

International Labour Office
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Legislative Series
1931 — Fiji 1

FIJI 1

Ordinance: Employment of Women, Young Persons and Children

An Ordinance to carry out certain conventions relating to the employment of women young persons and children. No. 34 of 1931. Assented to 30th October, 1931.

Whereas at Washington on the twenty-eighth day of November nineteen hundred and nineteen a general conference of the International Labour Organization of the League of Nations adopted three conventions containing (together with other provisions) the provisions set out in Part I Part II and Part III of the Schedule to this Ordinance:

And whereas at Genoa on the ninth day of July nineteen hundred and twenty a general conference of the International Labour Organization of the League of Nations adopted a convention containing (together with other provisions) the provisions set out in Part IV of the Schedule to this Ordinance:

And whereas power is given under the conventions hereinbefore mentioned to modify the terms of any such convention in their application to colonies protectorates and possessions which are not fully self-governing for the purpose of making the same applicable to local conditions:

And whereas it is expedient that for the purpose of carrying out the said conventions the provisions hereinafter contained should have effect:

Be it therefore enacted by the Governor of Fiji by and with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Employment of Women Young Persons and Children Ordinance 1931.

2. In this Ordinance unless the context otherwise requires—

“child” means a person under the age of fourteen years;

“young person” means a person who has ceased to be a child and who being a male is under the age of seventeen years or being a female is under the age of eighteen years;

“woman” means a woman of the age of eighteen years or upwards;

“industrial undertaking” has with respect to the employment of children young persons and women the meanings respectively assigned thereto in the conventions set out in Parts I II and III of the Schedule to this Ordinance;

“ship” means any sea-going ship or boat of any description which is registered in the Colony as a British ship;

“duly authorised officer” means any officer authorised by the Governor to act under the provisions of this Ordinance by notice published in the Gazette;

“competent authority” means the Governor in Council.

3. (1) The provisions of this Ordinance shall be in addition to and not in derogation of any of the provisions of any other Ordinance restricting the employment of women young persons or children.

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(2) Nothing in this Ordinance shall apply to an industrial undertaking or ship in which only members of the same family are employed.

4. (1) No child shall be employed in any industrial undertaking. Provided that in the application to the Colony of the convention set out in Part I of the Schedule to this Ordinance Article two shall not apply to work done by children in registered and recognised schools provided such work is approved and supervised by public authority.

(2) No child shall be employed in any ship except to the extent to which and in the circumstances in which such employment is permitted under the convention set out in Part IV of the Schedule to this Ordinance.

(3) No young person or woman shall be employed at night in any industrial undertaking except to the extent to which and in the circumstances in which such employment is permitted under the conventions set out in Part II and Part III respectively of the Schedule to this Ordinance.

(4) Where young persons are employed in any industrial undertaking a register of the young persons so employed and of the dates of their birth and of the dates on which they enter and leave the service of their employer shall be kept and shall at all times be open to inspection by any duly authorised officer.

(5) There shall be included in every agreement with the crew entered into under any Ordinance a list of the young persons under the age of sixteen years who are members of the crew together with particulars of the dates of their birth and in the case of a ship in which there is no such agreement the master of the ship shall if young persons under the age of sixteen years are employed therein keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew and the register so kept shall at all times be open to inspection by any duly authorised officer.

(6) (a) If any person employs a child or a young person in any industrial undertaking in contravention of this Ordinance he shall be liable for each offence to a fine not exceeding forty shillings or in the case of a second or subsequent offence not exceeding five pounds and where a child is taken into employment in any industrial undertaking in contravention of this Ordinance on the production by or with the privity of the parent of a false or forged certificate or on the false representation of his parent that the child or young person is of an age at which such employment is not in contravention of this Ordinance that parent shall be liable on summary conviction to a fine not exceeding forty shillings. Provided that it shall be a sufficient defence to any charge against an employer under this subsection if it shall be made to appear to the court before which the charge shall be brought that the person so charged had reasonable cause to believe that the young person if a male was of or above the age of seventeen years or if a female was of or above the age of eighteen years.

(b) If any child is employed in any ship in contravention of this Ordinance the master of the ship shall on summary conviction be liable for each offence to a fine not exceeding forty shillings or in the

case of a second or subsequent offence not exceeding five pounds and where a child is taken into employment in any ship in contravention of this Ordinance on the production by or with the privity of the parent of a false or forged certificate or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Ordinance that parent shall be liable on summary conviction to a fine not exceeding forty shillings.

(c) If any person being the employer of a young person fails to keep such a register so required to be kept by him as aforesaid or refuses or neglects when required to produce it for inspection by a duly authorised officer he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(d) If the master of a ship fails to keep such a register so required to be kept by him as aforesaid or refuses or neglects when required to produce it for inspection by a duly authorised officer he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(e) If a person employs a woman in contravention of this Ordinance he shall be liable on summary conviction to a fine not exceeding twenty pounds.

5. (1) If it appear to any district commissioner on the complaint of a duly authorised officer that there is reasonable cause to believe that a child is employed in contravention of this Ordinance in any place whether a building or not such district commissioner may by order under his hand empower such officer to enter into such place at any reasonable time within forty-eight hours from the date of the order and examine such place or any person therein touching the employment of any child therein.

(2) Any person refusing admission to an officer authorised by an order under this section or obstructing him in the discharge of his duty shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

SCHEDULE.

PART I. CONVENTION FIXING MINIMUM AGE FOR ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT.

PART II. CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY.

PART III. CONVENTION CONCERNING THE NIGHT WORK OF WOMEN EMPLOYED IN INDUSTRY.

PART IV. CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA.

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