



Employment Relations Fact Sheet

Ministry of Internal Affairs
Government of the Cook Islands

Employing a young person

This fact sheet provides general guidance to employers who are looking to employ a young person.

Who is a young person?

A young person is someone aged 13-16 years.

What do I need to know about employing a young person?

The Employment Relations Act 2012 says that you can not employ a young person:

- during school hours or
- for more than 10 hours per week or
- to do more than "light work"

If your employment arrangement with the young person changes i.e. it's the school holidays and the young person wants to work more than 10 hours per week, you must contact the Ministry of Internal Affairs immediately and ask to speak with an Inspector.

What if a young person applies for a full time position and is successful?

All young persons are legally required to be at school until they are 16 years of age. This means that you can not employ any young person for full time position (definition provided below).

Definition of full time worker

A full time worker is someone who works at least 35 hours per week, has regular hours of work and a reasonable expectation that they will continue to be employed by the employer for at least 35 hours per week.

What if the young person doesn't go to school anymore?

As the employer it is your responsibility to ensure that the young person has been permitted to leave school.

You should ask the young person to provide a letter from the Ministry of Education permitting them to leave school before they are 16 years. If the young person does not provide you with a letter from the Ministry of Education you should NOT employ them.

What about their entitlements?

The workers entitlements for a young person depend on what type of employment you are offering.

If the young person is employed on a part time basis, they are entitled to:

- a proportion of annual and sick leave based on the hours worked proportional to full time worker in your employment.
- Paid leave when public holiday falls on a day the worker would ordinarily be working
- Public holiday rate of pay, for all hours of work worked on that public holiday, at double the ordinary rate of pay or any such arrangement that is no less favourable
- No less than the minimum rate of pay

If the young person is employed on a casual basis, meaning they work intermittently, have no regular work pattern or expectation of continued work, they are only entitled to:

- Public holiday rate of pay, for all hours of work worked on that public holiday, at double the ordinary rate of pay or any such arrangement that is no less favourable
- No less than the minimum rate of pay
- Wage protection

Children under 13 years

No employer is allowed to employ a person under the age of 13 years

Offences and Penalties

Every employer who contravenes the rules for employing a young person, as set out in the Employment Relations Act 2012, may be liable for a fine of up to \$5000

Further information

Contact the Ministry of Internal Affairs
employment@cookislands.gov.ck
or +682 29370

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