

The Employment of Children

Guidance notes for employers, children and parents issued by the Department of Education, Sport and Culture supporting the *Employment of Children Regulations 2018*.

The Department values and recognises the employment of young people on the Isle of Man; the below guidance and the new regulations are in place to ensure children are employed with their education, wellbeing and safety in mind.

If you are a child in employment on the Isle of Man:

This guidance and the *Employment of Children Regulations 2018* are in place to ensure you are safe in the work place, and that your education and wellbeing do not suffer due to your employment. If you have any questions or concerns about your employment please do not hesitate to contact the Department of Education, Sport and Culture and we will assist you.

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1. General information:

The *Employment of Children Regulations 2018* replaces the *Employment of Children Regulations 2005*.

You need to be 13 years of age or over to be employed in work on the Isle of Man, and if you are of compulsory school age you can only be employed in light work.

For the purposes of the regulations a 'child of school age' and a 'child under 16' all refer to a child who has not reached school leaving age as defined in the *Education Act 2001*.

A 'child of school age' is defined in the *Education Act 2001* as anyone under compulsory school leaving age, which is 16, but if the child turns 16 during year 11 at school – for example in September - they will not be considered as over school age (16) until the Monday after the last Friday of May the following year. They remain school age when they finish for study leave in Year 11 until the Monday after the last Friday in May.

For a child turning 16 after this date in the academic year the Department considers the young person to no longer be subject to the *Employment of Children Regulations 2018* and for the purposes of employment they are of school leaving age.

Employment includes work carried out for profit where no payment is provided to the child – an example of this would be helping in a parents business, any occupation where the aim is to make a surplus would be considered as a trade or occupation.

2. What a child can't be employed to do if they are of school age:

- Work in a cinema, theatre or nightclub (unless it is in connection with an age appropriate performance)
- Sell or deliver alcohol (except where it is sold or supplied for consumption with a table meal in a part of the premises used only for that purpose. The effect of this exemption is that, for example, a child under the school leaving age working as a waitress or waiter is able to carry alcohol to the table lawfully in a restaurant.)
- Deliver fuel oils
- Prepare food in commercial kitchens
- Work with refuse
- Work more than 3 metres above floor level indoors or out
- Work in employment involving harmful exposure to physical, biological or chemical agents. Employment of children in this type of work is also likely to

be forbidden on health and safety grounds and, as far as hairdressing products are concerned, employers should also note their health and safety guidance.

- Go door to door selling or collecting
- Work involving adult material not suitable for children
- Telephone sales
- In a slaughterhouse or in that part of any butchers shop or other premises connected with the killing of livestock, butchery or the preparation of carcasses or meat for sale.
- In a fairground, amusement hall or arcade
- Work as a personal carer in a care/nursing home
- In any other employment that may be from time to time prohibited by other legislation

However, they can take part in a performance licenced by the Department of Education.

A child can be employed in work experience if they are age 14 years or over, as provided by the school at which they are registered, as part of their education.

3. What work a child of school age can do:

- Work in farming if employed by their parent or guardian on an occasional basis.
- Deliver newspapers
- Shop work including stacking shelves
- Hairdressing assistants
- Office work
- Car washing by hand
- Serving/clearing in a café or restaurant but not in the kitchen - this regulation is aimed at the process of cooking and would not prevent: serving at the counter of a fish and chip shop provided this does not involve getting fish or chips out of a deep fryer; washing up in an area of the kitchen separate from where food is prepared; making sandwiches at the counter of a sandwich bar although the use of sharp knives or slicers should be taken into account on health and safety grounds; and collecting meals from a kitchen or returning empty plates to a kitchen.
- In a riding stables but not to supervise riding or to be left in charge
- Work in hotels in a domestic role
- They can work outside but must be provided with suitable clothing

4. When can a child of school age work?

- They cannot work between 8.30 and 3.30 on a school day

- They can only work one hour before school starts
- They can only work two hours in total on a school day that is followed by another school day
- They can only work 4 hours on a school day that is followed by a non-school day – like Friday
- On a non-school day – at the weekend or school holidays, they can only work 7 hours in total per day.
- They cannot work before 7am or after 9pm on a school day
- On a non-school day they cannot work before 7am or after 10pm
- No child can be employed on more than 6 days in a 7 day period
- A child of school age can work up to 28 hours in total in a week.

Children need to have a two week break in each year period where they are not expected to attend work or school

5. What breaks does a school age child need?

- They need a break for every two hours of continuous work of 15 minutes. For example if they work from 2pm till 6pm they will need a break at 4pm for 15 minutes.
- If they work 4-6 hours as well as a 15 minute break they will need an additional break of half an hour. For example if they start at 2pm and finish at 8pm they will need a break of 15 minutes at 3.45pm, and a break of 30 minutes at 5.45pm.
- If they work over 6 hours in total they will need a full hour break. For example if they start at 9am they need a 15 minute break at 10.45am, an hour break at 12.45pm, and one further 15 minute break at 3.45pm, finishing at 5pm.

If you are unsure of what breaks your school age employee should be having please check with the Department to confirm you are complying.

6. What records do employers need to keep for a school age employee?

Where a child of school age is employed the employer must keep a register of employment for the child (there is a copy of this on the website that you can use, the link is: <https://www.gov.im/media/1361394/register-of-child-employment-2018.pdf>).

