

Children and young people working

ParentLink

YOUNG PEOPLE

ParentLink guides use 'he' and 'she' in turn. Change to suit your child's sex.

Most parents are keen for their children to find employment once they have left school, and many are willing for their children to do casual work while they are still at school.

Many parents acknowledge that children and young people can gain benefits from having a job that extend beyond financial reward — such as building independence, increased self esteem, skills and friendships.

In the ACT a child is a person who is under 12 years old. A young person is between 12 and 17 years of age.

It is not unusual for children and young people under 15 years to be involved in paid work at some point and a significant percentage of young people over 14 years of age combine part time work with school.

Whatever the age of your child, it can be useful for you to know what the law says about children and young people working and to think about other things that might affect your child.

Which laws relate to the employment of children and young people?

New laws to protect children and young people in employment were introduced in the ACT in 2009.

The *Children and Young People (Employment) Standards 2009 (No 1)* guide employers, children, young people and parents on employment rights and responsibilities.

The standards apply to all children and young people under 18 years of age in employment, with specific detail regarding the employment of children and young people under 15 years of age.

The following laws are available at www.legislation.act.gov.au

- 1 *Children and Young People Act 2008*, Chapter 21
- 2 *Children and Young People (Employment) Standards 2009 (No 1)*
- 3 *Children and Young People Regulation 2009*
- 4 *Children and Young People (High Risk Employment) Declaration 2009 (No 1)*
- 5 *Children and Young People (Work Experience) Standards 2009 (No 1)*

All other laws that apply to adult workers, such as occupational health and safety laws, apply to child workers. Children, as employees, have the right to be safe at work.

What sort of work may my child do?

In the ACT, children and young people under the age of 15 may only be employed in 'light work'.

Some examples of light work are:

- work as a cashier (such as in a retail shop, fast food restaurant etc)
- clerical work
- going on errands
- casual work in and around a private home
- work related to sporting activities such as being an umpire
- gardening
- taking care of children in or around a private home
- modelling
- performing arts (including film, television, theatre).

This is not an exhaustive list. Other types of employment may also meet the criteria for light work.

Light work means work that is not contrary to the best interests of the child or young person.

A job may be classified as light work if it is suitable for the physical, emotional and developmental competency of the child or young person. This includes the provision of adequate supervision and appropriate work safety standards to protect the child or young person from hazards.

For guidance on whether a particular type of employment is light work and acceptable for children and young people under 15 years of age, please contact the ACT Office for Children Youth and Family Support (ACT OCYFS) by email youngworkers@act.gov.au



dhcs | ACT

THIS GUIDE AND OTHERS ARE AVAILABLE ONLINE

www.parentlink.act.gov.au | now every parent can be well connected

How many hours can my child work for each week?

- A child or young person under 15 years of age may be employed for up to 10 hours a week.
- If an employer wishes to employ a child or young person under the age of 15 for more than 10 hours a week, they must notify the ACT OCYFS on 6205 0480 at least seven days before the employment starts.
- If your child is under 15 years and if offered work for more than 10 hours a week during school holidays, the employer must notify ACT OCYFS.
- Hours of work are not restricted for young people from 15 to 17 years of age. Employment, however, must not adversely affect their ability to benefit from education.
- It is an offence to employ a child or young person of compulsory education age (under 17) during school hours, if the child or young person is required by the ACT Department of Education and Training to attend school.

Can my child work in dangerous or 'high risk' employment?

Children and young people under the age of 15 cannot be employed in high risk employment unless the employer has received a high risk employment permit from ACT OCYFS.

High risk employment involves:

- the use of dangerous machinery
- use of dangerous substances
- handling harsh or toxic chemicals
- high elevation work
- service of alcohol
- gaming or gambling service
- nudity and display of genitals
- working with extreme temperatures
- heavy construction and excavation work.

What about volunteer work?

