

This is a translation of the

Loi (1930) sur l'emploi de femmes, de jeunes personnes et d'enfants

(Chapter 05.200)

as in force on 2 March 2021

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Law (1930) on the employment of women, young persons and children

A LAW applying to Jersey the provisions of certain Conventions relating to the employment of women, young persons and children

WHEREAS Three Conventions comprising among others, the provisions contained in the First, Second and Third Parts of the Schedule annexed to this Law were adopted in Washington, on the 28th day of November, 1919, by a General Conference of the International Labour Organisation of the League of Nations;

And whereas a certain other Convention comprising among others, the provisions contained in the Fourth Part of the Schedule annexed to this Law were adopted in Genoa on the 9th day of July 1920 by a General Conference of the International Labour Organisation of the League of Nations;

Considering that it is desirable to apply, as far as possible, the said four Conventions to Jersey;

THE STATES subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

1 Application of the conventions

The provisions of the four Conventions contained in the 1st, 2nd, 3rd and 4th Parts of the Schedule to this Law shall have the force of law in Jersey.

2 Definitions

(a) The powers conferred on the Competent Authority by the last paragraph of Article 1 of the 1st Part of the said Schedule, by the last paragraph of Article 1 of the 2nd Part of the said Schedule and by the last paragraph of Article 1 of the 3rd Part of the said Schedule, shall in Jersey be within the competence of the Minister for Social Security.

(b) The powers conferred on the Public Authority by Article 3 of the 1st Part of the said Schedule and by Article 3 of the 4th Part of the said Schedule, shall in Jersey be within the competence of the Minister for Education and Lifelong Learning.

(c) The powers conferred on the Government by Article 7 of the 2nd Part of the said Schedule shall in Jersey be within the competence of the Assembly of the States.

4 Penal clauses

- (a) An employer who commits an infraction of Article 2 of the 1st Part of the said Schedule or Article 2 of the 2nd Part of the said Schedule, shall be liable to a fine of level 3 on the standard scale.
- (b) A parent or other person having the care of a minor whose employment is prohibited by the 1st, 2nd or 4th Parts of the said Schedule and who aids, assists or participates in an infraction of the said 1st, 2nd or 4th Parts of the said Schedule shall be likewise liable to a fine of level 3 on the standard scale.
- (c) Infractions of Article 4 of the 1st Part of the said Schedule shall be liable to a fine.
- (d) An employer who commits an infraction of Article 3 of the 3rd Part of the said Schedule shall be liable to a fine.
- (e) The master of a ship who commits an infraction of Article 2 of the 4th Part of the said Schedule shall be liable to a fine of level 3 on the standard scale.
- (f) The master of a ship who commits an infraction of Article 4 of the 4th Part of the said Schedule shall be liable to a fine.

SCHEDULE

1st PART

Convention Fixing Minimum Age for Admission of Children to Industrial Employment

ARTICLE I

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 II

Children under the age of 14 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 III

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

ARTICLE IV

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 16 years employed by the employer, and of the dates of their births.

2nd PART

Convention concerning the Night Work of Young Persons employed in Industry

ARTICLE I

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 II

Young persons under 18 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 16 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 III

For the purpose of this Convention, the term "night" signifies a period of at least 11 consecutive hours, including the interval between 10 pm and 5 am.

In coal and lignite mines work may be carried on in the interval between 10 pm and 5 am, if an interval of ordinarily 15 hours, and in no case of less than 13 hours, separates 2 periods of work.

Where night work in the baking industry is prohibited for all workers, the interval between 9 pm and 4 am may be substituted in the baking industry for the interval between 10 pm and 5 am.

ARTICLE IV

The provisions of Articles II and III shall not apply to the night work of young persons between the ages of 16 and 18 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 VII

The prohibition of night work may be suspended by the Government, for young persons between the ages of 16 and 18 years, when in case of serious emergency the public interest demands it.

3rd PART

Convention concerning the Night Work of Women employed in Industry

ARTICLE I

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.

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

ARTICLE II

For the purpose of this Convention, the term "night" signifies a period of at least 11 consecutive hours, including the interval between 10 pm and 5 am.

ARTICLE III

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 IV

Article III 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 VI

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 10 hours on 60 days of the year.

4th PART

Convention Fixing the Minimum Age for Admission of Children to Employment at Sea

ARTICLE I

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 II

Children under the age of 14 years shall not be employed or work on vessels other than vessels upon which only members of the same family are employed.

ARTICLE III

The provisions of Article II 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 IV

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 16 years employed on board the shipmaster's vessel, or a list of them in the articles of agreement and of the dates of their births.

Unofficial Translation