This needs to list the child's:

- Full name
- Date of birth
- Address
- Nature or their work

- The date they started
- Their normal working hours
- Actual working hours over the last 6 months
- Rate of pay
- The date they left, if applicable

The above information should be kept securely in line with data protection guidance. It is important for employers to ensure that they have contact details for the child's parents or any other person they may need to contact in the event of an emergency.

You do not need to keep the above information if they are doing work experience for you if it is arranged by the school at which they are registered.

7. What the Department of Education, Sport and Culture does:

An authorised officer from the Department will come and check records where we know children are working, distribute relevant information and enquire from time to time if you have any young workers to ensure our records are up to date. This information must be provided to any authorised officer of the Department, and it is an offence not to supply this information.

8. Implications for schools

Part-time work is potentially beneficial for young people. It introduces them to the world of work and can develop self-confidence, communication and organisational skills, familiarity with money and dealing with other people. But the primary focus should always be on children's full-time learning. Employment can enhance a child's education, but the right balance has to be struck. Schools should be aware that a pupil's absence may be a result of their employment during school hours. Such employment would be in breach of the legislation and the child employment officer at the Department should be notified so that they can take appropriate action to enforce the legislation. Even where it is lawful, it is possible that part-time work may adversely affect a child's school performance and put their education at risk. Where a school suspects that a pupil's absence, tiredness at school, or other problems with concentration or behaviour, may be related to their employment, the school should consider contacting the Department's Child Employment Officer.

9. Implications for Parents

We know parents take an active interest in their child's employment experience and want to be satisfied that their child's health, safety, welfare and education will not be jeopardised by the employment. We would expect employers to respond to enquiries from parents seeking to satisfy themselves about this. Parents should ensure that employers are given all relevant information about any special needs or medical conditions their child may have. It is also important that emergency contact

arrangements are in place between the child, the employer and the parents. Children should inform their parents when they obtain employment.

10. Babysitting:

Although this is not normally considered to be employment as it is usually conducted without any form of employment contract and is often unpaid, parents should consider a range of factors before allowing their child to babysit or using a babysitter themselves. It is a good idea for parents to ensure that they know the people their child is babysitting for. Parents might also want to check that arrangements are in place for their child to return home safely from babysitting. If a parent chooses to leave their child with a babysitter who is under 16 the parent remains legally responsible for ensuring that their child comes to no harm – they cannot delegate their parental responsibility.

11. Safeguarding:

The safety and welfare of children - or safeguarding - is everyone's business. You could be a neighbour, friend, parent, relative, employer, teacher, doctor - or working for any organisation which has contact with children and young people. Safeguarding means to protect children from abuse or neglect; it also means helping children to grow up into confident, healthy and happy adults. If you have any concerns in regard to a child you can report them to:

Department of Health & Social Care: Tel No: 01624 – 686179. The address is as follows: **Children & Families Division**, 2nd Floor, Murray House, Mount Havelock, Douglas, Isle of Man, IM1 2SF

The Police numbers are:

The Public Protection Unit

During office hours the number is **01624 - 631493**.

Outside of office hours - Police Headquarters, **01624 - 631212** where the call will be transferred to either a Duty Detective or Duty Sergeant.

12. The Health and Safety of young people in the workplace:

The Department values and recognises the gains child employment offers young people, and takes a common sense approach to what work children of school age can and cannot do.

It would be good practice to let your insurer know that you have a young employee.

All employers have a general duty to ensure, so far as is reasonably practicable, the health, safety and welfare of all their employees. All employers have to carry out risk

assessments, and record them if they employ 5 or more employees. In addition, where young persons are employed, every employer must ensure that young persons employed by that employer are protected at work from any risks to their health or safety which are a consequence of their lack of experience or absence of awareness of existing or potential risks or the fact that young persons have not fully matured.

For employment in low-risk environments, such as offices or shops, with everyday risks that will mostly be familiar to the young person, your existing arrangements for other employees may be enough.

If you require advice about Health and Safety at work or carrying out risk assessments in general please visit the Government website:

<https://www.gov.im/categories/working-in-the-isle-of-man/health-and-safety-at-work/>

13. Absence from school:

Any absence from school due to employment (not including work experience arranged by the school) whether paid or unpaid could lead to action against the parents and employer.

14. Employers Tax

For guidance on how to treat your young employee for the purposes of Income Tax please follow the attached link to the Employers Tax section on the Isle of Man Government website:

<https://www.gov.im/categories/tax-vat-and-your-money/income-tax-and-national-insurance/employers/>

Included is a contact form if you have any questions and also an Employers Guide.

15. Offences

- If a child is employed in contravention of regulations 4,5,6,7 or 8 **both the employer and the parent** are guilty of an offence, section 11(1).
- If an employer does not keep a child employment register they are guilty of an offence, section 11(2).
- Obstructing an authorised officer is an offence, section 11(3).

Upon summary conviction a fine will be issued not exceeding level 5 on the standard scale.

These notes are for guidance only. Employers and parents are advised to read the full Regulations, a copy can be found on the Government website at www.gov.im or can be obtained from the Department of Education, Sport and Culture.

Contact information:

For further information on Child Employment please contact:

Child Employment Officer

The Department of Education, Sport and Culture,

This Slieau Whallian

St John's, Isle of Man, IM4 3AS

Tel: (01624) 685808

E-mail: Admin.DESC@gov.im

For information on minimum wage for someone of compulsory school age please visit our website: <https://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/minimum-wage/>

For further advice on general employment please visit our website: <https://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/>