

International Labour Office
Geneva, Switzerland

Legislative Series
1933 — Ken. 1

KENYA 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. XIV of 1933. Assented to 5th May, 1933.

1. This Ordinance may be cited as "the Employment of Women, Young Persons and Children Ordinance, 1933".

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;

"employment" means employment in any labour exercised for the purposes of gain whether the gain be to the child, young person or woman, as the case may be, or to any other person;

"industrial undertaking" has, with respect to the employment of children, young persons and women, the meanings respectively assigned thereto in the Convention set out in Parts I, II and III of the Schedule to this Ordinance;

"native vessel" has the meaning assigned to that term in the Native Vessels Ordinance¹;

"duly authorized officer" means any officer appointed by the Governor for the purposes of this Ordinance;

"competent authority" means the Governor in Executive Council.

3. (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 contained shall apply to an industrial undertaking or a ship in which only members of the same family are employed.

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

4. (1) No child under the age of twelve shall be employed in any industrial undertaking.

(2) No child shall be employed in any industrial undertaking, in attendance on any machinery, or in any open-cast workings or sub-surface workings which are entered by means of a shaft or adit.

(3) Notwithstanding the provisions of subsection (1) of this section the Governor in Council may by order prohibit the employment of any child in any specified trade or industrial undertaking.

(4) 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:

¹ Cap. 108.

Price 1½d. (3 cents)

Pamphlet

349.
676
204
140
263
5
KEN

349.6762041402636 KEN

Provided that the provisions of this subsection shall not apply in the case of a child who is employed in a native vessel or is under the care of a relative who is a member of the crew of the same vessel, if such relative is, in the opinion of a duly authorized officer, a fit and proper person to have charge of such child.

(5) 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 in the application to the Colony of the Convention set out in Part II of the Schedule to this Ordinance Article 2 shall not apply to male young persons.

(6) Where young persons are employed in any industrial undertaking a register of the young persons so employed, of their ages or apparent ages, and of the dates on which they enter or leave the service of their employer, shall be kept, and shall at all times be open to inspection by any duly authorized officer.

(7) The master of every ship shall, if young persons under the age of sixteen years are employed therein, keep a register of those persons with particulars of their ages or apparent ages and of the dates on which they become or cease to be members of the crew, and the register so kept shall be open to inspection by any authorized officer: Provided that this subsection shall not apply to the master of a native vessel.

5. (1) Subject to the provisions of Articles 3 and 4 of the Convention set out in Part V of the Schedule to this Ordinance, no young person shall be employed on work as a trimmer or stoker in any ship.

(2) The master of every ship shall, if young persons are so employed therein, keep a register of those persons with particulars of their ages or apparent ages and of the dates on which they become or cease to be members of the crew.

6. (1) If any person employs a child or a young person in any industrial undertaking in contravention of this Ordinance he shall be liable for each offence to a fine not exceeding two pounds, or, in the case of a second or subsequent offence, not exceeding five pounds; and where a child is taken into employment in any industrial undertaking 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 or young person is of an age at which such employment is not in contravention of this Ordinance, that parent shall be liable to a fine not exceeding two pounds.

(2) If any child is employed in any ship, or any young person is employed as a trimmer or stoker in any ship in contravention of this Ordinance the master of the ship shall be liable for each offence to a fine not exceeding two pounds, or, in the case of a second or subsequent offence, not exceeding five pounds, and where a child or young person, as the case may be, is taken into employment 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 or young person is of an age at which

380015726x

such employment is not in contravention of this Ordinance, that parent shall be liable to a fine not exceeding two pounds.

(3) If any person employs a woman in contravention of this Ordinance he shall be liable to a fine of twenty pounds.

(4) If any person who is by this Ordinance required to keep a register fails to keep such a register, or refuses or neglects, when required, to produce it for inspection by a duly authorized officer, he shall be liable to a fine not exceeding twenty pounds.

7. (1) If it appears to any magistrate, on the complaint of a duly authorized officer, 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 magistrate may by order under his hand empower such officer to enter into such place at any reasonable time, and examine such place or any person therein, touching the employment of any child therein.

(2) Any person refusing admission to an officer authorized by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable to a fine not exceeding twenty pounds.

8. If in a charge for an offence under this Ordinance it is alleged that the child or young person in respect of whom the offence was committed was under the age of fourteen or sixteen, as the case may be, at the date of the commission of the alleged offence, such person shall for the purposes of this Ordinance be presumed at that date to have been under the age of fourteen or sixteen, as the case may be, unless the contrary is proved.

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.

Part V. Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers.

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.

