



Laws restrict when children under 15 can work in takeaway food businesses

If you run or manage a business that is a takeaway food or fast food store you need to know:

- **13 years old** is the youngest a child can work for a business in your industry.
- a child who is 13 or 14 can only work **between 6am and 10pm**, and outside of school hours.
- written permission from a parent is a legal requirement if you employ a 13 or 14 year old.
- a child is considered to be working whether they are paid or not paid for the work they do.
- business owners can face substantial fines of up to \$24,000 or up to \$120,000 for an incorporated employer for:
 - employing children under 13 years of age, or
 - employing 13 or 14 year olds outside the permitted hours or
 - employing 13 or 14 year olds without written permission from a parent.

There are exclusions if the child is working in a family business owned by a relative such as a parent, aunt, uncle or grandparent, or the organisation is a charity or not-for-profit organisation.

More information about employment of children in the takeaway food businesses is available on the Wageline website at www.dmirs.wa.gov.au/wageline or by calling Wageline on 1300 655 266.

The Wageline website also contains:

- a template form for written parental permission required for 13 and 14 year old workers.
- a self-audit checklist to help employers conduct a self-audit of compliance with the child employment laws and implement strategies to improve compliance.

The *Children and Community Services Act 2004* regulates the employment of children under the age of 15 years in Western Australia. These child employment laws apply to all Western Australian employers.

Workplace safety is also a critical issue for all workers in food businesses - find out more about your safety obligations from WorkSafe on 1300 307 877 or www.dmirs.wa.gov.au/worksafe

How can we help?



Fast food industry employer prosecuted for employing children

Laws prohibit children who are 13 or 14 years old working in a takeaway food or fast food business after 10pm unless the business is owned by a close relative.

A few years ago a Perth business was fined \$30,000 by the Industrial Magistrates Court for illegally employing a total of 16 children across three fast food outlets. The fine was the result of 16 charges under the *Children and Community Service Act 2004* of unlawfully employing children aged less than 15 years.

The charges arose out of the employer working the children on 153 separate occasions in shifts of work that were completed after 10pm. In one instance a 14 year old employee was rostered to work until 1am.



Wageline provides information about pay rates, leave entitlements and other employment arrangements for state system employers (unincorporated businesses such as sole traders and partnerships) and assists all employers and employees in Western Australia with queries about long service leave and employment of children.

You can contact Wageline by email wageline@dmirs.wa.gov.au, or by phone on 1300 655 266 with queries about Western Australia's child employment laws.

Disclaimer

The Department of Mines, Industry Regulation and Safety has prepared this fact sheet 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.