

Children's Employment

Information for Parents

December 2015



What do parents need to know about their child's employment?

In NSW there are specific laws to protect the safety and wellbeing of children under the age of 15 years who are employed as actors, performers, and in door-to-door sales, and children under the age of 16 who are employed as models.

The employer of your child must:

- hold a valid Authority to employ children in NSW covering the dates of your child's employment,
- follow the rules in the Code of Practice
- provide you with a copy of the Code of Practice or this information sheet
- provide you with a copy of their Code of Conduct which sets out best practice guidelines for the care and protection of employed children

To find out if your child's employer holds a current Authority, check the Register of Authorised Employers at www.kidsguardian.nsw.gov.au

Code of Practice

Your child's employer is required by law to comply with the requirements of the Code of Practice, which is set out at Schedule 1 of the *Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015*

This information sheet explains the key requirements of the Code of Practice. You can download the full regulation and Code of Practice from www.kidsguardian.nsw.gov.au

Code of Conduct

Your child's employer is required to develop a Code of Conduct which sets out best practice guidelines for the care and protection of employed children. The Code of Conduct will be different for each employer but may include:

- expectations regarding employees' behaviour around children
- process for dealing with any concerns or complaints
- child safe policies and procedures

Employers need to provide a copy of their Code of Conduct to every employee, including the parent of any child employee.

Supervision

The best person to support and supervise your child while they are working is you, the parent. If this is not possible, you may nominate another adult to do so. This person should be someone your child is comfortable with and preferably knows very well (such as a grandparent or other close relative).

Your child must be in view of their supervisor at all times.

If your child will be employed for a long period of time, the employer may hire a chaperone. The employer must ensure that the chaperone holds a valid [Working With Children Check](#).

On the job

An employer must tell you everything they're planning to ask your child to say, see, hear and do. During casting they must ask you and your child about any concerns with what is required and take all comments into account.

An employer cannot cause or allow your child to become distressed in order to produce a desired performance, such as acting scared or crying.

Smacking or hitting of any kind is not allowed, nor is any other behaviour likely to humiliate or frighten your child.

The employer can only ask your child to do things that are appropriate and within their capabilities. The employer must take into account your child's age, maturity and experience. They must also consider sensitivities to the subject matter, setting, costuming, dialogue, other actors or animals.

The employer must not employ your child where your child or any other person has an exposed genital area, buttocks or in the case of female children or other persons, breasts.

When at work your child must be able to make contact with you at all times. The employer must allow this to happen whenever your child asks or when it is in your child's best interests to have contact with you.

From time to time an employer may ask you about a variation to work outside the Code of Practice. Any variation will only be approved when the employer has your agreement and the OCG is satisfied that your child's welfare is properly taken care of. The employer must tell you if the variation has been approved and explain any conditions that have been imposed.

Maximum employment days and times for children differ depending on age and activity but may be extended by a variation. A child cannot have a combined total of more than 50 hours of school and work in one week.

Entertainment or Exhibition – Modelling, Shopping Centre Performances, Film, Television, Still Photography, Radio etc.

| Age of child | Work hours | Days per week | Call time is between |
|--------------------------------------|------------|---------------|----------------------|
| Under 6 months | 4 | 1 | 6am and 6pm |
| 6 months to under 3 | 4 | 2 | 6am and 6pm |
| 3 to under 8 years | 6 | 4 | 6am and 11pm |
| 8 to under 15 or under 16 for models | 8 | 5 | 6am and 11pm |

Live Performances - Theatre, Musical Performances e.g. Orchestra or Choir, Circuses etc.

| Age of child | Work hours | Days per week | Call time is between |
|---------------------------|------------|---------------|----------------------|
| Under 6 months | 4 | 1 | 6am and 6pm |
| 6 months to under 3 years | 4 | 2 | 6am and 6pm |
| 3 years to under 6 | 4 | 4 | 6am and 9pm |
| 6 years to under 8 years | 6 | 4 | 6am and 10pm |
| 8 years to under 15 years | 8 | 4 | 6am and 11pm |

Your child must be given minimum rest breaks of 10 minutes each hour and one hour after no longer than every 4 hours. There must be at least 12 hours between the end of one employment call and the start of another.

Education and health

Children's work, school and home life balance is important. **Your child cannot be employed past 9pm** if they have schooling the following day, **or for more than 4 hours** if they have had schooling on the same day they work. The employer is expected to adjust their requirements to fit with your child's educational needs or, if you agree, apply to the OCG to vary the rules.

School students cannot be employed during school hours unless their Principal agrees to the absence. This includes missing school for pre-production activities such as rehearsals and wardrobe checks after they are cast. You must ask for the Principal's agreement in writing and give this to the employer before your child begins work.

An employer must provide appropriate facilities such as toilets, private changing areas, rest spaces and protection from the elements. If food is being provided it must be sufficient, nutritious and take into account any dietary and cultural needs.

Children under 3 and babies under 12 weeks

If your child is less than 3 years of age the employer must have a Registered Nurse/ Midwife present and follow their advice about your child's health and wellbeing.

If your child is less than 12 weeks of age, the employer must gain specific permission from the OCG to employ them. Only four people may handle your baby while they are employed. This includes you and the Registered Nurse/Midwife. There are also strict rules that employers must follow concerning direct lighting, makeup and contact with anyone who may have a cough, cold or any other respiratory or skin infection.

Working With Children Check (WWCC)

An Authority is not the same as a WWCC clearance. A WWCC is a legal prerequisite for anyone over 18 in paid or unpaid child-related work. A child is anyone under 18.

To find out whether someone is cleared to work with children, you must verify their WWCC (or APP) number online. Do not accept paper evidence.

For more information, please visit www.kidsguardian.nsw.gov.au. If you have any questions, call (02) 8219 3600 or email kids@kidsguardian.nsw.gov.au.