



FALKLAND ISLANDS

Employment of Women, Young Persons and Children Ordinance 1967

(ORDINANCE No. 1 OF 1967)

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Employment of Women, Young Persons and Children Ordinance 1967

AN ORDINANCE To give effect to certain international conventions relating to the employment of women, young persons and children.

*[DATE OF COMMENCEMENT: 1ST JUNE 1967]
(Unless otherwise indicated)*

1 Short title

This Ordinance may be cited as the Employment of Women, Young Persons and Children Ordinance 1967.

2 Interpretation

In this Ordinance, unless the context otherwise requires-

"child" means a person who is under compulsory education age within the meaning of section 7 of the Education (Governance and Accountability) Ordinance 2022);

[S. 2/Ord. 11/68/w.e.f. 7/11/68; s. 5/Ord. 6/1994/w.e.f. 2/2/1995; Sch.1/Pt.2/Ord. 6/22/w.e.f. 31/05/2022.]

"competent authority" means the Governor in Council;

"duly authorized officer" means any officer authorized by the Governor by notice in the Gazette to act under the provisions of this Ordinance;

"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" . . .

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

"woman" means a woman of the age of eighteen years and upwards;

"young person" means a person who has ceased to be a child and who is under the age of eighteen years.

3 Restrictions on the employment of women, young persons and children in industrial undertakings

(1) No child shall be employed in any industrial undertaking.

[S. 3(a)/Ord. 11/68/w.e.f. 7/11/68 and s. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

(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.

[S. 3(b)/Ord. 11/68/w.e.f. 7/11/68.]

(3) Where any child is employed in any industrial undertaking, a register of children who are so employed, and of the dates of their birth, shall be kept and shall at all times be open to inspection.

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

(4) No woman or female young person shall be employed on underground work in any mine, quarry or other work for the extraction of minerals from under the surface of the earth.

[S. 3(b)/Ord. 11/68/w.e.f. 7/11/68.]

(4A) No child shall be employed in any work -

- (a) which exposes the child to physical, psychological or sexual abuse;
- (b) underground, under water, at dangerous heights or in confined spaces;
- (c) with dangerous machinery, equipment or tools, without adequate training and, where necessary, adequate supervision.

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

(5) and (6) . . .

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

(7)(a) Sections 21 (1) and (2) and 28(1) and (3) of the Children and Young Persons Act 1933 in their application to the Falkland Islands shall have effect in relation to the employment of a child in an industrial undertaking in contravention of this Ordinance as they have effect in relation to the employment of a child in contravention of Part II of that Act;

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

(b) . . .

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

- (c) 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 a duly authorized officer, he commits an offence and is liable on summary conviction to a fine not exceeding the maximum of level 3 on the standard scale; and

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

(d) . . .

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

(e) if a person employs a woman in contravention of this Ordinance, he commits an offence and is liable on summary conviction to a fine not exceeding not exceeding the maximum of level 3 on the standard scale.

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

4 Savings

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

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

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

5 Inspection

(1) Any duly authorized officer may, for the purpose of ascertaining whether the provisions of this Ordinance are being or have been complied with, at all reasonable times enter any land, premises, ship or other place and make such examination and inquiry and ask such questions of any person as may be reasonably necessary for that purpose.

(2) If any person-

(a) wilfully delays or obstructs a duly authorized officer in the exercise of any power under this section; or

(b) refuses or neglects to answer any question or to furnish any information when required so to do by such officer,

he commits an offence and is liable on summary conviction to a fine not exceeding the maximum of level 2 on the standard scale:

Provided that no person shall be required under this section to answer any question tending to incriminate himself.

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006.]

(3) Every duly authorized officer shall be furnished with a certificate of his authorization, and on entering any place for the purposes of this section shall, if so required, produce the said certificate.

(4) Every duly authorized officer may take with him a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty.

SCHEDULE

[The Schedule was repealed by the Employment of Women, Young Persons and Children (Amendment) Ordinance 2006, apparently in error, leaving substantial provisions of the Ordinance inoperable. The Schedule has therefore been restored as a revision in accordance with the Law Revision and Publication Ordinance 2017.]

Part I: Convention fixing Minimum Age for Admission of Children to Industrial Employment

1. For the purpose of the 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 foundation of any such work or structure;
- (d) transport of passengers or goods by road or rail or inland waterways, 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.

2. Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof:

Provided that, except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer’s family are employed.

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

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 eighteen years employed by him, and of the dates of their births.

Part II: Convention concerning the Night Work of Young Persons employed in Industry

1. For the purpose of the Convention, the term “industrial undertaking” includes particularly -
mines, quarries and other works for the extraction of minerals from the earth;

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;

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 foundation of any such work or structure;

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.

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.

3. For the purpose of this Convention, the term “night” signifies a period of at least eleven consecutive hours, including the interval between 10 p.m. and 5 a.m.

In coal and lignite mines work may be carried on in the interval between 10 p.m. and 5 a.m., if an interval of ordinarily fifteen hours, and in no case less than thirteen hours separates two periods of work.

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

4. The provisions of Article 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.

5. 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: Convention concerning the Night Work of Women Employed in Industry

1. For the purpose of the 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 foundation 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.

2. For the purpose of this Convention, the term “night” signifies a period of at least eleven consecutive hours, including the interval between 10 p.m. and 5 a.m.

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.

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.

5. 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.

Part IV: Convention fixing the Minimum Age for Admission of Children to Employment at Sea

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

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

Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

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.

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.

[S. 3/Ord. 4/2006/w.e.f. 30/3/2006]