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BRITISH GUIANA 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. 14 of 1933. Assented to 5th July, 1933.

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

2. In this Ordinance the following expressions shall have the meanings hereby assigned to them and these meanings shall apply to the said expressions where used in the Schedule:—

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

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

“woman” means a woman of the age of sixteen 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 which is registered in this Colony as a British ship.

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

(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 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.

4. (1) No child shall be employed in any ship except to the extent and in 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 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.

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 ten dollars, or, in the case of a second or subsequent offence, not exceeding twenty-four dollars.

(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 were the employer.

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(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 an officer or sub-officer of the police force 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 officer or sub-officer 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 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. Any person refusing admission to a member of the police force authorised by an order under this subsection or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty not exceeding ninety-six dollars.

(6) 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 an officer or sub-officer of the police force, he shall be liable on summary conviction to a fine not exceeding ninety-six dollars.

(7) If a person employs a woman in contravention of this Ordinance, he shall be liable on summary conviction to a fine not exceeding ninety-six dollars.

(8) 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 ten dollars or, in the case of a second or subsequent offence, not exceeding twenty-four dollars.

(9) 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 ninety-six dollars.

(10) 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 ten dollars or, in case of a second or subsequent offence, not exceeding twenty-four dollars.

(11) 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 ten dollars.

6. The Governor in Council may make regulations—

- (a) defining the line of division which separates industry from commerce and agriculture;
- (b) fixing higher age limits in respect of any occupation or occupations in which the employment of children or young persons may seem deleterious;
- (c) 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;
- (d) in respect of safety and sanitary conditions (including ventilation, overcrowding, *et cetera*) in regard to any industrial undertakings in which women, young persons or children are employed; and
- (e) in respect of the inspection and supervision of the employment in industrial undertakings of young persons under the age of fourteen years, and children.

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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