

SUBSIDIARY LEGISLATION 424.10**PROTECTION OF YOUNG PERSONS AT WORK
PLACES REGULATIONS**

1st January, 2002

LEGAL NOTICE 91 of 2000, as amended by Legal Notices 283 of 2004 and 196 of 2015.

1. (1) The title of these regulations is the Protection of Young Persons at Work Places Regulations. Citation and scope.

(2) The scope of these regulations is the implementation of Directive 2014/27/EU of the European Parliament and of the Council amending Council Directive 94/33/EC on the protection of young people at work.

2. (1) In these regulations, unless the context otherwise requires -

Interpretation.
Amended by:
L.N. 283 of 2004.
Cap. 424.

"Act" means the Occupational Health and Safety Authority Act;

"adolescent" means a young person of compulsory school-going age;

"child" means a young person under fifteen years of age;

"Director" means the Director responsible for industrial and employment relations;

"employer" includes any person who gives out work to any child, or young person, or who gives out to any parent or guardian of a child or young person, or to any other person any work to be performed by a child or young person;

"parent" includes any person having the legal care and custody of a minor;

"rest period" means any period during which a young person is not at work, is not at his employer's disposal and is not carrying out any work activities or duties;

"training or apprenticeship scheme" means a training or apprenticeship scheme approved in accordance with the provisions of the Employment and Training Services Act, and shall include a work/training scheme and an in-plant work-experience scheme;

Cap. 594.

"young person" means a person under eighteen years of age, and includes a child and an adolescent;

"work" includes any service which is ordinarily performed by one person, or for another person, for gain, and includes service as an outworker or as a self-employed person, but does not include occasional, or short-term work in domestic service in a private household, or work which is not harmful, damaging or dangerous to a child or young person which is carried out in a family undertaking.

(2) In these regulations, words and expressions defined in the Act shall have the same meaning as they have in the Act, and the provisions of these regulations shall be read and construed in conjunction with the Act.

Risk assessment.

3. (1) Before engaging or offering work to any young person, an employer shall carry out an assessment of the occupational health and safety hazards which may be involved at the place of work, and such assessment shall be repeated whenever there is any major change in working conditions.

(2) In carrying out such an assessment, an employer shall take into consideration, as the case may be:

- (a) the fitting-out and layout of the workplace and the workstation;
- (b) the nature, degree and duration of exposure to physical, chemical and biological agents;
- (c) the form, nature, range and use of work equipment, including any machine, apparatus, tool or device used at work, and the way in which they are handled;
- (d) the arrangement of work processes and operations, and the way in which these are combined (organization of work); and
- (e) the level of training and instruction given to the young person.

(3) Where the assessment reveals a risk to a young person's health or safety, the young person shall be referred for examination by a medical practitioner, and such young person shall not be liable for any expenses incurred:

Provided that the employer shall inform the practitioner, before the medical examination is carried out, of the results of the risk assessment:

Provided further that such examinations shall be repeated as often as necessary, and as indicated by the nature of the risks to health and safety.

(4) An employer shall inform the young person to whom work is to be assigned of the results of the assessments and of all the measures taken, or that are to be taken, concerning the protection of health and safety at work:

Provided that where work is to be assigned to a child, the employer shall also inform the parents of the child concerned of the results of the assessments and of all the measures taken, or that are to be taken concerning the protection of health and safety at work.

Assigning work.

4. (1) An employer shall ensure that any young person in his employ or to whom he has assigned work, is at all times adequately protected against any hazards which may result from the assessment referred to in the preceding regulation, and, in particular, shall ensure that the work assigned to the young person -

- (a) is not beyond such young person's physical or

psychological capacity; and

- (b) does not involve any exposure to any of the chemical, physical or biological agents or to any of the processes listed in the Schedule, or to any other physical, chemical or biological agent which is toxic, carcinogenic, causes heritable genetic damage, causes harm to an unborn child or which in any other way chronically affects human health; and
- (c) does not involve a risk of accidents which it may be assumed cannot be recognized or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; and
- (d) does not involve a risk to health from extremes of cold or heat, or from noise or vibration.

(2) A young person may be allowed to perform work for a limited period of time with any of the physical, chemical or biological agents mentioned in the foregoing subregulation, if such work is indispensable for the young person's vocational training, provided that at all times, the work is performed under the supervision of a competent person, and that the young person is adequately protected against risks to his health and safety.

(3) It shall be the duty of an employer who employs or gives out work to a young person to ensure that such young person is at all times:

- (a) properly trained for the work assigned, taking into account any health and safety hazards which may be present; and
- (b) supervised by a competent person who has been trained in the work activity assigned to a young person, including the use of tools, machinery and equipment, and who is aware of the risks involved and of the preventive measures to be taken.

5. (1) An employer shall, before taking into his employment any young person, ensure that the young person has been examined by a medical practitioner, who shall certify that the young person is medically fit to carry out the work intended to be assigned to him. The employer shall further ensure that the young person is medically re-examined at least once every twelve months, or at any such other interval as directed by the Director:

Medical
examinations.

