



HEALTH AND SAFETY
AUTHORITY

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007



Chapter 1 of Part 6:
Protection of Children
and Young Persons

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Safety, Health and Welfare at Work
(General Application)
Regulations 2007**

**Chapter 1 of Part 6:
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Guide to Chapter 1 of Part 6 of the General Application Regulations 2007

Chapter 1 of Part 6: PROTECTION OF CHILDREN AND YOUNG PERSONS

Introduction

This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 1 of Part 6 (Regulations 143 to 146) and the related Schedule 7 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007) relating to children and young persons. The objective of the Guide is to give general guidance aimed at the prevention of occupational accidents or ill health. *It is not intended as a legal interpretation of the legislation.*

The purpose of Chapter 1 of Part 6 of the General Application Regulations is to transpose the health and safety aspects of Council Directive 94/33/EC on the protection of young persons at work. The other requirements of this Directive have been implemented by the Protection of Young Persons (Employment) Act 1996.

From 1 November 2007, Chapter 1 of Part 6 of the General Application Regulations 2007 replaces the Safety, Health and Welfare at Work (Children and Young Persons) Regulations 1998 (S.I. No. 504 of 1998), which are revoked from that date.

The General Application Regulations 2007 are made under the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) referred to elsewhere in this Guide as the “the Act”.

In this Guide the text of the Regulation and Schedule is shown in italics.

Protection of Young Persons (Employment) Act 1996

While the employment of children under 16 years is generally prohibited by the Protection of Young Persons (Employment) Act 1996, a child over 14 years may be permitted to do light work during school holidays provided it is not harmful to health, development or schooling, or may be employed as part of an approved work experience or education programme. A child over 15 years may also do such work for up to eight hours a week during the school term. Any child under 16 years may be employed in film, theatre, sports or advertising activities under licence from the Minister for Enterprise, Trade and Employment.

Any employer wishing to employ anyone under 18 years must first require them to produce their birth certificate. Before employing a child under 16 years, the employer must also obtain written permission from the child’s parents or guardians.

The Protection of Young Persons (Employment) Act 1996 further provides for the setting of limits to the working hours of young persons (i.e. 16 to 17 year olds) who may not work for more than eight hours in any day or forty hours in any week.

Table 1: Summary of provisions in relation to employment of children over age 14

Age	Maximum hours per week/day during the school term	Maximum hours per week/day outside the school term	Permitted hours of work	Maximum hours of work experience* per week/day
14	Nil	35/7	8 a.m. – 8 p.m.	40/8
15	8	35/7	8 a.m. – 8 p.m.	40/8

* Work experience refers to training or work experience programmes approved by the Minister for Enterprise, Trade and Employment or by FÁS.

Children over the age of 14 may only be employed in light, non-industrial work, where there is no risk to the safety and health of the child, and which is not harmful to their attendance at school. 14 and 15 year olds must be given a thirty-minute break if working more than four hours. If working during the summer holidays, 14 and 15 year olds must get two days off in every week, which shall, as far as is practicable, be consecutive.

Table 2: Summary of provisions in relation to employment of young persons

Age	Maximum hours per day	Maximum hours per week	Permitted hours of work
16 and 17	8	40	6 a.m. – 10 p.m.

16 and 17 year olds must receive a thirty-minute break if working for more than a 4.5 hour period. They must receive two days off in every seven, which shall, as far as is practicable, be consecutive.

Regulations have been made which permit young persons (i.e. 16 and 17 year olds) employed on general duties or as apprentices in licensed premises to work beyond 10 p.m. in certain circumstances and subject to specific requirements. There is also a Code of Practice Concerning the Employment of Young Persons in Licensed Premises.

Further information on the Regulations and the Code of Practice is available from the Employment Rights Information Unit of the Department of Enterprise, Trade and Employment. See also the Department of Enterprise, Trade and Employment’s explanatory booklet on the Protection of Young Persons (Employment) Act 1996. A summary of the Act in both poster and leaflet format is also available from the Department’s website at

Regulation 143: Interpretation for Chapter 1

143. *In this Chapter:*

“child” means a person resident in the State who is under 16 years of age;

“night work” means—

- (a) in the case of a child, any work between 8 p.m. on any one day and 8 a.m. on the following day, and*
- (b) in the case of a young person, the hours mentioned in paragraph (b) of section 6(1) of the Protection of Young Persons (Employment) Act 1996 (No. 16 of 1996), as qualified by that section and sections 7 and 8 thereof;*

“risk assessment” means the assessment of a risk referred to in Regulation 144;

“young person” means a person who has reached 16 years of age but is less than 18 years of age.

