

INSTITUTE FOR WORK AT HEIGHT



Employment and Training of a minor

Topic:

There has been a recent increase of the employment of children due to the current economic situation. As the professional body for the work at heights industry, we feel the need to address this situation and provide guidance on this matter.

Legal Requirements:

The BASIC CONDITIONS OF EMPLOYMENT ACT, 1997 has a specific section for child labour which includes the PROHIBITION OF EMPLOYMENT OF CHILDREN AND FORCED LABOUR.

Chapter six states the following:

6. Prohibition of employment of children and forced labour.

6.2 Children under the age of 18 may not be employed to do work inappropriate to their age or that places them at risk.

Prohibition of employment of children

43. (1) No person may employ a child

(a) who is under 15 years of age; or

(b) who is under the minimum school-leaving age in terms of any law, if this is 15 or older. ”

(2) No person may employ a child in employment—

(a) that is inappropriate for a person of that age;

(b) that places at risk the child’s well-being, education, physical or mental health, or spiritual, moral or social development.

(3) A person who employs a child in contravention of subsection (1) or (2) commits an offence.

Employment of children of 15 years or older

44. (1) Subject to section 43(2), the Minister may, on the advice of the Commission. make regulations to prohibit or place conditions on the employment of children who are at least 15 years of age and no longer subject to compulsory schooling in terms of any law.

(2) A person who employs a child in contravention of subsection (1) commits an offence.

It is also stipulated in the REGULATIONS ON HAZARDOUS WORK BY CHILDREN IN SOUTH AFRICA that:

10. Prohibited work

(y) work in a confined space.

Good Practice Note 2021

Good Practice notes inform the industry on how to embrace best practice and how to deal with issues that may arise. They are aligned with, but do not replace regulation as well as endorse industry standards

12. Risk assessment

(1) Every employer who employs or provides work to a child worker, or permits any child worker to work at any place under their control, or with any machinery under their control, must in respect of such work undertake a risk assessment process

(2) The following factors must be considered when making the risk assessment—
 (d) the relative lack of experience and maturity of children in making safety judgments;
 (e) the reduced ability of children to adapt to inflexible work routines;
 (f) the reduced ability of children to perceive dangers correctly;
 (g) the reduced capacity of children to understand safety messages;
 (h) whether the design of any machinery, tools, equipment and protective equipment is appropriate for children's stature;
 (i) the implications of children working at the period when their skeletal structures and bones are still developing;

14. Work in elevated position

(1) A child worker may not work at a height of more than five metres above the floor / ground.
 (2) A child worker working at a height of more than two metres from the floor / ground must work under the supervision of the employer or a competent adult employee, and reasonable fall protection must be provided, such as a safety harness or railings.

15. Lifting of heavy weights

(1) A child worker performing any work may not, as part of their work, lift an object weighing more than—
 (a) the lesser of 15 kg or 20 % of the child's body weight;
 (b) more than 7,5 kg more than once per minute.
 (2) A child worker may not lift objects weighing more than 5 kg at work for more than two hours without being granted a 30-minute period in which he or she is not required to lift such a weight.

Recommendation:

There are no limitations on certain designations, for example fall arrest or rope access with regards to the allowed height. If a child learner obtains one of these designations, there can be no guarantee that he will not exceed the allowed requirement of 5m. The IWH has the duty to prevent and improve an industry and the safety of those working at heights as well as effected by the industry.

It has been established that the risks relating to controlled work environments, physical strain on a person as well as the reduced ability of understanding health and safety, is not in the best interest of a child when employed in the work at heights industry. Due to the high risk involved in work at heights and the above stated requirements issued in terms of legislation, it has been established that no person under the age of 18 will be issued with a work at height designation through the Institute for Work at Height.

Note:

It remains the employer's responsibility to ensure that any child labour is done in accordance with the relevant Acts and Regulations.