



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1247 of 7th June 2002
LEGISLATION

ORDINANCE 15 OF 2002

AN ORDINANCE
TO PROTECT YOUNG PERSONS AT WORK

T.W. RIMMER
ADMINISTRATOR

28th May 2002.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

1. This Ordinance may be cited as the Protection of Young Persons at Work Ordinance 2002. Short title.

2. - (1) In this Ordinance, unless the context otherwise requires - Interpretation.

“adolescent” means any young person who is not under fifteen years of age and not over eighteen years of age;

“Chief Inspector” means the Chief Inspector appointed under section 24;

“child” means any young person who is under fifteen years of age;

“employer” means any individual or body corporate engaged in any public or private sector or field of activity, who, or which, has employed a young person, and includes the Crown except in relation to persons serving in the naval, military or air forces of the Crown in right of Her Majesty’s Government in the United Kingdom or in relation to persons serving as members of the Defence Fire Service, the Sovereign Base Areas Police Force or the Security Force Police;

“examining medical practitioner” means any medical practitioner appointed by the Chief Officer to perform such medical examinations as may be required under this Ordinance;

“inspector” means an inspector appointed under section 24;

“interval” means any period of time during which a young person has a rest from his work in accordance with section 16;

“night” means the period between 10 p.m. of any day and 5 a.m. of the following day and any period of at least twelve continuous hours which includes the above period;

“parent” means any person who has all the rights, duties or responsibilities in relation to a young person or to the property of a young person, and in general any person who has the parental care prescribed under the Parents and Children Relations Law of the Republic No. 216/90, and includes-

- (a) the father or mother of a young person either together or separately;
- (b) a commissioner appointed under the Parents and Children Relations Law of the Republic No. 216/90;
- (c) a person who does not have the parental care of a young person prescribed under the Parents and Children Relations Law of the Republic No 216/90 but who has undertaken the care of a young person after the approval of the Director within the meaning of the Children Ordinance;
- (d) a person appointed by the will of the father or the mother of a young person to be the young person’s guardian;

“public place” includes any public park, garden, sea, beach, station, cinema, off-licence, premises for the sale of wine, or coffee shop and any ground, place or premises to which, in each case, the public has or is permitted to have access, whether on payment or otherwise;

“relevant Republican Law” means Republican Law No. 48(I)/2001;

“rest period” means any period of time which is not working time;

“safety committee” means a safety committee established under section 8 of the Health and Safety at Work Ordinance;

“safety representative” means a person elected under section 7 of the Health and Safety at Work Ordinance;

“street trading” includes the hawking of newspapers, magazines, matches, flowers, lottery tickets and other articles, playing, singing or performing any other similar activity for profit, shoeblacking and other like occupations carried on in a street or public place;

“undertaking” includes industrial or other activities, trade or other occupations;

“week” means any continuous period of seven days;

“working time” means the period of time during which a young person is at work, at the employer’s disposal, carrying out his activities or duties, and includes any intervals to which the young person is entitled, in accordance with section 16;

“young person” means any person under 18 years of age;

(2) Any reference in this Ordinance to a Republican Law shall be construed as a reference to that Law as from time to time amended, modified or substituted and as including a reference to any subordinate legislation made under that Law.

(3) Any reference in this Ordinance to a particular Minister or Ministry of the Republic shall be construed as including a reference to such other Minister to whom, or such other Ministry to which, the functions of the Minister or Ministry mentioned in the reference in question might be transferred.

3. This Ordinance shall cover the employment of young persons by any employer:

Scope of application of the Ordinance.

Provided that occasional or short-term work relating to -

- (a) the provision of domestic service in a private household, or
- (b) any work considered as not being harmful, damaging or dangerous to adolescents in a family undertaking,

shall be excluded from the scope of application of this Ordinance.

4. Any young person employed as an apprentice in accordance with the provisions of this Ordinance, shall, for the purposes of this Ordinance, be deemed as an employed person.

Apprentices deemed to be employed persons.

5. Subject to the provisions of sections 6 and 7 the employment of children shall be prohibited.

Prohibition of employment of children.

6.- (1) Any child who has attained the age of fourteen and who has successfully completed his secondary school education or who has been released from his obligation to attend school after an approval granted by the Ministry of Education and Culture of the Republic, in accordance with the Elementary and Secondary Education (Compulsory Attendance and Provision of Free Education) Law of the Republic No. 24(I) 1993, may, for the purpose of learning a vocation or occupation, be placed under a combined work-training scheme in accordance with a special licence issued in respect of the specific scheme by the Minister of Labour and Social Insurance of the Republic.

Placing of a child under a combined work-training scheme.

(2) Subsections (3), (4) and (6) of section 15 shall apply also to children who are subject to the provisions of subsection (1) above.

7. - (1) The employment of a child in cultural, artistic, sports or advertising activities shall be permitted, subject to a licence being issued by the Chief Officer, on condition that -

Cultural and related activities.

- (a) the safety, health (physical and mental) and physical, intellectual, moral or social development of the child will not be harmed, and
- (b) the regular school attendance of a child, or his participation in a scheme provided for in section 6 or his capacity to benefit from the instruction received will not be prevented.

(2) The working conditions for children employed in the activities referred to in subsection (1) above and on the conditions referred to in paragraphs (a) and (b) of that subsection and the procedure for the application and the issue of a licence shall be prescribed by regulations.

(3) Such a licence shall be granted for each child individually and for a working period, which may be either continuous or interrupted but which may not exceed three months in aggregate in any year.

