



Welcome to Wageline Newsletter

September 2018 Edition

Child employment campaign kicks off for horse riding schools and equestrian centres

Wageline is providing horse riding schools and equestrian centre businesses across WA with information about their obligations for employing children as part of a campaign to increase awareness that children under 15 cannot be employed in this industry.

The *Children and Community Services Act 2004* regulates the employment of children under the age of 15 years and applies to all businesses in Western Australia.

If you run or manager a business that is a horse riding or equestrian centre you need to know:

- 15 years old is the youngest a child can work for a business in your industry.
- a child is considered to be working whether they are paid or not paid for the work they do.
- 'volunteer' work or a child helping around the premises in return for free or discounted riding lessons is illegal if the child is under 15 years old.
- children aged 15 and over of school age are allowed to work in the equestrian industry only outside school hours.
- business owners can face substantial fines for employing children under 15 years of age – up to \$24,000 or up to \$120,000 for an incorporated employer.

There are exclusions in this industry 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.

Following the awareness raising component of the campaign, selected businesses will be audited by Industrial Inspectors from the Private Sector Labour Relations Division of the Department of Mines, Industry Regulation and Safety to ensure that children are not being employed or otherwise engaged in breach of the *Children and Community Services Act*.

The Department has in the past prosecuted a horse riding school business for employing children under 15 years of age. The owner of a horse riding school in Perth was prosecuted for breaching the *Children and Community Services Act 2004* and fines for employing children under the age of 15.

The children were employed by the horse riding school to perform stable hand duties, which included mucking and raking horse stalls, feeding and watering horses and general cleaning duties.

The [Employment of children laws in WA – horse riding schools and equestrian centres page](#) of the Wageline website has more information for employers in this industry.

Small business fined \$22,000 for underpayment of apprentice

The owner-operators of a plumbing and gas fitting business in the Perth Hills have been fined \$22,000 for underpaying their apprentice plumber over a period of two years.

The Industrial Magistrates Court found the couple had underpaid the apprentice, failed to pay him for all rostered days off and failed to pay him for untaken annual leave on termination of employment.

Industrial Magistrate Flynn ordered the business owners to pay the apprentice \$6,514.75, and to pay a further \$1,611.06 in interest and disbursements in addition to the \$22,000 fine.

Private Sector Labour Relations Executive Director Lorraine Field said it was extremely concerning to see an employer underpaying an apprentice.

“The message to be taken from this decision is that state system employers must comply with WA award provisions and minimum conditions of employment, as the financial consequences of failing to do so are simply not worth it.”

Employers and employees contact Wageline on 1300 655 266 or via www.dmirs.wa.gov.au/wageline to check employment rights and obligations.

Over \$400,000 in unpaid worker entitlements recovered in 2017 / 18

Industrial Inspectors in the Private Sector Labour Relations Division assisted Western Australian workers recover a total of \$458,290 in unpaid wages and entitlements in the last financial year.

This amount included nearly \$300,000 in unpaid long service leave and \$137,000 in wages and other entitlements under WA awards, such as annual leave and tool allowances.

The largest amount was \$30,000 for a worker covered by the *Motor Vehicle (Service Station, Sales Establishments, Rust Prevention and Paint Protection) Industry Award*.

The amounts recovered show that many small business employers are not complying with employment obligations, particularly in relation to long service leave. The [Wageline website](#) provides resources for employers to assist with record keeping and calculating long service leave entitlements.

Employment obligations for the Perth Royal Show

Business owners who are employing children at the Perth Royal Show must comply by the employment of children provisions of the *Children and Community Services Act 2004*.

These laws apply to children in all workplaces in Western Australia, including temporary workplaces such as pop up retail outlets, mobile food vans, and amusement rides.

It is prohibited to employ children under 15 years of age to staff an amusement ride, including selling or collecting tickets, unless the business is a family business owned by a relative such as a parent, aunt, uncle or grandparent.

Children aged 13 and 14 can be employed in a shop, fast food outlet, café, or restaurant and the employer must have written permission from a parent to employ a child of this age.

Children of any age can perform professionally as an actor, musician, entertainer, or work for charities and other not-for-profit organisations.

Visit the [When children can work in Western Australia page](#) of the Wageline website for details.

Business owners must also ensure that they meet all employment obligations for employees working at the Royal Show, including pay rates and working hours set by any applicable award. If the business is operated as a sole trader, unincorporated partnership or unincorporated trust, employers should visit the [Wageline website](#) or contact Wageline for information.

State system employers are also required to keep time and wage records for all employees including short term temporary employees. If employers fail to keep records or keep inadequate or fraudulent records they can be penalised up to \$5,000 by the Industrial Magistrates Court. Visit the [Record keeping requirements page](#) for further information.

If the business is a Pty Ltd, incorporated partnership or incorporated trust employers should visit the [Fair Work Ombudsman website](#) for information on pay rates and employment obligations.



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