Provided that a parent or guardian of any young person shall have the right to be present during such medical examinations.

(2) An employer shall keep a register at the place of work, in which shall be entered the name of the young person, his date of birth, the date on which he commences employment, the result of the medical examination, any condition or recommendation made by the medical practitioner, the name of the medical practitioner, the date when the next medical examination in respect of the young person examined is due, and the date on which such young person ceases to be employed.

(3) The employer shall afford, to the medical practitioner carrying out any such examination, facilities to inspect any process or work to be assigned to the young person.

(4) The register of medical examinations referred to in subregulation (3) shall be open for inspection by any medical practitioner authorised by the Director, and it shall not be destroyed or otherwise disposed of without the approval of the said Director.

(5) Without prejudice to the provisions of subregulation (1), the Director may, for the purpose of verifying any medical findings or recommendations, require the employer to make arrangements for any young person to be medically examined by any medical officer approved by the said Director for the purpose.

(6) The employer shall be liable to any expenses incurred in carrying out for such examinations. No employee shall suffer any deduction in wages or any loss of benefit in respect of time lost for attendance for such examinations or for any investigations in connection therewith.

(7) This regulation shall not apply in the case of a child or adolescent carrying out work in respect to any school activity, or any activities carried out in pursuance of any educational curriculum or any philanthropic, cultural, artistic, sports or educational activity approved by the Minister responsible for education.

Offences.

6. (1) Any breach of any provision of these regulations shall be deemed an offence.

(2) The parent or person who has the custody or care of a child shall be guilty of an offence if any breach of the provisions of these regulations takes place with his knowledge or consent.

SCHEDULE

[Regulation 4(1)(b)]

*Substituted by:
L.N. 196 of 2015.*

Non-exhaustive list of agents and processes of work to which young persons cannot be exposed

I. Agents

1. Physical agents

- (a) Ionizing radiation;
- (b) Work in a high-pressure atmosphere, e.g. in pressurized containers, diving.

2. Biological agents

Biological agents of risk groups 3 and 4 within the meaning of paragraphs (c) and (d) of the definition "biological agents" in regulation 2 of the Protection of Workers from Risks related to Exposure to Biological Agents at Work Regulations (S.L.424.25).

3. Chemical agents

- (a) Substances and mixtures which meet the criteria for classification under Regulation (EC) No 1272/2008 of the European Parliament and of the Council in one or more of the following hazard classes and hazard categories with one or more of the following hazard statements:

- acute toxicity, category 1, 2 or 3 (H300, H310, H330, H301, H311, H331);
- skin corrosion, category 1A, 1B or 1C (H314);
- flammable gas, category 1 or 2 (H220, H221);
- flammable aerosols, category 1 (H222);
- flammable liquid, category 1 or 2 (H224, H225);
- explosives, categories 'Unstable explosive', or explosives of Divisions 1.1, 1.2, 1.3, 1.4, 1.5 (H200, H201, H202, H203, H204, H205);
- self-reactive substances and mixtures, type A, B, C or D (H240, H241, H242);
- organic peroxides, type A or B (H240, H241);
- specific target organ toxicity after single exposure, category 1 or 2 (H370, H371);
- specific target organ toxicity after repeated exposure, category 1 or 2 (H372, H373);
- respiratory sensitisation, category 1, subcategory 1A or 1B (H334);
- skin sensitisation, category 1, subcategory 1A or 1B (H317);
- carcinogenicity, category 1A, 1B or 2 (H350, H350i, H351);
- germ cell mutagenicity, category 1A, 1B or 2 (H340, H341);
- reproductive toxicity, category 1A or 1B (H360,

H360F, H360FD, H360Fd, H360D, H360Df).

- (b) *(repealed)*;
- (c) *(repealed)*;
- (d) Substances and mixtures referred to in paragraph (b) of the definition "carcinogen" in regulation 2 of the Protection of Workers from the Risks related to Exposures to Carcinogens or Mutagens at Work Regulations (S.L.424.22);
- (e) Lead and compounds thereof, inasmuch as the agents in question are absorbable by the human organism;
- (f) Asbestos.

II. Processes and work

1. Processes at work referred to in Schedule I to the Protection of Workers from the Risks related to Exposures to Carcinogens or Mutagens at Work Regulations S.L.424.22).
 2. Manufacture and handling of devices, fireworks or other objects containing explosives.
 3. Work with fierce or poisonous animals.
 4. Animal slaughtering on an industrial scale.
 5. Work involving the handling of equipment for the production, storage or application of compressed, liquified or dissolved gases.
 6. Work with vats, tanks, reservoirs or carboys containing chemical agents referred to in paragraph 1.3.
 7. Work involving a risk of structural collapse.
 8. Work involving high-voltage electrical hazards.
 9. Work the pace of which is determined by machinery and involving payment by results.
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