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Ordinances: Employment of Young Persons and Children and Women

A) An Ordinance to regulate the employment of young persons and children in industrial undertakings. No. 20 of 1931. Assented to 1st December, 1931.

1. This Ordinance may be cited as the Employment of Young Persons and Children Ordinance, 1931.

2. In this Ordinance—
the expression "child" means a person under the age of twelve years;

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

the expression "industrial undertaking" means any undertaking which may be declared by order of the Governor in Council to be an industrial undertaking.

3. (1) The Governor in Council may from time to time by order to be published in the *Gazette* declare any undertaking to be an industrial undertaking for the purposes of this Ordinance, and from and after the date of the publication of such order this Ordinance shall be in full force and effect in respect of the undertaking to which the order refers.

(2) The Governor in Council may in like manner revoke any such order.

4. (1) No child shall be employed or work in any industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the family of the proprietor or owner are employed.

(2) No young person under the age of fourteen years shall be employed in any industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the family of the proprietor or owner are employed, for more than four hours in each day.

(3) No young person over the age of fourteen shall be employed in any industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the family of the proprietor or owner are employed, for more than six hours in each day. Provided always that the Governor in Council may by order to be published in the *Gazette* declare that the hours of employment or work of young persons under this subsection may be extended to a maximum period of eight hours in each day in respect of any industrial undertaking named in such order, and provided further that before making any such order as aforesaid the Governor in Council shall be satisfied that the conditions and nature of the employment or work in such industrial undertaking are such as to justify an extension of the hours of employment or work. Every such order may be varied from time to time or revoked.

(4) (i) No young person shall be employed at night in any industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the family of the proprietor or owner are employed.

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(ii) For the purposes of this subsection the expression "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

(iii) The provisions of this subsection shall not apply in cases of *force majeure*, where in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character.

(5) No child shall be employed to lift, carry or move anything so heavy as to be likely to cause injury to the child.

(6) No child shall be employed in any undertaking likely to be injurious to his life, limb or health, regard being had to his physical condition.

5. (1) Where any 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 such employment, shall be kept by the proprietor, owner or manager of such industrial undertaking and shall at all times be open to inspection by any Government Medical Officer, the Commissioner of the District or any officer or non-commissioned officer of the Police Force.

(2) All young persons registered in accordance with the provisions of this section shall be examined by a Government Medical Officer on registration and at least once in every three months thereafter, and no young person shall be employed or continue to be employed without a certificate from a Government Medical Officer of his fitness for such employment.

6. (1) Any person being the proprietor, owner or manager of any industrial undertaking who fails to keep a register so required to be kept by him as aforesaid, or refuses or neglects when required to produce it for inspection by a Government Medical Officer, Commissioner or officer or non-commissioned officer of the Police Force, shall be liable on summary conviction to a fine not exceeding fifty dollars; and

(2) Any person being the proprietor, owner or manager of any industrial undertaking in which any child or young person is employed in contravention of this Ordinance, shall be liable on summary conviction to a fine not exceeding fifty dollars for every child or young person so employed.

(3) (i) Where a child or young person is taken into employment, or is employed, in any industrial undertaking in contravention of this Ordinance 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 his parent or guardian that the child or young person is of an age at which such employment is not in contravention of this Ordinance, that parent or guardian shall be liable to a fine not exceeding ten dollars.

(ii) For the purposes of this subsection the expression "guardian" used in reference to a child or young person includes any person who is liable to maintain or has the actual custody of the child.

(4) Any person who acts in contravention of or fails to comply with any rules made under this Ordinance, shall be liable on summary con-

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viction to a fine not exceeding fifty dollars, and in case of a continuing offence such person shall be liable to a further fine not exceeding ten dollars for each day during which the offence continues.

7. Any employer who employs a child under the age of fourteen years upon any vessel, other than a vessel upon which only members of the same family shall be employed, shall be guilty of an offence, and shall be liable on summary conviction thereof to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding two hundred and fifty dollars.

8. Except as herein otherwise expressly or by necessary implication provided, nothing herein contained shall affect or alter the legal or equitable rights or liabilities of any party to a contract of service: provided that no person shall twice be punished for the same offence.

9. The Governor in Council may by order make rules to be published in the *Gazette* regulating all or any of the following matters in any industrial undertaking in which children or young persons are employed or work:—

- (a) sanitary conditions including ventilation;
- (b) overcrowding; and
- (c) health and safety generally.

B) An Ordinance relating to the employment of women in industrial undertakings. No. 21 of 1931. Assented to 1st December, 1931.

1. This Ordinance may be cited as the Employment of Women Ordinance, 1931.

2. In this Ordinance—

"women" includes all persons of the female sex, without distinction of age;

"industrial undertaking" includes a mine or quarry, or a distillery, or a sugar, spirit compounds, match, soap, cigar, or cigarette factory, or any undertaking in which articles are manufactured or materials transformed, and declared by proclamation by the Governor in Council to be an industrial undertaking. Provided that there shall not be included in this definition any undertaking in which—

- (a) not more than ten men or women are employed; or
- (b) only the members of the family of the proprietor or owner of the undertaking are employed;

"Night work" means work in an industrial undertaking during any portion of a period of eleven consecutive hours including the hours of ten o'clock in the evening and five o'clock in the morning.

3. It shall not be lawful, except as expressly provided in this Ordinance, to employ women in night work in the Colony.

4. In such industrial undertakings as are influenced by the seasons of the year, and in all industrial undertakings in the case of exceptional circumstances demanding it, the Governor in Council may, by proclamation, declare that the prohibition of night work shall extend to a period of ten hours only instead of eleven hours on sixty days of the year.

5. The provisions of section three of this Ordinance shall not apply to a case where it is shown to the satisfaction of the Court trying any proceedings brought under this Ordinance that the night work complained of was due to a cause beyond control bringing about an interruption of work which it was impossible to foresee and which is not of a recurring character, or where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration and when such night work is necessary to preserve the said materials from certain loss.

6. The proprietor, owner, or manager of any industrial undertaking in which any woman is employed in night work contrary to the provisions of this Ordinance shall be liable, on summary conviction, to a penalty of fifty dollars for every woman so employed.

The Governor in Council may make regulations for the carrying out of this Ordinance.

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