

# Rights of young workers

## Introduction

The Protection of Young Persons (Employment) Act 1996 is designed to protect the health of young workers and ensure that work carried out during school years does not put young people's education at risk. The Act sets minimum age limits for employment, rest intervals and maximum working hours and prohibits the employment of anyone under 18 on late night work. The Act also requires employers to keep specified records for workers under 18.

## Rules

The Act generally applies to employees under 18 years of age. It defines children as being aged under 16 and young persons refers to those aged 16 and 17. You can read more information in our document on working hours and rest breaks for children and young people.

### Children

Under the Act, employers cannot employ children aged under 16 in regular full-time jobs. Children aged 14 and 15 may be employed as follows:

- Doing light work during the school holidays - they must have at least 21 days off work during this time
- As part of an approved work experience or educational programme where the work is not harmful to their health, safety or development
- In film, cultural, advertising work or sport under licences issued by the Minister for Jobs, Enterprise and Innovation

Children aged 15 may do 8 hours a week light work in school term time. The maximum working week for children outside school term time is 35 hours or up to 40 hours if they are on approved work experience.

### Young people

The maximum working week for young people aged 16 and 17 is 40 hours with a maximum of 8 hours a day. If a young person under 18 works for more than one employer, the combined daily or weekly hours of work cannot exceed the maximum number of hours allowed. Young persons are only permitted to work between 6am and 10pm. Any exceptions to this rule must be provided by regulation - see 'Licensed premises' below.

### Licensed premises

The Protection of Young Persons Act 1996 (Employment in Licensed Premises) Regulations 2001 permit young people employed on general duties in a licensed

premises to be required to work up to 11pm on a day that does not immediately precede a school day during a school term where the young person is attending school.

Employers who employ young persons to carry out general duties in a licensed premises must have regard to the [Code of Practice concerning the Employment of Young Persons in Licensed Premises \(pdf\)](#).

### **Evidence of age and the written permission of parents**

Employers must see a copy of the young person's birth certificate or other evidence of his or her age before employing that person. If the young person is under 16, the employer must get the written permission of the person's parent or guardian.

### **Payment of wages**

All employees are entitled by law to a payslip. A pay slip is essentially a statement in writing from the employer to the employee that outlines the total pay before tax and all details of any deductions from pay. You should find out information about the [items your payslip should contain](#) and [how your tax is calculated here](#).

Since 1 January 2017, the [national minimum wage](#) is €9.25 per hour. This does not mean that everyone is automatically entitled to receive this. Young people aged under 18 are only guaranteed up to 70% of the national minimum wage which is €6.48 per hour. Your employer is, of course, free to pay you more than the minimum wage if they wish, but you should be aware that they are not required to do so by law.

If you are working in a job where staff are given tips/gratuities by customers (i.e, restaurants, bars, etc.) there is nothing in law to state you are automatically entitled to these tips. However, the law does not require you to hand these tips to your employer either. Instead, it all depends on the custom and practice in your workplace.

If all tips are collected by management and paid to staff through the payroll, then these tips are subject to tax in the normal way.

### **Records to be kept by employers**

Employers must keep records for every employee under 18 that contain the following information:

- The employee's full name
- The employee's date of birth
- The employee's starting and finishing times for work
- The wage rate and total wages paid to the employee.

The employer must keep these records for at least 3 years.

### **Summary of the Act**

Employers must give employees aged under 18 years a copy of the [official summary of the Protection of Young Persons \(Employment\) Act](#), along with other details of their terms of employment within one month of taking up a job.

Employers with employees under 18 must also display the official summary of the Act at a place in their workplace where it can be easily read.

### **Penalties under the Protection of Young Persons (Employment) Act**

Employers found guilty of an offence under the Act are liable on summary conviction to a fine of up to €1,904.61. Continuing breaches of the Act can attract a fine of up to €317.43 a day.

### **Continuing education and training**

Tusla is responsible for ensuring that every child either attends school or otherwise receives a minimum education. One of its duties is to set up and maintain a register of young persons aged 16 and 17 who leave school early to take up employment and to make arrangements for their continuing education and training in consultation with providers and employers.

### **How to apply**

Complaints in relation to infringements of the Protection of Young Persons (Employment) Act 1996 may be referred to the Inspection Services of the Workplace Relations Commission (WRC).

If a child or a young person thinks they have been penalised for refusing to co-operate with an employer in breaching the Act (for example, by refusing to work prohibited hours) then a parent or guardian may make a complaint to a WRC adjudicator. Complaints should be within 6 months of such penalisation. You can make a complaint using the online complaint form available on workplacelrelations.ie. This period may be extended by a further 6 months if the Workplace is satisfied that a reasonable cause prevented the presentation of the complaint within the first 6 months.

For further information on the Protection of Young Persons (Employment) Act 1996 contact the WRC Information and Customer Services - see 'Where to apply' below. It has a guide to the Protection of Young Persons (Employment) Act 1996 (pdf).

### **Where to apply**

#### **Workplace Relations Commission**

Information and Customer Service

O'Brien Road

Carlow

R93 W7W2

Ireland

**Tel:** (059) 917 8990

**Locall:** 1890 80 80 90

**Fax:** (059) 917 8909

**Homepage:** <https://www.workplacelrelations.ie/en/>