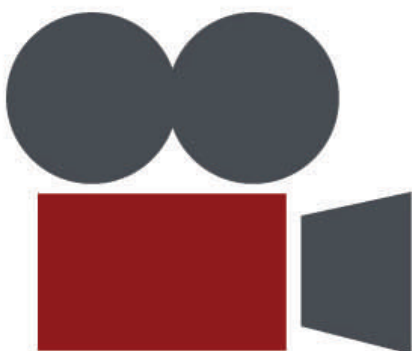
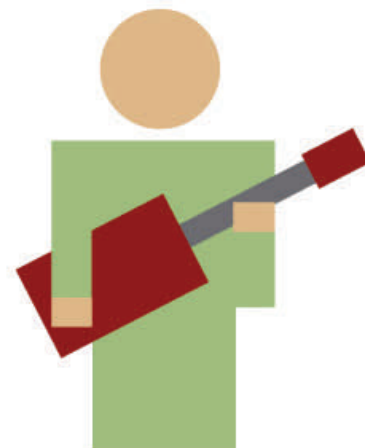
### What are the hours that a child performer may work?

The performances can be defined in 2 ways: Broadcast performance and Non-broadcast performance.

Broadcast performance: Such as films, TV, Video and other performances which will be broadcasted.

For a child 0-4 years old:

- The maximum time at the place of performance is 5 hours.
- The maximum times the child can be present is between 9.30am and 4.30pm.
- The maximum time the child can perform in one day is 2 hours.
- The maximum time the child can take part without a rest is 30 minutes.
- The minimum rest time is not relevant to a child between the ages of 0-4 as the child is to rest at all times when not taking part.
- Education is also not relevant to a child between the ages of 0-4.



For a child between the ages of 5 and 8:

- The maximum time at the place of performance is 7  $\frac{1}{2}$  hours.
- The maximum times the child can be present is between 9am and 4.30pm.
- The maximum time the child can perform in one day is 3 hours.
- The maximum time the child can take part without a rest is 45 minutes.
- The minimum rest time will depend on how long the child has been present, when present 3  $\frac{1}{2}$  hours the child will be entitled to 2 breaks consisting of 1 hour meal and 15 minutes rest, when present 8 hours the child will be entitled to 3 breaks consisting of 2 X 1 hour lunches and 15 minutes rest.
- The child must be educated for 3 hours per school day.

For a child between the ages of 9 and over:

The maximum time at the place of performance is 9  $\frac{1}{2}$  hours.

The maximum times the child can be present is between 7am and 7pm.

The maximum time the child can perform in one day is 4 hours.

The maximum time the child can take part without a rest is 1 hour.

The minimum rest time will depend how long the child has been present, when present 4 hours the child will be entitled to 2 breaks consisting of 1 hour meal and 15 minutes rest, when present 8 hours the child will be entitled to 3 breaks consisting of 2 X 1hour lunches and 15 minutes rest.

The child must be educated for 3 hours per school day.

There may be exceptions for children aged 13 and over.

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**Non-Broadcast performances:** Such as theatre, modelling, sport and other performances which are not to be broadcasted.

A child may take part in either 2 performances a day or 1 performance and 1 rehearsal.

A child is not permitted to take part in more than 6 days of performances in a 7 day week.

If the child has performed for 8 consecutive weeks, a 2 rest week interval will be required before he or she can perform again in any production.

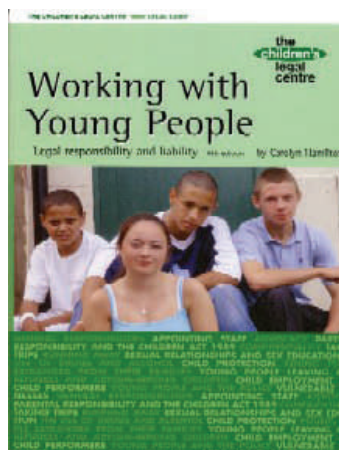
There must be an overnight break between performances of at least 14 hours.

The maximum performing time per day for a child must be no more than 3 ½ hours including breaks.

The maximum time that a child can take part in a performance during a day is 2 ½ hours, though this may be made up of a number of appearances.

If there are 2 performances or 1 performance and 1 rehearsal, there must, as a general rule, be a minimum interval of 1 ½ hours between them. However, as an exception there may be a minimum interval time of 45 minutes over 2 days provided that the child does not spend more than 6 hours at the place of performance.

The Children's Legal Centre produces a number of publications including childRIGHT, a monthly publication and Working with Young People: Legal Responsibility and Liability. For further information about our publications please contact us.



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- A child aged 12 and under can arrive at the place of performance no earlier than 10am and leave no later than 10pm. There are exceptions to this: The child may leave at 10.30pm.

No later than 11pm, provided this does not occur more than 3 times a week and provided that the child does no more than 8 evenings in 4 consecutive weeks.

- A child aged 13 and over can arrive at the place of performance no earlier than 10am and leave no later than 10.30pm. There are also exceptions to this: The child may leave at 11.00pm provided this does not occur more than 3 times a week and provided that the child does no more than 8 evenings in 4 consecutive weeks.

When modelling for adverts or commercials that are to be broadcasted, modelling still falls into non-broadcast performances.

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