

# Employing Young People in the Workplace

## A GUIDE FOR EMPLOYERS





# Employing Young People in the Workplace – A Guide for Employers

This guide is aimed at employers who intend to employ young people in the workplace. It also applies to employers participating in vocational training or work experience activities as The Health and Safety (Training for Employment) Regulations (Northern Ireland) 1994<sup>1</sup> regard students and trainees on work experience as employees and affords them the same protection under health and safety law.

It is essential that as an employer you recognise that young people can be at particular risk because they may lack experience, training and awareness. They need good advice, information and supervision as well as suitable, safe and healthy jobs.

Whilst every workplace should have good health and safety management arrangements which protect everyone, the Management of Health and Safety at Work Regulations (Northern Ireland) 2000<sup>2</sup> (“The Management Regulations”) give employers specific responsibilities to take into consideration the vulnerability of young workers and new starters.

There are also some special provisions for young people in the Working Time (Amendment) Regulations (Northern Ireland) 2003<sup>3</sup> (“The Working Time Amendment Regulations”) to give all workers above the minimum school leaving age rights and protections in respect of their hours of work, night work, rest from work and paid annual leave.

## Definitions of Young People and Children by age

- A Young Person is anyone under 18 years old (referred to in this booklet as “young people”);
- A child is anyone who has not yet reached the official age at which they may leave school, just before or just after their 16th Birthday; this is often referred to as the minimum school leaving age (MSLA).

## How to carry out a Risk Assessment for Young People

Under the Management Regulations as an employer you are required to assess the risks to health and safety of your employees. You have specific responsibilities towards young people to:

- Assess the risks to young people **before** they start work;
- Take account that young people are likely to be inexperienced, unaware of health and safety risks and physically or mentally immature; and

- Put in place measures to control the risks which will remove them altogether or reduce them to the lowest possible level.

In addition you must also:

- Let the parents/guardians of any students and employees below minimum school leaving age know the key findings of your risk assessment and the control measures taken before the young people start work/work experience; and
- Take account of the risk assessment in deciding whether the young person should be prohibited from certain work activities.

The Management Regulations do not apply to domestic service in a private household, or occasional work or short term work regarded as not being harmful, damaging or dangerous to young people in a family business. However, if you are involved in a family business, you still need to comply with the general health and safety requirement to carry out risk assessments. These risk assessments will help you to decide if the work involved is harmful, damaging or dangerous to young people.

It is essential that the risk assessment is carried out before the young person starts work with you and that it is updated when there is any major change in working conditions.

When carrying out the assessment try to look at the workplace from a young person's point of view – consider what dangers they will recognise and consider if things like work tools are too large and awkward for them if they are not fully grown. Particular attention should also be paid to the following:

- The layout of the workplace and their specific work area;
- The nature, degree and duration of their exposure to physical, chemical and biological agents;
- The type of work equipment you want them to use;
- The organisation of their work; and
- The level of training and instruction to be given to the young person.

The employment of young people is prohibited for work which:

- Is beyond their physical or psychological capacity;
- Involves harmful exposure to toxic or carcinogenic substances;
- Causes genetic damage or harm to the unborn child;



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- Involves harmful exposure to radiation;
  - Involves the risk of accidents which it may be reasonably assumed cannot be recognised or avoided by a young person owing to their insufficient attention to safety or lack of experience or training;

Or where there is a risk to health from:

- Extreme cold or heat;
- Noise; or
- Vibration.

You should always keep a record of the main findings of your risk assessment if you have five or more employees (including young people on work experience). Your risk assessment should also take account of any information about the young person's needs which may be passed on by the work experience organiser, the school or the parents/guardians.

Further information on agents, processes and work which is likely to entail specific risks for young people can be found in the Annex to the Young Workers' Directive<sup>4</sup>.

Your risk assessment may show that these factors together with the inexperience, immaturity and lack of awareness of the young person means that the work could not be carried out without significant risk. In such cases the young person should be prohibited from carrying out that work.

The requirement to prohibit young people from certain types of work does not apply to those who are over compulsory school leaving age and are doing work necessary for training, provided the work is carried out under supervision by a competent person and where the risk has been reduced to the lowest level reasonably practicable. This is likely to be the case in many vocational training schemes such as NVQ, government training schemes and apprenticeships.

**However, children below the MSLA must never do work involving these risks whether they are employed or under training such as work experience.**

## Limits to Working Time and Night Work

The provisions of the Working Time Amendment Regulations<sup>3</sup> apply to all workers with some additional provisions for young people. The Regulations state that the working time of a young worker is limited to:

- Eight hours a day, or
- Forty hours a week

In addition, an employer must ensure that no young person works during the “restricted period”. The restricted period is the period between 10.00pm and 6.00am or, in a case where the worker is contracted to work after 10.00pm, the period between 11.00pm and 7.00am. The working time and night working restrictions are subject to various exemptions relating to particular occupations and particular circumstances. These exemptions together with information on rest periods and annual leave are outlined in the Regulations.

Under the Working Time Regulations you are required to keep records which show whether the working time limits outlined above have been complied with for each worker that you employ. You must keep these records for two years from the date on which they were made.

Where a young person works for more than one employer on a given day, his daily working time shall be determined by adding together the number of hours worked by him for each employer.

