

Child employment legislation and workplace learning

Frequently asked questions – For employers

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Department
of Education

Introduction

Workplace learning activities are an integral part of students' learning and career development, which can help them to:

- develop employability skills
- explore possible career options
- understand employer expectations
- increase their self-understanding, maturity, independence and self-confidence.

The workplace learning activities referred to in this resource are:

- **Work experience:** The short-term placement of secondary school students with employers to provide insights into the industry and the workplace in which they are located. Students are placed with employers primarily to observe and learn – not to undertake activities which require extensive training or experience.
- **Structured workplace learning:** Provides students with the opportunity to integrate on-the-job experience with secondary study as part of the Victorian Certificate of Education (VCE), the VCE Vocational Major or the Victorian Pathways Certificate (VPC).

Changes to the *Child Employment Act 2003*

Changes to Victoria's child employment laws apply from 1 July 2023 and a new child employment licensing system has replaced the permit system.

Work experience for a child who attends a secondary school does not need a licence, but a licence is required for a child that is home schooled.

Refer to [Changes to the Child Employment Act](#) for further information.

Frequently asked questions

Do I need to hold a Working with Children Check?

Supervisors of work experience students aged 14 years are required to hold a valid Employee Working with Children Check. If the employer is also the nominated supervisor, then the employer is also required to hold a valid Employee Working with Children Check.

Supervisors of work experience or structured workplace learning students aged 15 years and over are not required to obtain a Working with Children Check.

I already have a Working with Children Check as a result of my volunteer work. Can I rely on this to supervise a work experience student aged 14 years in my workplace?

No, you cannot. You are required to apply for an Employee Working with Children Check and pay a fee if you wish to undertake paid child-related work (for example, supervising a work experience student aged 14 years). Under the *Worker Screening Act 2020*, it is an offence to use a volunteer Working with Children Check for paid child-related work.

How do I apply for a Working with Children Check?

For further information about the Working with Children Check or to complete an application, please visit the [Working with Children Check website](#).

If I own my own company, do I need to get a Working with Children Check?

If you are responsible for supervising a work experience student aged 14 years, you must hold a valid Employee Working with Children Check. If you are not responsible for supervising a work experience student aged 14 years then you must ensure that any nominated supervisor of the student holds a valid Working with Children Check.

I have not received my Working with Children Check yet – is it ok if I supervise a work experience student aged 14 years?

No, it is not. You must obtain your Working with Children Check before you are able to supervise a work experience student aged 14 years. A certified copy of any nominated supervisor's valid Working with Children Check must also be provided to the school principal prior to the work experience placement commencing.

Who pays for the Working with Children Check application if I am supervising a work experience student aged 14 years?

The Department of Education will reimburse any employer/supervisor who applies for a Working with Children Check for the purposes of supervising a work experience student aged 14 years.

To process payment, the department requires an invoice that includes the following details:

- Business trading name, address, phone number
- ABN
- Name of the work experience student
- Name and phone number of the student's school
- Name of the supervisor
- Work experience dates

Invoices should be addressed to:

Department of Education
Attn: Manager, Career Education Unit
Senior Secondary Pathways Reform Taskforce
Level 3, 35 Collins Street
Melbourne, 3000

Please send a copy of the invoice to career.education@education.vic.gov.au

What are the Child Safe Standards?

Victoria's new Child Safe Standards were introduced on 1 July 2022 to further strengthen child safe environments and better protect children from abuse. The Child Safe Standards are compulsory minimum standards. They make sure children and young people in organisations including schools and early childhood settings feel safe and are safe.

Examples of other organisations which must comply with the Child Safe Standards include hospitals, local councils, youth services, and sport or recreation services for children. For a list of in scope organisations for Child Safe Standards, refer to the [Commission for Children and Young People website](#).

For further information about the Child Safe Standards and work experience and structured workplace learning, including what employers can do to manage child safety risks in the workplace, please refer to the [Child Safe Standards and workplace learning – Fact sheet for employers](#).

Are students required to obtain a Working with Children Check if their work experience or structured workplace learning placement involves working with children?

The definition of 'work' under the *Worker Screening Act 2020* excludes an arrangement or agreement under Part 5.4 of the *Education and Training Reform Act 2006*. Work experience and structured workplace learning are therefore not considered child-related work and students participating in these arrangements are not required to obtain a Working with Children Check.