**MEDIA STATEMENT**

ATT: NEWS EDITORS/CHIEF REPORTERS.

**Rules for employing Young People**

School Holidays are here! Parents need to look for activities to keep their children occupied during the School Holidays, such as Holiday Fun programmes,

The Employment of Ministry of Internal Affairs – Labour & Consumer Division, has been informed that a young person under 16 years has taken up employment and stopped going to school. “It’s not uncommon for young people to have a holiday job or part time job that they do after school or in the weekend; however, we do not encourage school-aged persons to take up employment that will interfere with their education and development.

The rules for employing a young people between the ages of 13 and 16 year are set out in the Employment Relations Act 2012. The Act provides that an employer can not employ a young person during school hours; for more than 10 hours per week or for work other than light work, unless they first get the approval of the Secretary of Internal Affairs. The only exception to this rule is if the Head of the Ministry of Education has permitted the young person to leave school.

No one is allowed to employ a person under the age of 13 years. “Any employer who contravenes the rules for employing a young person could face a fine of up to $5000.00, so we encourage employers to be vigilant and learn more about their rights and obligations as employers in the Cook Islands, and for workers to do the same”. The employer in this matter was not aware of the young persons’ age or the rules for employing the young worker.

The Ministry will be visiting work places throughout Rarotonga and Aitutaki to provide employers and employees with factsheets on their employment rights and obligations. For more information on employing a young worker and a copy of the factsheet, contact the Ministry of Internal Affairs – Labour & Consumer Division on 29370.

(Ends)

# *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.

Employment conditions is outlined in the Minimum Terms and Conditions of the Employment Relations Act 2012, any person who received a rate of pay in exchange for hours provided for a service is deemed as employed.

Being employed means the person goes to a place of work, during regular hours, and is getting regular wages or salary, and there is an expectation that you will continue to work regular hours and receive regular wages or salary.

Overtime pay, Rest and Meal breaks, Method of payment of wages, wages protection, annual leave, public holidays, sick leave, maternity leave conditions are also conditions of being employed.

Can a young person be employed

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

The Employment Relations Act 2012 says that you cannot 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,

**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 contact their office immediately and inform them of your situation.

**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

[intaff.employment@cookislands.gov.ck](mailto:intaff.employment@cookislands.gov.ck)

or +682 29370

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