

# Employment of Children

## A Guide for Children

## Introduction

This guide is for you if you are between the age of 13 and school leaving age.<sup>1</sup> You might want to have a part-time job to have some financial independence and to gain experience of employment. If so, then you will need to know the following information.

The United Nations has said that children and young people have the right to be protected from economic exploitation, and from carrying out dangerous work, or work that might interfere with their education or harm their development.<sup>2</sup>

In Scotland, the law<sup>3</sup> states that children, who are under school leaving age, are allowed to work but only if, for example, their safety, health, development and education etc. are not put at risk. The rules about employing children are set by local authorities so they can differ across Scotland. For information about local byelaws, you should contact your local authority, or look at their website.

You can be employed whether or not you are paid for the work. The same rules apply if you are employed by a parent or carer.

## What work can I do?

The type of work that you are allowed to do will depend on your age and also the local authority area in which you are working.

Under child employment law, children under 13 cannot be employed. However, children under the age of 13 years can take part in sport, advertising, modelling, films, television, theatre productions or other entertainment, if the local authority child performance licensing rules are followed.<sup>4</sup>

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<sup>1</sup> see <https://education.gov.scot/parentzone/my-school/general-school-information/Attending%20school>

<sup>2</sup> United Nations Convention on the Rights of the Child, 1989, Article 32

<sup>3</sup> Children and Young Persons (Scotland) Act 1937, Section 28 (as amended)

<sup>4</sup> <http://www.gov.scot/Resource/0050/00500141.pdf>

In most local authorities, if you are between the age of 14 and up to school leaving age, you can:

- do any light work unless it is on the list of jobs which children are not allowed to do
- take part in street trading (supervised by your parents) but only if you also have a separate Street Trader's Licence for this

**Light work** is work which involves tasks and conditions which are not likely to harm:

- your safety, health or development
- your attendance at school
- your participation in work experience
- your ability to benefit from school or work experience

**Street trading** includes selling newspapers, matches, flowers and other items, playing, singing or performing for profit, shoe-shining and similar occupations carried on in streets or public places

In some local authority areas, from age 13, you can:

- be employed by your parents and other people doing occasional light gardening or farming work
- deliver newspapers (but you need to be supervised by an adult if you collect any money)
- do light work in shops (including shelf stacking), hairdressing salons, offices, cafés and restaurants, riding stables or hotels
- wash cars at people's homes

If you are between the ages of 13 and 14, the list of work you are allowed to do will normally be set out in the local authority byelaws.

### **Employment permits**

In most local authorities, your employer must apply for an employment permit within one week of you starting employment with them. If they don't, they could be committing an offence.

You should be able to get an application form for a permit from your school, local library or your employer. They might also be available on the local authority website.

Your parent/carer will usually need to complete and sign part of the application form to confirm they approve of you doing the work and that you are fit to do the work. The local authority may require you to have a medical examination before an employment permit is issued.

Your employer should make sure that a “risk assessment” has been carried out. They will consider whether the job could cause injury or harm to you or to other people. Once risks have been identified the employer should then consider ways to reduce these risks.

If you do not have a permit, you must stop working immediately and inform your teacher or the local authority. Permits are not transferable between jobs and if the nature of the job changes, your employer must apply to change the permit. A permit may only be valid for the current school term and might have to be renewed if you continue to be employed.

The local authority can remove your employment permit if it believes that:

- you are being employed unlawfully
- your health, welfare or ability to go to school are suffering because of the employment

You may be required to produce your employment permit for inspection by an authorised officer of the local authority or by a police officer.

If you are over school leaving age, you don't need a permit to work even if you are still at school.

### **What work can I not do?**

Most local authorities will not allow children under school leaving age to:

- work in a cinema, theatre, disco, dance hall or nightclub (except for a show involving only children or as a licensed performer)
- sell or deliver alcohol (except in sealed containers)
- deliver milk or fuel oils
- work in a commercial kitchen
- collect or sort rubbish
- work up high (which means more than 3 metres above the floor or the ground)
- do anything exposing you to harmful chemicals or physical elements, such as noise, vibration or extremes of temperature
- collect money or do other things involving going from door to door (unless under adult supervision)
- be exposed to “adult material”
- work in telephone sales

- work in a slaughterhouse or other place where livestock is killed or meat prepared for sale
- work as an attendant at a fairground or amusement arcade
- work in a nursing home or care home looking after people (unless under adult supervision)
- do any work which is not what the law calls “light work”
- work out of doors, unless you are wearing suitable clothes and shoes. Your employer is not obliged to provide these but if you do not have suitable clothes and shoes yourself it is against the law for your employer to employ you to work outdoors without them
- carry out street trading unless you have a Street Trader’s Licence
- be employed to do anything not covered by your employment permit

There may be additions to this list - depending on the local authority area - you should check the local authority byelaws.

### **When and how many hours can I work?**

The guidance also covers how many hours a child can work, however this differs based on the child's age and on the laws of the local authority.

During school weeks you can work:

- between 7am and 7pm (but not during school hours on days you have to be at school)
- up to 2 hours on a school day (but only for one hour before school, if you live in a local authority area which has a byelaw allowing this) and not more than 12 hours in a school week.

On a Sunday:

- up to 2 hours

On Saturdays, and

On weekdays during school holidays:

- if you are under 15 years old, you can work up to 5 hours a day, to a maximum of 25 hours in a week when you don’t have to attend school.
- if you are over 15 years old, you can work up to 8 hours a day, to a maximum of 35 hours in any week when you don’t have to attend school.

The number of hours a child is able to work on a Saturday will depend on the child's age.

You must be allowed a rest break of one hour in any day where you work for more than four hours. You must also have at least a two week period in every year when you are not at school and do not do any work.

Children under school leaving age are not entitled to the National Minimum Wage, paid holidays or to sick pay.

Work experience organised for educational purposes is treated differently and not covered in this factsheet. There is also separate legislation covering children taking part in public performances and covering particular occupations which is not dealt with in this factsheet.



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