

Children and Young People (Work Experience) Standards 2022 (No 1)

Disallowable instrument DI2022–178

made under the

Children and Young People Act 2008, s 887 (Standard-making power)

1 Name of instrument

This instrument is the *Children and Young People (Work Experience) Standards 2022 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Standards

I make the attached Work Experience Standards for Part 21.2: Work experience programs—exemption.

4 Disapplication of Legislation Act, s 47 (5)

The Legislation Act, section 47 (5) does not apply to the ACT Education Directorate’s Workplace Learning Program Guidelines and Requirements 2018.

Note The ACT Education Directorate’s Workplace Learning Program Guidelines and Requirements 2018 are available at <https://www.education.act.gov.au/public-school-life/transitions-careers/career-learning/workplace-learning>.

5 Revocation

This instrument revokes the *Children and Young People (Work Experience) Standards 2009 (No 1)* DI2009-166.

Rachel Stephen-Smith MLA
Minister for Families and Community Services
27 July 2022

I. Introduction

- 1) The *Children and Young People (Work Experience) Standards 2022 (No 1)* (the Standards) apply to the work experience provisions found at Part 21.2: Work experience programs—exemption, in the *Children and Young People Act 2008*.
- 2) A work experience provider **must** apply to the Director-General of the ACT Education Directorate for an exemption to the employment provisions at Chapter 21 of the *Children and Young People Act 2008*.
- 3) The ACT Education Directorate is responsible for implementing the Standards.

II. Interpretation

- 4) In this instrument, the definitions of the following terms apply—

Educational institution means a school, college or other educational institution, whether or not operated by or on behalf of the Territory.

Four-way agreement means an agreement signed by the student, the student's parent or guardian, the workplace learning coordinator of the host school, and the host employer.

High-risk employment means employment declared to be high-risk under section 798 (1) of the *Children and Young People Act 2008*.

Host employer means an employer providing a work experience placement for a student.

Host school means the educational institution (within the meaning of the *Children and Young People Act 2008* and the *Education Act 2004*) at which the student is enrolled. A reference to a host school includes reference to a workplace learning coordinator.

Light work means work that is:

- a) not contrary to the best interests of a child or young person; and
- b) declared by regulation to be light work.

Oversight body means:

- a) in relation to government schools, the Director-General of the ACT Education Directorate; or
- b) in relation to Catholic systemic schools, the Catholic Education Office; or
- c) in relation to independent schools, the Association of Independent Schools, or
- d) in relation to any other school or system of schools, the body having the legal responsibility for the management of the school or system of schools.

Provider means a body contracted to broker work placements.

Prohibited activities include activities that are not suitable for a child or young person in an approved work placement.

Restricted activities include work placements with butchers, as prescribed in the ACT Education Directorate's workplace learning program guidelines and requirements.

Student means a student approved to participate in a work experience placement with a host employer.

Work placement means the placement of a student for work experience or structured workplace learning under a work experience program.

Workplace learning coordinator means an authorised staff member of a host school who is responsible for coordinating that school's work experience placements.

Young person means a person aged 12 years or older, but not yet an adult.¹

III. Purpose of work experience placements

- 5) These Standards relate to work experience placements organised by educational institutions, in collaboration with host employers, as part of workplace learning curricula for students aged **under 15 years**.
- 6) The purpose of work experience placements is to provide valuable opportunities for students to develop vocational skills, knowledge, and attitudes in the context of real work environments.
- 7) Work experience placements aim to build on work and career education programs, as well as other course work and career planning activities that assist students in their transition from school to work and/or further study.

IV. Eligibility for an educational institution to conduct a work experience program

- 8) To conduct a work experience program for young people **aged 14 years and over**, educational institutions must apply to the Director-General of the ACT Education Directorate for an exemption from the operation of Chapter 21 (Employment of Children and Young People) under section 783 of the *Children and Young People Act 2008*.

V. Eligibility for a young person aged under 14 years to participate in a work experience program

- 9) Educational institutions arranging for students **under 14 years** of age to participate in a work experience program must apply to the Director-General of the ACT Education Directorate **in addition** to seeking exemption from the operation of Chapter 21.
- 10) Participation in such targeted work experience programs is restricted to high school students **only**.

¹ Adult is defined in the *Legislation Act 2001*, dict., pt. 1 as 'an individual who is at least 18 years old'.

VI. Register of host employers

- 11) The oversight bodies of host schools, or where a provider is involved, **must** keep a register of participating host employers.
- 12) The register of host employers **must** include the following information:
 - a) Host employer name (business/organisation) and name of contact person;
 - b) Business/organisation address, phone number and email;
 - c) Industry area and occupation types (i.e. Australian and New Zealand Standard Classification of Occupations, ANZSCO);
 - d) Australian Business Number (ABN) and Australian Company Numbers (ACNs) or Australian Registered Body Numbers (ARNB), whichever is applicable;
 - e) Name and contact details of workplace supervisor; and
 - f) Workplace accessibility for students with diverse needs/mobility issues.
- 13) Host schools **may** request the oversight body/provider to register a host employer.
- 14) Before requesting the registration of a host employer, the host school **must** take reasonable steps to determine the suitability of the host employer and the proposed work experience placement.
- 15) Providers, host schools and host employers **must** comply with all reasonable requests for information from the ACT Education Directorate.

VII. Arrangement of work experience placements

- 16) A student **may** apply to their host school for a work experience placement.
- 17) A host school **may** refer a student to an approved provider to arrange for a work placement.
- 18) An educational institution **must** only refer a student to a host employer that is on their register of host employers.
- 19) Placements in meat processing plants are **subject to** mandatory requirements, as prescribed by the ACT Education Directorate's Workplace Learning Program Guidelines and Requirements and the Australian Meat Industry Council.
- 20) Work experience will be taken to be contrary to the best interests of a child or young person if it is otherwise likely to harm the child or young person's health, safety, personal and social development (including by sexual or financial exploitation), as defined under section 781 of the *Children and Young People Act 2008*.

