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## MAURITIUS 1

Ordinance: Employment of Women, Young Persons and Children

**An Ordinance to give effect to certain Conventions relating to the employment of women, young persons and children in factories and workshops. No. 37 of 1934. Assented to 30th August, 1934.**

1. This Ordinance may be cited as the Employment of Women, Young Persons and Children Ordinance, 1934.

2. In this Ordinance, unless the context otherwise requires—

“Child” means a person under the age of fourteen years.

“Young person” means a person who has ceased to be a child and who is under the age of eighteen years.

“Woman” means a woman of the age of eighteen years or upwards.

“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 I, II and III of the Schedule to this Ordinance.

“Ship” means any sea-going ship or boat of any description registered in the Colony and includes all coasting vessels.

“Employ” and “employment” include employment in any labour exercised by way of trade or for the purpose of gain whether the gain be to the child or to any other person, and the handling of any material, implement or machinery or any part thereof shall be deemed, for the purposes of this Ordinance, to constitute employment.

“Industrial school” means any Government or other Institution approved as such where juvenile offenders or juvenile destitutes are looked after.

“Orphanage” means a home for orphans certified as such by the Poor Law Commissioner and approved by the Governor.

“Guardian” includes any person having for the time being charge of or control over the child or young person.

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 IV of the Schedule to this Ordinance.

(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 Conventions set out in Part II and Part III respectively of the Schedule to this Ordinance.

Provided that the Governor in Executive Council shall have power to permit the employment of women at night in any particular industrial undertaking, for such period and subject to such conditions as he shall deem fit to prescribe, whenever it shall appear to him necessary to permit such employment having regard to the conditions obtaining in the said industrial undertaking at the time.

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(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 by the Protector of Immigrants or any officer of his Department.

(5) Where young persons under the age of sixteen years are employed in a ship, the master of the ship shall keep a register of those young 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 registers so kept shall at all times be open to inspection by the Protector of Immigrants or any officer of his Department.

4. (1) If any person employs a child or young person in any industrial undertaking in contravention of this Ordinance, he shall be liable to a fine not exceeding one hundred rupees.

(2) If any parent or guardian of a child has conduced to the commission of the offence contemplated under paragraph (1) of this article by wilful default, or by habitually neglecting to exercise due care, he shall be liable to a fine not exceeding one hundred rupees.

(3) Where the offence of taking a child into employment in a factory is committed by an agent or workman of the employer, both the employer and the agent or workman shall be liable to the penalty prescribed by paragraph (1) of this article.

(4) If any child is employed in any ship in contravention of this Ordinance, the master or person in charge of the ship shall be liable to a fine not exceeding one hundred rupees.

(5) If any person being the employer of a young person 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 the Protector of Immigrants or any officer of his Department, he shall be liable to a fine not exceeding one hundred rupees.

(6) 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 the Protector of Immigrants or any officer of his Department, he shall be liable to a fine not exceeding one hundred rupees.

(7) If a person employs a woman in contravention of this Ordinance, he shall be liable to a fine not exceeding one hundred rupees.

5. Where a child is taken into employment in any ship or in an industrial undertaking on the production by or with the privity of the parent or guardian, of a false certificate, or on the false representation by his parent or guardian that the child is of an age at which such employment is not in contravention of this Ordinance, such parent or guardian shall be liable to a fine not exceeding one hundred rupees.

6. If in a charge for an offence under this Ordinance it is alleged that the child in respect of whom the offence was committed was of such an age that his employment was not in contravention of this Ordinance, he shall, for the purpose of this Ordinance, be deemed not to have been of such age until the contrary is proved.

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

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

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

(4) Nothing in this Ordinance shall apply to the exercise of manual labour by any child under detention in an industrial school or orphanage or by any child receiving instruction in manual labour in any school.

8. The Protector of Immigrants or any officer of his Department shall have power to prosecute for any offence under this Ordinance.

9. The Employment of Children Ordinance, 1931<sup>1</sup>, is repealed.

SCHEDULE.

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

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

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

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

<sup>1</sup> Legislative Series, 1931 (Maur. 1).

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