

Assented to in Her Majesty's name this 12th day of May 1967.

C. HASKARD,
Governor.

LS

No. 1



1967

Colony of the Falkland Islands.

IN THE SIXTEENTH YEAR OF THE REIGN OF
Her Majesty Queen Elizabeth II.

SIR COSMO HASKARD, K.C.M.G., M.B.E.
Governor.

An Ordinance

To give effect to certain International
Conventions relating to the Employment of
Women, Young Persons and Children.

Title.

(1st June 1967)

Date of commencement.

ENACTED by the Legislature of the Colony of the Falkland
Islands, as follows —

Enacting clause.

1. This Ordinance may be cited as the Employment of
Women, Young Persons and Children Ordinance, 1967.

Short title.

2. In this Ordinance unless the context otherwise requires —

Interpretation.

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

“competent authority” means the Governor in Council;

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

“industrial undertaking” has, with respect to the employment of
children, young persons and women, the meanings respec-
tively 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 the Colony as a British ship;

“woman” means a woman of the age of eighteen years and
upwards;

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

Restriction on the employment of women, young persons, and children in industrial undertakings.

3. (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 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.

(4) Where young persons are employed in any industrial undertaking, a register of the young persons so employed, and 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.

(5) No woman or female young person shall be employed on underground work in any mine, quarry or other work for the extraction of minerals from under the surface of the earth.

(6) There shall be included in every agreement with the crew entered into under the Merchant Shipping Act, 1894, 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.

(7) This section, so far as it relates to employment in a ship, shall have effect as if it formed part of the Merchant Shipping Acts, 1894 to 1948.

- (8) (a) If any person employs a child or a young person in any industrial undertaking in contravention of this Ordinance, he shall be guilty of an offence and shall be liable on summary conviction for each offence to a fine not exceeding £2, or, in case of a second or subsequent offence, not exceeding £5; and where a child is taken into 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 parents 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 guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2; and
- (b) If any child is employed in any ship in contravention of this Ordinance, the master of the ship shall be guilty of an offence and shall be liable on summary conviction for each offence to a fine not exceeding £2, or, in the case of a second or 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 guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2; and
- (c) 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 a duly authorized officer, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20; and

- (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 or any other person having power to enforce compliance with the provisions of the Merchant Shipping Acts, 1894 to 1948, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20; and
- (e) If a person employs a woman in contravention of this Ordinance, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20.

4. (1) The provisions of this Ordinance shall be in addition to and not in derogation of any of the provisions of any other law restricting the employment of women, young persons, or children. Savings.

(2) Nothing in this Ordinance shall apply to an industrial undertaking or ship in which only members of the same family are employed.

5. (1) Any duly authorized officer may, for the purpose of ascertaining whether the provisions of this Ordinance are being or have been complied with, at all reasonable times enter any land, premises, ship or other place and make such examination and inquiry and ask such questions of any person as may be reasonably necessary for that purpose. Inspection.

(2) If any person —

- (a) wilfully delays or obstructs a duly authorized officer in the exercise of any power under this section, or
- (b) refuses or neglects to answer any question or to furnish any information when required so to do by such officer,

he shall be liable on summary conviction to a fine not exceeding £5:

Provided that no person shall be required under this section to answer any question tending to incriminate himself.

(3) Every duly authorized officer shall be furnished with a certificate of his authorization, and on entering any place for the purposes of this section shall, if so required, produce the said certificate.

(4) Every duly authorized officer may take with him a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty.

SCHEDULE

PART I

Sections 2 and 3

Convention fixing Minimum Age for Admission of Children to Industrial Employment.

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly -
 - (a) Mines, quarries and other works for the extraction of minerals from the earth;
 - (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind.
 - (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer,

drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

- (d) Transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

2. Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

3. The provisions of Article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

4. In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of sixteen years employed by him, and of the dates of their births.

PART II

Convention concerning the Night Work of Young Persons employed in Industry.

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly —

- (a) Mines, quarries, and other works for the extraction of minerals from the earth.
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind.
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction as well as the preparation for or laying the foundations of any such work or structure.
- (d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

2. Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night:

- (a) Manufacture of iron and steel; process in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process).
- (b) Glass works.
- (c) Manufacture of paper.
- (d) Manufacture of raw sugar.
- (e) Gold mining reduction work.

3. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours separates two periods of work.

Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

4. The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in cases of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

5. The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

PART III

Convention concerning the Night Work of Women Employed in Industry.

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly —
 - (a) Mines, quarries, and other works for the extraction of minerals from the earth.
 - (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind.
 - (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

2. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

3. Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

4. Article 3 shall not apply —

- (a) In cases of force majeure, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character.
- (b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

5. In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

PART IV

Convention fixing the Minimum Age for Admission of Children to Employment at Sea.

1. For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned: it excludes ships of war.

2. Children under the age of fourteen years shall not be employed or work on vessels other than vessels upon which only members of the same family are employed.

3. The provisions of Article 2 shall not apply to work done by children on school ships or training ships, provided that such work is approved and supervised by public authority.

4. In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and is found by me to be a true and correctly printed copy of the said Bill.

H. L. BOUND,
Clerk of the Legislative Council.