



PopplestonAllen

A **guide** to the Employment of under 18's

Over recent years, the trade has stepped up a gear to entice school leavers into its work force. Competition is hot but just how compatible is the current legislation in terms of being able to compete?

Age Restrictions

Subject to local bylaws, children aged 14 and above can be employed to do 'light work' which is not harmful to their safety, health, and development nor to attendance at school or participation in work experience.

Generally, due to licensing restrictions children under 16 tend to work in kitchens and back of house areas, not front of house.

The Licensing Act 2003 does not allow a person under 18 to sell alcohol unless the sale is specifically approved by an adult. That might be easy in a supermarket where not every transaction involves the sale of alcohol but in a bar that is going to prove more challenging.

Premises or areas set aside for dining

The 2003 Act does allow under 18s to work in premises (or a part of the premises) set aside and reserved for diners and to take orders and deliver alcoholic drinks for consumption with a meal. It would be sensible to check with the local authority for any local bylaws relating to age-restrictions on this.

The child would need to carry out age verification checks as appropriate, and you need to ensure that they have the maturity and training to undertake these. They would not be allowed to physically dispense the alcohol nor put the drinks order together behind the main bar unless

supervised by an adult. Technically, the law does not prohibit them from dispensing drinks or putting drinks together at a separate dispense bar in the restaurant/dining area however, again from a risk management point of view you will want to ensure sufficient training and supervision.



Hours of work

14 to 16 years (child)

There are restrictions on the number of hours and days that can be worked depending upon whether it's term time or holidays.

Term time rules

13-14 years old	15-16 years old (if still at school)
Max. 12 hours of work per week	Max. 12 hours of work per week
Max. 2 hours on school days and Sundays	Max. 2 hours on school days and Sundays
Max. 5 hours on Saturdays	Max. 8 hours on Saturdays
Cannot work for more than 1 hour before school	Cannot work for more than 1 hour before school

School holiday rules

13-14 years old	15-16 years old (if still at school)
Max. 25 hours of work per week	Max. 35 hours of work per week
Max. 5 hours on weekends and Sundays	Max. 8 hours on weekends and Sundays
Max. 2 hours on Sundays	Max. 2 hours on Sundays

Apply to all children at all times

Cannot work without having a 2-week break from any work during the school holidays in each calendar year
Cannot work for more than 4 hours without taking at least 1 hour break
Cannot work before 7am or after 7pm

If a person is 15 years but has just finished school and has a birthday by 31st August, then you have to treat them as a child ‘still at school’ until their birthday.

16 to 17 years (young worker)

A person who has left school and is under 18 must now either stay in full-time education or start an apprenticeship or, can do part-time education or apprenticeship and work at the same time.

Hours of work for a young worker

The key difference between a child worker and a young worker is the amount of hours they can work. For a young worker, the times that they can work increase and there are fewer limits. However, there are still some restrictions. The hours a young worker can work are governed by The Working Time Regulations 1998 and the Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work

Hours of work	A young worker can work for a maximum of 8 hours per day and a maximum of 40 hours per week
Entitled days off	Entitled to at least 2 consecutive days off per week
Rest breaks at work	Entitled to a 30 minute break if the shift lasts more than 4.5 hours
Rest breaks between shift	Entitled to a daily rest break of 12 consecutive hours, therefore each shift must be 12 hours apart
Times of work	Young workers cannot work between the hours of 12am and 4am. Also, young workers cannot ordinarily work at night between 10pm and 6am (or between 11pm and 7am if agreed in their contract), however there are certain exceptions

*Exceptions - Young workers may work between the hours of 10pm and midnight, and between 4am and 7am, or over the allotted 40 hours per week. As long as it necessary in order to maintain continuity of service or production; or to respond to a surge in demand for service or product. There must be no adult available to perform the task and the young worker is allowed an equivalent period of compensatory rest.



Things to consider if employing a child

- You are legally responsible in ensuring that the child is not exposed to a risk due to their lack of experience, maturity, or absence of awareness of the risk.
- You must check with the local authority for bylaws, including whether the child needs a work permit.
- A young worker is eligible for the national living wage (or the apprenticeship rate) and must receive a payslip and be on the payroll whereas a child under 16 is not (subject to local bylaws).

How can the Government and Local Authority help?

Government could consider changing the law to allow young workers to sell alcohol without each sale being specifically approved provided they have received full training and are working on a shift with an adult who is supervising and monitoring the bar. We all understand the importance of ensuring alcohol is not sold to someone under the age of 18. The law currently allows under 18s to carry out the age verification checks when taking orders with food in a restaurant/dining area, and to deliver alcoholic drinks. Surely, 16-17 year olds, subject to training and a sensible risk assessment, can be trusted to carry out the same checks at the bar before dispensing the drink, where they might in fact feel more comfortable refusing service with a bar counter between them and the customer, or where they can quickly call for assistance from an adult working with them.

Local Authorities could review bylaws to ensure that they are not a barrier to employing under 18's.

PopplestonAllen

From pubs, clubs and restaurants to arcades, casinos and online gaming; some of the biggest operators rely on our legal advice to run their businesses. As do fast growing start-ups and one-off brands.

popall.co.uk

Nottingham: 0115 953 8500

London: 020 3859 7760

Licensing law. We get it.