

AS AMENDED IN THE SENATE

No. 11 of 2006

Fifth Session Eighth Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to amend the law relating to the minimum age
for admission to employment in Trinidad and Tobago

THE MISCELLANEOUS PROVISIONS (MINIMUM AGE
FOR ADMISSION TO EMPLOYMENT) BILL, 2006

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of this Bill is to amend the law relating to the minimum age for admission to employment.

Clause 1 seeks to provide the short title of this Act, for which this is the Bill.

Clause 2 seeks to provide the establishment of a minimum age of sixteen years for admission to employment.

Clause 3 seeks to amend section 3 of the Factories Ordinance, Ch. 30 No. 2 to increase the age limit for the terms “child” and “young person” from fourteen years to sixteen years.

Clause 4 seeks to amend the various provisions of the Children Act, Chap. 46:01 in the following terms:

- (a) subclause (a) seeks to amend section 2, by inserting the definitions for “Court” and “inspector”;
- (b) subclause (b) seeks to delete section 91 and substitute a new section 91 to provide certain restrictions on the employment of a child under the age of sixteen years, since there is a general prohibition against the employment of a child under the age of sixteen years;
- (c) subclause (c) seeks to delete section 92 and substitute the new sections 92, 92A and 92B. The proposed section 92 provides that employers must keep a register of all persons under the age of eighteen years who are employed by them. The proposed section 92 also gives the inspector the power to inspect the register.

The proposed section 92A seeks to empower inspectors from the Ministry with responsibility for labour with certain powers of inspection and powers of entry into premises.

The proposed section 92B expands on the inspector’s powers of entry whereby he has the authority to seize documents and question any person whom he believes can provide information. The power of the inspector to enter premises may be exercised only upon a warrant issued by a Judge of the Industrial Court.

- ~~(d)~~ subclause ~~(d)~~ seeks to repeal section 93;
- ~~(e)~~ subclause ~~(e)~~ seeks to delete section 94 and substitute the new sections 94, 94A and 94B. The proposed section 94 makes it an offence for a parent or guardian who conduces to the employment of a child under the age of sixteen years, through wilful default or by neglecting to exercise due care.

The proposed section 94A makes it an offence where an agent or workman takes a child under the age of sixteen years into employment.

The proposed section 94B makes the parent or guardian guilty of an offence where a child under the age of sixteen years is employed on the production, with the knowledge of the parent, of a false certificate or on the false representation by his parent or guardian that the child is not under the age of sixteen years;
- ~~(f)~~ subclause ~~(f)~~ seeks to amend section 95 of the Act by deleting the word “twelve” and substituting the word “sixteen”; and
- ~~(g)~~ subclause ~~(g)~~ seeks to amend section 96, by deleting the words “other than an offence under section 92 or section 93(2).”

Clause 5 seeks to amend the Recruiting of Workers Act, Chap. 88:10 by repealing section 5.

Clause 6 seeks to amend the Shipping Act, No. 24 of 1987, by inserting after section 108(1), a new subsection to restrict the employment of a child who has not attained the age of 16 years and provided that the work is an integral part of a programme of training.

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[, 2006]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Short title Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, 2006.

Establishment of
minimum age for
admission to
employment

2. (1) Subject to this Act, a person under the age of sixteen shall not be admitted to employment.

(2) Subsection (1) applies for the purposes of any rule of law and in the absence of a definition or of any indication of a contrary intention for the construction of “child”, “young person” and similar expressions in any other—

(a) written law whether passed or made before, on or after the date on which this Act comes into operation; and

(b) instrument of whatever nature, not being a statutory instrument, made on or after that date.

Ch. 30 No. 2
amended

3. The Factories Ordinance is amended in section 3 in the definition of the terms “child” and “young person”, by deleting the word “fourteen” and substituting the word “sixteen”.

Chap. 46:01
amended

4. The Children Act is amended—

(a) in section 2, by inserting in appropriate alphabetical sequence, the following definitions:

“Court” means the Industrial Court established under the Industrial Relations Act;

Chap. 88:01

“inspector” means a person designated as such under section 92A”;

(b) by deleting section 91 and substituting the following section:

“Restrictions
on
employment
of a child
under the age
of sixteen
years

91. (1) A child under the age of sixteen years shall not be employed or work in any public or private undertaking, or in any branch thereof, other than an undertaking in which only

members of the same family are employed; and any person who employs any such child or permits him to work in contravention of this section is guilty of an offence.

