



Wilkins Health & Safety Services

Young Worker

INTRODUCTION

Where young workers are below the minimum school leaving age, consideration should be given to requirements for employment of children, as linked above.

Young people entering a work situation may comprise schoolchildren on work experience placements, participants in government training schemes or direct employees under 18 years of age. Due to the relative inexperience of such persons, particular care should be exercised through appropriate induction training, close supervision and the observance of certain particular legal requirements, in addition to the general provisions of section 2 of the Health and Safety at Work etc. Act 1974.

Provisional accident statistics for 1995-96 indicate that most of the 562 reported injuries to employed young persons in the local authority-enforced sector occurred in the retail, hotel and catering and consumer/leisure sectors (59%, 23% and 10% of the total, respectively). Although the majority (approx. 86%) were over-3-day injuries, some 80 (14%) were major injuries

| Severity of injury | Retail | Wholesale | Hotel & Catering | Offices | Residential Care Homes | Consumer Leisure | Total |
|---------------------------|---------------|------------------|-----------------------------|----------------|-------------------------------|-------------------------|--------------|
| Fatal | - | 1 | - | - | - | - | 1 |
| Major | 38 | 2 | 23 | 2 | 1 | 14 | 80 |
| Over-3-day | 292 | 21 | 109 | 8 | 6 | 45 | 481 |
| Total | 330 | 24 | 132 | 10 | 7 | 59 | 562 |

YOUNG WORKERS AS EMPLOYEES

(i) Work Experience

The Education (Work Experience) Act 1973 provides for children who are in their last year of compulsory schooling to participate in work placement schemes approved by the Local Education Authority. The 1973 Act also exempts such schoolchildren who are under 16 from the restrictions of the Employment of Women, Young Persons and Children's Act 1920. However, any legislation



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restricting the employment of persons over the minimum school leaving age does apply to them.

Under the Health and Safety (Training for Employment) Regulations 1990 those receiving relevant training should be treated as employees for the purposes of health and safety legislation.

(ii) **Government Training Schemes**

The Health and Safety (Training for Employment) Regulations 1990 extend the coverage of health and safety legislation to all those receiving 'relevant training' (this includes training schemes and work experience placements). Consequently, participants in many government schemes will be employees for health and safety purposes, unless the training is provided by an educational establishment as defined by the Regulations.

PARTICULAR LEGAL REQUIREMENTS

1. The Management of Health & Safety at Work Regulations 1999 require you to assess the health and safety risks to all your employees and to identify what you need to do to comply with your legal duties to prevent or control those risks and ensure your employees' health and safety. Under the regulations you have particular responsibilities towards young people:

- to assess risks to all young people under 18 years of age, **before** they start work;
- to ensure your risk assessment takes into account their psychological or physical immaturity, inexperience, and lack of awareness of existing or potential risks;
- to introduce control measures to eliminate or minimise the risks, so far as is reasonably practicable.

You must also:

- let the parents/guardians of any children still of compulsory school age know the key findings of the risk assessment and the control measures you have introduced **before** the child starts work or work experience;
- address certain specified factors in the risk assessment;
- take account of the risk assessment in deciding whether the young people should be prohibited from certain work



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activities, except in specified circumstances.

HS(G) 165 gives guidance on the type of work young people should be prohibited from. Table 1 in this publication provides extensive guidance on the type of work, nature of the risk, and how to avoid it for significant risks in workplaces.

2. Provision and Use of Work Equipment

The *Provision and Use of Work Equipment Regulations 1998 (PUWER)* apply to all work equipment which is used by employees.

The primary objective of the Regulations is to ensure that no work equipment gives rise to risks to health and safety, regardless of the work equipment's age, condition or origin. All employees must be competent to use work equipment with due regard to health and safety.

The Approved Code of Practice and Guidance on PUWER *Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998* emphasises the importance of training and properly supervising young people because of their relative immaturity and unfamiliarity with the working environment. There is also strengthened guidance relating to young people in associated Approved Codes of Practice, for example dealing with power presses and woodworking.

Power Presses

The Approved Code of Practice *Safe use of power presses: Provision and Use of Work Equipment Regulations 1998 as applied to power presses* states that young people (under 18 years) should not be allowed to use a power press unless they have the necessary maturity and competence. This includes having successfully completed appropriate training. However, they may operate a power press during training as long as they are adequately supervised. They should also be supervised after training if considered insufficiently mature.

Woodworking machines

The Approved Code of Practice and Guidance *Safe use of woodworking machinery: Provision and Use of Work Equipment Regulations 1998 as applied to woodworking* states that young



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people (under 18 years) should not be allowed to use high-risk woodworking machinery unless they have the necessary maturity and competence which includes having completed appropriate training. High-risk woodworking machinery includes any woodworking machine that is hand-fed as well as the following machines, however they are fed:

- any sawing machine fitted with a circular blade or saw band;
- a planing machine when used for surfacing; and
- a vertical spindle moulding machine.

However, young people may operate high-risk woodworking machinery during training providing they are adequately supervised. They should also be supervised after training if considered insufficiently mature.

3. Mechanical Lifting Operations

The *Lifting Operations and Lifting Equipment Regulations 1998* apply to lifting equipment in all premises and work situations subject to the Health and Safety at Work etc Act 1974. The Approved Code of Practice and Guidance *Safe use of lifting equipment. The Lifting Operations and Lifting Equipment Regulations 1998* states that young people under 18 years should not be allowed to use high-risk lifting machinery, such as fork lift trucks, unless they have the necessary maturity and competence which includes having successfully completed appropriate training.

However, young people may use high-risk lifting machinery during training as long as they are adequately supervised. They should also be supervised after training if considered not sufficiently mature.

CHECKLIST - YOUNG WORKERS

1. Do you acknowledge the particular health and safety needs of young workers?
2. Have you taken these needs into account when carrying out risk assessments before they start work?
3. Have you provided parents of school-age children with



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information about the risk(s) and control measures introduced?

4. Do you ensure suitable and sufficient induction training, and other relevant training?

5. Do you provide appropriate information and instruction for young workers?

6. Are young workers adequately supervised?

REFERENCES/FURTHER DETAILS

1. Booklet HS(G)165 - Young People at Work - a guide for employers HSE ISBN 0 7176 1889 7.

2. Booklet IND(G)2(L) - Mind how you go - Safety for young workers HSE