The laws in the ACT regarding the employment of children and young people apply to both paid and unpaid work.

Does my child need to be supervised?

- Children between birth and three years of age in employment (usually photographic and filming work) need to be supervised by a parent, guardian, or a suitably qualified child development expert at all times.
- Children between 4 and 11 years of age need to be supervised by a parent or guardian or by a responsible adult approved by a parent or guardian.
- Young people from 12 to 14 years of age need to be supervised by a responsible adult.

Do these laws also apply to family businesses?

Family businesses, as employers of children and young people, have the same legal responsibilities as other employers.

- A child or young person under 15 years may be employed in a family business for up to 10 hours a week, provided the work meets the criteria for light work.

Outdoor work

Certain types of outdoor work, such as door-to-door selling and newspaper delivery, can be risky. Adequate supervision is important to ensure the safety of children and young people.

- By law, children under the age of 15 years employed in door-to-door selling must be accompanied by a parent, guardian or a responsible adult approved by a parent or guardian.
- A child or young person under 15 years cannot be employed in any outdoor work outside of daylight hours unless directly supervised by a parent or guardian, or a responsible adult approved by a parent or guardian.

If your child is to be employed in outdoor work, make a time to meet and talk with the supervisor.

Child actors

Acting in movies, television, advertisements and on the stage might seem like fun, but there is a lot of hard work involved. Children can spend long hours at work and often having to wait for lengthy periods.

The *Children and Young People (Employment) Standards 2009 (No 1)* limit the number of hours a young child can work each day.

- Children between birth and three years may work for up to three hours a day
- Children from 4 to 11 years may work for up to four hours a day
- Young people from 12 to 14 years may work for up to six hours a day.

Supervision requirements for younger children working in the ACT have been developed with this industry in mind. Please see the above section 'Does my child need to be supervised?'.

Work outdoors in the heat or cold, with animals, or with special effects can all add up to a dangerous situation and may be classified as 'high risk'.

Child actors *continued*

Employers need to call ACT OCYFS on 6205 0480 for employment of a child or young person under 15 years which:

- is likely to exceed the allowable working hours
- may not meet the supervision requirements or
- may be classified as high risk.

The employer will need to apply for permission and a case-by-case employment conditions notice may be set.

Parents should make sure the correct permission is obtained by the employer before your child starts work.

If your child is acting in film or television, the *Film and Television Safety Guidelines* are helpful—see www.alliance.org.au/resources/industry_safety Chapter 45 of this publication looks at safety considerations for children in the industry.

Children on farms

Children who live or work on farms—or even visit them—can be exposed to a great number of risks. About a quarter of all fatal farm accidents involve children and children have also been badly hurt.

If you live on a farm, it is important to be aware of precautions to protect your child. A guide to *Child Safety on Farms* is available from Farmsafe Australia on 6752 8218 or www.farmsafe.org.au

If your child is helping out on a farm in the ACT, the laws in regards to the employment of children and young people do apply. It is important for you, as a family business employer, to become familiar with the *Children and Young People (Employment) Standards 2009 (No 1)*.

If your child is under 15 years, consider whether the work is light work (required) and ensure that it is not high risk (prohibited).

If you are not sure whether the work meets the criteria for light work, contact the ACT OCYFS on 6205 0480 for guidance.

If your child is under 15 years, ensure that your child is not working for more than 10 hours a week.

Consider the work safety requirements, supervision requirements and maximum daily hours at different ages, as outlined in the standards.

Consent

- Written parental consent is required to employ a child or young person under the age of 15.
- Children and young people also need to give informed consent to the work.
- If your child wishes to join the Defence Force under 18 years of age, parental consent is required.
- A young person can apply for a trade with the Defence Force from 16.5 years of age and may enlist at age 17.

Balancing school and work

Many older children will be balancing school and work in the final years of their secondary education. This can be a valuable experience which provides a young person with income, independence, confidence, maturity, friendship and skills.

