

CHAPTER 107.**EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN.****ARRANGEMENT OF SECTIONS.****SECTION.**

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SCHEDULE.

CHAPTER 107.**EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN.****An Ordinance to carry out certain Conventions relating to the employment of women, young persons and children.**

[1ST APRIL, 1938.]

WHEREAS at Washington, on the 28th November, 1919, a general conference of the International Labour Organisation of the League of Nations adopted three Conventions containing (together with other provisions) the provisions set forth in Part I, Part II, and Part III of the schedule to this Ordinance

AND WHEREAS at Genoa on the 9th July, 1920, a general conference of the International Labour Organisation of the League of Nations adopted a convention containing (together with other provisions) the provisions set out in Part IV of the schedule to this Ordinance ;

AND WHEREAS it is expedient that for the purpose of carrying out the said Conventions the provisions hereinafter contained should have effect :

BE IT, THEREFORE, enacted by the Governor of British Guiana, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Employment of Women, Young Persons and Children Ordinance. Short title.

2. In this Ordinance the following expressions shall have the meanings hereby assigned to them and these meanings shall apply to the said expressions where used in the schedule :— Interpretation.
7 of 1940, s. 2.

“ child ” means a person under the age of fourteen years ;

“ young person ” means a person who has ceased to be a child and who is under the age of sixteen years ;

“ industrial undertaking ” has, with respect to the employment of children, young persons, and women the meanings respectively assigned thereto in the Conventions set out in Parts I, II and III of the schedule to this Ordinance ;

“ ship ” means any sea-going ship or boat of any description which is registered in this Colony as a British Ship.

3. (1) No child shall be employed in any industrial undertaking. Restriction on the employment of women, young persons and children in industrial undertakings.

(2) No young person or woman shall be employed at night in any industrial undertaking, except to the extent to which and in the circumstances in which such employment is permitted under the Conventions set out in Part II and Part III respectively of the schedule to this Ordinance.

(3) Where young persons are employed in any industrial undertaking, a register of the young persons so employed, and of the dates of their birth, and of the dates on which they enter and leave the service of their employer, shall be kept and shall at all times be open to inspection.

4. (1) No child shall be employed in any ship except to the extent and in the circumstances in which such employment is permitted under the Convention set out in Part IV of the schedule to this Ordinance. Restrictions on the employment of children in ships.

(2) The master of a ship shall, if young persons under the age of sixteen years are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open to inspection.

Offences.

5. (1) If any person employs a child or a young person in any industrial undertaking in contravention of this Ordinance, he shall be liable on summary conviction to a fine not exceeding ten dollars, or, in the case of a second or subsequent offence, not exceeding twenty-four dollars.

(2) Where the offence of taking a child into employment in contravention of this Ordinance is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

(3) Where an employer is charged with any offence under this Ordinance, 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 had used due diligence to comply with the provisions of this Ordinance, and that the other person had 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 fine.

(4) When it is made to appear to the satisfaction of an officer or sub-officer of the police force at the time of discovering the offence, that the employer had used all due diligence to enforce compliance with this Ordinance, and also by what person the offence had been committed, and also that it had been committed without the knowledge, consent or connivance of the employer, and in contravention of his order, then the officer or sub-officer shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer.

(5) If it appear to any justice of the peace on the complaint of a member of the police force, that there is reasonable cause to believe that a child is employed in contravention of this Ordinance in any place, whether a building or not, such justice may by order under his hand empower any member of the police force to enter such place at any reasonable time, within forty-eight hours from the date of the order, and examine such place and any person therein touching the employment of any child therein. Any person refusing admission to a member of the police force authorised by an order under this subsection or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty not exceeding ninety-six dollars.

(6) If any person being the employer of a young person fails to keep such a register so required to be kept by him as aforesaid or refuses or neglects when required to produce it for inspection by an officer or sub-officer of the police force, he shall be liable on summary conviction to a fine not exceeding ninety-six dollars.

(7) If a person employs a woman in contravention of this Ordinance, he shall be liable on summary conviction to a fine not exceeding ninety-six dollars.

(8) If any child is employed in any ship in contravention of this Ordinance, the master of the ship shall be liable on summary conviction for each offence to a fine not exceeding ten dollars or, in the case of a second or subsequent offence, not exceeding twenty-four dollars.