Regulation 144: Risk Assessment

as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007)

144. *An employer shall—*

- (a) carry out a risk assessment before employing a child or young person and whenever there is a major change in the place of work which could affect the safety or health of such child or young person,*

The employer is required to carry out a risk assessment prior to a child or a young person commencing employment. Also, when there is a major change in the place of work or the work to be carried out, the employer is required to ensure that there is no significant risk to the safety and health of the child or young person.

- (b) without prejudice to the provisions of section 19 of the Act, assess any risk to the safety or health of a child or young person and any specific risk to their safety, health and development arising from—*
 - (i) his or her lack of experience, absence of awareness of existing or potential risks or lack of maturity,*
 - (ii) any work activity likely to involve a risk of harmful exposure to the physical, biological and chemical agents specified in Part A of Schedule 7, and*
 - (iii) the processes and work specified in Part B of Schedule 7,*

and take the necessary preventive and protective measures,

The employer must ensure that any risks to the safety and health of a child or young person or to their development are assessed, taking into account the increased risk arising from the child’s or young person’s lack of maturity and experience in identifying risks to their own safety and health and, specifically,

that any exposure to physical, biological and chemical agents or certain processes is avoided as identified in Schedule 7 to the Regulations.

(c) take account of the following when carrying out a risk assessment:

- (i) the fitting-out and the layout of the place of work and of the workstation,*
- (ii) the nature, degree and exposure to any physical, chemical or biological agent at the place of work,*
- (iii) the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled,*
- (iv) the arrangement of work processes and of work operations at the place of work and of the way in which these may be organised in combination for the purposes of carrying out work, and*
- (v) the training, instruction and level of supervision provided to a child or young person at the place of work,*

The risk assessment must take account of the layout of the place of work and the individual workstation and any potential exposure to physical, chemical or biological agents, any machinery, devices and apparatus which may place the child's or young person's safety and health at risk. Consideration must also be given in the risk assessment to the actual work processes, the way they are organised and the level of training, instruction and supervision provided.

(d) in taking the protective and preventive measures in accordance with paragraph (b) and as regards planning for and implementing measures to monitor and protect the safety and health of a child or young person, take account of section 18 of the Act, (as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007) and

To comply with Regulation 143(d), the employer must appoint a competent person, preferably in the employer's employment, to ensure the protection from and the prevention of risks to the safety, health and welfare of young persons or children.

(e) without prejudice to the provisions of section 9 of the Act, inform a child or young person of any risk identified in accordance with paragraph (a) and of the preventive and protective measures taken and, in the case of a child, inform the parent or guardian of such child of such risk and such preventive and protective measures.

The employer is required to inform the child or young person of any risks identified by the risk assessment and of any control measures to prevent and protect the young person or child from any risk. In the case of a child, the employer is also required to inform the parent or guardian.

Regulation 145: Circumstances prohibiting employment of a child or young person

145. *An employer shall not employ a child or young person at work where a risk assessment reveals that the work—*

- (a) is beyond the physical or psychological capacity of the child or young person concerned,*

- (b) *involves harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm to the unborn child or which in any other way chronically affects human health,*
- (c) *involves harmful exposure to radiation,*
- (d) *involves the risk of accidents which it may be assumed cannot be recognised or avoided by a child or young person owing to insufficient attention to safety or lack of experience or training, or*
- (e) *which presents a risk to health from exposure to extreme heat or cold or to noise or vibration.*

The employer must not employ a child or young person if the safety and health of that child or young person would be put at risk because the work: is overly physical; may psychologically affect them; exposes them to any agent, such as toxins, carcinogens or radiation; places them at undue risk of accidents because of their inexperience; or exposes them to risk of extreme heat, cold, noise or vibration.

Regulation 146: Health surveillance

146. *An employer shall—*

- (a) *where a risk assessment reveals a risk to safety or health or to the physical or mental development of a child or young person, make available health surveillance in accordance with section 22 of the Act,*
- (b) *make available to a child or young person a free assessment of his or her health and capabilities before assignment to night work and at regular intervals thereafter; and*
- (c) *inform the parent or guardian of the child of the results of any health surveillance or health assessment carried out in accordance with paragraphs (a) or (b) and, in the case of a child, inform the parent or guardian of the child of the results of any health surveillance or health assessment.*

Where the risk assessment reveals a safety or health risk or a risk to the physical or mental development of a child or young person, the employer is required to provide any necessary health surveillance. Health surveillance means the periodic review of the health of employees for the purpose of protecting health and preventing occupationally related disease, so that any adverse variations in their health that may be related to working conditions are identified as early as possible.

