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EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN ACT

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EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN ACT

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EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN ACT

Interpretation

1. In this Act—

"child" means a person under the age of 14 years;

"guardian" includes any person who is liable to maintain or has the actual custody of a child or young person;

"industrial undertaking" includes—

(a) mines, quarries, and other works for the extraction of minerals from the earth;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including shipbuilding, and the generation, transformation and transmission of electricity or motive power of any kind; and

(c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

and, in relation to the employment of young persons and children, also includes transport of passengers or goods by road or rail, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand;

"Labour Inspector" means any person appointed as a Labour Inspector under the Labour Department Act and includes the Labour Commissioner exercising the powers conferred on a Labour Inspector under that Act;

"night" signifies a period of at least 11 consecutive hours including the interval between 10:00 p.m. and 5:00 a.m.;

"ship" means any seagoing ship or boat of any description registered in Anguilla;

"woman" includes all persons of the female sex without distinction of age;

"young person" means a person who has ceased to be a child and who is under the age of 18 years.

Determination of industrial undertaking

2. The Governor in Council may by regulation, define the line of division which separates industry from commerce and agriculture, and declare any class of undertaking to be an industrial undertaking for the purposes of this Act.

Prohibition of employment of children

3. (1) No child shall be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, and any person who employs any child or permits him to work in contravention of this section is guilty of an offence.

(2) The provisions of this section shall not apply to the exercise of manual labour by any child under order of detention in a reformatory or industrial school, or by any child receiving instruction in manual labour in any school, if such work is approved and supervised by public authority.

Prohibition of employment of children on ships

4. No child shall be employed or work on any ship other than a ship upon which only members of the same family are employed; and any person who employs any child or permits him to work in contravention of the provisions of this section is guilty of an offence.

Liability of parent or guardian

5. Any parent or guardian of a child who, by wilful default, or by habitually neglecting to exercise due care, has conduced to the commission of the offence of taking a child into employment in contravention of this Act is guilty of an offence.

Restrictions on employment at night of young persons

6. (1) Except as hereinafter provided, no young person shall be employed or work during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, and any person who employs any young person or permits him to work in contravention of the provisions of this section is guilty of an offence.

(2) Young persons over the age of 16 years may be employed or work during the night in the following industrial undertakings on work which, by reason of the nature of the process, is required to be carried on continuously day and night, that is to say—

(a) manufacture of raw sugar;

(b) any other undertaking which may be declared to come under the exception created by this subsection by regulation of the Governor in Council.

(3) The provisions of subsection (1) shall not apply to the night work of young persons over the age of 16 years in cases of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

Registers to be kept

7. (1) Every employer in an industrial undertaking shall keep a register of all persons under the age of 16 years employed by him, and every shipmaster shall keep a register, or a list in the articles of agreement, of all such persons employed on board his ship.

(2) Such register or list, as the case may be, shall contain particulars of the names, addresses, and dates of birth of all such persons, and of the dates on which they enter and leave such

employment, and shall on request at any reasonable time be produced for inspection by any Labour Inspector.

(3) Any employer or shipmaster failing to comply with or acting in contravention of the provisions of this section is guilty of an offence and is liable on summary conviction to a penalty of $3,840.

False certificate or representation as to age

8. Where a child or young person is taken into employment in contravention of this Act on the production, by or with the privity of the parent or guardian, of a false or forged certificate, or on the false representation of his parent or guardian that such child or young person is of an age at which such employment is not in contravention of this Act, that parent or guardian is guilty of an offence.

Restrictions on employment at night of women

9. (1) Except as hereinafter provided, no woman shall be employed or work during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, and any person who employs any woman or permits her to work in contravention of the provisions of this section is guilty of an offence.

(2) The provisions of this section shall not apply—

(a) to women holding responsible positions of management who are not ordinarily engaged in manual work;

(b) in cases of force majeure, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character; or

(c) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve such materials from certain loss.

Liability of agent or workman

10. (1) Where the offence of taking a woman or young person or child, as the case may be, into employment in contravention of this Act is committed by an agent or workman of the employer, such agent or workman is liable to a penalty as if he were the employer.

(2) Where an employer is charged with any offence under this Act, he shall be entitled upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the Court is satisfied that the employer used due diligence to comply with the provisions of this Act and that the other person committed the offence in question without the employer's knowledge, consent or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any penalty.

Reduction of night period

11. In industrial undertakings which are influenced by the seasons of the year, and in all cases where exceptional circumstances demand it, the Governor in Council may, by regulation, declare that the prohibition of the night work of women shall extend to a period of 10 hours only instead of 11 hours on 60 days of the year.

Suspension of prohibition of night work

12. When in case of serious emergency the public interest demands it, the Governor in Council may, by regulation, suspend the prohibition of night work in relation to young persons over the age of 16 years as respects all industrial undertakings for such period as he may deem necessary.

Inspection of premises

13. (1) A Labour Inspector shall have power to enter any premises or place wherein any industrial undertaking is carried on, or to board any ship, for the purpose of ascertaining whether any woman, young person, or child is employed in contravention of this Act, and to inspect such premises, place or ship, and examine any person therein touching the employment of any woman, young person or child.

(2) Any person who assaults, hinders or obstructs any Labour Inspector in the execution of any duty under this Act is guilty of an offence and is liable on summary conviction to a penalty of $3,840.

Regulations

14. The Governor in Council may make regulations with respect to—

(a) the cleanliness, freedom from effluvia, overcrowding, ventilation and general sanitary conditions of any premises or place wherein women, young persons or children are employed;

(b) the maximum hours of employment of women, young persons or children and the times allowed for meals;

(c) generally for the better carrying out of the provisions of this Act.

Penalty

15. Any person guilty of an offence against this Act or any regulations made thereunder for which no penalty is expressly provided is liable on summary conviction to a penalty of $960, and in the case of a second or subsequent offence to a penalty of $1,920.

Citation

16. This Act may be cited as the Employment of Women, Young Persons and Children Act, Revised Statutes of Anguilla, Chapter E55.

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