(4) The working time of children in cultural, artistic, sports or advertising activities may not exceed-

- (a) two hours each day for a child of three to six years of age,
- (b) three hours each day for a child of seven to twelve years of age, and
- (c) four hours each day for a child of thirteen to fifteen years of age:

Provided that the above hours of daily work may not coincide, during the school year, with the hours of teaching.

(5) Subsections (4), (5) and (6) of section 15 shall apply also to children who are subject to the provisions of this section.

(6) The employment of children in the activities referred to in subsection (1) above shall be prohibited between 7 p.m. of any day and 7 a.m. of the following day except that from 1st June in any year to 30th September of the same year the hours of prohibition of employment shall be between 8 p.m. of any day and 7 a.m. of the following day.

(7) Children employed in activities provided for in this section shall be entitled to a minimum rest of fourteen continuous hours in each twenty-four hour period.

Hours of work for children.

8. - (1) Without prejudice to any regulations made under section 34(c), no child shall be employed in any work for more than thirty-six hours in any one week or for more than seven and a quarter hours in any one day.

(2) Subject to the provisions of section 6 and any regulations made under section 34(c), any child who attends educational evening classes shall not work after 4 p.m. on any day on which he so attends.

Daily rest for children on work-training schemes.

9. A child employed in accordance with section 6 shall be entitled to a continuous rest period of at least fourteen hours in each twenty-four hour period.

Weekly rest for children on work-training schemes.

10. Any child employed in accordance with section 6 shall be entitled to a minimum rest period of two continuous days (48 hours) in any one week, of which one shall be Sunday, unless employment of a child on a Sunday is justified on organisational or technical grounds.

Restrictions on the employment of children at night.

11. Subject to section 7(6) no child shall be employed in any work between 7 p.m. of any day and 7 a.m. of the following day.

Prohibition on street trading by children.

12. Notwithstanding any other provision of this Ordinance no child shall be engaged in street trading.

Restrictions on the employment of adolescents at night.

13. - (1) Subject to subsection (2) below, and any regulations made under section 34(e) no adolescent shall be employed in any work between 11 p.m. of any day and 7 a.m. of the following day.

(2) An adolescent may be employed during the hours of restriction referred to in subsection (1) above, for the purposes and in accordance with terms and conditions prescribed by regulations.

(3) Regulations made under subsection (2) above may not permit any work by an adolescent between midnight and 4 a.m.

14. Prior to prospective employment in any night work and at regular intervals after any such employment is commenced, adolescents shall be entitled to a free assessment of their health and capacities.

Free assessment of health for adolescents employed at night.

15. - (1) Subject to the provisions of subsection (2) below, the working time of adolescents shall not exceed seven hours and forty five minutes in any day or thirty-eight hours in any week.

Working time for adolescents.

(2) The working time of adolescents who have not attained the age of sixteen shall not exceed seven and a quarter hours in any day or thirty-six hours in any week.

(3) The time spent in an undertaking by an adolescent working under a combined work-training scheme shall be calculated as working time.

(4) Where an adolescent is employed by more than one employer, his working days and working time shall be calculated cumulatively.

(5) The daily work of adolescents attending high schools, lyceums of any type, public or private schools, technical or vocational schools, shall begin at least two hours after the end of their lessons or end at least two hours before the beginning of their lessons.

(6) Overtime work by adolescents is prohibited.

16. On any day when an adolescent works for more than four and a half hours he shall be entitled to an interval for rest from his work of not less than thirty continuous minutes.

Intervals for rest.

17. Adolescents shall be entitled to a minimum rest period of twelve continuous hours in each twenty-four hour period.

Daily rest for adolescents.

18. - (1) Adolescents shall be entitled to a minimum rest period of two continuous days (48 hours) in any week, one of which shall be Sunday, unless the employment of adolescents on a Sunday is justified on organisational or technical grounds.

Weekly rest for adolescents.

(2) When justified on organisational or technical grounds, the minimum rest period provided for by subsection (1) above may be reduced in accordance with regulations but in no case may the rest period be reduced to below thirty-six continuous hours.

19. - (1) To ensure the health and safety of young persons employed by him, an employer must take all necessary measures prescribed under the Health and Safety at Work Ordinance, taking additionally into consideration the special risks and restrictions applying to the work referred to in section 20.

General obligations of employer.

(2) An employer shall be required, for every activity in which young persons are to be employed, to make a written assessment of the risks that exist for young persons and which relate to their work.

(3) The assessment of the risks shall be made before young persons begin their work and whenever there is a significant change in the working conditions and shall cover the following matters –

- (a) the equipment and layout of the place and position of work;
- (b) the nature, degree and duration of exposure to physical, biological or chemical factors, as such are described in Schedule 1.

Schedule 1.

- (c) the arrangement, selection and use of work equipment, particularly the factors of the machines, devices and apparatus and the way in which they are handled;
- (d) the organisation of work processes and operations and the way in which these are combined;
- (e) the level of training and information provided to young persons.

(4) Where a written assessment carried out in accordance with subsection (3) above shows the existence of risks to the safety, physical or mental health or development of young persons, appropriate surveillance and assessment of their health shall be provided at regular intervals by an examining medical practitioner.

(5) Notwithstanding the restrictions of section 20, in the assignment of duties to young persons particular account shall be taken of the physical capabilities of young persons, their curiosity, their tendency to take risks as a characteristic of their age, their tendency to mischief and their wish to perform the work of older people.

(6) An employer shall inform the young persons he employs and their parents of possible risks and all the measures being taken to ensure their health and safety. The safety representatives shall be informed of the work position and duties to be assigned to a young person who is to be employed or who is already employed.

(7) A young person shall receive training regarding safe methods of performing the work to which he is assigned. The young person shall, for a period of time depending on the work he undertakes, be under the guidance and supervision of an appropriately trained person.