(9) If the master of a ship fails to keep such a register so required to be kept by him as aforesaid, or refuses or neglects when required to produce it for inspection by the harbour master or an officer of customs, he shall be liable on summary conviction to a fine not exceeding ninety-six dollars.

(10) If any parent of or any person who is liable to maintain or has the actual custody of a child or young person has, by wilful default or by habitually neglecting to exercise due care, conduced to the commission of the offence of taking a child into employment in contravention of this Ordinance, he shall be liable on summary conviction to a fine not exceeding ten dollars or, in case of a second or subsequent offence, not exceeding twenty-four dollars.

(11) Where a child is taken into employment in any industrial undertaking or in any ship in contravention of this Ordinance on the production, by or with the privity of the parent, of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Ordinance, that parent shall be liable on summary conviction to a fine not exceeding ten dollars.

6. The Governor in Council may make regulations—

(a) defining the line of division which separates industry from commerce and agriculture ;

(b) extending any of the provisions of this Ordinance which apply to young persons or to children to persons who are not young persons or children, as the case may be, but are under the age of eighteen years, in respect of any occupation or occupations in which the employment of such persons may seem deleterious ;

Regulations.
6 of 1934,
s. 2.

(c) in industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, reducing the night period for the non-employment of women to ten hours on sixty days of the year ;

(d) in respect of safety and sanitary conditions (including ventilation, overcrowding, *et cetera*) in regard to any industrial undertakings in which women, young persons or children are employed ; and

(e) in respect of the inspection and supervision of the employment in industrial undertakings of young persons under the age of fourteen years, and children.

Savings.

7. (1) The provisions of this Ordinance shall be in addition to and not in derogation of any of the provisions of any other Ordinance restricting the employment of women, young persons or children.

(2) Nothing in this Ordinance shall apply to an industrial undertaking or ship in which only members of the same family are employed.

(3) Nothing in this Ordinance shall prevent the employment in any industrial undertaking or ship of a child lawfully so employed at the commencement of this Ordinance.

SCHEDULE.

PART I.—CONVENTION FIXING MINIMUM AGE FOR ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT.

ARTICLE 1.

For the purpose of this Convention, the term “ industrial undertaking ” includes particularly :—

(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 and motive power of any kind ;

(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 ;

(d) 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.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

Children under the age of fourteen years shall not 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.

ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention every employer in an industrial undertaking shall be required to keep a register of all persons under the age of sixteen years employed by him, and of the dates of their births.

PART II.—CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY.

ARTICLE 1.

For the purpose of this Convention, the term " industrial undertaking " includes particularly :—

(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 ;

(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 ;

(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

Young persons under eighteen years of age shall not be employed 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, except as hereinafter provided for.

Young persons over the age of sixteen may be employed 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 :

- (a) Manufacture of iron and steel ; process in which reverberatory or regenerative furnaces are used, and galvanizing of sheet metal or wire (except the pickling process) ;
- (b) Glass works ;
- (c) Manufacture of paper ;
- (d) Manufacture of raw sugar ;
- (e) Gold mining reduction work.

ARTICLE 3.

For the purpose of this Convention the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

ARTICLE 4.

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen 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.

ARTICLE 7.

The prohibition of night work may be suspended by the Government for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

PART III.—NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934.

(As substituted by 7 of 1940.)

ARTICLE 1.

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly :

- (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 ship-building, and the generation, transformation, and transmission of electricity or motive power of any kind ;

(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.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

ARTICLE 3.

Women without distinction of age shall not be employed 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.

ARTICLE 4.

Article 3 shall not apply—

(a) 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 ;

(b) 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 the said materials from certain loss.

ARTICLE 6.

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

ARTICLE 8.

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

PART IV.—CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA.

ARTICLE 1.

For the purpose of this Convention, the term "vessel" includes all ships, and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned : it excludes ships of war.

ARTICLE 2.

Children under the age of fourteen years shall not be employed or work on vessels other than upon which only members of the same family are employed.

ARTICLE 3.

The provisions of Article 2 shall not apply to work done by children on school ships or training ships, provided that such work is approved and supervised by public authority.

ARTICLE 4.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.
