

THE WOMEN (EMPLOYMENT OF) ACT

Cap. 417.
Law
66 of 1956.

[2nd March, 1942.]

1. This Act may be cited as the Women (Employment of) Act. Short title.

2. In this Act—

Interpreta-
tion.

“women” includes all persons of the female sex;

“industrial undertaking” includes every business or undertaking carried on for gain, except a business or undertaking in which only the members of the family of the owner or proprietor are employed;

“night” means a period of at least eleven consecutive hours including the interval between ten o'clock in the evening and five o'clock in the morning; 66/1956
S. 2 (a).

“night work” means work in an industrial undertaking during the night. 66/1956
S. 2 (b).

3.—(1) No woman shall be employed in night work except where the night work is— Prohibition
of employ-
ment of
women in
night work
except in
certain
circum-
stances.

(a) for the purpose of completing work commenced by day and interrupted by some unforeseeable cause which could not be prevented by reasonable care; or

(b) necessary to preserve raw materials, subject to rapid deterioration, from certain loss; or

(c) that of a responsible position of management held by a woman who is not ordinarily engaged in manual work; or

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- (d) carried on in connection with the preparation, treatment, packing, transportation or shipment of fresh fruit; or
- (e) that of nursing and of caring for the sick; or
- (f) carried on in a cinematograph or other theatre while such theatre is open to the public; or
- (g) carried on in connection with a hotel or guest-house, or with a bar, restaurant or club; or
- (h) carried on by a Pharmacist registered under the Pharmacy Act.

(2) The total hours of employment (by day and night) of a woman who is permitted to be employed in night work under the provisions of paragraphs (g) and (h) of subsection (1) shall in no case exceed ten hours in any twenty-four hours.

(3) The Minister, by order published in the *Gazette*, may from time to time add to this section any trade or occupation in which women may be allowed to be employed in night work, subject to a similar limitation as to hours of employment as is imposed by subsection (2), and every such order shall, until rescinded by a further order, have effect as if it formed part of this section.*

(4) The employment of women in night work under this section shall be subject always to the provisions of any regulations made under this Act relating to the employment of women.

4. For the purpose of ensuring compliance with the provisions of this Act—

- (a) the Chief Factory Inspector appointed under the Factories Act, or any Inspector appointed under such Act; or

Power to inspect industrial undertakings.

* See Note at the end of the Act.

(b) a Medical Officer (Health); or

(c) an Officer of the Jamaica Constabulary Force, may at all reasonable times inspect any industrial undertaking where women are employed, and every person who obstructs, or who refuses to permit, any such inspection shall be guilty of an offence against this Act, and shall be liable on summary conviction by a Resident Magistrate to a fine not exceeding twenty dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding three months.

5. The proprietor, owner or manager of any industrial undertaking in which any woman is employed in night work contrary to the provisions of this Act, shall be guilty of an offence against this Act, and shall be liable, on summary conviction by a Resident Magistrate, to a fine not exceeding forty dollars, or on a second or subsequent conviction for any such offence, to such fine or to imprisonment with or without hard labour for a term not exceeding six months. Penalty.

6.—(1) The Minister may make regulations for giving effect to the provisions of this Act. Power to
make
regulations.

(2) In particular, and without prejudice to the generality of the foregoing powers, such regulations may—

- (a) restrict or prohibit the employment of women in any specified class of industrial undertaking;
- (b) restrict, prohibit or regulate the employment of women before or after child-birth;
- (c) provide for the health and safety of women employed in industrial undertakings;
- (d) prescribe the hours of work and other general conditions relating to the employment of women.

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(3) Any person who contravenes or fails to comply with any regulation made under this section shall be liable, on summary conviction by a Resident Magistrate, to a fine not exceeding forty dollars, or on a second or subsequent conviction for any such offence, to such fine or to imprisonment with or without hard labour for a term not exceeding six months.

Saving.

7. The provisions of this Act shall be in addition to, and not in derogation of, any of the provisions of any other enactment restricting or regulating the employment of women.

NOTE: By L.N. 178/1961 published in the Jamaica Gazette Supplement, Proclamations, Rules and Regulations, dated September 1, 1961, the Minister by order added the trades and occupations set out hereunder to section 3 (1).

Baking and Confectioning
Fruit Processing and Packing
Fruit and Vegetable Canning and Preserving
Sugar and Rum Manufacturing
Cigar and Cigarette Manufacturing
Cordage, Rope and Twine Manufacturing
Butter, Cheese and Condensed Milk Manufacturing
Soap, Margarine, Lard Compound and Edible Oil Manufacturing
Textiles Manufacturing
Paper and Board Containers Manufacturing
Metal Containers Manufacturing
Laundry and Dry Cleaning
Wines, Beers, Liqueurs and other Fermented or Distilled Liquors Manufacturing and Bottling
Garment (Men's and Women's Furnishings) Manufacturing
Boots and Shoes Manufacturing
Carbonated Beverages Manufacturing
Drugs, Chemical and Cosmetics Manufacturing
Luggage and Handbags Manufacturing
Handicrafts
Civil Aviation
Public Passenger Transport
Tele-Communications
Fire Brigade
Newspaper Publishing
Glass and glass products.

By L.N. 270/1964 published in the Jamaica Gazette Supplement, Proclamations, Rules and Regulations dated September 17, 1964, the Minister by order added the undermentioned trade to section 3 (1)—

Pottery Manufacturing.