It is important, however, to ensure your child is able to achieve a balance to ensure work does not negatively impact on your child's school performance, social life or other interests such as sport and extra curricular activities.

The www.studentsatwork.org.au website helps students, parents, teachers and employers ensure young workers are able to find the right balance.

What parents can do

Children and young people mature at different rates and ages and have different talents and levels of enthusiasm.

You need to take these things into account when deciding whether to allow your child to be involved in paid work.

- Make sure work is balanced with play, exercise, rest and study commitments.
- Work should not stop your child from enjoying life and developing normally.
- Work shouldn't become more important than school.
- Watch to make sure she isn't too tired to do homework.

Checklist for parents

Before your child starts work, consider the following checklist.

- My child wants to do this work and has given their consent
- I have a clear idea about the nature of the work my child will be doing and the working conditions
- I am confident this work will not harm my child's health or development
- I am confident this work will not interfere with my child's education
- I am sure my child be safe
- I am confident my child will be adequately supervised
- For my child under 12 years, I have either arranged to supervise my child myself or approved a responsible adult to supervise my child (required by law)
- My child has the maturity to do this particular job
- My child will be paid fairly for work done
- I am satisfied that the child's employer or supervisor will treat my child fairly
- I know about my child's rights at work and the laws to protect her
- I have provided written consent for my child under the age of 15 to do this work (this is required by law).

If your child decides to work

Your child's income

Before your child begins work make sure you are both clear and in agreement about what will happen with the money received from working. Your child can be guided by you on what to do with her money.

For instance:

- Can she do what she likes with all the money or only part?
- Does she have to bank some?
- Does she have to buy certain things with it?

Each family will have different ways of dealing with this.

Discuss with your child

- Will there be training in how to do the job safely? (Young people are more likely to be injured in the first few days of starting a new job.)
- What is the minimum wage for the type of work?
- How will your child be paid?
- How will your child get to and from work? Will this include catching public transport or working late at night?
- Is your child aware of issues such as workplace cover and sexual harassment and what to do about it?
- As your child begins a new job, keep in touch with your child about the job and help your child talk about any issues. As a parent, you may be able to help your child handle issues with suggestions from your own experiences.

Reminders

- Children need time for play, exercise and rest.
- Don't let work prevent your child from having the time and opportunity to enjoy being a child.
- Make sure working hours are balanced with your child's educational, developmental and recreational needs.

Contacts

ACT Office for Children, Youth and Family Support	9.00am–5.00pm, Monday–Friday	6205 0480
ACT Workcover	9.00am–5.00pm, Monday–Friday	6207 3000
Care and Protection	24-hour	1300 556 729
Commonwealth Fair Work Ombudsman	9.00am–5.00pm, Monday–Friday	13 13 94
Department of Education and Training ACT	9.00am–5.00pm, Monday–Friday	6207 7511
Employment ACT	9.00am–5.00pm, Monday–Friday	6262 7844
Farmsafe NSW	9.00am–5.00pm, Monday–Friday	6752 8214
Kids Help Line	24-hours	1800 55 1800
Youth Law Centre ACT	9.00am–5.00pm, Monday–Friday	6262 7077

Websites

www.alliance.org.au	Film and Television Safety Guidelines Chapter 45 on safety considerations for child workers
www.legalaidact.org.au	When Can I? a legal information handbook for young people, published by Legal Aid ACT
www.legislation.act.gov.au	ACT Legislation Register ACT laws on the employment of children and young people
www.parentlink.act.gov.au	Other parenting guides
www.studentsatwork.org.au	Guidance for students, parents, teachers and employers

This guide's content has been produced by the ACT Office for Children, Youth and Support.

© ACT Government 12/09

Published by ParentLink
Department of Housing, Disability
& Community Services | ACT
GPO Box 158
Canberra ACT 2601

T 13 34 27
F 6205 0968
E parentlink@act.gov.au