

> Industrial Relations Fair Work Information Sheet Child Employment

This fact sheet is relevant to all employers in Queensland.

Rules That Affect Child Employment

In Queensland, the employment of children is governed by the Child Employment Act 2006 ('the Act') and the Child Employment Regulation 2006 ('the regulations'). The laws protect children from performing work that may be harmful to their health and safety, or that compromises their mental, moral or social welfare, and limits the hours of work for school-aged children to ensure that their studies aren't adversely affected by employment.

Definitions

Child - an individual who is under 18 years of age

School Aged Child - a child who is under 16 years of age and is required to be enrolled in an educational institution

Young child - a child who is not yet old enough to be enrolled for compulsory schooling

Work does not include work experience, apprenticeships, traineeships, vocational placement or domestic chores.

Obligations of Employers to Protect Children in the Workplace

An employer must not require or permit a school age or young child to perform work unless the employer has:

- The parent's consent as prescribed by section 10 of the Act, or
- A special circumstances certificate from the Chief Executive under section 12 of the Act

A child must be appropriately supervised by an adult whilst working. For a school aged or young child this means they must have an adult in the near vicinity of and in regular contact with them.

A child's employer must take reasonable steps to ensure that the child is able and allowed to contact the parent or a nominated adult whilst at work in reasonable circumstances. If the child becomes ill or injured to the extent that they cannot continue work, the employer must immediately take reasonable steps to contact the parent or nominated adult.

The employer has a duty to safeguard children at work. This includes:

- Taking reasonable steps to guard child from deliberate or unnecessary social isolation, or behaviour which may intimidate, threaten, frighten or humiliate
- Providing induction and WHS training appropriate to child's age
- Displaying a copy of Child Employment Guide in a conspicuous place

When a Child can Work

The regulations state that an employer must not require or permit a child to perform work of a nature, in a way, or at a time prescribed by the regulations set out below. These regulations do not apply to work done for a business totally owned by a close adult relative of the child.

A school aged or young child must not work unless they are at least 13 years of age, or 11 years of age if it is delivery work, unless it is voluntary work or if it is work in the entertainment industry. A school aged child who is under 13 must not perform delivery work between 6pm and 6am. A school aged or young child must not work between 10pm and 6am.

A school aged child must not work:

- More than 12 hours during a school week
 - More than 38 hours during a non-school week
 - More than 4 hours on a school day
 - More than 8 hours on a non-school day
 - If they have already worked for the same employer within the last 12 hours
 - At times when they are required to attend school
 - More than 4 consecutive hours without a 1 hour break at the end of the 4th hour *
 - More than 1 shift per day *
- * applies unless the industrial instrument provides to the contrary

A young child must not work:

- More than 12 hours during any week
 - More than 4 hours during any day
 - If they have already worked for the same employer within the last 12 hours
 - More than one shift per day *
- * applies unless the industrial instrument provides to the contrary.

Records an Employer Must Keep in the Workplace for Children

The employer must keep a record of the following for all children:

- Full name of employer
- Address of workplace
- Full name, address and home phone number of child
- Name, address and business or home phone number of a parent of the child
- Name, address and business or home phone number of a nominated adult
- Child's date of birth
- Nature of the work required to be performed
- Copy of any special circumstances certificate relevant to the child
- Copy of any work limitation notice relevant to the child
- Time and wages records

For a school aged or young child:

- Number of hours worked during each day and each week
- Times the child started and stopped work
- Details of work breaks including meal breaks
- Parent's consent form

For a child other than school aged or young:

- A copy of a form of identification that states the child's date of birth, issued under an Act or by the child's school.

Extra Protection for Child Employees in Queensland

Queensland legislation enables a child to make an application for unfair dismissal under the Fair Work Act 2009 or make a complaint to the Fair Work Ombudsman..

Non-Compliance

An inspector can issue a compliance notice (which may include direction for the employer to make compensation to the employee) and the Industrial Magistrate can issue fines for a breach of the above provisions. An employer has the right to appeal any compliance notice by making formal application to Fair Work Australia.

For further information contact the Chamber of Commerce and Industry Queensland's Employer Assistance Line on 1300 135 822 or lodge a query at our Online Portal found on the CCIQ website under Employer Assistance Line.

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