Susceptible nature
of young persons -
Restricted jobs.

20. - (1) An employer shall be required to take all necessary measures so that young persons employed by him are protected against any specific risks with regard to their safety, health and development, which may arise from their lack of experience, absence of awareness of existing or potential risks or from their immaturity.

(2) Without prejudice to the generality of the responsibilities referred to in subsection (1) above, an employer who employs young persons shall be required to take into account that the following are particularly included in the works likely to entail specific risks for young persons, within the meaning of subsection (1) above-

- (a) work involving harmful exposure of young persons to the physical, biological and chemical factors referred to in Part A of Schedule 1, and
 - (b) processes and works referred to in Part B of Schedule 1.
- (3) Young persons shall be prohibited from engaging in -
- (a) work which is objectively beyond their physical, mental, or psychological capacities;
 - (b) work involving harmful exposure to factors which are toxic or carcinogenic or cause heritable genetic damage, or harm to the unborn child or which in any other way chronically affect human health;

Schedule 1, Part A.

Schedule 1, Part B.

- (c) work involving harmful exposure to radiation;
- (d) work involving the risk of accidents which it may be assumed cannot be recognised or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; or
- (e) work in which there is a risk to health from extreme cold or heat, or from noise or vibration.

(4) The more specialised work and processes included in the non-exhaustive list in Schedule 2 shall be considered as dangerous, heavy, unhealthy and more generally as work which causes harm to the mental health of a young person and which hinders the free development of his personality, and in which a young person shall be prohibited from working.

Schedule 2.

(5) The Chief Inspector may, on the application of an employer, issue a licence to permit the disapplication of subsections (2) and (3) above in respect of adolescents, provided that engaging in such work or process is indispensable for the adolescents' vocational training and on condition that the work or processes are performed under the supervision of a person authorised by the Chief Inspector and who possesses the requisite knowledge and experience with regard to the risks entailed in the specific activity and with regard to the prevention of such risks, so that all necessary measures will be taken to ensure the health and safety of the adolescents concerned.

21. Any young person employed in an undertaking and paid by daily wages or not, who is either engaged in the production process or in cleaning any part of the premises of the undertaking, or cleaning or lubricating any part of a machine or mechanical equipment of the undertaking or transporting, gathering or distributing goods or conveying messages or running errands, or performing office work or any other kind of work either of or related to the undertaking, shall, unless otherwise provided for in this Ordinance, be deemed to be engaged in it for the purposes of this Ordinance or any proceedings under this Ordinance.

Presence and employment of a young person in an undertaking for the purposes of this Ordinance.

22. If at any time, including during an interval, a young person is found at the premises of an undertaking where work is carried out or where a machine is operating, he shall be deemed to be employed in the undertaking unless and until proof to the contrary is produced by the employer.

Young persons present at work premises during hours of work deemed to be working there.

23. In respect of any medical examination of an employed young person which is required to be conducted pursuant to this Ordinance, the employer of the young person concerned shall pay the same fee as is prescribed under the relevant Republican Law for the conduct of such an examination.

Fees payable for medical examinations.

24. - (1) The Chief Officer shall be responsible for the application of this Ordinance and shall appoint a Chief Inspector, inspectors and any other officers he shall deem expedient for the effective application of the provisions of this Ordinance.

Chief Inspector, inspectors and other persons appointed by Chief Officer to apply the Ordinance.

(2) The Chief Inspector shall regulate the cases and the manner in which inspectors and other officers are to exercise their powers and carry out inspections, examinations, checks, tests, reviews and investigations for the purposes of this Ordinance.

(3) The Chief Officer may give an authorisation to a qualified person to perform such duties and to exercise such powers of an inspector as shall be described in the authorisation. Any such authorised person shall be under the supervision and instructions of the Chief Inspector and shall receive the same payment as may be prescribed under the relevant Republican Law for the performance of such duties or the exercise of such powers.

Powers of Chief
Inspector and
inspectors.

25 - (1) The Chief Inspector and any inspector appointed under section 24 shall, for the purposes of this Ordinance, have power to do any or all of the following –

- (a) to enter freely and without prior notice any premises, other than a dwelling, where he has reasonable cause to believe that young persons are employed, and to do so at any reasonable time or at any time if he believes that the situation prevailing at any premises is likely to pose a direct risk of serious personal harm to any young person employed at the premises:

Provided that entry to a dwelling is permitted with the consent of the occupier of the dwelling;

- (b) to be accompanied by a police officer if he has reasonable cause to believe that he will be obstructed from exercising his powers or executing his duties. A police officer shall be required to accompany the Chief Inspector or an inspector, if requested to do so;
- (c) to be accompanied by any other person and to carry with him any equipment or materials, which are necessary for any of the purposes for which the power of entry to the premises is being exercised;
- (d) to carry out such examinations, tests, checks, inspections and investigations as may be necessary to ascertain whether the provisions of this Ordinance are being complied with and to arrange the conduct by any other person of tests, checks and measurements considered necessary for the exercise of his powers;
- (e) where he is of the opinion that the employment of any young person in any undertaking or in any particular kind of work in an undertaking is harmful to the health of such person, he may serve written notice thereof on the employer of such young person, without delay, requiring him to discontinue the employment of such young person in such undertaking or in such work or kind of work. The period named in such notice and within which the employment of the young person shall be discontinued shall not exceed seven days after the service of such notice:

Provided that the employer shall not continue after the said period to employ such young person unless and until examining medical practitioner has, after the service of the said notice, examined such young person and certified that he is fit for employment in such undertaking;

