

International Labour Office
Geneva, Switzerland

Legislative Series
1930 — I.O.M. 1

ISLE OF MAN 1

Act: Employment of Women and Children

An Act to carry out certain Conventions relating to the employment of women, young persons and children, and to amend the law with respect to the employment of women and young persons in factories and workshops. Assented to 15th May, 1930.

1. (1) This Act may be cited as "The Employment of Women, Young Persons, and Children Act, 1930".

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty, or on such later date or dates as the Board may by order appoint, and different dates may be appointed for different provisions of this Act, and for different industries or different branches of any industry.

2. In this Act:—

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 "woman" means a woman of the age of eighteen years or upwards.

The expression "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 1, 2, and 3 of the Schedule to this Act.

The expression "ship" means any sea-going ship or boat of any description which is registered in the United Kingdom or the Isle of Man as a British ship, and includes any British or Manx fishing boat entered in the fishing boat register.

"The Board" means the Local Government Board.

The expression "competent authority" in the Schedule to this Act means the Board.

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

(2) No child shall be employed in any ship except to the extent to which and in the circumstances in which such employment is permitted under the Convention set out in Part 4 of the Schedule to this Act.

(3) 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 Convention set out in Part 2 and Part 3 respectively of the Schedule to this Act.

(4) Where young persons are employed in any industrial undertaking, a register of the young persons so employed, and of the dates of their birth, and of the dates on which they enter and leave the service of their employer, shall be kept, and shall at all times be open to inspection.

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(5) There shall be included in every agreement with the crew entered into under the Merchant Shipping Act, 1894 (an Act of the Imperial Parliament), a list of the young persons under the age of sixteen years who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons under the age of sixteen are employed therein, keep a register of those persons, with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open to inspection.

This section, so far as it relates to employment in a ship, shall have effect as if it formed part of the Merchant Shipping Acts, 1894 to 1925.

In the case of employment in any place other than the places aforesaid or in any ship—

- (a) if any person employs a child or young person in contravention of this Act or of any bye-law under this Act, he shall be liable, on summary conviction, to a fine not exceeding forty shillings, or, in case of a second or subsequent offence, not exceeding five pounds:
- (b) if any parent or guardian of a child or young person has concurred to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care, he shall be liable, on summary conviction, to the like fine:
- (c) where the offence of taking a child or young person into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer:
- (d) where a child or young person is taken into employment in contravention of this Act on the production, by or with the privity of the parent, of a false or forged certificate, or on the false representation of his parent that the child or young person is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings:
- (e) where an employer is charged with any offence under this Act, he shall be entitled, upon information duly laid by him, 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 employer has used due diligence to comply with the provisions of the Act, and that the other person had committed the offence in question without the employer's knowledge, consent, or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine:
- (f) when it is made to appear to the satisfaction of an inspector under the Factories and Workshops Act, 1909, or other officer charged with the enforcement of this Act, at the time of discovering the offence, that the employer had used all due diligence to enforce compliance with this Act, and also by what person

the offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer and in contravention of his order, then the inspector or officer shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer:

- (g) if it appear to any justice of the peace, on the complaint of an inspector under the Factories and Workshops Act, 1909, that there is reasonable cause to believe that a child or young person is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower such inspector 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 or young person therein. Any person refusing admission to an inspector authorised by an order under this section, or obstructing him in the discharge of his duty, shall, for each offence, be liable on summary conviction to a penalty not exceeding twenty pounds:
- (h) if any child is employed in any ship in contravention of this Act, the master of the ship shall be liable for each offence to a fine not exceeding forty shillings, or, in the case of a second or subsequent offence, not exceeding five pounds, and where a child is taken into employment in any ship in contravention of this Act on the production, by or with the privity of the parent, of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable, on summary conviction, to a fine not exceeding forty shillings:
- (i) if any person, being the employer of a young person, fails to keep such register so required to be kept by him as aforesaid, or refuses or neglects when required to produce it for inspection by an inspector under the Factories and Workshops Act, 1909, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds:
- (j) if the master of a ship 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 an officer of the Board of Trade or any other person having power to enforce compliance with the provisions of the Merchant Shipping Acts, 1894 to 1925, he shall be liable to a fine not exceeding twenty pounds.
- (k) if a person employs a woman in contravention of this Act, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds, and an inspector appointed under the Factories and Workshops Act, 1909, shall, in relation to the case, have the same powers and duties as if the place in which the woman is employed were a factory or workshop.

