The Employment of Children

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

General information:


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.

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.

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 (they can serve tables in a restaurant as long as they have not poured the drink and are not selling it, just carrying it to the table)
- Deliver fuel oils
- Prepare food in commercial kitchens
- Work with refuse
- Work more than 3 metres above floor level indoors or out
- Work with chemical or biological agents that may be harmful to them
- Go door to door selling or collecting
- Work involving adult material not suitable for children
- Telephone sales
- In a slaughterhouse or cutting up carcasses for a butchers
- 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 and they can be employed in work experience, as provided by the school at which they are registered, as part of their education.

**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 (not in the 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

**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**

**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.

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

A register of child employment for the child (there is a copy of this on the website). 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.

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.

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 form 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.

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, which is £5000.
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.

For further information on Child Employment please contact the Child Employment Officer at: The Department of Education, Sport and Culture, Hamilton House, Peel Road, Douglas, IM1 5EZ. Tel: (01624) 685820, e-mail: admin@doe.gov.im