

Legal Supplement Part A to the Trinidad and Tobago Gazette, Vol. 46,
No. 35, 1st March, 2007

Fifth Session Eighth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 3 of 2007

[L.S.]

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

[Assented to 26th February, 2007]

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, 2007.

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 his 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.”;

(3) In this section “family” means parents, brothers, sisters and other lineal antecedents and descendants.

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

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

(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) Subject to section 92B 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, 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:

“Neglectful
parent

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.

Liability of
agent or
employer

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.

False
certificate or
representa-
tion of age

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.”;

(f) in section 95, by deleting the word “twelve” and substituting the word “sixteen”, wherever it occurs; and

(g) by deleting section 96 and substituting the following section:

Penalties

96. A person who commits an offence for which there is no penalty specified under this Part is liable on summary conviction to a fine of twelve thousand dollars and to imprisonment for twelve months.”.

5. The Recruiting of Workers Act is amended by Chap. 88:10 amended repealing section 5.

6. The Shipping Act is amended by inserting after Act No. 24 of 1987 amended section 108(1), the following subsection:

“ (1)(A) Subsection (1) shall apply in any case where a person has not attained the age of sixteen years provided that the work is an integral part of a programme of training on board a ship.”.

Passed in the Senate this 12th day of December, 2006 .

J. SANDY
Acting Clerk of the Senate

Passed in the House of Representatives this 26th day of January, 2007.

J. SAMPSON
Clerk of the House

House of Representatives amendments agreed to by the Senate this 6th day of February, 2007.

J. SANDY
Acting Clerk of the Senate