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ZANZIBAR 1

Decree: Employment of Women and Children

A Decree to restrict the employment of women, children and young persons. No. 2 of 1932. Assented to 6th July, 1932.

1. This Decree may be cited as "The Employment of Women, Children and Young Persons (Restriction) Decree, 1932".

2. In this Decree—

the expression "woman" means a woman of the age of eighteen years or upwards;

the expression "child" means a person under the age of fourteen years;

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

the expression "industrial undertaking" means—

(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 or 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 foundations of any such work or structure;

(d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand;

the expression "ship" means any sea-going ship or boat of any description which is registered under the provisions of the Zanzibar Ports Decree (Chapter 25, Revised Laws of Zanzibar, 1922), and of the Zanzibar Maritime Order-in-Council, 1926, and includes registered native vessels and fishing-boats but does not include any tug, dredger, barge, or other craft whose ordinary course of navigation does not extend beyond the seaward limit of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed, if and so long as such vessel is engaged in her ordinary occupation;

the expression "night" means the hours between half past six o'clock in the evening and half past five o'clock in the morning;

the expression "port officer" means the port officer appointed under the Zanzibar Ports Decree and includes assistant port officers.

3. (1) No child shall be employed at any time in any industrial undertaking or in any ship, unless the industrial undertaking or the ship,

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as the case may be, is one in which only members of the same family are employed,

(2) no woman or young person shall be employed at night in any industrial undertaking unless the industrial undertaking is one in which only members of the same family are employed, and

(3) no young person shall be employed as a trimmer or stoker in any ship:

Provided that:—

(a) a child may be employed

(i) on a native vessel or fishing-boat if he is under the care of an adult relative who is the master or a member of the crew and is in possession of a certificate from the port officer to the effect that he is a fit and proper person to have charge of such child;

(ii) on a school-ship or training-ship or in a technical school so long as such employment is approved and supervised by a competent public authority;

(b) a woman may be employed in an industrial undertaking at night

(i) in unavoidable cases when an interruption of work occurs which could not be foreseen and which is not of a recurring nature and

(ii) 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;

(c) a young person between the age of 16 and 18 years may be employed in an industrial undertaking at night

(i) 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,

(ii) by order of the British Resident published in the *Gazette*, when in cases of serious emergency the public interest demands it;

(d) a young person may be employed as a trimmer or stoker

(i) on a training-ship or school-ship provided that such employment is approved and supervised by a competent public authority and

(ii) on a ship which is mainly propelled by other means than steam;

(iii) where no other persons are available, but in such case two young persons shall be engaged in place of one trimmer or stoker and the young persons engaged must be at least 16 years of age.

4. Every employer in an industrial undertaking and the master of every ship shall keep a register of all persons under the age of sixteen years or (in the case of young persons engaged as trimmers or stokers on ships) of eighteen years employed by him with particulars of their approximate ages and the register so kept shall at all times be

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open to inspection by any officer charged with the administration of this Decree.

Any employer or master who fails to keep such register or refuses or neglects when required to produce it for inspection by an officer charged with the administration of this Decree shall be liable to a fine not exceeding two hundred rupees.

Provided that in the case of native vessels or fishing-boats it shall be sufficient if, at the time of licensing such native vessel or fishing-boat or subsequently thereto, the master or owner shall give to the port officer the particulars hereinabove required for entry in the crew list of such vessel or fishing-boat.

Any master or owner who fails or refuses to give the information required by this proviso shall be liable to a fine not exceeding fifty rupees.

5. (1) The master of a ship or the employer of a child or young person who employs a child or young person in contravention of this Decree shall be liable on conviction to a fine not exceeding twenty rupees or in the case of a second or subsequent offence, not exceeding fifty rupees.

(2) If the parent or guardian of a child or young person has conducted to the commission of an offence under this Decree by wilful default or by habitually neglecting to exercise due care, he shall be liable on conviction to the like fine.

(3) When the offence of taking a child or young person into employment in contravention of this Decree is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a fine as if he were the employer.

(4) Where a child or young person is taken into employment in contravention of this Decree on the production, by or with the privity of the parent or guardian, of a false or forged certificate, or on the false representation of the parent or guardian that the child or young person is of an age at which such employment is not in contravention of this Decree, the parent or guardian shall be liable to a fine not exceeding twenty rupees.

(5) Where the master of a ship or an employer is charged with an offence under this Decree, he shall be entitled upon complaint duly made to the magistrate before whom he is charged, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the court is satisfied that the master or employer had used due diligence to comply with the provisions of the Decree, and that the other person had committed the offence in question without the master or employer's knowledge, consent or connivance, the other person shall be convicted of the offence and the master or employer shall be exempt from any fine.

(6) When it is made to appear to the satisfaction of an officer charged with the administration of this Decree, at the time of discovering the offence, that the employer or master had used all due diligence to enforce compliance with this Decree, and also by what person the offence had been committed, and also that it had been committed without the know-

ledge, consent or connivance of the employer or master and in contravention of the order, then the officer shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer or master.

6. If a person employs a woman in contravention of this Decree, he shall be liable on conviction to a fine not exceeding two hundred rupees.

7. If it appears to any magistrate, on the complaint of an officer charged with the administration of this Decree, that there is reasonable cause to believe that a child, young person or woman is employed in contravention of this Decree in any place, whether a building or not, such magistrate may by order under his hand empower any officer charged with the administration of this Decree to enter such place at any reasonable time, within forty-eight hours from the date of the order, and examine such place and any person therein touching the employment of any child, young person or woman therein.

Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on conviction to a fine not exceeding two hundred rupees.

8. All police officers of or above the rank of inspector are hereby charged with the administration of this Decree so far as it relates to the employment of children, young persons and women in industrial undertakings other than the employment of children and young persons in technical schools which shall be subject to the approval and supervision of such officer of the Government as may be authorised by the British Resident in this behalf; and the port officer is hereby charged with the administration of this Decree so far as it relates to the employment of children and young persons in ships.

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