

**PROTECTION OF YOUNG PERSONS  
(EMPLOYMENT) ACT, 1996**



**Guide for  
Employers and Employees**

**Issued by  
Department of Enterprise, Trade and Employment**

**Web: [www.entemp.ie](http://www.entemp.ie)**



## Protection of Young Persons (Employment) Act, 1996

### Guide

The Act is designed to protect young workers under the age of 18. This guide gives general information to employers and employees on the Act and is not a legal interpretation. It presents in non-legal language an outline of the rights and obligations under the Act. For further information, contact the Employment Rights Information Unit, Department of Enterprise Trade and Employment, Davitt House, 65A Adelaide Road, Dublin 2, phone 01-6313131 (Lo-Call 1890 201 615), **web: [www.entemp.ie](http://www.entemp.ie)** or consult the text of the Act itself. Copies of this Guide may be obtained from the Employment Rights Information Unit.

Other useful telephone numbers:

Employment Appeals Tribunal	01-631 2121
Lo-Call	1890 220 222
Labour Relations Commission	01-6136700
Lo-Call	1890 220 227
Rights Commissioner Service	01-6136700
Lo-Call	1890 220 227

Note: The Lo-Call numbers may be used by callers from outside the 01 area.

Department of Enterprise, Trade and Employment  
Dublin 2.

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## **PROTECTION OF YOUNG PERSONS (EMPLOYMENT) ACT 1996**

### **1. SUMMARY OF THE ACT AND ITS SCOPE**

#### **1.1 Purpose Of The Act**

This Act consolidates the law on young workers and gives effect to international rules on protecting young workers drawn up by the International Labour Organisation (I.L.O.) and the European Union (E.U.). The law is designed to protect the health of young workers and to ensure that work during the school years does not put a young person's education at risk. The law sets minimum age limits for employment, sets rest intervals and maximum working hours, and prohibits the employment of under 18s on late night work. Employers must keep specified records for their workers who are under 18.

#### **1.2 Who Is Covered By The Act?**

The Act applies generally to young employees under 18 years of age.

Under the Act (as amended by Section 31 of the Education Welfare Act 2000)

- a "child" means a person who has not reached the age of 16 years.
- a "young person" means a person who has reached 16 years but has not reached the age of 18 years.

To make it simpler, this Guide refers to these as "under 16s and "16 and 17 year olds".

#### **1.3 The Minimum Age For Employment**

Employers may not employ those aged under 16 in a regular full-time job. Employers may take on 14 and 15 year olds on light work -

- during the school holidays
- part-time during the school term (over 15 years only) or

- as part of an approved work experience or educational programme

where the work is not harmful to their safety, health, or development. Rules on maximum working hours, early morning and night work, and rest periods for this age group are set out in Section 2 below.

Children under 16 may be employed in film, cultural, sport or advertising work under licences issued by the Minister for Enterprise, Trade and Employment which set out specific protection for this age group.

## **2. CONDITIONS OF EMPLOYMENT, HOURS OF WORK AND REST PERIODS**

### **2.1 Maximum Weekly Working Hours For Under 16s**

	<b>14</b>	<b>15</b>
Term-time	Nil	8 hours
Work experience	40 hours	40 hours

Where the maximum week is 35 hours, the maximum day is 7 hours. A maximum 40 hours week means a maximum 8 hour day.

During the summer holidays, under 16s must have at least 21 days free from work.

### **2.2 Time off and rest breaks for under 16s**

Half hour rest break after	4 hours work
Daily rest break	14 consecutive hours off
Weekly rest break	2 days off, as far as practicable to be consecutive

### **2.3 Working hours, time off and rest breaks for 16 and 17 year olds**

Maximum working day	8 hours
Maximum working week	40 hours

Half hour rest break after	4½ hours work
Daily rest break	12 consecutive hours off
Weekly rest break	2 days off, as far as practicable to be consecutive

#### 2.4.1 Limits on night and early morning work

Under 16s may not be required to work before 8 a.m. in the morning or after 8 p.m. at night

In general, 16 and 17 year olds may not be employed before 6 a.m. in the morning or after 10 p.m. at night.

During school holidays, and on weekend nights where the young person has no school the next day, 16 and 17 year olds may work up to 11 p.m. at night (however, please note that night work beyond 10pm requires Ministerial approval by regulation). The ban on early morning work then moves forward to 7 a.m.

These rules follow the I.L.O. Convention on Night Work of Young Persons which has been ratified by Ireland.

#### 2.4.2 Additional regulations on night work for young persons.

Regulations have been made which permit young persons to work beyond 10pm in certain circumstances as follows :

- (i) **Protection of Young Persons Act, 1996 (Employment in Licensed Premises) Regulations, 2001 - (S.I. 350 of 2001).**  
 These Regulations concern the employment of young persons (16 or 17 year olds) employed at any time in licensed premises (as defined) be it summer, other holidays or part-time work on general duties in a licensed premises, which premises is used in whole or in part to sell food or intoxicating liquor or both for consumption on those premises. For the purposes of these Regulations, "general duties" does not include supplying intoxicating liquor from behind the bar counter in a licensed premises or supplying it for consumption off those premises.