4. (1) The Board may, on the joint application of the employer or employers of any factory or workshop, or group of factories or workshops, and the majority of the workpeople concerned in such factory or workshop, or group of factories or workshops, subject to the provisions of this section, make orders authorising the employment of women and young persons of the age of sixteen years and upwards in any factory or workshop, or group of factories or workshops, at any time between the hours of six in the morning and ten in the evening on any week day except Saturday, and between the hours of six in the morning and two in the afternoon on Saturday, in shifts averaging for each shift not more than eight hours per day.

Provided that, if a joint representation is made to the Board by organisations representing a majority of the employers and workers in the industry concerned or the section of industry concerned, as the case may be, to the effect that orders under this section ought not to be made in respect of factories and workshops in that industry or section of industry, the powers of the Board to make orders under this section shall cease to be exerciseable as regards that industry or section of industry, unless and until the representation is withdrawn by the said organisations, and if any such representation so requires, any order previously made in respect of a factory or workshop in that industry or section of industry shall, on the expiration of such reasonable period, not exceeding four months, as the Board may fix, cease to have effect.

Particulars of every order made under this section shall be published forthwith in two Insular newspapers, and no representation as respects factories and workshops in the industry or section of industry to which the order relates shall be of any effect unless made within one month from the date of the publication of the order.

(2) An order under this section shall be subject to such conditions as the Board may consider necessary for the purpose of safeguarding the welfare and interests of the persons employed in pursuance of the order, and shall include a condition empowering the Board to revoke the order in the event of non-compliance with the conditions thereof, or in the event of it appearing to the Board that abuses of any description have arisen out of the employment of any persons in pursuance of the order.

(3) The Board may by order direct that such conditions as it may consider necessary for the purpose of safeguarding the welfare and interests of the persons employed shall apply to the employment in day shifts of young persons who may lawfully be so employed under the provisions of the Factories and Workshops Act, 1909.

(4) Notwithstanding anything in this section, an order under this section may permit the employment in any factory or workshop, in such shifts as aforesaid, of young persons under the age of sixteen years who are at the commencement of this Act so employed in that factory or workshop.

(5) If the conditions imposed by any order made under this section are not complied with in the case of any woman or young

person, that woman or young person shall be deemed to be employed in contravention of the Factories and Workshops Act, 1909.

(6) This section shall remain in force for a period of five years from the commencement of this Act and no longer, and any order made under this section shall, unless previously revoked by the Board in pursuance of its powers under this section, remain in force for a like period.

(7) This section shall be construed as one with the Factories and Workshops Act, 1909.

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

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

(3) Nothing in this Act shall prevent the employment in any industrial undertaking or a ship of a child lawfully so employed at the commencement of this Act.

SCHEDULE.

Part 1. Convention fixing minimum age for admission of children to industrial employment.

Part 2. Convention concerning the night work of young persons employed in industry.

Part 3. Convention concerning the night work of women employed in industry.

Part 4. Convention fixing the minimum age for admission of children to employment at sea.

Published in the United Kingdom by
P. S. KING & SON, LTD., 14 Great Smith Street, Westminster.

Distributed in the United States by
THE WORLD PEACE FOUNDATION, 40, Mount Vernon Street, BOSTON, Mass.

E. BIRKHÄUSER & Co., Printers, Basle.

