

BECHUANALAND PROTECTORATE.

No. 72 of 1937.

(Promulgated 17th December, 1937.)

PROCLAMATION

By His Excellency the High Commissioner.

Entitled the Bechuanaland Protectorate Employment of Women, Young Persons and Children Proclamation, 1937.

Whereas it is expedient to regulate the employment of women, young persons and children in industrial undertakings in the Bechuanaland Protectorate.

Now therefore under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

1. In this Proclamation unless the context otherwise requires—

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

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

“woman” means all persons of the female sex without distinction of age;

“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; provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the Resident Commissioner may, after consultation with the employers' and workers' organisations concerned, decide that in the case of women employed in that industry or area, the interval between eleven o'clock in the evening and six o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning;

“industrial undertaking” shall mean and include—

- (a) mines, quarries and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including the generation, transformation and transmission of electricity or motive power of any kind;
- (c) construction, re-construction, maintenance, repair, alteration or demolition of any building, railway, tramway, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas-work, water-work or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

And in the case of children and young persons shall also include—

(d) transport of passengers or goods by road or rail or inland water-way, including the handling of goods at warehouses but excluding transport by hand;

but does not include commercial or agricultural undertakings.

Prohibition of employment of children in industrial undertakings.

2. (1) No child shall be employed in any public or private industrial undertaking or in any branch thereof other than an undertaking in which only members of the same family are employed.

(2) The provisions of this section shall not apply to work done by children in technical schools or similar institutions provided that such work is approved and supervised by an officer appointed by the Resident Commissioner.

Special restrictions on the employment of young persons between the ages of twelve and fourteen years.

3. No young person between the ages of twelve and fourteen years shall be employed in any industrial undertaking other than an undertaking in which only members of the same family are employed unless the employment has been authorised by a licence issued by the Resident Commissioner. Every such licence shall be issued subject to such conditions as may be prescribed by regulations made hereunder.

Prohibition of employment of young persons in night work.

4. No young person shall be employed at night in any industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Exception in favour of certain undertakings.

5. The last preceding section shall not be deemed to prohibit persons over the age of sixteen years being employed during the night in the following industrial undertakings or work which by reason of the nature of the process is required to be carried on continuously day and night:—

- (a) Manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used and galvanising of sheet metal or wire (except the pickling process);
- (b) glass works;
- (c) manufacture of paper;
- (d) manufacture of raw sugar;
- (e) gold mining reduction work.

Exception in cases of emergency.

6. The provisions of section *four* shall not apply to night work of young persons between the ages of sixteen and eighteen years in cases of emergency which could not have been controlled or foreseen, which are not of a periodical character and which interfere with the normal working of the industrial undertaking.

Registration of employees under sixteen years of age.

7. Every employer in an industrial undertaking shall keep a register of all persons under the age of sixteen years employed by him and shall produce the same for inspection when required to do so by any District Commissioner, Assistant District Commissioner or European member of the Police of or above the rank of Inspector.

8. No woman shall be employed during the night in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed. **General prohibition of employment of women on night work.**

9. In such industrial undertakings as are influenced by the seasons and in all industrial undertakings in the case of exceptional circumstances demanding it, the Resident Commissioner may by notice in the *Gazette* declare in the case of women that the prohibition of night work shall extend to a period of ten hours only instead of eleven hours on sixty days of the year. **Industries affected by seasons or exceptional circumstances.**

10. The provisions of section *eight* hereof shall not be deemed to apply to— **Exemption in certain circumstances.**

- (a) a case where it is shown to the satisfaction of any Court trying any proceedings for a contravention of the said section, that the night work complained of was due to a cause beyond control bringing about an interruption of work which it was impossible to foresee and which is not of a recurring character, or where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration and when such night work is necessary to preserve the said materials from certain loss.
- (b) The employment of a woman holding a responsible position of management who is not ordinarily engaged in manual work.

11. Every person who contravenes any of the provisions of this Proclamation shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months or to both such fine and such imprisonment. **Penalties.**

12. Any District Commissioner, Assistant District Commissioner and any European member of the Police of or above the rank of Inspector, or any other person authorised thereto by the Resident Commissioner, shall have power— **Powers of District Officer and Police Officers.**

- (a) at all reasonable times to enter upon any land or premises of any industrial undertaking affected by the provisions of this Proclamation;
- (b) to examine either alone or in the presence of any other person as he thinks fit, with respect to any matter under this Proclamation, any person affected by the provisions of this Proclamation;
- (c) to exercise such other powers as may be necessary for carrying this Proclamation into effect.

13. Any person who shall wilfully hinder or molest any officer in the exercise of the powers given to him by section *twelve* hereof shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months or to both such fine and such imprisonment. **Penalties.**

Power to
make regu-
lations. 14. The High Commissioner may make regulations
for all or any of the purposes following:—

- (a) Prescribing the conditions under which licences may be issued for the employment of young persons between the ages of twelve and fourteen years;
- (b) prescribing the ages under which young persons shall not be employed in particular trades or occupation;
- (c) generally carrying into effect the purposes and provisions of this Proclamation.

Short title. 15. This Proclamation may be cited for all purposes as the Bechuanaland Protectorate Employment of Women, Young Persons and Children Proclamation, 1937, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Thirteenth day of December One thousand Nine hundred and Thirty-seven.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.