An assessment of the health and capabilities of any child or young person must be carried out prior to them carrying out night work.

The employer must inform the child or young person of the results of the health surveillance or health assessment and, in the case of a child, the parent or guardian must also be informed.

Guide List of Agents, Processes and Work

Schedule 7 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 gives a non-exhaustive guide list of agents, processes and work that children and young persons may require protection from.

SCHEDULE 7 Regulation 144

PROTECTION OF CHILDREN AND YOUNG PERSONS

Part A — Guide list of agents, processes and work

Agents

1. *Physical AGENTS*

- (a) *Ionising radiation;*
- (b) *Work in a high-pressure atmosphere such as in pressurised containers or diving.*

2. *Biological agents*

Biological agents of risk groups 3 and 4 within the meaning of Regulation 2(1) of the Safety, Health and Welfare at Work (Biological Agents) Regulations 1994 (S.I. No. 146 of 1994) as amended by the Safety, Health and Welfare at Work (Biological Agents)(Amendment) Regulations 1998 (S.I. No. 248 of 1998);

3. *Chemical agents*

(a) *Substances and preparations classified under the—*

- (i) *European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) Regulations 2003 (S.I. No. 116 of 2003) as amended by the European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) (Amendment) Regulations 2006 (S.I. No. 25 of 2006), and*
- (ii) *European Communities (Classification, Packaging and Labelling of Dangerous Preparations) Regulations 2004 (S.I. No. 62 of 2004) as amended by the European Communities (Classification, Packaging and Labelling of Dangerous Preparations) (Amendment) Regulations 2007 (S.I. No. 76 of 2007)*

(referred to elsewhere in this Schedule as the “CPL Regulations”) as toxic (T), very toxic (T+), corrosive (C) or explosive (E) and with one or more of the following risk phrases:

Risk of explosion by shock, friction, fire or other sources of ignition (R2)

Extreme risk of explosion by shock, friction, fire or other sources of ignition (R3)

Toxic by inhalation (R23)

Toxic in contact with skin (R24)

Toxic if swallowed (R25)

Very toxic by inhalation (R26)

Very toxic in contact with skin (R27)

Very toxic if swallowed (R28)

Causes burns (R34)

Causes severe burns (R35)

Danger of very serious irreversible effects (R39)

Danger of serious damage to health by prolonged exposure (R48);

- (b) *Substances and preparations classified under the CPL Regulations as carcinogenic, mutagenic or toxic to reproduction and with one or more of the following risk phrases:*

Limited evidence of a carcinogenic effect (R40)

May cause cancer (R45)

May cause heritable genetic damage (R46)

May cause cancer by inhalation (R49)

May impair fertility (R60)

May cause harm to the unborn child (R61)

Possible risk of impaired fertility (R62)

Possible risk of harm to the unborn child (R63)

Possible risk of irreversible effects (R68);

- (c) *Substances and preparations classified under the CPL Regulations as harmful (Xn) and with one or more of the following risk phrases:*

Danger of very serious irreversible effects (R39)

Danger of serious damage to health by prolonged exposure (R48);

- (d) *Substances and preparations classified under the CPL Regulations as irritant (Xi) and with one or more of the following risk phrases:*

May cause sensitisation by inhalation (R42)

May cause sensitisation by skin contact (R43);

- (e) *Substances and preparations referred to in the Safety, Health and Welfare at Work (Carcinogens) Regulations 2001 (S.I. No. 78 of 2001);*

- (f) *Lead and compounds thereof, in as much as the agents in question are absorbable by the human organism;*

- (g) *Asbestos.*

Part B – Processes and work

1. *Processes at work referred to in the Safety, Health and Welfare at Work (Carcinogens) Regulations 2001 (S.I. No. 78 of 2001).*
2. *Manufacture and handling of devices, fireworks or other objects containing explosives.*
3. *Work with dangerous, fierce or poisonous animals.*
4. *Animal slaughtering on an industrial scale.*
5. *Work involving the handling of equipment for the production, storage or application of compressed, liquefied or dissolved gases.*
6. *Work with vats, tanks, reservoirs or carboys containing chemical agents referred to in item 3 of Part A of this Schedule.*
7. *Work involving a risk of structural collapse.*

8. *Work involving high-voltage electrical hazards.*
9. *Work the pace of which is determined by machinery and involving payment by results.*

Notes

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