- (f) to require the production of any register, certificate, notice and document kept for the purposes of this Ordinance and of any other book or document which is necessary for him to see for the purposes of any inspection, examination,

enquiry or investigation and to inspect, photocopy and copy any of the above;

- (g) to require any person, whom he has reasonable cause to believe can furnish information in respect of any inspection, examination, enquiry or investigation, to reply to relevant questions alone or in the presence of any other person he may permit to be present and require such person to sign a declaration of the truth of his replies to the matters in respect of which he is examined;
- (h) to require any person in the place of work to provide him with such facilities and assistance on matters under the control or responsibility of such person, as shall be necessary to assist the Chief Inspector or inspector to exercise any of the powers given to him under this section and, in particular, to require any such person to provide him or any other person accompanying him as mentioned in paragraphs (c) and (d) above, with -
 - (i) secure access to any part of the premises, and
 - (ii) any reasonably available means for the performance of any tests, measurements, checks, investigations, inspections or examinations which are reasonably deemed necessary for the exercise of his powers;
- (i) to take such measurements or take such pictures and keep such records for the purposes of any inspection, examination, enquiry or investigation in accordance with this section;
- (j) to receive and take samples from any articles or substances found in any establishment and from the atmosphere in or near such premises;
- (k) to give instructions so that premises or any part thereof or any installation or equipment or substance in the premises remain as they are for as long as it is reasonably deemed necessary for the purposes of any test, measurement, examination, investigation or check;
- (l) where any article or substance is found in any premises, which he has reasonable cause to believe may have created or is likely to create a risk, to require its removal or its submission to any process or test, but without causing any damage to or destruction of such article or substance unless it is necessary under the circumstances for the purposes referred to in this subsection;
- (m) in the case of any article or substance described in paragraph (l) of this subsection, to confiscate and retain such article or substance for as long as is reasonably deemed necessary for any of the following reasons -
 - (i) examining such article or substance or submitting it to whatever he is authorised to do under paragraph (k),
 - (ii) ensuring that such article or substance shall not be altered before the completion of its examination,
 - (iii) ensuring that such article or substance shall be available for use as evidence in any criminal proceeding under this Ordinance.

(2) Where in accordance with the powers given to him under subsection (1)(m) above, the Chief Inspector or an inspector takes into his possession any article or substance found at any premises, he shall leave a notice with a responsible person there, or if this is practically impossible, he shall fix a notice in a prominent place at the premises which shall contain sufficient information for the identification of the article or substance. Prior to taking any such substance into his possession, the Chief Inspector or inspector shall, if practically possible, take a sample of the substance which shall be marked for identification purposes, and shall deliver part of it to a responsible person at the premises concerned.

(3) Prior to exercising any power given to him under subsection (1)(l) above, the Chief Inspector or an inspector shall consult, if he deems it necessary, any person who is, in his opinion, appropriate, in order to identify any possible risks that may occur, if any action that he proposes to take in exercise of his powers were actually to be taken.

Disclosure of
information.

26. - (1) No person shall disclose any information regarding a commercial or industrial secret, which has been obtained in the exercise, either by himself or by any other person, of powers provided for in this Ordinance, except -

- (a) where the person who is responsible for the premises where the information was obtained, consents, or
- (b) for applying any provisions of this Ordinance, or
- (c) for the purposes of any criminal proceeding under this Ordinance, or
- (d) for the purposes of any research conducted by or on behalf of the Chief Officer with regard to the application of any of the provisions of this Ordinance, which he is required to apply.

(2) Notwithstanding the provisions of subsection (1) above an inspector may, at any premises, where it is necessary to do so in order to provide sufficient information to the persons working there or their representatives, furnish the following descriptive information -

- (a) information on events related to the premises or with the activities carried out at the premises;
- (b) information on any measures he has taken or is willing to take with regard to such premises in the discharge of his duties and shall provide the same information to the employer concerned.

(3) Notwithstanding the provisions of subsection (1) above an inspector may provide the information referred to in subsection (2)(a) above to any person affected by the events in question or to an authorised representative of such a person, provided that the information is requested in writing by the affected person or by his authorised representative and that it is used only for purposes of any civil proceedings.

(4) The Chief Officer may, by an order to be published in the Gazette, prescribe fees for reports made for the purposes of any civil proceedings.

27. - (1) Any person who employs or has employed any young person in any undertaking and any representative or employee of such an employer shall, on demand, give to the inspector any information he may have in his possession in respect of any matter regulated under this Ordinance. Such an employer and his representatives and employees shall provide the means required by the inspector as being necessary for the entry, inspection, examination, research or the exercise of any other power under this Ordinance with respect to the undertaking of such employer.

Duty to provide information.

(2) A parent of a young person employed in an undertaking shall, on demand, give to the inspector any information that he or she may have in his or her possession relating to the age and the terms of employment of such young person.

(3) Any young person engaged in street trading shall, when required by any inspector, give to the inspector any information regarding his name, address, his parents' or guardian's names, his age and details of his employment.

28. - (1) If it appears to a Court, during any trial for an alleged offence committed in contravention of any provision of this Ordinance or of any regulations made under it, upon the production of any birth certificate or any declaration of a medical officer that any person who is alleged to have been a child or an adolescent or a child under a particular age at the date of the alleged offence, was a child or an adolescent or a child under that particular age at that date, it shall be presumed, until the contrary is proved, that such person was a child or an adolescent or a child under that particular age, as the case may require, at that date.

Special provisions relating to evidence.

(2) Where any entry is required by this Ordinance or by any regulations made under it to be made in any register, certificate, book, notice or document, any fact stated in an entry made by the employer shall, as against him, be admissible as evidence of that fact and the fact that any entry so required with respect to the observance of any provision of this Ordinance or any regulations made under it has not been made, shall be admissible as evidence that such provision has not been observed.