VIII. Mandatory four-way agreement

- 21) Before entering into a work experience placement, the student, host school, host employer and the student's parent/s or legal guardian/s **must** enter into a four-way agreement, setting out clear expectations of the parties.

IX. Complaint procedure

- 22) The four-way agreement should outline a complaint procedure that includes:
- a) the right of a parent/guardian and student to make a complaint about any aspect of the work experience placement;
 - b) the process for making a complaint, where a complaint should be made in the first instance to the host school or workplace learning coordinator (where applicable) who will initially investigate the complaint;
 - c) the process for escalating a complaint, in the event the resolution proposed by the host school, host employer or provider is not accepted by the person making a complaint. The process should identify that the person making the complaint may make a complaint with the host school's oversight body;
 - d) if the person is still not satisfied with the resolution, the person may make a complaint to the Director-General of the ACT Education Directorate; and
 - e) that parties comply with all reasonable requests by the Director-General of the ACT Education Directorate for documentation related to the work experience placement.

X. Obligations of host employers

- 23) Host employers should:
- a) not provide remuneration in any way to the student;
 - b) ensure work premises comply with all legal requirements for a workplace, including any legal requirements in relation to children and young people;
 - c) comply with all work, health and safety laws and other requirements;
 - d) provide an induction session where the student is informed of the requirements for their workplace, including safety requirements and the use of required protective clothing;
 - e) ensure the student wears required protective clothing;
 - f) ensure working conditions are free from all types of harassment and unlawful discrimination;

- g) take appropriate steps to provide the student a positive work experience, this can include:
 - i) job sampling;
 - ii) research; and
 - iii) work shadowing.
- h) ensure the student has the opportunity to experience a variety of tasks while being appropriately and directly supervised;
- i) report any difficulties in the work experience placement to the host school and workplace learning coordinator;
- j) advise the school and workplace learning coordinator in the event of an industrial dispute affecting the placement;
- k) take reasonable steps as requested by the host school or its oversight body to resolve a complaint; and
- l) provide a report to the school and workplace learning coordinator at the conclusion of the placement.

XI. Duty of care by host schools

- 24) The host school or provider, where a provider is involved, should take reasonable steps to:
 - a) ensure the program complies with relevant legislation including the *Education Act 2004*, section 13; the *Children and Young People Act 2008*, chapter 21 and the *Work Health and Safety Act 2011*;
 - b) ensure a student is not placed in a work situation where a hazard exists taking note of the student's age, capacity and maturity in respect to the working conditions;
 - c) ensure working conditions are free from all types of harassment and unlawful discrimination;
 - d) ensure the student is covered by insurance, including personal accident and public liability insurance, while undertaking work experience; and
 - e) adequately prepare the student for the work experience placement.

XII. Variations to placement

- 25) The host school or provider, where a provider is involved, must take reasonable steps to:
 - a) complete an out-of-hours form where the work placement is to be undertaken outside standard hours (7:00am and 7:00pm);
 - b) complete an interstate program form if the work placement is to be undertaken interstate and sent to the ACT work placement administrator for approval; and

- c) be aware of any special needs to ensure that student safety at the workplace is maintained at all times.

XIII. Preparation and supervision of students

- 26) The host school or the provider, where a provider is involved, must take reasonable steps to:
 - a) ensure a student undertaking a program on a building site holds a General Construction Induction ‘White Card’ and has also completed Asbestos Awareness training; and
 - b) provide the student with a *Safety and Emergency Procedures Student Contact Card* that includes contact details for the school and, if the work experience program extends after-hours, with after-hours contact details for a person at the school.
- 27) A host school/provider should, where practicable, arrange for a workplace learning coordinator or teacher to visit each student at least once in each period of work experience with each host employer.
- 28) Students should attend work experience placements on the same conditions that apply to ordinary workers in that workplace and shall be accountable to the school, as well as their host employer.

XIV. Restricted and prohibited activities

- 29) Work experience placements should not include an activity declared to be high risk under section 798 of the *Children and Young People Act 2008*, or prohibited as described in the ACT Education Directorate’s Workplace Learning Program Guidelines and Requirements.
- 30) Where a host school proposes work experience placements in a butcher, the host school’s workplace learning coordinator must comply with the Australian Meat Industry Council’s requirement and the ACT Education Directorate’s Workplace Learning Program Guidelines and Requirements.

XV. Hours of operation

- 31) Except with the approval of the Director-General of the ACT Education Directorate:
 - a) work placements should generally occur during standard working hours and should not take place outside the hours of 7.00am and 7.00pm (except as described under Standard XII ‘Variations to placements’);
 - b) working hours should be for a full working day rather than school hours and not exceed working hours, as specified by relevant legislation or industrial awards;
 - c) regular breaks should be taken in negotiation with host employers to ensure students are adequately safeguarded against fatigue; and
 - d) work placements should not usually occur for more than 40 days in each calendar year and 10 days during each school term.

XVI. Suspension of work experience program exemption

- 32) The Director-General (ACT Education Directorate) may suspend an educational institution's exemption under section 784 of the *Children and Young People Act 2008*, where the Director-General suspects on reasonable grounds that the educational institution has not complied with, or continues to not comply with, the Standards.

XVII. No payment in cash or kind

- 33) No payment or remuneration of any sort should be paid to a student for participation in a work experience placement.
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