

OPEN AGENDA – PUBLIC DOCUMENT

Copy No:

No: 56/2017

Memorandum for Executive Council

SUBJECT

Welfare of Children Ordinance (Employment of Children) (Amendment) Bill, 2017

Memorandum by Chair of the Social and Community Development
Committee

ADVICE SOUGHT

1. Council is asked to consider the attached Welfare of Children (Employment of Children) (Amendment) Bill, 2017 and to recommend it for publication in advance of its presentation at the Legislative Council session of 15th December 2017.

BACKGROUND & CONSIDERATIONS

2. The objective of the amendment Bill is to encourage Children to undertake work experience, whether it is simply for experience or financial gain. These legal changes will put St Helena in line with practices that are adopted in the UK in terms of children being allowed to take up employment as an aside, but not to interfere with, their educational commitments.

3. The review of the legislation and proposing this amendment to the Welfare of Children Ordinance (WOCO) is as a result of a report received. On 30th September 2016 the U.S. Department of Labor (DoL) published its annual Findings on the Worst Forms of Child Labor report. St Helena was one of the 137 jurisdictions that was scrutinised because BOT governments are in receipt of certain trade benefits under the U.S. Generalized System of Preferences. The report (attached) by the DoL assessed St Helena as exhibiting 'Minimal' to 'No Advancement' since the last report.

4. The FCO provided the Report to SHG on 3 October 2016 and the Attorney General brought this to the attention of the Social and Community Development Committee (SCDC) and a mandate was obtained to address this gap in the legislation of St Helena. At the same time, Elected Members raised issues about the legal requirements for young people undertaking work experience on St Helena. So the Bill incorporates provisions about this.

5. The proposed changes are balanced with safeguards to ensure children are not being employed to their detriment, both mentally or physically, and that the employment does not breach any other rights such as their right to an education.

6. The Bill provides for a new Part (XVI) in the Welfare of Children

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Ordinance dealing with Employment of Children. It defines the following concepts: hazardous work, illicit activities, light work, work and work experience. It defines in what circumstances a child under the age of 18 may be employed. It makes it an offence for a person to employ or engage a child in any illicit activity. It gives the Governor in Council power to make Regulations in respect of the employment of children. It repeals section 63 of the Education Ordinance, 2008 (that deals with employment of children) as such provisions will be covered in the new Part XVI of WOCO. It amends the Liquor Ordinance in order to allow persons aged 16 or older to work on the tavern premises solely for purposes of providing musical entertainment and where a number of conditions are met.

FINANCIAL IMPLICATIONS

7. None.

ECONOMIC IMPLICATIONS

8. None.

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES PUBLIC / SOCIAL IMPACT

9. N/A

10. The proposed amendments will provide greater protection for children whilst engaged in employment.

ENVIRONMENTAL IMPACT

11. None.

PREVIOUS CONSULTATION / COMMITTEE INPUT

12. The SCDC considered this Bill on 13th September 2017 and recommended that this Bill is suitable for consultation through :

- a. in-depth discussion with the community
- b.outreach to school children
- c.radio interviews
- d. chamber of commerce

PUBLIC REACTION

13. The public is expected to welcome these measures to ensure that any employment of children is not to their detriment.

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PUBLICITY

14. If approved, mention should be made in the Ex Co report and associated broadcast. In addition, information about the Amendment Bill should be provided to the public through media interviews .

SUPPORT TO STRATEGIC OBJECTIVES

15. This proposal supports the following National Goals:
1. Altogether safer; and,
2. Altogether better for children and young people.

AAG

OPEN /CLOSED AGENDA ITEM

Corporate Support
Corporate Services

DATE OF MEMO

16. Recommended for the open agenda.

19 September 2017