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GIBRALTAR 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. 16 of 1932. Assented to 18th November, 1932.

1. This Ordinance may be cited as the Employment of Women, Young Persons and Children Ordinance, 1932.

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 and 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 sea or boat of any description which is registered in the Colony as a British ship;

“duly authorized officer” means any officer authorized by the Governor to act under the provisions of this Ordinance, by notice published in the Gazette;

“competent authority” means the Governor.

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 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.

4. (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 persons or women 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.

(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 any duly authorized officer.

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(5) There shall be included in every agreement with the crew entered into under "The Merchant Shipping Ordinance, 1886" or any Ordinance amending or substituted for the same, a list of the young persons under the age of sixteen years who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the 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 by any duly authorized officer.

(6) This section, so far as it relates to employment in a ship, shall have effect as if it formed part of "The Merchant Shipping Ordinance, 1886" or of any Ordinance amending or substituted for the same.

(7) (a) 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 £2, or, in case of a second or a subsequent offence, not exceeding £5; and where a child is taken into an 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 on summary conviction to a fine not exceeding £2.

(b) If any child is employed in any ship in contravention of this Ordinance, the master of the ship shall, on summary conviction, be liable for each offence to a fine not exceeding £2, or, in the case of a second or a subsequent offence, not exceeding £5; and where a child 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 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 £2.

(c) If any person, being the employer of the young person, 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 duly authorized officer, he shall be liable on summary conviction to a fine not exceeding £20.

(d) 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 a duly authorized officer, he shall be liable on summary conviction to a fine not exceeding £20.

(e) If a person employs a woman in contravention of this Ordinance, he shall be liable on summary conviction to a fine not exceeding £20.

5. (1) If it appear to a justice of the peace, 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 justice may by order under his hand empower such officer to enter into such place at any reasonable time,

within forty-eight hours from the date of the order, and examine such place or any place therein, touching the employment of the 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 on summary conviction to a fine not exceeding £20.

6. This Ordinance shall come into operation on the 1st day of December, 1932.

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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