



Jersey

# **CHILDREN (REGULATION OF EMPLOYMENT) (JERSEY) ORDER 2011**

## **Official Consolidated Version**

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Jersey

## CHILDREN (REGULATION OF EMPLOYMENT) (JERSEY) ORDER 2011

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## CHILDREN (REGULATION OF EMPLOYMENT) (JERSEY) ORDER 2011

THE MINISTER FOR HEALTH AND SOCIAL SERVICES, in pursuance of Article 48 of the [Children \(Jersey\) Law 2002](#), orders as follows –

Commencement [[see endnotes](#)]

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### 1 Interpretation

(1) In this Order, unless the context otherwise requires –

“child” means a person who has not attained the age of 16 years and is below the upper limit of compulsory school age, as defined in Article 2 of the [Education \(Jersey\) Law 1999](#);

“premises” includes land, a vehicle and a trailer;

“school day” means, in relation to a child, any day on which the school at which a child is registered is open for instruction;

“school term” means, in relation to a child, a term for the school at which the child is a pupil;

“week” means any period of 7 consecutive days commencing with Monday.

(2) For the purposes of this Order –

(a) any reference to employment shall be construed so as to include work done for another person; and

(b) any reference to an employer shall be construed as to include the person for whom that work is done,

where the work is done in the circumstances described in Article 48(5) of the [Children \(Jersey\) Law 2002](#).

(3) Where a child is employed by more than one employer, the child’s working hours shall be cumulative.

### 2 Prohibition of employment of children under 13 years of age

A child who is under the age of 13 years shall not be employed in any capacity.

### **3 Permitted hours of employment**

A child may only be employed, on any day, outside school hours, between 6 a.m. and 8.15 p.m..

### **4 Restriction of number of hours of employment in a day and week**

- (1) A child shall not be employed –
  - (a) on any school day, for more than 2 hours;
  - (b) in a school week, for more than 12 hours.
- (2) A child aged under 15 years shall not be employed –
  - (a) on any day which is not a school day, for more than 7 hours;
  - (b) in a holiday week, for more than 25 hours.
- (3) A child aged 15 years shall not be employed –
  - (a) on any day which is not a school day, for more than 8 hours;
  - (b) in a holiday week, for more than 35 hours.
- (4) For the purposes of this Article –
  - (a) a school week is any week in which there is at least one school day;
  - (b) a holiday week is any week in which there are no school days.

### **5 Restriction of days of employment in a week**

A child shall not be employed on more than 6 days in a week.

### **6 Rest periods and breaks**

- (1) In each period of 24 hours, a child shall have a rest period of at least 14 consecutive hours.
- (2) In each period of one year a child shall have, during a school holiday, a rest period free of work of at least 2 consecutive weeks.
- (3) Where a child works for more than 4½ hours in a day, the child shall be entitled to an uninterrupted rest period of at least 30 minutes.

### **7 Prohibited work**

- (1) A child shall not be employed in work which –
  - (a) is likely to be harmful to the child's safety, health or development; or
  - (b) is such as to prejudice the child's attendance at school, the child's participation in vocational, orientation or training programmes, or the child's capacity to benefit from the instruction received.
- (2) Without prejudice to the generality of paragraph (1), a child shall not, in the course of his or her employment –

- (a) undertake work of any kind in premises which are a nightclub, dance hall, discotheque, bar or public house or like establishment unless the work is licensed under Article 50(1) of the [Children \(Jersey\) Law 2002](#) or work for which a licence is not required by virtue of paragraph (3) of that Article;
- (b) undertake work of any kind in a kitchen in which food is prepared for sale in the course of a business;
- (c) undertake work of any kind in a slaughterhouse or in any part of a butcher's shop or other premises connected with the killing of livestock, butchery or the preparation of carcasses or meat for sale;
- (d) sell or deliver liquor;
- (e) sell or deliver tobacco;
- (f) sell or deliver fuel oil;
- (g) collect or sort refuse;
- (h) undertake any work, whether in a fairground or amusement arcade or like place, connected with the provision of public amusement by means of automatic machines, shooting ranges or games of chance or skill;
- (i) undertake any work which involves harmful exposure to physical, biological or chemical agents;
- (j) undertake any work which involves door-to-door sales or canvassing or collection of money in payment for goods delivered to households, or any related work, unless the child works under the direct and constant supervision of an adult;
- (k) undertake any work at an elevation from which the child could fall more than 2 metres, whether or not the work is undertaken using a ladder, scaffold, harness, platform or any other temporary or permanent structure;
- (l) undertake any work administering personal care to residents of a nursing home within the meaning of Article 1A of the [Nursing Homes \(Jersey\) Law 1994](#) or a care home service, home care service or adult day care service within the meaning of Schedule 1 to the [Regulation of Care \(Jersey\) Law 2014](#); or
- (m) undertake any work which involves exposure to adult material or places the child in situations which are, for this reason, otherwise unsuitable for children.<sup>1</sup>

## **8 Duty to child who works without pay**

Where, by virtue of Article 48(5) of the [Children \(Jersey\) Law 2002](#) a child is, for the purposes of this Order, treated as employed, the employer shall have the same duties to the child as an employer would have to an employee under the [Health and Safety at Work \(Jersey\) Law 1989](#).

## **9 Employment authorized by other enactment**

- (1) Article 2 or 3 of this Order shall not apply to the employment of a child to the extent that, as the case requires, the employment of a child under the age of 13 or the employment of a child outside the hours permitted by Article 3 is authorized by a

licence granted by the Minister under Article 50 of the [Children \(Jersey\) Law 2002](#) or permitted, without a licence, by paragraph (3) of that Article.

- (2) Article 6, 7 and 8 of this Order shall not apply to the employment of a child to which the [Shipping \(Employment of Young People\) \(Jersey\) Order 2007](#) applies.
- (3) Article 7 of this Order shall not apply to an employment arranged or approved as described in Article 26(2) of the [Education \(Jersey\) Law 1999](#).
- (4) An employment arranged or approved as described in Article 26(2) of the [Education \(Jersey\) Law 1999](#) shall be disregarded when calculating, for the purposes of Article 4 or 5 of this Order, any cumulative total of hours or days of employment.

## 10 Citation

This Order may be cited as the Children (Regulation of Employment) (Jersey) Order 2011.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Children (Regulation of Employment) (Jersey) Order 2011	<a href="#">R&amp;O.77/2011</a>	1 October 2011
Regulation of Care (Regulated Activities) (Jersey) Regulations 2018	<a href="#">R&amp;O.118/2018</a>	1 January 2019

### Table of Renumbered Provisions

Original	Current
None	

### Table of Endnote References

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<sup>1</sup> Article 7(2) *amended by R&O.118/2018*