

Employment Guide: Employment of Young People

Note: This Employment Guide is intended to provide general guidance only. It does not constitute legal advice and should not be relied upon as doing so.

Overview

Are there any laws regulating the employment of young people?

There is very limited legislation in Guernsey in respect of the employment of Children and Young People. Currently there are two laws in this regard but these pre-date 1930. Additional legislation supplemented these Laws in 1970 with the Education (Guernsey) Law, 1970.

Contracts of Employment, Payslips and Minimum Wage

- It is important to remember that young employees or minors, like all other employees, must be provided with a **written statement of employment** (or contract) and provided with a detailed **payslip** for any work that they do. Further information is contained within the guidance notes “Contracts of Employment, Written Statements and Payslips “.
- Consideration should be given to the rate of pay. The Minimum Wage (Guernsey) Law, 2009 states that **workers aged 18 and over must** be paid **no less** than **£6.85** per hour. Those aged 16 and 17 years of age must be paid no less than the Young Persons’ Rate of **£6.10** per hour. Apprentices under the age of 18 are not subject to the Minimum Wage regulations but as soon as an Apprentice is 18 years of age, they must be paid the adult Minimum Wage.
- **Apprentices** who are **under 18 years of age are not protected** by the Minimum Wage Law. To be an apprentice, the worker must have entered into, or work under, a contract of apprenticeship with the States of Guernsey Apprenticeship Scheme.
- The rate for **minors under 16** will be established by the employer and is not regulated by the Minimum Wage (Guernsey) Law, 2009.
- Employers are required to pay no less than the Minimum Wage to workers who qualify under the Law.
- Employers should keep records, sufficient to prove that they are paying the Minimum Wage, for 3 years.
- Records must be made available to workers, on written request, within 14 days.

What restrictions are there?

The laws dealing with the employment of Children and Young Persons, later amended by the Education (Guernsey) Law, 1970 define:

- a minor as being under compulsory school leaving age (currently 16 years)
- a young person as being of compulsory school leaving age (currently 16 years) up to the age of 18

The Laws set the following restrictions:

- a minor may not be employed (in any capacity) after 21:00 hrs or before 06:00 hrs
- a minor shall not be employed on a ship or in any industrial undertaking e.g. mining, quarrying, construction

The Laws also prohibit employment where a minor would be expected to lift, carry or move anything “so heavy as to cause injury to the child”. A minor is also prohibited from “street trading” which includes selling articles and also playing, singing or performing for profit in streets and public places.

The Education Department also has the power, under the Education (Guernsey) Law, 1970, to prohibit or restrict a minor’s employment if it considers the employment prejudicial to their health or education.

Therefore, an employer can employ a minor under the age of 16 but should seek to gain the consent of the parent or legal guardian, informing them of the terms and conditions relating to the job the minor will be required to perform. The employer should also take into account health and safety advice and carry out a full risk assessment.

Health and Safety

Employers should consider health and safety implications and it is advisable that they carry out a risk assessment. This should be a suitable and sufficient assessment of the risks posed to workers and any other people who may be affected by their work activities.

When carrying out a risk assessment, employers should bear in mind that young workers may lack awareness of risk, experience and maturity e.g. it may not be reasonable to expect a 16 year old to work alone unsupervised in a shop at night.

Other health and safety factors to consider are:

- the fitting out and layout of the workplace or workstation
- the nature, degree or duration of exposure to physical, biological and chemical agents
- the form, range and use of work equipment and the way in which it is used
- the organisation of processes and activities
- the physical capability of the person to carry out the work
- the requirement for health and safety training

The amount and degree of supervision is also a key factor in any risk assessment. (Further information is available from Health and Safety on the telephone number 01481 234567.)

Contact Information

For further advice or to find out more

- Check www.gov.gg/employmentrelations
- Email employmentrelations@commerce.gov.gg
- Contact the **Employment Relations Service**, Commerce & Employment, Raymond Falla House, PO Box 459, Longue Rue, St Martins, Guernsey, GY1 6AF
- Telephone number: **01481 234567**