Rethinking Recruitment for Tourism

The Protection of Young Persons Factsheet
The Protection of Young Persons in Employment, Factsheet
(Updated, 28th February 2022)

Legislation
- Protection of Young Persons (Employment) Act 1996
- National Minimum Wage Act 2000
- Employment (Miscellaneous Provisions) Act 2018

What does it set out?
This legislation sets out the maximum working hours, breaks and records that Companies must ensure to have in place when there is employment of a young person.

Who is a child?
A person who is under 16 years of age or the school-leaving age; whichever age is the higher

Who is a young person?
Young person’s refer to those aged 16 and 17.

At what age can a child or young person be employed?
Employers may, take on 14- and 15-year-olds, on light work –

- during the school holidays, provided there is a minimum three week break from work during the summer,
- part-time during the school term (over 15 years old only, and for a maximum of 8 hours in the week),
- as part of an approved work experience or education programme where the work is not harmful to their safety, health, or development.

Children can also be employed in cultural, artistic, sports or advertising work which does not interfere with their attendance at school, vocational guidance or training programmes or capacity to benefit from the instruction received.

Written permission
Before employing a child under 16 the employer must also get written permission from the parents or guardians.

Record of age
Please be advised to keep a copy of their birth certificate on their personnel file. It is recommended that you seek proof of age from any young person who wishes to work in your Company regardless of whether they state that they are over 16. This will prevent you from employing any underage staff unintentionally.

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Copy of the act
All employees who are under 18 must receive an official copy of the summary of the Protection of Young Person’s Act along with a copy of their contract.

Displaying the act in the workplace
Employers who employ young people under the age of 18 years of age must display a summary of the Protection of Young Persons Employment Act (available in poster form).

Record management
You are also required to keep the following records in respect of all employees under 18.
- Full name
- Date of birth
- A record of breaks
- A record of annual leave
- Starting and finishing times for work
- Rate of wages/salary paid per week, month, or year, as appropriate
- Total amount of wages or salary paid to each person.

You must keep these records for a period of three years.
You must also post up, in a suitable location for all member of staff, a copy of a Poster issued by the WRC which outlines the child’s or young person’s rights and entitlements.

Pay rates
Under the Employment (Miscellaneous Provisions) Act 2018 the pay rates for under 18s and inexperienced workers is no longer being based on number of years’ experience. It is now based on age. As of 1 March 2019, the rates are as follows:

<table>
<thead>
<tr>
<th>Age</th>
<th>% of National Minimum Wage</th>
<th>Rate as per Current Minimum Wage of €10.50</th>
</tr>
</thead>
<tbody>
<tr>
<td>19 years old</td>
<td>90%</td>
<td>€9.45</td>
</tr>
<tr>
<td>18 years old</td>
<td>80%</td>
<td>€8.40</td>
</tr>
<tr>
<td>Aged Under 18</td>
<td>70%</td>
<td>€7.35</td>
</tr>
</tbody>
</table>

14- & 15-year old’s
- Children of 14 years of age cannot work during school term-time. They may be permitted to work a maximum of 35 hours a week during school holidays and a maximum of 40 hours a week on work experience.
- Children aged 15 years can work a maximum of 8 hours a week during school term-time, a maximum of 35 hours during school holidays and up to 40 hours on work experience.
- 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. They must also be given a 30-minute break if working for more than 4 hours. (Please see breaks below).

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- If working during the summer holidays, 14- and 15-year-olds must get 2 days off in every week which shall, as far as is practicable be consecutive.

### Working hours

<table>
<thead>
<tr>
<th>Age</th>
<th>Max hours per week/day during school term</th>
<th>Max hours per week/day outside school term</th>
<th>Maximum work experience per week/day *</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Nil</td>
<td>35/7</td>
<td>40hours/8 hours</td>
</tr>
<tr>
<td>15</td>
<td>8</td>
<td>35/7</td>
<td>40hours/8hours</td>
</tr>
<tr>
<td>16</td>
<td>8</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>8</td>
<td>40</td>
<td></td>
</tr>
</tbody>
</table>

### Rest breaks

<table>
<thead>
<tr>
<th>Age</th>
<th>Permitted Hours of Work</th>
<th>Rest Breaks</th>
<th>Daily Rest Break</th>
<th>Weekly Rest Break *consecutive where possible</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>8am – 8pm</td>
<td>4 hours</td>
<td>14 consecutive hrs</td>
<td>2 days off*</td>
</tr>
<tr>
<td>15</td>
<td>8am – 8pm</td>
<td>4 hours</td>
<td>14 consecutive hrs</td>
<td>2 days off*</td>
</tr>
<tr>
<td>16</td>
<td>6am – 10pm</td>
<td>4.5 hours</td>
<td>12 consecutive hrs</td>
<td>2 days off*</td>
</tr>
<tr>
<td>17</td>
<td>6am – 10pm</td>
<td>4.5 hours</td>
<td>12 consecutive hrs</td>
<td>2 days off*</td>
</tr>
</tbody>
</table>

Young person’s ages 16 or 17 years old, may work up to 11:00pm on days where they have no school the next day. In such instances, young persons aged 16 or 17 years old must not start work before 7:00am the following day after they finished a shift at 11:00pm. It should be noted that working past 10:00pm is subject to Ministerial approval by regulation.

A Code of Practice concerning the Employment of Young Persons in Licensed Premises is in place governing employment of those who are 16/17 years of age in the Licensed Trade. This must be signed by the employer, the employee and his/her parent or guardian.

Rest breaks must be taken at these times and cannot be given at the end of the day.

It is vital to note that an employer shall not permit a child (under 16) or a young persons (between 16 and 17 years) employed by him or her to do for him or her any work for any period exceeding 4 hours and 4 and half hours respectively without a break of at least 30 consecutive minutes.

*The detail of this document is accurate as of 28th February 2022*
Specific regulations regarding participation of a child in a stage production, film, or advertisement

In order for a child to take part in work of a cultural, sporting, artistic or advertising nature, special permission must be obtained by way of a licence issued on behalf of the Minister for Enterprise, Trade and Employment.

Breaches

Proceeding for breach of the proceedings of the Protection of Young Persons Act may be taken by the Minister for Enterprise, trade, and Employment or by the employees Trade Union within 12 months of the breach.

Young people, parent and guardians of a child may also refer certain breaches of the Act to the WRC as per normal.

A person guilty of a breach of Employment (Miscellaneous Provisions) Act 2018 shall be liable on summary conviction to a class A fine or imprisonment for a term exceeding 12 months or both.

Further information

https://www.citizensinformation.ie/en/employment/starting_work_and_changing_job/young_people_at_work/