These Regulations provide that the young person may be required to work up until 11p.m. in such premises on a day, which is not immediately preceding a school day, during a school term where the young person is attending school. The regulations also require the young person not to re-commence work before 7a.m. on the following day.

These Regulations also provide that the employer of a young person employed on general duties in a licensed premises should have regard to the terms of the Code of Practice concerning the Employment of Young Persons in Licensed Premises. The terms of the Code of Practice are set out in a Schedule to the Regulations and are available on request from the Department.

(ii) **Protection of Young Persons Act, 1996 (Bar Apprentices) Regulations, 2001 - (S.I. 351 of 2001).**

These Regulations provide that a young person (a 16 or 17 year old), employed as an apprentice in a full time capacity in a licensed premises (as defined), may be required to work up to midnight on any one day and not before 8 a.m. on the following day provided that the young person is supervised by an adult.

## **2.5 Where two or more jobs are held**

Where someone under 18 works for more than one employer, the combined daily or weekly hours of work may not exceed the maximum hours set out above. Employers,, young persons (i.e. 16 and 17 year olds) or parents, who help a breach of this law may commit an offence.

## **2.6 Employment on work experience or training programmes**

Persons aged 15 may be employed as part of an approved (by FÁS or the Minister) training programme, and an employer may employ a 14 or 15 year old who is a full-time second level student

as part of a work experience or educational programme. These placements are for a maximum 8 hours a day or 40 hours a week.

### **2.7 Employment of children in cultural, artistic, sports or advertising activities**

Children (i.e. under 16s) can be employed in cultural, artistic, sports or advertising work which is not harmful to the safety, health or development of the child and does not interfere with the child's attendance at school, where permission by licence has been received from the Minister for Enterprise Trade and Employment. The licence sets out the conditions under which these children may be employed such as general conditions about parental consent, supervision and education arrangements, and the maximum working times and minimum breaks appropriate to each age group.

Further details may be obtained from Employment Rights Section, Department of Enterprise, Trade and Employment, Davitt House, Adelaide Road, Dublin 2.

## **3. EXCEPTIONS**

### **3.1 Work At Sea**

Compensatory rest breaks in a day or a week can be given in place of the specified rest breaks for young workers employed in fishing or shipping, provided it is reasonable to vary the prescribed arrangements and the employees' trade union or representative has been consulted.

### **3.2 Defence Forces**

The rules on hours of work, night work and minimum periods of rest do not apply to young people who are members of the Defence Forces when on active service; engaged in operational duties at sea or in aid of the civil power or in training associated with such activities.

### **3.3 Close relatives/farming**

Regulations modify the detail of the Act in relation to employment of close relatives in a family business or farm provided the conditions of employment meet the terms of the E.U. Directive and the health and safety of the young people concerned is not put at risk.

## **4. SAFETY, HEALTH AND WELFARE AT WORK**

Employers are obliged (under regulations made under the Safety, Health and Welfare at Work Act, 1989) to assess any risk to the safety, health and welfare of a child or young person at the place of work and to take any preventive measures necessary.

## **5. DUTIES OF EMPLOYERS**

### **5.1 Evidence Of Age And Written Permission Of Parents**

Before employing a young person or child, an employer must see a copy of the birth certificate or other evidence of age and, before employing under 16s, an employer must get the written permission of a parent (or guardian)

### **5.2 Records To Be Kept By Employer**

An employer must keep a register of similar record, with the following details in relation to every employee aged under 18;

- (i) full name,
- (ii) date of birth,
- (iii) starting and finishing times for work,
- (iv) wage rate and total wages paid to each employee.

To show the Act is being complied with, an employer must keep records for at least three years at the place of employment.

### **5.3 Summary of Act To Be Given To Workers Under 18**

Regulations made under the Terms of Employment (Information) Act, 1994 require employers to give to their workers aged under 18 a copy of the official summary of the Protection of Young Persons (Employment) Act together with the other details of their terms of employment within one month of taking up a job.

### **5.4 Summary Of Act To Be Displayed**

Every employer who has employees aged under 18 must display the official summary (abstract) of the Act at the work place where it can easily be read. Copies of the abstract in both leaflet and poster format are available from the Information Unit of the Department of Enterprise, Trade and Employment, Davitt House, Adelaide Road, Dublin 2.

## **6. OFFENCES AND PENALTIES**

### **6.1 Summary Procedures**

The Minister can take a summary prosecution for any offence under this Act. An employee's trade union may also take a summary prosecution for offences other than those under section 19 (conduct of an employer at the Employment Appeals Tribunal) or section 22 (obstruction of inspectors etc.) of the Act.

### **6.2 Time Limit**

Proceedings for an offence under this Act may be started within 12 months of the date of the offence.

