

EMPLOYMENT ACT

(CAP. 55:02)

EMPLOYMENT (PROHIBITION OF HAZARDOUS WORK
FOR CHILDREN) ORDER, 2012

IN EXERCISE of the powers conferred by section 22 of the Employment Act, I, LUCIOUS
KANYUMBA, Minister of Labour, make the following Order—

1. This Order may be cited as the Employment (Prohibition of Hazardous Work for Children) Order, 2012. Citation
2. In this Order, unless the context otherwise requires—
 “piece work” means work in terms of which the remuneration of the employee is based mainly on the quantity of work done; and
 “task work” means work in terms of which the remuneration of employee is based mainly on the completion of set tasks. Interpretation
- 3.—(1) Subject to subparagraph (2), a person between the ages of fourteen and eighteen years shall not work for more than forty hours in any week. Maximum daily and weekly working hours
(2) A person under the age of eighteen years, who is enrolled in school, may not work for more than—
 - (a) twenty hours in a week during the school term;
 - (b) forty hours in any week that falls entirely within school holidays;
 - (c) three hours on any school day which is followed by another school day; or
 - (d) four hours on any school day followed by a non-school day, such as a Friday, or the last day of term.
- 4.—(1) A person under the age of eighteen years shall not work before 5 a.m. or after 6 p.m. on any day. Night work
 Provided that a child between the age of fifteen years but under the age of eighteen years, who is not expected to be at school the following day, may work between 6 p.m. and 9 p.m. if—
 - (a) the work is in a restaurant or a shop where there is adequate adult supervision and at least one supervisor is the same sex as the person; or
 - (b) the work is baby-sitting or child minding.
(2) An employer of a person employed under subparagraph (1) shall ensure that the parent or guardian of the person involved in night work agrees in writing to such employment.
(3) Where a person under the age of eighteen years is permitted to work after 6 p.m., the employer of such a person shall, at the end of the shift, provide such person with safe transport home, at no cost to the parent or guardian of the person.

- Work in extreme temperatures**
5. No person shall require or permit a person below the age of eighteen years to work in an environment involving extreme temperatures below 6°C or above 30°C due to their potential to jeopardize the safety, health, welfare and comfort of persons below the age of eighteen years—
- (a) unless the cold and hot temperatures are as a result of natural climatic conditions, and adequate measures are taken to protect the person including that—
- (i) adequate protective clothing is provided to maintain optimum body temperature;
 - (ii) presence in such environment shall not exceed one hour of continuous work;
 - (iii) adequate water breaks are taken at reasonable intervals taking into account individual susceptibility;
 - (iv) adequate potable water or any beverage is made available, and is conveniently accessible to all persons; and
 - (v) the persons are acclimatized to such working environment; and
- (b) provided that such work does not exceed four hours every day.
- Prohibited work**
6. (1) Subject to subparagraph (2), the list of work set out in the Schedule is prohibited for a person under the age of eighteen years.
- (2) Such work shall not be prohibited where
- (a) the person is between the age of sixteen and eighteen,
 - (b) health and safety of that person is fully protected, and
 - (c) the person has received adequate training in performing the activities.
- Lifting of heavy weights**
7. A person under the age of eighteen years shall only lift weight that is substantially less than that lifted by adult workers of the same sex, and in any case should be reasonable so as not to jeopardize the safety, health and well-being of that person.
- Transporting of heavy weights**
8. The distance and weights which a person under the age of eighteen years may travel and carry respectively, shall be practically reasonable so as not to jeopardize the safety, health and well-being of that person.
- Offences and penalties**
9. A person who contravenes any provision of this Order commits an offence and shall, upon conviction, be liable to a fine of one thousand Kwacha (K1,000) and to imprisonment for three years.

SCHEDULE

(para 6)

LIST OF PROHIBITED WORK

I. AGRICULTURE SECTOR---

(a) *General and Commercial Farming:*

- (i) handling or applying agricultural chemicals, veterinary drugs, pesticides or insecticides in any agricultural undertaking.

- (ii) handling plants or soil immediately after the application of agricultural chemicals or during any other period specified on chemicals labels;
 - (iii) curing or processing agricultural products where there is exposure to temperatures or working at heights hazardous to safety, health and well-being of persons;
 - (iv) any activity involving dangerous machinery, dangerous equipment or dangerous tools;
 - (v) bee keeping or any other work involving exposure to bees.
- (b) *Meat, Poultry and Fish Sector:*
- (i) slaughtering of animals or work in an abattoir or a tannery;
 - (ii) meat, poultry or fish processing in a commercial undertaking;
 - (iii) offshore fishing in deep waters.
- (c) *Tobacco Sector:*
- (i) topping and suckering activities or handling tobacco leaves in the harvesting process;
 - (ii) handling or grading tobacco leaves in damp conditions or conditions of poor lighting or ventilation;
 - (iii) any other work involving tobacco in commercial tobacco estates and farms.

