

The HR Suite provides a full range of HR and business services to organisations nationwide. Our objective is to raise the standards and performance of your organisation, while ensuring legal compliance at all times. We take a best-practice approach to outsourced HR management and our services include dispute resolution, performance management, recruitment and selection, training, and disciplinary and grievance management. Our team of qualified professionals offer a superior service to our clients via telephone and email support, on-site visits, and representation as required. The HR Suite will be providing monthly articles as part of Legal-Island's free HR email service for 2014. Our articles will cover topics such as absenteeism, employee engagement, redundancy, and performance management.

This month, we will cover the topic of.....

Young Persons at Work

The Protection of Young Persons (Employment) Act, 1996 is designed to protect young workers under the age of 18. Under the Act a "child" means a person who has not reached the age of 16 years and a "young person" means a person who has reached 16 years but has not reached the age of 18 years.

An employer may not employ anyone under 16 in full time employment. Employers may employ 14 and 15 year olds on light duties during school holidays, part time during school times or as part of approved work experience. The work cannot impede on their health and safety and should not adversely affect their school work. Children aged 14 and 15 may also be employed in cultural, artistic, sports or advertising work under licences issued by the Minister for Jobs, Enterprise and Innovation through NERA.

As we know, the National Employment Rights Authority pay regular visits to employers around the country to ensure employment legislation is adhered to. This includes the legislation connected to the Protection of Young Person's (Employment) Act 1996. NERA take any breaches of this legislation very seriously. Any business discovered breaching the legislation will face hefty fines. Where the employer fails to rectify the matter, where breaches of the Protection of Young Persons (Employment) Act 1996 have been detected or where serious breaches of employment rights legislation have been detected, NERA's Prosecution Services refer the matter to the Chief State Solicitors Office with a view to initiating a prosecution in the Courts, subject to their advice.

NERA will examine records relating to the employment of young persons but will also carry out frequent unannounced out of hours inspections to ensure that young persons are not in employment outside of the hours allowed.

The legislation outlines the following:

Wage Rates

Employees who are under 18 years of age are not experienced adult workers and are entitled to €6.06 per hour under the National Minimum Wage Act.

After turning 18 years of age:

Employees in their first 12 months of employment since turning 18 years of age are entitled to €6.92 per hour

Employees in their second 12 months of employment since turning 18 years of age are entitled to €7.79 per hour

(Please note that employment experience prior to age 18 is not taken into account for these rates).

Working Hours

Aged 14-16 years old

Age	Max hours per week during school term	Max hours per week/day outside school term	Permitted hours of work	Maximum work experience per week/day *
14	Nil	35 / 7	8am – 8pm	40hours/8 hours
15	8	35 / 7	8am – 8pm	40hours/8hours

Children employed over the age of 14 may only be employed in light work that is non-industrial work where there is no risk to the health and safety of the child and which is not harmful to their attendance at school.

14 and 15 year olds must be allowed a **21 day** break from work in the summer.

Aged 16 & 17 years old

Age	Max hours per day	Max hours per week	Permitted hours of work
16 and 17	8	40	6am – 10 pm

Rest Breaks

Rest Breaks	Under 16 years old	16 and 17 years old
30 minutes break after working	4 hours	4 ½ hours
Every 24 hours	14 hours off	12 hours off
Every 7 days	2 days off	2 days off

Rest breaks must be taken at these times and cannot be given at the beginning/ end of the shift.

Records

An employer must obtain written permission to work from the parent / guardian of under 16 employees.

In relation to under 18s, an employer must keep a record of the following details:

- full name;
- date of birth (copy of birth cert or passport);
- starting and finishing times of work;
- wage rate and total wages paid to each employee

Protection of Young Persons (Employment) Act 1996

Employers who employ people under 18 years of age must display a summary of the Protection of Young Persons Employment Act and also give a summary of the Act to the employee within 1 month of the commencement of employment.

Complaints

Complaints of breaches under the Act may be reported to the National Employment Rights Authority (NERA). Under 18 employees, as well as their parents / guardians, may make a complaint. Failure to abide by the provisions of this legislation can lead to fines of €1,905 per breach.

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