

Employing Young People

September 2021

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Introduction

There are a number of rights all workers in Northern Ireland have when they start a job. However young workers- those aged under 18 - have additional rights to protect them because of their age. There are statutory rules about the working hours and conditions for young workers; these are different depending on their age.

Employing Young Workers Aged Under 16

Working Conditions Limitations

In Northern Ireland statutory rules govern the employment of children under 16 years old and must be adhered to even if they are only employed to do a paper round.

All young people **aged under the minimum school leaving age** may not do any work, paid or unpaid:

- before 07:00 and after 19:00
- for more than one hour before school opening time and any time between school opening and finishing time
- for more than two hours on a Sunday or school day
- in any occupations prohibited by local bylaws or other legislation (for example, in any industrial setting, pubs, betting shops, or in any work that may be harmful to their health, well-being or education)
- without the written consent of their parents and an Employment Card issued by their local Education Authority

Young people **aged under 13** can only be employed in areas such as television, theatre and modelling. Children working in these areas will require a **Performance Licence** from the child's local Education Authority (EA).

Young people **aged under 15** may not do any work, paid or unpaid:

- for more than five hours on a Saturday or weekday outside term-time
- for more than four hours on a Saturday without taking a break of at least one hour
- for more than 12 hours in any week in which s/he is required to attend school (with a break of 1 hour after any continuous 3 hour period)
- for more than 27 hours in any week during school holidays, and no more than five hours per day Monday to Saturday

Young people **aged between 15 and the minimum school-leaving age** may not do any work, paid or unpaid:

- for more than seven hours on a Saturday during term-time
- for more than four hours without taking a break of at least one hour

- for more than seven hours per day during school holidays, up to a maximum of 37 hours in any week

In addition, young people must have a **two-week break** from any work during the school holiday in each calendar year.

Health and Safety Considerations

Employers must do a **risk assessment** before taking on school-age workers, or review existing risk assessments.

Employment Cards for Young Workers

Employers of children normally need to apply for an employment card from the child's local Education Authority. They will require:

- a separate application for each child worker
- written parental consent from the child's parent/guardian
- one passport size photo of the child
- 7 days' notice to process the application

Employing Young Workers Aged Between 16 and 17

When Can Young People Start Full Time Employment?

The minimum school leaving age in Northern Ireland is 16. If a young person has reached this age on or before the 1 July of the academic year they can go into full time employment. If their 16th birthday falls on or after 2 July they have to wait until the end of the following academic year before they are eligible to leave school and go into full time employment.

Working Conditions Limitations

Young people **aged between 16 or 17** must not work:

- for more than 8 hours a day and 40 hours a week. These hours cannot be averaged out and there is no opt-out available

They must also have, as a minimum:

- a 30-minute break if their working day is longer than 4 and a half hours
- 12 hours rest in any 24-hour period in each consecutive working day
- 48 hours (2 days) rest taken together, each week
- be paid at least the National Minimum Wage at the relevant rate.

They also don't normally work after 10pm or before 6am. However there are some exceptions.

They can work until midnight or from 4am onwards if it's necessary in the following types of work:

- advertising
- agriculture
- a bakery
- catering
- a hospital or similar
- a hotel, pub or restaurant
- post or newspaper delivery
- retail

But this is only if:

- there are no adult workers available to do the work
- working those hours will not have a negative effect on the young person's education or training

If they do need to work after 10pm or before 7am, the employer must make sure the young worker:

- is supervised by one or more adult workers where necessary for their protection
- has enough rest at another time if they need to work during their normal rest breaks or rest periods

It is unlawful for anyone aged under 18 to work between midnight and 4am, even if they do one of the jobs above.

Keeping Records of Young Workers' Hours

By law, employers must keep records of any young worker's:

- working hours – to make sure they are not working more than 8 hours a day and 40 hours a week
- night work, if they do any – to show they are not working during restricted hours
- health assessments offered before starting any night work and throughout their employment

These records must be retained for 2 years from the date they were made.

Age Discrimination

In Northern Ireland age is a protected characteristic by law under **The Employment Equality (Age) Regulations (Northern Ireland) 2006**. This means it is against the law to treat younger people who are employees, job seekers and trainees less favourably because of either:

- their age
- the age they appear to be

Education, Internships and Apprenticeships

Education

Employers can contribute to the education process and improve the employment prospects of young people in a number of ways. These include:

- offering work experience placements for students or work shadowing for teachers
- providing resources, equipment and use of premises
- setting actual business problems for students to solve in their projects
- giving talks and lectures to enrich the curriculum with their real business experience

Internships

Internships provide students and graduates with an opportunity to acquire vocational skills that can greatly enhance their employment prospects.

Employers should be aware that if an intern is classed as a worker, then they will be entitled to receive the National Minimum Wage.

Apprenticeships

Apprenticeships are real jobs with training. They are workplace focused and lead to nationally-recognised vocational qualifications.

A new employee can be hired as an apprentice and an existing employee can also be placed onto an apprenticeship course in order to enhance their skills.

Normally most training takes place on-site with the rest provided by a college or learning provider.