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SAINT VINCENT 1

Ordinance: Employment of Women, Young Persons and Children

An Ordinance to carry out certain conventions relating to the employment of women, young persons and children. No. 20 of 1935. Assented to 28th May, 1935.

1. This Ordinance may be cited as the Employment of Women, Young Persons and Children Ordinance, 1935.

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

“ child ” means a person under the age of twelve years;

“ competent authority ” means the Governor in Council;

“ industrial undertaking ” has, with respect to the employment of children, young persons and women the meaning 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 which is registered in this Colony as a British ship;

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

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

3. (1) No child shall be employed in any industrial undertaking. Provided that in the application to the Colony of the Convention set out in Part I of the Schedule to this Ordinance, Article 2 shall not apply to work done by children in recognised schools provided such work is approved and supervised by public authority.

(2) 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.

(3) Where young persons are employed in any industrial undertaking, a register of the young persons so employed, 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.

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

(2) The master of a ship shall, if young persons under the age of sixteen years are employed therein, keep a register of those persons with particulars 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.

5. (1) If any person employs a child or a young person in any industrial undertaking in contravention of this Ordinance, he shall be liable on summary conviction to a fine not exceeding two pounds or, in the case of a second or subsequent offence, not exceeding five pounds.

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(2) Where the offence of taking a child into employment in contravention of this Ordinance 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 was the employer.

(3) Where an employer is charged with any offence under this Ordinance, 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 had used due diligence to comply with the provisions of this Ordinance 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.

(4) When it is made to appear to the satisfaction of the Chief of Police at the time of discovering the offence, that the employer had used all due diligence to enforce compliance with this Ordinance, 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 Chief of Police shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

(5) If it appear to any police magistrate or justice of the peace on the complaint of a member of the police force that there is reasonable cause to believe that a child is employed in contravention of this Ordinance in any place, whether a building or not, such justice may by order under his hand empower any member of the police force 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 therein.

(6) Any person refusing admission to a member of the police force authorised by an order under subsection five of 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.

(7) 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 Chief of Police he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(8) If a person employs a woman in contravention of this Ordinance, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(9) If any child is employed in any ship in contravention of this Ordinance, the master of the ship shall be liable on summary conviction for each offence to a fine not exceeding two pounds, or, in the case of a second or subsequent offence, not exceeding five pounds.

(10) 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 harbour master or an officer of

customs, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(11) If any parent of, or any person who is liable to maintain or has the actual custody of, a child or young person has, by wilful default or by habitually neglecting to exercise due care, conduced to the commission of the offence of taking a child into employment in contravention of this Ordinance, he shall be liable on summary conviction to a fine not exceeding two pounds or, in the case of a second or subsequent offence, not exceeding five pounds.

(12) Where a child is taken into employment in any industrial undertaking, or in any ship in contravention of this Ordinance 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 Ordinance, that parent shall be liable on summary conviction to a fine not exceeding two pounds.

6. The Governor in Council may make Regulations—

- (a) defining the line of division which separates industry from commerce and agriculture;
- (b) extending any of the provisions of this Ordinance which apply to children or to young persons to persons who are not children or young persons, as the case may be, but are under the age of 18 years, in respect of any occupation or occupations in which the employment of such persons may seem deleterious;
- (c) in respect of the inspection and supervision of the employment in industrial undertakings of young persons under the age of fourteen years and children;
- (d) in respect of safety and sanitary conditions (including ventilation overcrowding *et cetera*) in regard to any industrial undertaking in which women, young persons and children are employed; and
- (e) in industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, reducing the night period for the non-employment of women to ten hours on sixty days of the year.

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 this Ordinance.

8. This Ordinance shall come into operation on such date or dates as the Governor in Council may by order appoint, and different dates may be appointed for different provisions of this Ordinance and for different industries or different branches of any industry.

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.

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