## Restrictions on Work by Age in Health and Safety Law

### Agriculture

The Approved Code of Practice to the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006<sup>5</sup> provides information on how to comply with the Regulations and information on the types of work that young people should be prohibited from carrying out.

### Provision and Use of Work Equipment

The Provision and Use of Work Equipment Regulations (Northern Ireland) 1998 (PUWER) apply to the provision and use of all work equipment including mobile and lifting equipment. The primary objective of PUWER is to ensure that work equipment should not result in health and safety risks regardless of its age, condition or origin. The Approved Code of Practice<sup>6</sup> (ACOP) associated with PUWER places special emphasis on the training and supervision requirements required for young people and place particular attention on the importance of induction training. Whilst there are no general age restrictions in legislation relating to the use of work equipment, there are specific requirements that must be taken account of when working with power presses, woodworking equipment and lifting equipment.





## Power Presses

The Approved Code of Practice “Safe Use of Power Presses: Provision and Use of Work Equipment Regulations 1998”<sup>7</sup> states that young people should not be allowed to use a power press unless they have the necessary maturity and competence which includes having successfully completed appropriate training. However, during the training they may operate a power press providing they are adequately supervised by a competent person. Adequate supervision should also be provided after training if a young person is not sufficiently mature.

Competence and maturity are not simply a matter of the age of the worker. Training in itself will not ensure competence but it is part of what is necessary. The level of supervision needed will depend on how mature the worker is and whether they can work safely without putting themselves or others at risk. Even when they have been trained, young people need to be supervised to ensure that they do not act irresponsibly or take short cuts which put themselves and others at risk.

## Woodworking Machines

The Approved Code of Practice “Safe Use of Woodworking machinery: Provision and Use of Work Equipment Regulations (Northern Ireland) 1998”<sup>8</sup> states that young people should not be allowed to use high-risk woodworking machinery unless they have the necessary maturity and competence which includes having completed appropriate training. However, during the training they may operate high-risk woodworking machinery providing they are adequately supervised by a competent person. Adequate supervision should also be provided after training if a young person is not sufficiently mature.

In this context, high-risk woodworking machinery is considered to include any woodworking machine which is hand-fed as well as the following machines, whether hand or power fed:

- Any sawing machine fitted with a circular blade or saw band;
- A planing machine when used for surfacing; and
- A vertical spindle moulding machine.

## Lifting Operations

Lifting operations come under the Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1998<sup>9</sup> (LOLER). Though PUWER applies to all lifting equipment, LOLER applies over and above the general requirements of PUWER in dealing with specific hazards/risks associated with lifting equipment and lifting operations.

Examples of high risk machinery which normally should not be operated by a young person (*except when trained or undergoing training under direct supervision*) include:

- Cranes;
- Construction site hoists; and
- Fork-lift trucks.

There may be substantial risks associated with the use of lifting accessories, for example, during 'slinging' and you should assess whether such work is appropriate for a young person. However, young people may use such equipment during training providing they are adequately supervised by a competent person. Adequate supervision should also be provided after training if a young person is not sufficiently mature.

### **Rider-Operated Lift Trucks**

The Approved Code of Practice and Guidance "Rider-operated lift trucks: operator training"<sup>10</sup>, states that young people should not be allowed to operate lift trucks without adequate supervision unless they have the necessary competence and maturity, as well as having successfully completed appropriate training.

## **References**

1. The Health and Safety (Training for Employment) Regulations (Northern Ireland) 1994.
2. The Management of Health and Safety at Work Regulations (Northern Ireland) 2000.
3. The Working Time (Amendment) Regulations (Northern Ireland) 2003.
4. Council Directive 94/33/EC of 22 June 1994 on The Protection of Young People at Work.
5. The Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006 - Approved Code of Practice, ISBN 1-902885-17-1.
6. The Provision and Use of Work Equipment Regulations 1998, Approved Code of Practice, L22, ISBN 0-7176-1626-6.
7. Safe Use of Power Presses: Provision and Use of Work Equipment Regulations 1998 as applied to power presses, Approved Code of Practice and Guidance, L112.
8. Safe Use of Woodworking Machinery: Provision and Use of Work Equipment Regulations 1998 as applied to woodworking machinery, Approved Code of Practice and Guidance, L114.
9. Safe Use of Lifting Equipment: Lifting Operations and Lifting Equipment Regulations 1998, Approved Code of Practice and Guidance, L113.
10. Rider-Operated Lift Trucks: Operator Training, Approved Code of Practice and Guidance, L117.



## Further References

The Right Start – Work experience for young people: Health and safety basics for employers INDG 364 ISBN 0-7176-2547-8.

Managing health and safety on work experience: A guide for organisers HSG 199 HSE Books 2000 ISBN 0-7176-1742-4.

Young people at work: A guide for employers HSG 165 (Second edition) HSE Books 2000 ISBN 0-7176-1889-7.

The above references are available from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA. Website: [www.hsebooks.co.uk](http://www.hsebooks.co.uk)

*HSENI would like acknowledge HSE (GB) for some source materials used in this booklet.*

## For Further Information and Help

If you have any further queries related to workplace health and safety you can contact HSENI's Information and Advice Helpline on 0800 0320 121, textphone (028) 9054 6896 or, alternatively, visit the website at **[www.hseni.gov.uk](http://www.hseni.gov.uk)**