

Young Workers

A young worker is someone over school leaving age but under 18.

Raising of the Participation Age

All young people in England are required to continue in education or training until their 18th birthday under “the raising of the participation age”. The school leaving age itself though remains and there are various post 16 options available including working in a racing yard whilst being on a work based Apprenticeship or a Traineeship with the BRS or NHC or other accredited provider.

Working time

Young workers by law can only work:

- a maximum of 8 hours a day
- a maximum of 40 hours per week

Unlike adult workers, a young worker cannot opt out of these maximum hours and the hours cannot be averaged out.

A young worker is also entitled to a 30 minute rest break when working for longer than 4 ½ hours.

Daily Limits (young workers)

Maximum of 8 hours per day.

An employer must take all reasonable steps in keeping with the need to protect the health and safety of his workers, to ensure the 8 hour limit is complied with.

There are some narrow exceptions to this rule and a young worker could work longer hours where there is:

A force majeure event (regulation 27), namely where an employer requires the young worker to carry out work which no adult worker is available to perform and is occasioned by either:

- an occurrence due to unusual and unforeseeable circumstances, beyond the employer’s control, or
- by exceptional events, the consequences of which could not have been avoided despite the exercise of all due care by the employer, is of a temporary nature and must be performed immediately

This regulation is quite narrow and will only cover unusual one-off occurrences.

There is also an exception relating to continuity of service (regulation 27A). A young worker is not governed by the 8 hour daily limit if he satisfies all three of the following requirements:

- the young worker's employer requires him to undertake work that is necessary in order to maintain continuity of service or production or to respond to a surge in demand for a service or product and
- no adult worker is available to perform the work and
- performing the work would not adversely affect the young worker's education or training.

If the young worker satisfies the requirements of either Reg. 27 or Reg. 27A he is then by governed the adult worker hours of an average of 8 hours a day and not a maximum limit of 8 hours a day.

Maximum working week (young workers)

A young worker is permitted to work a maximum of 40 hours per week and for the purposes of the Regulations, a week starts at midnight between Sunday and Monday.

An employer is required to take all reasonable steps in keeping with the need to protect the health and safety of workers, to ensure that the 40 hour limit is complied with.

The same force majeure and continuity of service exceptions apply as to the 8 hour daily limit (see above).

If a young worker has more than one employer, the 8 hour and 40 hours limit are calculated by aggregating the number of hours worked for each.

You should consider carefully whether any overtime for a young worker is required in order to maintain continuity of service and in particular whether other workers can be used to do the work. If it is not strictly necessary for the young workers to do the additional hours in order to maintain continuity of service, then they will not be permitted to do so under the Regulations and you are likely to be in breach of Health and Safety/Working Time rules.

If you employ young workers who are participating in other education or training, be aware of the impact that overtime would have on these activities and ensure that the work would not adversely affect the education or training.

Where the need for the overtime is not foreseeable, it may exceptionally fall into the continuity of service or the force majeure provisions but the force majeure provisions are really to deal with "out of the blue" occurrences and exceptions falling into this are likely to be rare.

Young workers – night time working

A young worker must not work between 10pm and 6am (or if the worker's contract provides for him to work after 10pm, the period between 11pm and 7am).

The force majeure exception and a continuity of service exception apply. The continuity of service exception applies if the young worker is employed in various activities one of which is "in connection with sporting activities" and meets all three of the requirements under Regulation 27(A)(1), namely

the work is necessary in order to maintain continuity of service or production or to respond to a surge in demand or product and no adult worker is available to perform the work and performing the work would not adversely affect the young worker's education or training.

The young worker is then not bound by the prohibition on working during the restricted period BUT the employer must still not assign a young worker to work during the restricted period on any more than an exceptional basis unless he has ensured that the young worker will have the opportunity of a free assessment of his health and capacities before he takes up the assignment or the young worker has had an assessment of his health and capacities before being assigned to work during the restricted period on an earlier occasion and the employer has no reason to believe that the assessment is no longer valid.

If a registered medical practitioner advises an employer that a worker is suffering from health problems connected with the fact that the worker performs night work, the young worker should be transferred if possible to suitable non night work.

Trainers should bear in mind that in respect of young workers working during the restricted night time period, they must:

- only permit the young worker to work if he or she is supervised by an adult where supervision is necessary for the young worker's protection
- ensure that if the young worker's work at night involves special hazards or heavy physical or mental strain, he should not work more than 8 hours in a 24 hour period.
- afford the young worker an equivalent period of compensatory rest if he works during what would otherwise be a rest period or rest break
- provide certain regular health checks, if a young worker is required to carry out work at night on more than an exceptional basis. Should this apply, further details can be obtained from the NTF office.

Health and safety and Induction

You must carry out a risk assessment paying particular attention to the age and lack of experience of the young worker and your induction process similarly should also take account of age and inexperience. There is information on risk assessments and inductions in the BHA Health and Safety Red Book on Racing2Learn <https://racing2learn.com/>

Safeguarding

Employers should be mindful of the young person's welfare when in their employment. Trainers and their staff should ensure that they are never placed in a situation where abuse may be alleged and should consider how an action or activity may be perceived as opposed to how it is intended.

You should ensure that your safeguarding policy is in place and that training has been given to all staff upon it. The Safeguarding Policy is available in the Handbook Area of the NTF website and there is safeguarding training on the BHA Racing2Learn site.

Trainers who take learners and work experience trainees from the BRS, NRC and other training providers should discuss with the training provider their safeguarding measures. The BRS has its own template safeguarding policy which can be found on its website (www.brs.org.uk)

The BHA safeguarding regulations places requirements upon trainers with regards to reporting safeguarding concerns to the BHA – further information can be found at <https://www.britishhorseracing.com/regulation/safeguarding/> and the BHA safeguarding team are available to discuss any concerns or queries over safeguarding young people.

Young workers going racing overnight

You should check via the [Racecourse Information section](#) on Racing Admin if the racecourse is able to offer suitable accommodation for under 18s - as part of the safeguarding requirements racecourses must ensure where reasonably possible under 18s staying overnight are given a single, lockable room and secure washing facilities.

Any racecourse that is unable to do so should state this clearly on Racing Admin and in the 'other' section of the Going App, to make sure you are aware before sending your staff.

To help trainers fulfil the duty of care to employees and to support racecourses in managing their responsibilities effectively, the BHA ask that:

Trainers always consider carefully whether it is appropriate for any staff member aged under 18 to travel overnight, and obtain appropriate consent from the staff member's parent or guardian when this is the case. Consent can be obtained when a trainer appoints the member of staff to cover future events. There are template documents for consent in this section of the website.

When sending under 18s racing, the BHA ask that you ensure the lead member of staff is a suitably experienced and responsible adult, preferably somebody who has completed the BHA online safeguarding training. This is available free of charge by contacting safeguarding@britishhorseracing.com

If you require overnight racecourse accommodation for any under 18 staff member, this must be booked by 1pm the day before accommodation is required (e.g. if accommodation is needed on a Tuesday night, this must be booked by 1pm the day before, i.e. on the Monday).

If an under 18 arrives for an overnight stay at a racecourse without having been pre-booked in line with the Rules of Racing, racecourses are expected to refer the matter to the BHA Safeguarding team. You will need to make alternative arrangements for the member of staff and the BHA will take appropriate action.

When sending under 18s overnight, trainers must always obtain positive agreement from the racecourse and confirmation of available facilities in advance.