

Community Services Directorate | Children, Youth and Families | ACT

Children and young people at work in the ACT

What you need to know

How can this Guide help you?

This Guide is designed to help inform you about:

- Your rights at work;
- The responsibilities your employers have to make sure that you are safe and treated fairly in the workplace; and
- Who you can contact for help or to get more information

If you have questions or concerns relating to information in this Guide, you can contact the Children, Youth and Families (CYF) office of the ACT Community Services Directorate at cscyfyoungworkers@act.gov.au

You have the right to be safe at work. If you ever feel uncomfortable about anything that is happening at work, or you are unsure about something, raise these concerns with your parents/carers, or another adult you feel comfortable talking with. You can also contact the CYF office for information or support.

This document has been prepared by the ACT Community Services Directorate.

GENERAL INFORMATION

What age can I start work?

Many people think that you cannot work if you are under 15. In fact, you can! But before you start, there are a few things you need to know, and this Guide is designed to let you know what those things are. The rules differ depending on your age, so check out the section that's right for you.

What's the law got to do with it?

There are laws in place in the ACT to make sure that you are safe and fairly treated at work. All employers of young people need to follow the *Children and Young People (Employment) Standards 2009*.

In a nutshell, these laws mean that your employer must make sure that:

1. The work doesn't interfere with your best interests:

- ✓ Your hours are not during time when you need to be at school or training –generally casual or part time work
- ✓ The work doesn't get in the way of your education, health, safety, personal or social development – maintaining a balance

2. They recognise other important laws:

- ✓ Your employer follows the laws about fair work, human rights, privacy and workplace safety

3. The work is appropriate for you:

- ✓ You are not given inappropriate or dangerous tasks for your age and ability

4. They get consent:

- ✓ You give your consent to work
- ✓ They get written consent from your parent/carer if you are under 15
- ✓ You can withdraw your consent at any time

5. They act with a duty of care:

- ✓ You have adequate supervision by a responsible adult if you are under 15
- ✓ You are not exposed to potential hazards
- ✓ You have access to drinking water, change facilities if needed, food storage, a way to contact your parent/carer, and an adequate place for a break

6. Your hours are appropriate

- ✓ You don't work for more than 10 hours a week if you are under 15
- ✓ You only have one shift per day (with at least 12 hours between shifts)
- ✓ You are not employed before 6am or sunrise, or after 10pm

7. You can get to work safely

- ✓ You are able to travel safely to and from work

8. The work isn't high risk

- ✓ Your employer is not allowed to ask you to do tasks that are high risk. Examples include: the use of dangerous machinery, the use of dangerous substances, work involving nudity, high elevation work, and the service of alcohol

9. If your employers are your family, they follow the same laws

- ✓ You shouldn't work for more than 10 hours a week if you are under 15

10. They keep records

- ✓ Your employer keeps records of consent for you to work, and other important details

If you want to know more specifics of the law in this area check out the *Standards*, or Chapter 21 of the *Children and Young People Act 2008* at: www.legislation.act.gov.au

How much should I be paid?

You deserve to be paid the correct hourly amount for your age and type of work. Your boss needs to make sure that you are paid the right amount, and there are National Employment Standards they must follow. To work out the pay you are entitled to, you can visit: <http://www.fairwork.gov.au/pay/paycheck> If you have concerns about what you are being paid, you may contact a Fair Work Info line advisor on 13 1394 or follow the prompts at <http://www.fairwork.gov.au>

Your wage will depend on your age (e.g. you may be paid as a junior) and which industry you work in (e.g. the fast food industry). If you are a trainee or an apprentice, rates will also vary. You are entitled to be paid for all work that you undertake. This includes:

- ✓ Team and individual meetings requested by your employer
- ✓ Trial periods
- ✓ Opening and closing
- ✓ Any training
- ✓ Travelling during work hours if it is for your job
- ✓ Attendance at functions if it is compulsory

Your employer should pay you on a set day (weekly, fortnightly or monthly), and you should receive a payslip each time you are paid. It is important to check with Centrelink when you are working as this may affect any payments you receive.

What about volunteering?

If you are involved in a volunteer organisation, the same rules as paid work apply to unpaid work. This means that if you are working and volunteering, your employer/those you volunteer for need to keep an eye on the number of hours you are spending on these activities. They need to make sure that this doesn't get in the way of your school work, or go over 10 hours if you are under 15.

Can I still do Work Experience?

Generally, if you are under 15 you are not permitted to undertake work experience. Exemptions are made only for specially targeted programs that have been approved by the Chief Executive of the Department of Education and Training (ACT). For information on the work experience guidelines visit: www.det.act.gov.au

What if I am required to do work as part of my training?

