

Protection of Young Persons (Employment) Act, 1996

Note on employing a child by licence under Section 3(2)

THEATRE LICENCE

- Section 3(2) of the Protection of Young Persons (Employment) Act, 1996 allows the Minister to authorise, by licence, in individual cases, the employment of a child up to 16 years in cultural, artistic, sports or advertising activities which are not likely to be harmful to the safety, health or development of the child and which are not likely to interfere with the child's attendance at school, vocational guidance or training programmes or capacity to benefit from the instruction received.
- An employer should apply in writing to the Minister for a licence under section 3(2) at **least 21 days before the employment commences.**
- The application should contain the following particulars:

Name, address and date of birth of the child;

Name, address and contact telephone no. of child's parent/guardian;

Nature of employment, e.g. film, theatre, sports etc.;

Details of project (script, if available) on which the child is to be employed;

Reasons which justify the employment of a child of the age concerned;

Duration of employment (including rehearsals);

The amount of nightwork (if any);

Address of principal work location (if different from employer's address);

The sums to be earned by the child;

Note from school principal agreeing absence from school (if any);

Alternative teaching arrangements (where necessary);

Copy of signed contract relating to the child's employment.

A letter giving parent's or guardian's consent.

- On receipt of the application, the Minister may at his or her discretion grant or refuse a licence. The Minister may make such enquiries as he/she considers necessary to enable him/her to consider if the licence should be granted.
- The number of hours the child was present at the place of performance and rehearsal must be forwarded to the Department of Enterprise, Trade and Employment when the employment ceases.

Summary of conditions which may apply to a licence issued under section 3(2)

1. **Children under 7 years of age**

A child under 7 years may not take part in a performance or rehearsal on any day

- for a total period of more than 2 hours,
- for a continuous period of more than 30 minutes without an interval for rest.
- unless a period of 15 hours has elapsed between an evening performance and any performance the following day.
- for more than 250 hours in any twelve month period.

A child under 7 years may not be present at the place of performance or rehearsal after whichever is the earlier of the two following times:

- 22.00 hours **or**
thirty minutes after the end his/her part in the performance or rehearsal or the last performance or rehearsal.

If the child's presence is required after the later of the above times, the child may be present at the place of performance not later than 23.00 hours on not more than three evenings in any seven day period.

2. **Children over 7 and under 13 years of age**

The child over 7 years and under 13 years may not take part in a performance or rehearsal

- on any day for a total period of more than 3 hours, subject to a total of 15 hours over 6 days in any seven day period (or a maximum of 20 hours in the week preceding the first public performance),
- for a continuous period of more than 45 minutes without an interval for rest.
- unless a period of 15 hours has elapsed between an evening performance and a performance the following day.
- for more than 700 hours in any twelve month period.

A child over 7 years and under 13 years of age may not be present at the place of performance or rehearsal after whichever is the earlier of the two following times:

- 22.30 hours **or**
- thirty minutes after the end his/her part in the performance or rehearsal or the last performance or rehearsal.

If the child's presence is required after the later of the above times, the child may be present at the place of performance not later than 23.00 hours on not more than three evenings in any seven day period.

3. **Children over 13 years of age**

The child over 13 years may not take part in a performance or rehearsal

- on any day for a total period of more than 4 hours, subject to a total of 22 hours over 6 days in any seven day period (or a maximum of 30 hours in the week preceding the first public performance),
- for a continuous period of more than 1 hour without an interval for rest.
- unless a period of 15 hours has elapsed between an evening performance and a performance the following day.
- for more than 900 hours in any twelve month period.

A child over 13 years of age may not be present at the place of performance or rehearsal after whichever is the earlier of the two following times:

- 22.30 hours **or**
- thirty minutes after the end his/her part in the performance or rehearsal or the last performance or rehearsal.

If the child's presence is required after the later of the above times, the child may be present at the place of performance not later than 23.00 hours on not more than three evenings in any seven day period.

4. Chaperon

A suitably qualified chaperon shall be in charge of the child at all times while he/she is present at a place of performance or rehearsal except while the child is in the charge of a parent or guardian. The function of the chaperon shall include the care and control of the child with a view to securing his/her health, comfort, kind treatment and moral welfare. A chaperon shall not be in charge of more than twelve children at any one time.

5. Education

When the child is employed during a school term, the employer shall ensure that, where the hours of work of the child involves an absence from school, appropriate alternative teaching arrangements are put in place, in consultation with the Department of Education, so that there shall be no interference with the education of the child.

6. Place of performance/rehearsal and arrangement for getting home

- (1) The employer shall ensure that at the place of performance or rehearsal
 - suitable arrangements have been made for adequate meals for the child, or the child to dress for performances or rehearsals and for the child's rest and recreation when not taking part in a performance or rehearsal, and
 - suitable and sufficient sanitary and washing facilities are provided.
- (2) The employer shall not require the child to take part in a performance or rehearsal which requires the child to be nude or partially nude without the express permission of the parent or guardian. A qualified nurse or social worker shall be in attendance during any such rehearsal or performance.
- (3) The employer shall ensure that arrangements, acceptable to the parent or guardian, are made for the child to get to his/her home or other destination after the last performance or rehearsal on any day.

7. Earnings

Sums earned (other than expenses) shall be lodged in a post office/bank account in the child's name.