(3) In any proceedings, either under this Ordinance or under any regulations made under it, the following shall be admissible in evidence on its production-

- (a)** any register or part thereof which purports to have been kept under this Ordinance or any regulations made under it;
- (b)** any official copy of any such register which purports to have been certified as correct by the Chief Officer or the Chief Inspector.

29. - (1) The employer of any person employed in any undertaking or the master of any vessel on board of which a child or adolescent is employed shall cause a register to be kept at the premises of the undertaking or on the vessel, as the case may require, where such child or adolescent is employed, which shall be in such form and shall contain such particulars as may be prescribed by regulations made under this Ordinance.

Registers.

(2) Any young person employed in an undertaking or on board any vessel and registered in accordance with the provisions of this

section, shall, upon such registration, be examined by an examining medical practitioner and shall continue to be examined at least once a year thereafter and no young person shall be employed without a certificate permitting such employment, which shall be issued by the examining medical practitioner.

(3) A register kept for the purposes of this section shall at all times be available for inspection by any examining medical practitioner or any police officer.

Offences by
employers etc.

30. - (1) Subject to any other provisions of this Ordinance, any person who employs any person contrary to the provisions of this Ordinance or of the regulations made under it or who fails to comply with any of those provisions, shall be guilty of an offence and shall be liable, on conviction, to imprisonment not exceeding two years or to a fine not exceeding ten thousand pounds or to both such penalties.

(2) Where in any undertaking a young person is employed contrary to the provisions of this Ordinance or the regulations made under it, the person in charge of such undertaking at the time of such employment shall be guilty of an offence.

(3) Where an offence committed under this Ordinance or the regulations made under it by a company or co-operative society or by any body corporate is proved to have been committed with the consent or connivance of, or to have been facilitated by negligence on the part of, any managing director, chairman, manager, secretary or other employee of the company, or co-operative society or body corporate, such person as well as the company or co-operative society or body corporate shall be deemed to be guilty of an offence and shall be liable, on conviction, to be proceeded against and punished accordingly.

(4) Where any default for which an employer is liable under this Ordinance or the regulations made under it is in fact a default of a representative, employee, worker or other person, such representative, employee, worker or other person shall be guilty of an offence and shall be liable, on conviction, to the like penalty as if he were the employer.

Offences by
parents.

31. - (1) A parent of a young person employed in any undertaking contrary to the provisions of this Ordinance or the regulations made under it, shall be guilty of an offence and shall be liable, on conviction, to imprisonment not exceeding six months or to a fine not exceeding three thousand pounds or to both such penalties, unless it appears to the Court that the offence was committed without the consent, connivance or wilful neglect of that parent.

Offence by the
owner of a public
place who allows
street trading there
by a child.

32. The owner or licensee of a public place in which a child is found engaging in street trading at any time, shall be guilty of an offence and shall be liable, on conviction, to imprisonment not exceeding six months or to a fine not exceeding three thousand pounds or to both such penalties, unless it appears to the Court that the child was in such public place without the knowledge of the owner or licensee concerned.

Other offences.

33. - (1) Any person who-

- (a) wilfully delays or obstructs the Chief Inspector or any inspector or any authorised officer or qualified person in the due exercise of any power conferred on him by this Ordinance or any regulations made under it;

- (b) refuses to reply or replies falsely to any enquiry made under this Ordinance or the regulations made under it;
- (c) fails to produce any register, certificate, book, notice or document that he is required by this Ordinance or the regulations made under it to produce;
- (d) pulls down, causes damage to or defaces any notice or document kept posted in accordance with this Ordinance or causes damage to or defaces any register, certificate or book kept in accordance with this Ordinance or the regulations made under it;
- (e) conceals or prevents or attempts to conceal or prevent any person, child or young person from appearing before or being examined by the Chief Inspector or any inspector or any authorised officer or qualified person, as the case may be,

shall be guilty of an offence and shall be liable, on conviction, to imprisonment not exceeding one year or to a fine not exceeding five thousand pounds or to both such penalties.

(2) Any person who -

- (a) forges or falsifies any certificate required by, under or for the purposes of this Ordinance or of any regulations made under it;
- (b) gives or signs any such certificate knowing it to be false in any material particular;
- (c) knowingly produces or makes use of any such certificate so forged or falsified in respect of any material particular;
- (d) knowingly issues or makes use of as applying to any person any certificate which does not apply to that person;
- (e) impersonates any person named in any such certificate;
- (f) falsely pretends to be a Chief Inspector or inspector or other authorised officer or qualified person;
- (g) wilfully connives at any such forging, falsifying, giving, signing, issuing, making use, impersonating or pretending as aforesaid;
- (h) wilfully makes a false entry in any register, certificate, book, notice or document required by this Ordinance or the regulations made under it to be kept or kept posted;
- (i) wilfully makes or signs a false declaration required by this Ordinance or the regulations made under it;
- (j) knowingly makes use of any such false entry or declaration as aforesaid,

shall be guilty of an offence and shall be liable, on conviction, to imprisonment not exceeding one year or to a fine not exceeding five thousand pounds or to both such penalties.

(3) Any person found guilty of an offence under this Ordinance for which no express penalty is provided under any other provision of this Ordinance, shall be liable, on conviction, to imprisonment not exceeding six months or to a fine not exceeding three thousand pounds or to both such penalties.

Powers of the
Administrator to
make regulations.

