



3.6 YOUNG PERSONS

Guidance and Procedures

Summary:

1. The employer has a greater duty of care to young persons because they are seen as being particularly vulnerable to accidents due to their inexperience of today's work processes/locations.
2. The Manager employing the young person must carry out a young persons risk assessment.
3. Health and Safety information must be given to the Young Persons/Children and their Parents/Guardians.
4. Young workers have special rights under the Working Time Regulations

Important definitions:

Young Person is anyone under 18 years old (a person who has passed the minimum school leaving age but has not attained the age of 18 years);

Child is anyone who has not yet reached the official age at which they may leave school, just before or just after their 16th birthday (this is often referred to as the minimum school leaving age (MSLA)).

Persons who are not employees, but are at work for the purposes of training, must be treated as employees in all respects relating to their health and safety at work.

1. Greater Duty of Care:

The Council as an employer has a greater duty of care to young persons and children because they are seen as being particularly vulnerable to accidents mainly due to their inexperience in identifying what is hazardous about many of today's work processes/locations.

The Management of Health & Safety at Work Regulations 1999 (Regulation 19) requires employers not to take a young person into their employ unless prior to their employment commencing a risk assessment has been carried out to ensure that any risks they may encounter during their employment have been identified, assessed and there are measures put in place to prevent these hazards and risks being realised.

“Young people need training most when they first start a job; they need it to increase their capabilities and competencies to a level where they can do the work without putting themselves and others at risk. It is not enough to make training available; you should make sure that it is undertaken and also check that key messages have been understood. Young people will also need training and instruction on the hazards and risks present in the work place and on the preventive and control measures put in place to protect their health and safety. This training should include a basic introduction to health and safety, e.g. first aid, fire and evacuation procedures etc.

As well as training, you will need to bear in mind that young people are also very likely to need more supervision than adults. Effective supervision will also help to monitor the effectiveness of the training young people have received, and there will be clear benefits in assessing whether a young person has the necessary capacity and competence to do the job”. HSE

2. Risk Assessment

An assessment of the risks to the health & safety of all young employees and children must be carried out **before** they commence work.

A number of different categories of Children and Young Persons could work in areas under your control, for example:

- Employees under 18 years of age;
- Trainees under 18 years of age;
- Apprentices under 18 years of age;
- School pupils on work experience placements.
- Young people under 18 involved in youth projects

When carrying out a risk assessment employers must take into account the following criteria:

- The inexperience and immaturity of the young person.
- The lack of risk awareness.
- The layout and fittings of the workstation.
- The type and quantity of exposure time to any substance hazardous to health including biological agents.
- The intricacies of work equipment.
- Knowledge of any processes.
- The detail included in any health and safety training received.

You should also consider young persons carrying out certain types of hazardous work or work which involves use of particularly hazardous substances including:

- Ionising radiation.
 - Work in high pressure atmospheres.
 - Chemical agents, which are classified as toxic, very toxic, corrosive, harmful, irritant or explosive.
 - Use of Lead and Lead compounds (restriction apply to certain types of work).
 - Asbestos.
 - Manufacture and handling of explosive devices.
 - The use of compressed liquefied or dissolved gasses.
 - Work in vats or tanks, which contain or have contained any chemicals listed above.
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- Work where there is a risk of structures collapsing.
 - Work involving high voltage electricity.
 - Work involving the use of machinery that sets the pace and pace related pay.
 - Night shift work.
 - Woodworking machinery, restrictions on its use by untrained young persons.

There are a number of restrictions on the employment of young persons of which it is well to be aware.

- A young person must not be allowed to operate or give signals to any power operated lifting appliance (e.g. crane or hoist) unless under direct supervision of a competent person, for the purpose of undergoing training.
- No person is permitted to drive any site transport until he has attained the age of eighteen, unless he is being trained under direct supervision.
- Young persons are not allowed to operate a fixed circular saw, certain planing machines and vertical spindle moulders, unless they have successfully completed an approved course on the subject. Approved means by the Health and Safety Executive.
- The Asbestos Regulations prohibit the employment of young persons in any process in which asbestos dust is produced unless the dust is controlled by dust extraction equipment.

“There is no need for you to carry out a new risk assessment each time you employ a young person, as long as your current risk assessment takes account of the characteristics of young people and activities which present significant risks to their health and safety”. HSE

To summarise - young people under 18 years old must not be allowed to do work which:

- Cannot be adapted to meet any physical or mental limitations they may have;
- Exposes them to substances which are toxic or cause cancer;
- Exposes them to radiation;
- Involves extreme heat, noise or vibration.

Young people who are **over** the MSLA can do this work under very special circumstances, which are that the:

- Work is necessary for their training;
- Work is properly supervised by a competent person; and
- Risks are reduced to the lowest level, so far as is reasonably practicable.

Children below the MSLA must never do work involving these risks whether they are employed or under training such as work experience.

3. Information to the Young Persons/Children and their Parents/Guardians:

Young people or children must be given information to enable them to work safely and to know what action to take in case of an emergency. It is recommended that such information be written down clearly and concisely since the young persons will generally be employed for short periods in unfamiliar surroundings. Examples include; reporting accidents, fire procedures, Risk Assessments, areas of work, restricted activities and areas, etc.

There is a legal requirement to let the parents of young workers under MSLA know the key findings of the risk assessment and any control measures taken before that person takes up employment on the placement. Although there is no requirement to provide this information in writing, it would seem sensible to do so. It is suggested, therefore, that the written risk assessment and the safety information for the person on the placement be forwarded to the parents as a means of satisfying this requirement.

4. Working Time Regulations:

HSE, local authorities and ACAS all play a part in enforcing the Working Time Regulations, which include; weekly working hours, restrictions on night work and health assessments.

The Working Time Regulations 1999 (as amended) apply to all workers, with some additional provisions available for young workers (below 18 years but above the MSLA).

Briefly, young workers have special rights under the Working Time Regulations. The rights of young workers - those over the minimum school leaving age but under 18 and those under the minimum school age on approved work experience schemes - differ in the following ways:

- a limit of eight hours working time a day and 40 hours a week (unless there are special circumstances);
- not to work either between 10pm and 6am or between 11pm and 7am (except in certain circumstances);
- 12 hours rest between each working day;
- 2 days' weekly rest and a 30-minute in-work rest break when working longer than 4½ hours.

If, on any day, or, as the case may be, during any week, a young worker is employed by more than one employer, his working time shall be determined by aggregating the number of hours worked by him for each employer. For these purposes a week starts at midnight between Sunday and Monday (NB school or college time does not count as work unless it is part of job related training).

Links:

Risk Assessment:

<http://www.hse.gov.uk/youngpeople/risks/index.htm#ypkey>

Health and Safety Training:

<http://www.hse.gov.uk/pubns/indg345.pdf>

The Right Start:

<http://www.hse.gov.uk/pubns/indg364.pdf>

Young People at Work - HSE Guidance:

<http://www.hse.gov.uk/youngpeople/index.htm>

Prohibitions and Limitations:

<http://www.hse.gov.uk/youngpeople/law/prohibitions/index.htm>