2. INDUSTRY

- (a) *Tobacco Sector:*
Handling, processing, manufacturing or packing of tobacco products.
- (b) *Logging/Timber:*
Logging, harvesting or processing of timber including cutting timber and saw milling.
- (c) *Hazardous Waste:*
Disposal, processing or any work in connection with hazardous waste or garbage.
- (d) *Alcohol Manufacturing Sector:*
Brewing, manufacturing or selling any liquid which in its final form would contain more than 1 per cent (1%) of alcohol.
- (e) *Radiology Sector:*
Any work involving exposure to ionizing radiation such as x-rays.
- (f) *Electrical Sector:*
Any work involving electrical work involving voltage cables or other power sources in excess of 120 volts.
- (g) *Machinery Operation:*
- (i) any work involving operating or involving vibrating and heavy duty equipment including
 - (aa) tractors;
 - (bb) winches;
 - (cc) fork lifts;

- (dd) front loaders;
 - (ee) earth moving equipment;
 - (ff) asphalt mixers;
 - (gg) heavy grader;
 - (hh) rock drills and riveters; or
 - (ii) similar heavy duty equipment;
 - (ii) any work involving welding or soldering using electric or gas welding machines; or
 - (iii) operating, cleaning or repairing any machinery in motion.
 - (h) *Transport Industry:*
 - (i) driving a motor vehicle;
 - (ii) any repairing or conducting maintenance of motor vehicles or its parts unless under supervision;
 - (iii) any work in vehicles transporting heavy goods.
 - (i) *Construction Sector:*
 - (i) any manufacturing, mixing or application of tar or asphalt;
 - (ii) work involving brick molding;
 - (iii) building, demolition or any process associated with engineering or construction, with or without the use of lifts and scaffolding.
 - (j) *Chemical Sector:*
Any work involving —
 - (i) manufacturing, processing, handling, storing, transporting or use of any chemical substances, that are toxic, explosive, combustible, flammable, oxidizing, corrosive, irritating, carcinogenic, mutagenic or teratogenic;
 - (ii) exposure to hazardous dust including but not limited to cement, tobacco dust, cotton dust, bagasse and silica;
 - (iii) any work involving exposure to asbestos or products containing Asbestos;
 - (iv) exposure to any hazardous substance which by virtue of its physical or toxicological properties constitutes a risk to the safety, health or welfare of the child.
 - (k) *Metal Industry:*
Any work involving —
 - (i) the use of or in proximity of industrial ovens, kilns, furnaces or boiler;
 - (ii) grinding or glazing of metal with or without the use of any power tool or grinding equipment;
 - (iii) operator of a smelter or furnace or rolling mills that forms and cut metals.
3. ENTERTAINMENT SECTOR—
- (a) any work in a bar, tavern, pub, shebeen or other establishment of entertainment whose business is to sell alcohol beverages to the general public for consumption on the premises;
 - (b) any work as a personal companion or providing escort services in bars, cocktail lounges, motels, hotels, message houses and other places of recreation or entertainment;

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- (c) any work in a casino or other gambling establishment;
 - (d) any work that involves loitering the streets or around any bar, tavern, pub, shebeen or other establishment of entertainment whose business is to sell alcoholic beverages to the general public for consumption on the premises;
 - (e) any work posing as a model in an advertisement for alcoholic beverages, tobacco products or condoms or that is connected with the advertisement of any of these products;
 - (f) any work involving exposure to material of a pornographic or adult content or involving the child in any pornographic or adult act, exhibition or production.
4. TOURISM SECTOR
- (a) any work as a tour guide;
 - (b) any work that constitutes a risk to the safety, health and well-being of persons.
5. HEALTH SECTOR
- (a) Any work in a healthcare or related facility where there will likely be exposure to biological agents or other agents including
 - (i) viruses causing hepatitis;
 - (ii) Human Immune Virus (HIV);
 - (iii) bacterial causing tuberculosis;
 - (iv) anesthetics;
 - (v) anti-neoplastic medications; or
 - (vi) addictive drugs.
6. MISCELLANEOUS
- Any work or activity
- (a) at a height of more than two metres above the ground;
 - (b) involving begging or soliciting for alms;
 - (c) involving exposure to a noise of a higher level than
 - (i) 85dB (A) for forty hours per week; or
 - (ii) 135dB (A) for any period of time;
 - (d) mining, quarrying or excavation, including
 - (i) any work underground;
 - (ii) underwater;
 - (iii) in confined spaces; or
 - (iv) with inadequate ventilation.
 - (e) selling or transporting any hazardous items for sale; or
 - (f) done in a confined space.

Made this 25th day of January, 2012.

(LIL/10/2/3/16)

L. KANYUMBA, PhD,
Minister of Labour