34. The Administrator may make regulations for the application of this Ordinance and in particular, but without prejudice to the generality of the foregoing power, may make regulations –

- (a) prescribing for any thing which under this Ordinance is required or stated to be, or to be as, prescribed;
- (b) regulating the working conditions of children and the procedures to be followed by employers;
- (c) providing for exemptions from the permitted hours of work of young persons in accordance with section 8;
- (d) regulating the working conditions of children in cultural and related activities and the details and conditions for granting the relevant working licence prescribed under section 7;
- (e) regulating the terms and conditions permitting exemptions from the provisions of section 13(1) with respect to the employment of adolescents at night;
- (f) regulating any exemption from section 18(2) with respect to the weekly rest period of adolescents.

Repeal of Cap.178
(Laws of Cyprus)
and Ordinances
1/65, 3/68, 6/91,
9/2000.

35. The Children and Young Persons (Employment) Ordinance is hereby repealed.

Commencement.

36. This Ordinance shall come into effect on the date of its publication in the Gazette.

SCHEDULE 1

Non-exhaustive list of factors, processes and work
(Sections 19(3)(b), 20(2)(a) and(b))

PART A: Physical, biological and chemical factors**A. Agents****1. Physical agents**

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

2. Biological agents

- (a) the factors which may cause human disease and present a serious hazard to workers. They are likely to spread to the community but there is usually effective preventive or therapeutic treatment.
- (b) the agents which may cause human disease and present a serious hazard to workers. They are likely to present a high risk of spreading to the community but there is usually no effective preventive or therapeutic treatment.

3. Chemical agents

3.1. The substances and preparations classified as toxic (T), very toxic (Tx), corrosive (C) or explosive (E).

3.2. The substances and preparations classified according to one or more of the following risk phrases:

- (a) dangers of very serious irreversible effects (R39).
- (b) possible risks of irreversible effects (R40).
- (c) may cause sensitization by inhalation (R42).
- (d) may cause sensitization by skin contact (R43).
- (e) may cause cancer (R45).
- (f) may cause heritable genetic damage (R46).
- (g) danger of serious damage to health by prolonged exposure (R48).
- (h) may impair fertility (R60).
- (i) may cause harm at pregnancy to the newly-born child (R61).

3.3. Substances and preparations which in accordance with the Dangerous Substances Ordinance and the regulations made under it are classified as irritant (Xi) and are described with one or more of the following risk phrases:

- (a) highly flammable (R12).
- (b) may cause sensitization by inhalation (R42).
- (c) may cause sensitization by skin contact (R43).

3.4. Substances and preparations classified as carcinogenic.

3.5. Lead and its compounds, in so far as such agents are absorbable by the human organism.

3.6. Asbestos.

PART B: Processes and Works**B. Processes and Works**

1. Manufacture of auramine.
2. Work involving exposure to aromatic polycyclic hydrocarbons present in coal soots, tar, pitch, fumes or dust.
3. Work involving exposure to dust, fumes or sprays produced during the roasting and electro-refining of sulphur-nickel alloys.
4. Strong acid process in the manufacture of isopropyl alcohol.
5. Manufacture and handling of devices, fireworks, or other objects containing explosive substances.
6. Work with wild or poisonous animals.
7. Animal slaughtering on an industrial scale.
8. Work involving the handling of equipment for the production, storage or application of compressed, liquified or dissolved gases.
9. Work with pails, tanks, receptacles or phials containing chemical agents referred to in Part A.3. of this Schedule.
10. Work involving a risk of structural collapse.
11. Work involving high-voltage electrical hazards.
12. Work the pace of which is determined by machinery.

SCHEDULE 2

Non-exhaustive list of works and processes in which
young persons shall not be employed
(Section 20(4))

1. Cleaning of any part of a motive machine or of any transmission mechanism while the motive machine or transmission mechanism is in motion. Cleaning of any part of any machine if its cleaning would expose the child or young person to risk of injury from any moving part either of that machine or of any adjacent machine.

2. Work to give signals to a crane driver on a building in the course of construction.

3. Underground work in any mine, quarry or tunnel.

4. Employment in any of the following operations-

- (a) work in a furnace where the reduction or process of zinc or lead ore is carried on;
- (b) the handling, process or reduction of ashes containing lead, the desilverizing of lead or the melting of scrap lead or zinc;
- (c) the preparation of soldering material or alloys containing more than ten per cen by weight of lead;
- (d) the preparation of any oxide, carbonate, sulphate, chromate, acetate, nitrate or silicate of lead;
- (e) preparation or pasting of lead oxides in connection with the manufacture or repair of electric batteries;
- (f) cleaning of workrooms where any of the works described above are carried on.

5. Handling lead compounds in the manufacture of paints and colours.

6. Painting of any part of a building with lead paint. Also, the work of cleaning surfaces painted with such substances unless the technical measures being taken prevent the inhalation of dust.

7. Work in any lead process in the manufacture or decoration of pottery.

8. Work in the preparation or bonding of plates, in the process of bonding dry compounds of lead with rubber, in the manufacture of tyres, or articles or goods made wholly or partly of rubber.

9. Work in the manufacture or repair of electric batteries or parts thereof as regards-

- (a) the smelting of lead or any material containing lead, casting, lead soldering or any other work which includes cleaning, or any other scraping or cutting of pasted plates involving the use, movement or handling of, or contact with, any oxide of lead, and
- (b) in any room in which the manufacture or pasting of raw oxide of lead is carried on.

10. Work in the preparation of chromate or bichromate of potassium or sodium, or the handling, movement or other use or processing of such substances in connection with their preparation.

11. Work with any container used for electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds, or for any process subsequent thereto.

12. Work in the preparation of nitro or amido derivatives of phenol and of benzene or its homologues and the manufacture of explosive substances with the use of any such substances.

