

Legislation for LCVP Students

The LCVP Link Module 1 “Preparation for the World of Work” requires students to:

- Understand current regulations/legislation relating to the employment of young workers (SLO 1.10)
- Understand current Health and Safety regulations in workplaces (SLO 1.11)
- Understand issues related to diversity in the workplace (SLO 1.13)

Students therefore need to be aware of current legislation in these areas as it applies in the workplace and to be aware of the relevant Acts that govern employment:

1. **Protection of Young Persons in Employment Act 1996**
2. **Safety, Health and Welfare at Work Act 2005**
3. **Employment Equality Act 1998**

1. Protection of Young Persons (Employment) Act 1996

The Protection of Young Persons (Employment) Act 1996 is designed to protect young workers under the age of 18 and takes account of international rules on protecting young workers drawn up by the International Labour Organisation and the European Union. It is designed to protect the health of young workers and to ensure that work during school years does not put a young person’s education at risk. The law sets out:

- Minimum age limits for employment
- Rest intervals
- Maximum working hours

The act regards a “young person” as a person who has reached 16 years but has not reached 18 years. The act refers to a person who has not reached the age of 16 as a “child”. Employers may not employ those aged under 16 in a regular full-time job and the act prohibits the employment of under 18s on late night work. Employers are required to keep specific records for their workers who are under the age of 18. Before employing a young person or child, an employer must see a copy of the birth certificate or other evidence of age and before employing under 16s, an employer must get the written permission of a parent or guardian.

Age	During School Term	During Holidays	Earliest/Latest Time of Work
15	No work	35 hours per week	Earliest 8am, latest 8pm Parental permission
16	8 hours per week	35 hours per week	Earliest 8am, latest 8pm Parental permission

For 16 and 17 year olds the maximum working day is 8 hours and the maximum working week is 40 hours.

Persons aged 15 may be employed as part of an approved training programme and an employer may employ a 14 or 15 year old who is a full-time second level student as part of a work experience or educational programme. These placements are for a maximum of 8 hours a day or 40 hours a week.

The act also deals with exceptions that arise where children are employed in cultural, artistic, sports or advertising activities.

2. Safety, Health and Welfare at Work Act 2005

The Safety, Health and Welfare at Work Act 2005 sets out rights and duties for both employers and employees. Employees have the right to be safe at work and employers must provide a safe place of work and safe systems and equipment in the place of work.

Did you know that in 2012 **forty seven** people were killed in Irish workplaces? Health and Safety at Work is everyone's responsibility.

The Health and Safety Authority is the state body which has overall responsibility for the administration and enforcement of health and safety at work. The authority monitors compliance with health and safety legislation in the workplace and can offer information and advice to employers, employees and the self-employed in all aspects of workplace health and safety.

The Health and Safety Authority is not just a regulatory enforcement agency but also encourages efforts to improve occupational safety and health.

Responsibilities of Employees

- Co-operate with an employer or other people to ensure that health and safety law is implemented
- Don't engage in improper conduct that will endanger themselves or anyone else
- Attend health and safety training and correctly use any equipment at work
- Use protective clothing and equipment provided
- Report any dangerous practices or situations that they are aware of to an appropriate person
- Don't interfere with or misuse any safety equipment at the workplace

Responsibilities of Employers

- Provide and maintain a workplace that is safe and do likewise for all machinery, equipment, etc.
- Manage work activities to ensure the safety, health and welfare of employees
- Ensure that risks are assessed and a safety statement is prepared and updated
- Provide and maintain decent welfare facilities for employees
- Prepare and update procedures to deal with an emergency situation
- Provide training and information to workers in a format and language that is appropriate
- Report serious accidents to the Health and Safety Authority⁷

3. Employment Equality Act 1998

The Employment Equality Act 1998 provides for the promotion of equality between employed persons and it outlaws discrimination in relation to employment on nine grounds:

- Gender
- Marital status
- Family status
- Sexual orientation
- Religious belief
- Age
- Disability
- Race
- Membership of the traveller community

The Act describes discrimination as treating one person in a less favourable way than another person in all aspects of employment such as pay, training, promotion, etc.

The Act also provides for equal pay for equal work. The Equality Authority was established under the Employment Equality Act and the Authority has the statutory remit to work towards the elimination of discrimination and the promotion of equal opportunities in employment.

Sexual Harassment and Harassment across the nine grounds is discrimination and it is outlawed in the workplace, and outside the workplace in the course of one's employment. Harassment may be caused by any of the following:

- The employer
- Another employer
- A client
- A customer
- A business contact of the employer

It is a defence for the employer to prove that he/she took such steps as are reasonably practicable to prevent harassment and to prevent different treatment and to reverse the effects of such different treatment if it has occurred.