### **6.3 Fines**

A person guilty of an offence under the Act is liable on summary conviction to a fine of up to Euro 1,904.61 (£1,500). Continuing contraventions can attract a fine of up to Euro 317.43 (£250) per day.

## **7. COMPLAINTS AND INSPECTION**

Complaints about infringements of this Act (other than contravention of sections 13 and 17 - see section 8 below) may be made in confidence to the Employment Rights Section, Department of Enterprise, Trade and Employment, Davitt House, Adelaide Road, Dublin 2. The Department's Inspectors, who have powers to enter places of work, question employers and employees and examine records, do not reveal without the consent of the person making the complaint, whether the inspection is a routine one or is as a result of a complaint.

## **8. COMPLAINTS TO RIGHTS COMMISSIONER**

### **8.1 Referral Of Complaints**

The parent or guardian of a child or a young person may present a complaint to a Rights Commissioner that an employer has contravened section 13 (preservation of existing rates of pay and conditions) or section 17 (refusal to co-operate with the employer in breaching the Act). A complaint to a Rights Commissioner may be made by giving notice of it in writing on the appropriate form, which is available from the Information Unit or Employment Rights Section, Department of Enterprise, Trade and Employment or from the Rights Commissioner Service, Labour Relations Commission, Tom Johnson House, Haddington Road, Dublin 4 (phone 01-6136700).

A complaint must be made within the period of 6 months beginning on the date of the contravention to which the complaint relates. The Rights Commissioner will send a copy of the notice of complaint to the employer. The Rights Commissioner will then give the parties an opportunity to be heard by him/her and to present any evidence relevant to the complaint. After the hearing, which will be in private, the Rights Commissioner will issue a written recommendation which will be sent to both parties.

## **8.2 Rights Commissioner's Recommendation**

The recommendation of the Rights Commissioner may:-

- (a) accept or reject the complaint,
- (b) order the employer to take a specific course of action,
- (c) order the employer to pay the employee compensation of such amount (if any) as is fair having regard to all the circumstances.

## **9. EMPLOYMENT APPEALS TRIBUNAL**

### **9.1 Appeals From Recommendation Of Rights Commissioner**

An employer or an employee may appeal to the Employment Appeals Tribunal from a recommendation of a Rights Commissioner. The appeal must be made within 6 weeks of the date on which the Rights Commissioner sent the recommendation to the parties.

An appeal may be made by giving notice of the appeal in writing to the Employment Appeals Tribunal, Davitt House, Adelaide Road, Dublin 2. The Tribunal will send the notice to the other party involved. Copies of a notice of appeal form may be obtained from the Information Unit, Department of Enterprise and Employment, Davitt House, Adelaide Road, Dublin 2.

The Tribunal will give the parties an opportunity to be heard and to present any evidence relevant to the appeal. The Tribunal will then issue a written determination which may affirm, vary or set aside the recommendation of the Rights Commissioner. The determination will be sent to both parties.

## **9.2 Where Employer Has Not Implemented Recommendation Of Rights Commissioner**

Where an employer has neither implemented nor appealed a Rights Commissioner's recommendation, the employee may complain to the Employment Appeals Tribunal. In such circumstances, the Tribunal has the power, without re-hearing the case, to issue a determination to the same effect as the recommendation of the Rights Commissioner.

## **9.3 Failure To Co-Operate With Employment Appeals Tribunal**

Failure to appear before the Employment Appeals Tribunal when so requested and/or failure to give evidence or produce documentation is an offence liable, on summary conviction, to a fine of up to Euro 1,904.61 (£1,500).

## **9.4 Appeals To The High Court**

A party to proceedings before the Employment Appeals Tribunal may appeal to the High Court from a determination of the Employment Appeals Tribunal on a point of law.

## **9.5 Referrals By The Minister To The High Court**

The Minister for Enterprise, Trade and Employment may, at the request of the Tribunal, refer a question of law to the High Court for determination.

## **9.6 Enforcement Of Determinations Of Employment Appeals Tribunal**

An employer must carry out a determination of the Employment Appeals Tribunal within 6 weeks, unless the determination is under appeal to the High Court. If the employer fails to implement such a determination,

- (i) the parent or guardian of the employee concerned,

- (ii) the trade union of the young person concerned, or
- (iii) the Minister for Enterprise, Trade and Employment, if he or she considers it appropriate on behalf of the employee,

may apply to the District Court for an order directing the employer to carry out the determination. In such circumstances, the District Court, has the power, without re-hearing the case, to make an order directing the employer to implement the determination and may also order the employer to pay interest on the amount of any financial compensation awarded.

#### **10. ENACTMENTS REPEALED**

This Act repeals the Protection of Young Persons (Employment) Act, 1977. The Act also repeals sections 15, 41(1)(b), 45, 47 and 49(7) of the Conditions of Employment Act, 1936 which relate to the conditions of employment etc. of young persons.