13. Work in or in connection with the manufacture of insulating layers, in mixing or blending of asbestos by hand, sack cleaning, work in chambers or apparatus for dust cleaning or filtering work in chambers containing loose particles of asbestos, or work in cleaning or smoothing the cylinders including the empty cylinders or other pieces or other parts of a carding-machine.

14. Employment in the transportation of clay scraps in the manufacture or decoration of pottery.

15. Preparation, mixing or use of substances and preparations classified as explosive substances, inflammable gases, very toxic, strongly corrosive, carcinogenic, teratogenic and mutagen substances.

16. Works of male persons under 15 years of age involving employment in any enamelling process for the purpose of covering or coating with glass material and decoration of metal or glass.

17. Works of male persons under 15 years of age involving employment in any lead process in the manufacture of rubber.

18. Works of female persons under 18 years of age involving employment in any part of the premises of an undertaking where any of the following processes is carried on -

- (a) the process of melting or blowing of glass other than lamp blown glass, or
- (b) the process of annealing glass other than plate or sheet glass, or
- (c) the evaporation of brine in open containers, or the stoving of salt, or
- (d) work in any process in any brass casting place.

19. Work at which a young person is exposed to -

- (a) ionizing radiation;
- (b) noise the level of which exceeds 90 dB(A). The value of 90 dB(A) shall be considered as an equivalent mean value (for 40 hours of employment per week). Also, noise the level of which exceeds 140 dB, even instantaneously;
- (c) very high or very low temperatures (for a long period of time) or intense radiated heat;
- (d) unfavourable weather conditions during the performance of outdoor occupations.

20. Work assigned as common work and obliging the worker to assume an unnatural posture (e.g. ironing) or to keep parts of his body at an unnatural posture for a long period of time (e.g. keeping hands above the level of the shoulders).

21. Work involving the use of personal respiratory protective apparatus or ear protection unless such use is required in a case of emergency or for the carrying out of a short-term job.

22. The extraction, use or mixing of materials containing free silicon dioxide or compound salts of silicon or asbestos.

23. The use of mercury (including the use in the form of ferment) and mercury amalgams.

24. The use or mixing of organic substances undergoing decomposition.

25. The selection or use of rags or old clothes. The selection of used clothes which have not been disinfected.

26. The collection of refuse and its dumping in pits.

27. Work in factories manufacturing animal and bone glue, in tanneries and storehouses of untreated hides.

28. Pounding, carding and sorting out of flax, cotton, hair or wool.

29. Work in hand composition rooms, stereotypes, linotype machines, monotype casting machines and plate making.

30. Work on a continuing basis in places charging batteries .

31. Work in or attendance at glass-making premises in which raw material is processed, furnaces are cleaned, glasses are blown, cut, whetted or smoothed.

32. Tinsplating, chrome plating or metal plating. Painting with a paint-sprayer on a continuing basis. Painting and steeping of metal articles.

33. Work in factories or laboratories in the -

(a) preparation of sulphuric acid, sulphurous acid and sulphurous compounds;

(b) preparation of nitric acid and hydrochloric acid;

(c) preparation of chlorine, calcium chlorine, hypochlorites alkalis and sulphurous chloride;

(d) preparation of chloric salts;

(e) processing of arsenic and preparation of arsenic compounds;

(f) preparation of aniline, aniline dyes and azodyes;

(g) preparation of cyanide compounds and use of isocyanides compounds;

(h) preparation of oxalic acid;

(i) preparation of ethyl ethylester, ethyl acetate and propyl acetate;

(j) preparation of collodion and celluloid;

- (k) production of ammonium;
 - (l) production of phosphorus;
 - (m) production of chemical fertilizers.
34. Bleaching or dissolving paper, straw or rags.
 35. Work in basic metallurgical industries.
 36. Work in flour-mills (in the departments where dust develops).
 37. Work in factories or laboratories or parts of factories in which the following are manufactured or distilled-
 - (a) explosive substances;
 - (b) fireworks;
 - (c) illuminating gases, compressed gases, inflammable materials;
 - (d) inflammable products. Also, generally in factories where dust which creates a risk of explosion develops.
 38. Gas or electric soldering or cutting unless carried out on the basis of apprenticeship schools' programmes.
 39. The supervision of motive machines.
 40. The supervision of operation and the feeding of reaping and threshing machines and straw baling-presses.
 41. The supervision of steam-boilers and boilers or containers with gases under pressure. The supervision and maintenance of boilers and liquified petroleum gas distribution networks.
 42. The use of cranes, overhead cranes and winches or other similar machines and machinery.
 43. Work as a driver of roller conveyor belts in the mining of minerals from a mine, stones from a quarry etc.
 44. Work with digging, loading or similar machinery.
 45. The use and driving of fork-lift machinery (by persons under seventeen years of age) and the use of fork-lift vehicles carrying incandescent fluid materials.
 46. The use and driving of agricultural tractors (by persons under seventeen years of age).
 47. The use of presses with a cam or similar presses.
 48. The use of hydraulic presses.
 49. The use of thermoplastic, aluminium casting and other similar presses.
 50. The use of shoe-making machines.
 51. Work with machinery having cutting tools and operating with a mechanical power, mainly in respect of -
 - (a) work with sawing machinery fitted with a circular blade or saw band, planing machinery when used for surfacing or rooting;

- (b) work with scissors, chopping machinery, cutting machinery (cutters of paper bundles, sawing machinery fitted with circular blades or saw bands processing material other than wood) and with crushers;
- (c) work with laminating machinery and generally with machinery where the material or processed article passes through cylinders thereby entailing a risk to any part of the worker's body which may be caught in the machinery;
- (d) work with kneading and crushing machines;
- (e) work with centrifugal machines;
- (f) work with saw mills, chain saws, waterfalls, barking and cutting machinery and similar machinery.