(2) This section shall not apply to work done by—

- (a) a child and young person in schools for general, vocational or technical education or in other training institutions; or
- (b) a child at least fourteen years of age in undertakings, provided that the work is carried out in accordance with conditions prescribed by the Minister with responsibility for education, after consultation with the organizations of employers and workers concerned and the work is an integral part of—
 - (i) a course of education or training for which a school or training institution is primarily responsible;
 - (ii) a programme of training mainly or entirely in an undertaking, which programme has been approved by the Minister with responsibility for education; or

(iii) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.”;

(c) by deleting section 92 and substituting the following sections:

92. (1) All employers shall keep and maintain a register of every person under the age of eighteen years employed by them, as well as the name, address, and date of birth of every such person.

“Employers
to keep
register of
persons
under the age
of eighteen
years

(2) The register shall on request by an inspector of the Ministry with responsibility for labour be produced for inspection at any reasonable hour of any working day.

(3) An employer who fails to comply with this section is liable, on summary conviction, to a fine of two thousand five hundred dollars and to imprisonment for six months.

Inspectors

92A. (1) The Minister to whom responsibility for labour is assigned may designate in writing a suitably qualified public officer as an inspector in his Ministry.

(2) An inspector shall have the authority to require a parent or guardian or an employer or any other person authorized by an employer, except a person

engaged in a confidential and professional relationship with that employer—

- (a) to give him information with respect to remuneration paid to, and the terms and conditions of service enjoyed by, a person under the age of eighteen years in the service of that employer; and
- (b) to permit him to inspect any record, pay sheet or certificate or representation of age relating to a person under the age of eighteen years.

Powers of
entry

92B. (1) An inspector may at a reasonable time and with the permission of the owner or occupier of any premises, enter the premises where a person under the age of eighteen years is employed or where there is any book, record or other document relating to a person under the age of eighteen years which may afford evidence as to the contravention of any provision of this Act and—

- (a) if necessary, with the assistance of any person, search the premises for any book, record, certificate or representation of age or other document; and

(b) examine such book, record, certificate or other document.

(2) Where during the course of the examination under subsection (1), it appears to the inspector that there has been a contravention of this Act, he may—

(a) require the parent, guardian, employer, or any other person in the service of that employer to give him all reasonable assistance with, and to answer all questions relating to, the examination; or

(b) seize and take away any book, record or other document, relating to a person under the age of eighteen years and retain them until they are required to be produced in any proceeding; but where such book, record or other document is necessary for the continued operations of the business, an employer shall be allowed reasonable access to them.

(3) An inspector shall not demand entry to any premises under subsection (1) except on the warrant of a Court.

(4) Where it is shown to the satisfaction of a **Judge**, on sworn information in writing, that admission to premises has been refused or withheld and that there is reasonable ground for entry into the premises for any purpose stated in subsection (1), the **Judge** may, subject to subsection (5), by warrant under his hand, authorize entry on the premises.

(5) A **Judge** shall not issue a warrant under subsection (4) unless he is satisfied either that written notice of the intention to apply for a warrant has been given to the occupier; or that the giving of such notice would defeat the object of the entry.

(6) Where an inspector enters any premises by virtue of this section he may take with him any other person as may be necessary to effect the purpose of his entry.

(7) A warrant issued under this section shall continue in force for such reasonable time as may be necessary to effect the purpose for which it was issued.

(8) A person who obstructs any person doing anything that he is authorized to do under this section or any person who, unless he is unable to do so, fails or refuses to do anything which he is required under this section to do,

Chap. 88:01 commits a contempt of the Industrial Court, and shall be dealt with as such by that Court as provided under the Industrial Relations Act.

(9) In this section, “Judge” means the President or Vice-President of the Industrial Court.”;

(d) by repealing section 93;

(e) by deleting section 94 and substituting the following sections:

Liability of agent or employer 94. A parent or guardian who conduces to the employment of a child under the age of sixteen years through wilful default, or by habitually neglecting to exercise due care, is guilty of an offence.

False certificate or representation of age 94A. Where the offence of taking a child under the age of sixteen years into employment is committed by an agent or workman of the employer, the agent or workman is guilty of an offence as if he were the employer.

94B. Where a child under the age of sixteen years is taken into employment on the production, by or with the privity of the parent or guardian, of a false or forged certificate, or on the false representation by his parent or guardian that the child is not under the age of sixteen years, the parent or guardian is guilty of an offence.”;

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FIFTH SESSION
EIGHTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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Received and read the

First time.....

Second time.....

Third time.....