RESPONSE TO REPORT: FORM 2012

ARTICLE 1

The Government of Jamaica enacted the *Child Care and Protection Act* in March 2004.

This piece of legislation speaks directly to the employment of children and child labour (Sections 33 to 40).

Section 33 prohibits the employment of children under the age of 13 years. In addition, Section 34 provides for the restriction of employment for those who have not attained the age of 15 to occupational groupings prescribed under subsection (2).

The Act states that the Minister of Labour and Social Security shall maintain a list of prescribed occupations-

(a) consisting of such light work as the Minister considers appropriate for the employment of any child of the age referred to in that subsection; and

(b) specifying the number of hours during which, and the conditions under which, such child may be so employed;

The Act continues by specifically stating that no person shall employ a child –

(a) in the performance of any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual or social development; or

(b) in night work or an industrial undertaking.

A maximum fine of $500,000 or 6 months' imprisonment at hard labour may be imposed on persons acting in breach of Sections 33 or 34 of the Act.

Under the Act, it is now an offence to employ children in nightclubs, or to use children for any indecent or immoral purposes.

An offence is also committed where persons knowingly rent or allow their premises to be used for indecent or immoral purposes.

A maximum fine of $1,000,000 and imprisonment for one year may be imposed by the courts. The courts may also revoke the operating licence of any person found in breach of relevant provisions of the Act.

ARTICLE 2

The Child Care and Protection Act governs the minimum age for admission to employment or work.

ARTICLE 3

Under the Child Care and Protection Act restrictions have been placed on the employment of children. It is prohibited to employ children under 13 years of age. Any employer who acts in contravention of this Act is subject to a maximum fine of $500,000.00 or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

ARTICLE 4

Necessary discussions concerning the legislation are to be initiated at the level of the Labour Advisory Council.

ARTICLE 5

It is our belief that our economic and administrative facilities are developed so as not to limit the scope of application of the Convention.

ARTICLE 6

This is covered by the Education Code under which children of particular age cohorts are grouped according to their specific needs or aspirations.

ARTICLE 7

The matter is being actively considered.

ARTICLE 8

This provision has not been utilized.

ARTICLE 9

This particular provision is covered under the new Occupational Health and Safety Act under which Labour inspectors will be authorized to enforce the appropriate sanctions where a breach has been committed.

Copies of this report have been forwarded to:

- **The Jamaica Confederation of Trade Unions**
- **The Jamaica Employers Federation**
- **Children Services Division**

Prepared by:
Ministry of Labour and Social Security
Kingston
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