

Minimum Age and other restrictions for Employment of Child as Fishermen

Children under 16 years of age may not be employed or engaged as a fisherman on any kind of fishing vessel unless certain conditions for that employment are met. The child may only do light work and should not be exposed to any situation that would be harmful to them in terms of health, safety or morals. Below is a summary of the legislation that covers this.

Merchant Shipping (Masters and Seaman) Act 1979 – Isle of Man

Section 42 Restriction on employment of persons under eighteen on board ship

- (1) A person under 18 shall not be employed in any ship registered in the Island unless he would be permitted to be employed in that ship if he had entered into an agreement in England to be employed in that ship if it were a ship registered in the United Kingdom

Link: https://legislation.gov.im/cms/legislation/current/by-subject.html?view=acts_by_category

The Merchant Shipping (Work in Fishing Convention) Regulations 2018 - UK

Part 2

Minimum age for fishermen

6 – (1) Subject to paragraphs (2) and (3), a person under 16 years of age must not be employed or engaged to work on board a fishing vessel.

(2) Paragraph (1) does not apply where –

(a) the person is 15 years of age or older;

(b) the employment or engagement is limited to light work during school holidays;

(c) the purpose of the employment or engagement is to facilitate work experience and shadowing; and

(d) the person is able to demonstrate that they have completed a course of training regarding basic survival at sea which satisfied the requirements specified in **Merchant Shipping Notice 1882(F)**.

- (3) A person under 18 years of age must not be employed or engaged to work on board a fishing vessel where the nature of the activities, or the circumstances in which they are carried out are likely to jeopardize that person's health, safety or morals.

Link: <http://www.legislation.gov.uk/ukxi/2018/1106/made>

Child employment is also regulated by the IOM Department of Education, Sport and Culture, and this information can be found online at <https://www.gov.im/media/188187/employment-of-children-regulations-no2-2018.pdf>

In the **Employment of Children (No.2) Regulations 2018**, regulation 4(2) states that 'no child under the age of 16 years may be employed in work other than light work'

Light work is defined in the regulation as;

3(1) "light work" means work which-

(a) Is not likely to be harmful to the safety, health or development of the children; and

(b) Is not such as to harmful to attendance at school, participation in work experience or capacity to benefit from the instruction received or, as the case may be, the experience gained;

To employ a child in contravention of the Employment of Children (No.2) Regulations 2018 is an offence and upon summary conviction will result in a fine. To employ a person in contravention of the Merchant Shipping (Masters and Seamen) Act 1979 is an offence which upon summary conviction will result in a fine. **If you are in any doubt whether your employment contract for fisherman under the age of 16 is legal you are encouraged to take legal or professional advice. This leaflet is produced by the Department of Education, Sport and Culture as guidance to owners of fishing vessels operating in or out of the Isle of Man and is not to be relied upon as a complete or authoritative statement of the law.**

Finally, be aware of the extra considerations when employing young people in accordance with the **Management of Health and Safety at Work Regulations 2003**; regulation 16 covers young persons and children: IOM regulations: <https://www.gov.im/media/622283/managementsregs.pdf>