



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Welfare of Children Ordinance, 2008, to further regulate the employment of children; to delete a provision the Education Ordinance, 2008, which is now covered under this new provision; to amend the Liquor Ordinance, Cap. 56, to allow persons aged 16 and older to be employed on tavern premises for purposes of providing musical entertainment; and for purposes connected and incidental to it.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title

1. This Ordinance may be cited as the Welfare of Children (Employment of Children) (Amendment) Ordinance, 2017.

Employment of children

2. The following Part is inserted in the Welfare of Children Ordinance, 2008, after Part XV:

“PART XVI EMPLOYMENT OF CHILDREN

Interpretation

158. For the purpose of this Part—

“hazardous work” includes, but is not limited to, work—

- (a) that exposes children to physical, emotional or sexual abuse;
- (b) underground, under water, at dangerous heights or in confined spaces;
- (c) with dangerous machinery, equipment and tools, or that involves the manual handling or transport of heavy loads;
- (d) in an unhealthy environment, which may, for example, expose children to hazardous substances, agents or processes or to temperatures, noise levels, or vibrations damaging to their health;

- (e) under particularly difficult conditions such as work for long hours or during the night or work that does not allow for the possibility of returning home each day; or
- (f) on a vessel which includes all ships and boats of any nature whatsoever engaged in maritime navigation, whether publicly or privately owned;

“illicit activities” includes, but is not limited to—

- (a) the production and trafficking of drugs;
- (b) the trafficking of other goods;
- (c) gambling operations;
- (d) begging or stealing;
- (e) sexual exploitation;
- (f) activities which involve the unlawful carrying or use of firearms or other weapons;
- (g) other organised criminal activities;

“light work” means work that is not detrimental to the child’s mental or physical health or development and does not interfere with the child’s education;

“work” does not include chores within a child’s household, provided such chores are not detrimental to the child’s physical or mental health or development and do not interfere with the child’s education;

“work experience” means any activity undertaken by a child as part of their education which is—

- (a) approved by the educational establishment the child attends to gain experience and skills of work; and
- (b) not for financial or other gain.

Employment of children

158A. (1) A child under the age of 18 must not be employed in any manner, whether on a voluntary basis or for financial or other gain, except in the following circumstances:

- (a) a child aged 16 or older may be employed on a voluntary basis or for financial or other gain, provided that he or she would not be undertaking hazardous work;
- (b) a child aged 13 or older may be employed for light work on a voluntary basis or for financial or other gain;
- (c) a child aged 11 and above may undertake work experience.

(2) A child will not be undertaking hazardous work for purposes of subsection (1)(a) if—

- (a) in respect of work generally:
 - (i) the child has received adequate training in the use of any dangerous machinery, equipment or tools; and
 - (ii) where reasonably necessary to ensure the child’s health and safety, the work is supervised;
- (b) in respect of work on a vessel:
 - (i) that child is employed on a vessel commanded by a family member or upon which any member of his or her family is employed or as part of a programme of training; and,
 - (ii) that child is supervised at all times.

(3) Any work undertaken in accordance with subsection (1) may not take place between 7:00 p.m. and 7:00 a.m. unless—

- (a) the child is supervised by his or her parent, guardian or someone with the parent's or guardian's agreement; and
- (b) working at such times is not detrimental to the child's mental or physical health or development and does not interfere with the child's education.

(4) Children of compulsory school age must not be employed in any manner (whether on a voluntary basis or for financial or other gain) during school hours, except for work experience.

(5) A person who employs or engages a child, or causes or allows a child to be employed or engaged in contravention of this section commits an offence.
Penalty: A fine of £3000 or imprisonment for a term of 6 months, or both.

Illicit activities

158B. (1) No person may employ or engage a child, or cause or allow a child to be employed or engaged in any illicit activity.

(2) Any person who contravenes subsection (1) commits an offence.
Penalty: A fine of £5000 or imprisonment for a term of 12 months, or both.

Regulations as to employment of children

158C. The Governor in Council may make regulations in respect of the employment of children.”.

Amendment of legislation

- 3.** (1) The Welfare of Children Ordinance, 2008, is amended—
- (a) by repealing section 158; and
 - (b) by renumbering the existing Part XVI as Part XVII.

(2) The Education Ordinance, 2008, is amended by repealing section 63.

(3) The Liquor Ordinance, Cap. 56, is amended by renumbering the existing text in section 29 as subsection (1) and adding the following subsection to that section:

“(2) Section 28(1) does not apply in respect of employment of a person aged 16 or older who works on the tavern premises solely for purposes of providing musical entertainment and where—

- (a) that person is at all times supervised by his or her parent, guardian or a person with the parent's or guardian's agreement;
- (b) the work is not performed more than twice a month;
- (c) in the case of a person of compulsory school age, the work is not performed during school hours; and
- (d) the work is not detrimental to the child's mental or physical health or development and does not interfere with the child's education.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Ordinance amends the Welfare of Children Ordinance, 2008, to further regulate the employment of children. A similar provision contained in the Education Ordinance, 2008, which prohibits employment of children is

repealed. The Liquor Ordinance, Cap. 56, is also amended to allow persons aged 16 and older to be employed on tavern premises solely for purposes of providing musical entertainment if certain conditions are met.