52. Cleaning metal surfaces with sand blasting.

53. Work in steam cocks.

54. Lubricating, cleaning, repair and detection of damage in machines, tools and devices while in operation. The operation of a machine in normal operation after damage. The tuning of a machine.

55. The connection or disconnection of belts or power transmission elements while a machine is in operation.

56. Shift maintenance work for mechanical and electrical installations and buildings.

57. The starting of machines where two or more employees are simultaneously employed.

58. The starting of machines which form part of an automated cycle system.

59. Work which requires communication and co-operation between the worker carrying out such work and workers carrying out some other work, for the purpose of maintaining safety at work.

60. Transportation or traction with the use of two or more machines.

61. Demolition works.

62. Works on a sloping roof. Roof assembling and disassembling.

63. Construction and disassembling of mouldings works.

64. Assembling and disassembling of articulated scales and work on such scales.

65. Assembling and dismantling of scaffolding and work on such scaffolding.

66. Handling worksite machinery.

67. Handling construction machinery.

68. Moulding and brickwork in water. Dismantling of mouldings.

69. Assembling and installing big metal silos and related works.

70. Work in ditches of more than 2 metres in depth. Excavation works.

71. Handling of high-voltage electric installations. Work with elements with a voltage of over 50V.

72. Work on overhead and underground networks.

73. Underwater work carried out either with the use of a diving suit or an oxygen breathing apparatus.

74. Piece work and work the increased pace of which allows for an increase in pay.

75. Work in a group which includes adults employed in work referred to in paragraph 74 above.

76. Work involving the lifting of a load of a weight heavier than that prescribed in Table A below -

TABLE A

Age	Occasionally raised load in kg	
	Male persons	Female persons
14-16	10	5
16-18	15	10

The work of male persons under sixteen years of age and of female persons under eighteen years of age involving the lifting or transporting of a load described in Table B below, as routine work.

The lifting and transporting of a load heavier than that stated in Table B below which constitutes routine work even when carried out by male persons between sixteen and eighteen years of age.

TABLE B

Distance in metres by which the load is transported	Maximum permissible weight of load in kg
Up to 2 metres	10
From 2 to 10 metres	8
From 10 to 30 metres	6
From 30 metres and over	5

77. The routine work of pushing loads on rails or on handbarrows for male persons under sixteen years of age and female persons under eighteen years of age.

78. Routine work involving the pushing on rails of loads heavier than 300 kg or the pushing on two-wheel handbarrows of loads heavier than 100 kg or the pushing on three or four-wheel handbarrows of loads heavier than 50 kg or finally the pushing on one-wheel handbarrows of loads heavier than 30 kg and applying to male persons between sixteen and eighteen years of age.

79. Loading or unloading of ships, with the exception of small vessels shorter than 12 metres long and narrower than 4 metres wide.

80. Work in places involving a risk of fall, from a height of three metres or more even if precautions have been taken such as using a life-saving rope or other similar means. The prohibition does not apply where a safe protective fence is used in every place where a risk of fall would otherwise exist.

81. Works of male persons under 15 years of age involving shipbuilding work on ship-boards until decks are paved, or on scaffolds above ground level.

82. Work entailing the risk of articles falling over the place where a young person works.

83. Work with a drilling machine.

84. Riveting with a riveting pistol or bolt pistol.

85. The use of a stupefying mask or slaughter gun.

86. The felling of trees with the use of chain-saw machines and the use of such machines for the cutting of timber.

87. Work at railway junctions including the coupling of wagons.

88. Cleaning or painting with the use of a pressure of over 2,5 atmospheres.

89. Inflation of tyres of buses and aircraft with the use of a pressure of over 3 atmospheres.

90. Inflation of tyres of agricultural tractors or other similar vehicles with the use of a pressure of over 1,5 atmospheres.

91. Work with an open cylinder or bolt.

92. Works with industrial mixers, smoothing machines, cutting machines, scalding machines (in slaughterhouses) and centrifugal machines.

93. Work with drilling machines, bending-machines, concrete-making machines and moulds manufacturing machines.

94. Work of security personnel. The transport of money to and from banks, public funds, credit or monetary institutions or safe-keeping places.

95. Work in sewage installations and on sewage tanker vehicles.

96. Research work on cancer or infectious diseases.

97. Work involving an evident hazard of contact with human blood likely to be considered as carrying microbes, according to the opinion of the Medical Practitioner at Work.

98. Work on a continuing basis in intensive care wards, infectious diseases and emergency cases wards or psychiatric and drug-addicts treatment wards.

99. The care, embalment and transport of dead persons in addition to the usual duties of a nurse.

100. Work in places where there is a possible lack of oxygen or a hazardous atmosphere (poisonous or explosive mixtures).

101. The use of agricultural pesticides.
102. Pruning and harvesting of fruit from tall trees.
103. Keeping of stallions, bulls, boars etc. either for systematic breeding or for free grazing.
104. Apiculture in general, where it applies to allergic persons.
105. Animal delivery.
106. Flaying of fur-bearing animals.
107. Fish-piers.
108. Places of artificial insemination and mating of animals.
109. Units of utilising animal waste.
110. Use of self moving agricultural machinery except where they possess a licence to drive.
111. Woodcutting and gathering in forestry works.
112. Fire extinguishing operations.
113. Forestry work except planting work.
114. Animal waste treatment and management plants.
115. Use of mechanical non automotive equipment (mechanical irrigation systems, lawn-mowers, spraying machinery etc.).

28th May 2002
(107/13)

D.J. BONNER,
Chief Officer.
