



Employment of children under the age of 15 years in a shop, retail outlet, restaurant, fast food or takeaway food business

Self-audit checklist for employers

The *Children and Community Services Act 2004* regulates the employment of children under the age of 15 years in Western Australia. Part 7 of this Act applies to all employers in Western Australia and is enforced by Industrial Inspectors from the Department of Mines, Industry Regulation and Safety.

This document is a tool to help employers operating a shop or restaurant (including a fast food or a takeaway food business) to conduct a self-audit of compliance with the child employment laws and implement strategies to improve compliance. Conducting a self-audit will assist employers to ensure all employment arrangements comply with the child employment laws and may avoid significant penalties for breaching the *Children and Community Services Act 2004*.

Visit the Wageline website for details on WA's child employment laws www.dmirs.wa.gov.au/wageline or contact Wageline on 1300 655 266.

Do you need to complete this self-audit checklist?

- Do you currently employ a child under the age of 15 years in your business? Yes No
- Are you likely to employ a child under the age of 15 years in your business? Yes No

If you answered **NO** to these questions, you need not complete this self-audit checklist.

- Do you employ your own child or a child who is related to you in your business? Yes No

If you answered **yes** to this question, you do not need to complete this self-audit check list; WA's child employment laws do not apply if a child is employed in a family business owned by a relative such as a parent, aunt, uncle or grandparent.

How can we help?



Do you know your child employment obligations?

Do you know, and do all store managers, team leaders and shift supervisors in your business know that:

- It is unlawful to employ a child under the age of 13 years in your business? Yes No
- There are legal restrictions on the times of day a child who is 13 or 14 can work? Yes No
- It is unlawful to employ a child who is 13 or 14 years of age without the written permission of the child's parent? Yes No

If you answered **NO** to any of these questions you may be leaving your business vulnerable to employing children in contravention of WA's child employment laws. The potential penalty is a fine of up to \$24,000 or \$120,000 for a corporation.

Audit your employment arrangements for children under 13 years old

- Do you have any employees younger than 13 years of age? Yes No

If you answered **YES** to this question, you will be employing children in contravention of WA's child employment laws. The potential penalty is a fine of up to \$24,000 or \$120,000 for a corporation. If any child is working in your business and is under the age of 13, you must cease employing the child immediately.

Audit your employment arrangements for all employees aged 13 or 14 years old

- Do any employees aged 13 or 14 years ever work after 10pm? Yes No
- Do any employees aged 13 or 14 years ever work before 6am? Yes No

If you answered **YES** to any of these questions, you will be employing children in contravention of WA's child employment laws. The potential penalty is a fine of up to \$24,000 or \$120,000 for a corporation.

- Have you obtained written permission to work in your business from the parents of all children aged 13 or 14 years working in your business? Yes No

If you answered **NO** to this question, you will be employing children in contravention of WA's child employment laws. The potential penalty is a fine of up to \$24,000 or \$120,000 for a corporation.

The following page contains information on strategies to improve compliance with Western Australia's child employment laws.

Strategies to improve compliance with WA's child employment laws

Ensure no employees aged 13 or 14 years work before 6am or work after 10pm by:

- establishing rostering arrangements that comply with working hours restrictions and highlighting those employees who are 13 or 14 on all published rosters
- educating store managers, and shift supervisors to ensure that they know 13 or 14 year olds must finish their shift before 10pm and cannot be asked to extend a shift beyond 10pm in any circumstances
- including information on working hour restrictions in induction information for all employees
- avoiding shift swapping between employees
- obtaining a copy of each applicant's birth certificate as part of any recruitment process so you are aware of the age of all employees
- keeping records of start and finish times of all employees as part of time and wages records

Establish system to obtain and record parental permission for 13 and 14 year olds by:

- requiring parents to complete a written permission form prior to the child commencing work with your business (a template form is available from the Wageline website)
- keeping copies of the birth certificate and written permission form for all employees with your time and wages records

Ensure you do not employ a child under the age of 13 years by sighting or obtaining a copy of each applicant's birth certificate as part of any recruitment process.

Disclaimer

The Department of Mines, Industry Regulation and Safety has prepared this checklist to provide information on Western Australia's child employment laws. It is provided as a general guide only and is not designed to be comprehensive or to provide legal advice. The Department does not accept liability for any claim which may arise from any person acting on, or refraining from acting on, this information.