

## Committee on the Application of Standards

**Date:** 20 May 2021

*Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 20 May 2021.*

### ▶ Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

#### Samoa

#### Minimum Age Convention, 1973 (No. 138)

**(Ratification: 2008)**

The Government has provided the following written information as well as copies of the Hazardous occupations list and the Labour and Employment Relations Amendment Bill 2020.

**Article 2(3) of the Convention. Age of completion of compulsory education. *The Committee therefore encourages the Government to take the necessary measures to raise to 16 the minimum age for admission to employment in order to link it with the age of completion of compulsory schooling in conformity with Article 2(3) of the Convention.***

#### **Response by Government**

In an attempt to conform with Article 2(3) of the Convention and to align with the compulsory age for schooling of 16 years stipulated in the Education Act 2019, we have proposed amendments to section 51 in the Labour and Employment Relations Act 2013 "LERA" which is contained in the Labour and Employment Relations Bill of 2020.

The proposed section stipulates that the compulsory age for admission to employment is 16 years old. This specific section will take into effect once the LERA Bill 2020 is presented in and passed by Parliament.

We note with thanks the committee's comments.

**Article 3(2). Determination of types of hazardous work. *With regard to the list of hazardous types of work prohibited to children under the age of 18 years, the Committee refers to its detailed comments under the Worst Forms of Child Labour Convention, 1999 (No. 182).***

## Response by Government

The enforcement of the Hazardous Work List commenced with the launch of National Occupational Safety and Health Framework in 2018. This list was enacted by Cabinet in May 2018.

However, it is not included in the Labour and Employment Relations Act “LERA” 2013 and its Regulations “LERR” 2016. As a result, the list is now proposed to be incorporated in the revised LERA and LERR 2020 to be tabled in Parliament for its imminent session.

The progress on this regard is on hold considering that the parliament of Samoa was dissolved on 3rd March 2021 awaiting the finalizing of general elections to determine Samoa’s new parliament under the 2021 General Elections.

We note with thanks the Committee’s comments.

**Article 7(1) and (3). Minimum age for admission to light work and determination of types of light work activities. *The Committee therefore strongly urges the Government to take the necessary measures to bring section 22 of the Labour and Employment Relations Regulations of 2016 in line with the Convention by permitting employment in light work only by young people who have reached the age of 13 years. The Committee once again expresses the firm hope that the Government will take the necessary measures to regulate light work activities in compliance with Article 7(3) of the Convention. It further requests the Government to provide information on any progress made in this regard.***

## Response by Government

Section 22 of the Labour and Employment Relations 2016 under review as we seek to comply with Article 7(3) of the Convention.

It is proposed that the limited working hours for children be changed from the starting age of 12 years old to 13 years old taking into account the advice from the committee. This is reference to Section 51 of the LERB as follows:

- (1) *A person must not engage or employ a child under the age of 16 in work except light work in accordance with subsection (2).*
- (2) *An employer may employ a child of no less than 13 years of age in light work that:*
  - (a) *is unlikely to be harmful to the health and development of the child;*
  - (b) *will not adversely affect the child's attendance at school or vocational training;*
  - (c) *will not adversely affect the child's ability to benefit from school or vocational training; and*
  - (d) *complies with regulations.*
- (3) *A person must not engage or employ a child under the age of 18 in hazardous work, which by its nature, or the circumstances in which it is carried out, is likely to jeopardise the child's health, safety or morals as provided for in regulations.*
- (4) *A person who engages a child in employment or work in contravention of this section commits an offence, and upon conviction, is liable to a fine not exceeding 300 penalty units or a term of imprisonment not exceeding three (3) years.*

The review of the LERA is in the final stages awaiting the formation of the next government to proceed to the tabling of these important amendments.