In some circumstances, you may be required to undertake "Structured Workplace Learning" (SWL). A SWL placement is the workplace component of a nationally recognised industry specific Vocational Education and Training (VET) in Schools program. Under these circumstances you would be doing some of your training in the workplace, and the same employment standards as paid work apply.

What if I get injured at work?

All employers in the ACT are required by law to maintain compulsory insurance with an approved insurer. You may still be covered if injured at work, even if your employer has not complied with this law. The ACT Government has a special compensation fund for workers that are in this situation called the "Default Insurance" fund. The fund must meet the cost of compensation to an injured worker if the employer does not have a compulsory insurance policy to cover the claim.

It is advisable that you obtain independent advice (separate from your employer) regarding any compensation you may be entitled to.

To enquire about injuries in the workplace, compensation and other related issues, you can phone ACT Workcover on (02) 6207 3000 or visit www.worksafety.act.gov.au. For initial legal advice, you may also contact the ACT Youth Law Centre on 6173 5410.

Does my employer need to give me a break at work?

You are entitled to appropriate breaks depending on the hours that you work. Your employer also needs to provide access to a suitable place for a break.

Generally, breaks are 30 minutes unpaid for every 5 hours that you work, though this depends on the industry that you are working for. Visit www.fairwork.gov.au to find out what you are entitled to.

Do I need to pay Tax?

Yes, you are required to pay tax when you work. For more information about tax file numbers, tax returns etc, contact the Australian Taxation Office at 13 28 65 or the other contact details at the end of this Guide.

How am I paid?

Most employers will automatically deposit your pay in your bank account. To open a bank account you will need to show 100 points of identification. Your 100 points may include a birth certificate (70 points), a passport (70 points), citizenship certificate (70 points), Medicare card with your name (25 points), Video card (25 points), Library Card (25 points) or a document with your name and address (25 points). You can access more information at an individual bank website.

Where can I go to if I experience problems at work?

If you think you need more information or are experiencing problems at work, contact an agency that can help you as listed at the end of this Guide. If you are not sure, contact the CYF office by email on csdcyfyoungworkers@act.gov.au

IF YOU ARE UNDER 15

What kind of work can I do if I'm under 15?

You may work if you are under 15, but your employer needs to make sure that the work can be classified as 'light work'.

The law defines "light work" as work that is:

- ✓ Suitable for your physical, emotional and developmental capacity
- ✓ Adequately supervised
- ✓ Under conditions that protect you from potential hazards

Examples of light work *may* include:

- Going on errands
- Working in or around a private home
- Working related to sporting activities such as being an umpire, referee or golf-caddy
- Undertaking office work
- Working as a cashier
- Gardening
- Taking care of children in or around a private home
- Providing entertainment, at a place used for providing entertainment or amusement, or at sporting activities
- Singing, dancing or playing a musical instrument
- Performing in a radio, television or film program or production
- Modelling
- Being a photographic subject

If you are unsure about whether the work you are doing can be classified as light work, or if you have concerns about tasks that your employer is asking you to do, contact the CYF office by email on csdcyfyouthworkers@act.gov.au

When do I need to be supervised?

If you are under 15, you need to be supervised by a responsible adult when you are at work. If you are under 12, you need to be supervised by a parent/carer, or someone approved by them.

Your supervisor is responsible for making sure that the tasks you undertake are safe and suitable for your age and abilities. You also need to be supervised if you are undertaking door to door selling/ volunteering, newspaper delivery and letterbox work.

How do I know what is a safe workplace for me?

It is your right to feel safe at work. As a young person under 15 in most circumstances it is illegal for you to be employed in work that is classified as “high risk”. Employers need to seek a permit from the CYF office if they wish to employ you in high risk work. Examples of high risk employment involves:

- The use of dangerous machinery
- The use of dangerous substances
- Nudity
- High elevation
- Gambling
- The service of alcohol
- Working with extreme temperatures
- Heavy construction and excavation work

If you feel unsafe at work, you can contact any of the services listed in this Guide. If you are put in a highly dangerous or life threatening situation by your employer or others while at work, call emergency services on 000 for immediate assistance. If you feel that your employer is asking you to do things that make you feel unsafe or uncomfortable (for example, you are modelling but feel that what you are being asked to do is inappropriate), contact the CYF office by email on csdcyfyoungworkers@act.gov.au.

Can I work longer hours during school holidays?

While you are under 15, generally you can only work for up to 10 hours a week. If you work more than one job, or are involved in volunteer work, your employers need to make sure that the number of hours you are working is no more than 10 in the week.

During certain times, such as the school holidays, you may wish to work more hours during the week. If your employer wishes to employ you for more than 10 hours, and you and your parents give consent to this additional work, your employer needs to notify the CYF office at least 7 days prior to the change.

What if my employer rosters me on when I'm meant to be at school?

It is illegal for your employer to put you on during school hours if you are required to be at school on that day. It is the responsibility of your employer, your parents/carers, and yourself to ensure that your work does not interfere with your education. You need to find the balance between work, school and your home life that is right for you and your circumstances.

What about Australian school-based Apprenticeships?

In the ACT, young people under the age of 15 years are not permitted to commence an apprenticeship. Guidelines on participating in an apprenticeship (including Australian School-based Apprenticeships or ASBAs) are available at www.det.act.gov.au

Do my parents have to give consent for me to work?

Yes. The law states that your employer needs to get written consent from your parents/ carers before you begin work. This is to ensure your wellbeing as a young worker, and means that your parents/carers are informed of the work you are undertaking, and agree that it is in your best interests. Your employer needs to provide you with a consent form for your parents to sign. You also need to give verbal consent to your employer before you begin working.

What happens if I work for my family?

Family businesses have the same legal responsibilities as other employers. While you are under 15 you can work in your family business for 10 hours a week, provided that the work meets the criteria for ‘light work’.

IF YOU ARE 15 TO 17

I'm over 15 and working- do I need to stay at school?

You are required to stay at school (or an approved equivalent) until you complete Year 10. Once you have completed Year 10, you can choose to “earn or learn”- you need to continue to participate full time (at least 25 hours a week) in education, training or employment until completing year 12 (or equivalent) or reaching 17. In exceptional circumstances you may obtain an exemption certificate that releases you from the ‘earn and learn’ requirement. For more information, visit: www.det.act.gov.au.

Your employer must not roster you on during hours that you need to attend school, unless this is part of an approved training program. If you are home schooled, your educational periods will be determined by your parent.

How many hours can I work per week?

As a young person between 15 and 17 your hours of work are not restricted to 10 hours per week. The maximum hours that you are allowed to work will be determined by the industry that you work for, and the associated award and workplace agreement. To find out more, visit www.fwo.gov.au.

What about apprenticeships?

You may be able to undertake an apprenticeship while you are still in school. An Australian School-Based Apprenticeships allows you to:

- Finish Years 11 and 12 while you start your apprenticeship
- Receive a training wage or apprentice wage for the time you spend 'on-the-job' with your employer
- Be covered by a training contract, which links to an industrial award or agreement

To find out more, visit:

www.australianapprenticeships.gov.au or www.det.act.gov.au

CHECKLIST

Starting Work? Make sure that you...

- Have your parent/carer's consent (if you are under 15)
- Understand the type of work you will be doing, and your working conditions
- Have considered whether your new workload can be balanced with school work
- Find out what breaks you will be entitled to
- Are familiar with your pay entitlements and the responsibilities of your employer
- Know how much and how often you will be paid
- Are aware of when you will be expected to work and for what lengths of time
- Know whether the employment will be full-time, part-time or casual
- Talk with your employer about whether there will be a probation period when you start work
- Have the contact person that you need to call if you are running late to work or can't make it due to illness
- Know how you can travel to and from work safely

FURTHER INFORMATION AND ASSISTANCE

If you have any concerns relating to issues raised in this Guide, or if you want more information about the employment of children and young people, please contact:

- **Children, Youth and Families (ACT Community Services Directorate)**
Phone: 02 6205 0480
Email: csdcyfyoungworkers@act.gov.au

If you think that you've been treated unfairly at work, need some advice, or would like to raise a concern or make a complaint, contact:

- **The ACT Children and Young People Commissioner**
Phone: 02 6205 2222
Email: ACTkids@act.gov.au
Website: www.ACTkids.act.gov.au

If you have concerns about work safety, including concerns about hazards or injuries, contact:

- **The ACT Work Safety Commissioner**
Phone: 02 6205 0333
Email: worksafety@act.gov.au
Website: www.worksafety.act.gov.au

If you have concerns about wage, salary and leave entitlements or legal matters, contact:

- **The Commonwealth Fair Work Ombudsman**
Phone: 131 394
Website: www.fwo.gov.au

If you have questions about apprenticeships, work experience or other matters relating to work and education, contact:

- **The Department of Education and Training (ACT)**
Phone: 02 6205 2254
Email: actyouthcommitment@act.gov.au
Website: www.det.act.gov.au

If you have questions about tax, contact:

- **The Australian Taxation Office**
Phone: 13 28 65
Website: www.ato.gov.au/individuals/

If you have questions about your Centrelink payments, contact:

- **Centrelink**
Phone: 13 2850
Web site: www.centrelink.gov.au

If you want some legal advice, contact:

- **Youth Law Centre ACT**
Phone: 02 6173 5410
Email: contact@youthlawact.org.au
Website: www.youthlawact.org.au