

# Chapter One –

## Introduction and overview

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## 1.1 Background

Before 1999, the *Children's Services Act 1965 (Qld)* provided for a regulation and permit system for children in employment. This Act was repealed and replaced by the *Child Protection Act 1999 (Qld)*, which moved away from regulating all areas where harm may occur to children, to focus on specific instances of children in 'need of protection' and harm caused to a child.

In 1998, the Industrial Relations Taskforce reviewed the Queensland industrial relations system, resulting in significant reforms under the *Industrial Relations Act 1999*. This system provides a comprehensive range of protections, minimum conditions and workplace health and safety safeguards for all Queensland employees, regardless of age. In respect to child-specific protections, the Taskforce recommended that further research be done into the issue of child labour.<sup>1</sup>

Since then, a number of potential issues affecting young Queensland workers have been raised with the Young Workers Advisory Service, Legal Aid Queensland and the Commission for Children and Young People and Child Guardian. These include:

- school-aged children working excessive hours (there are no minimum age or maximum hours laws in Queensland)
- children and young people potentially working in adult entertainment and as topless waitresses
- concerns for children's workplace conditions, health and safety, bullying, and exploitation including inappropriate clothing requirements, and
- no child-specific protections in the growing film, television and entertainment industries.

This review seeks to ensure children are protected against work conditions which might interfere with their education, complementing the government's current *Education and Training Reforms for the Future*.<sup>2</sup> The *Youth Participation in Education and Training Act 2003* makes it compulsory for young people to stay at school until they finish Year 10 or have turned 16, whichever comes first. A further two years of study and/or training is also required, opening up more flexible options for combining work and study. It is therefore timely to consider the impact of work on study, and to ensure that young workers are protected in the workforce.

This review also accords with the Government's reform agenda for the child protection system, to ensure that children in all sections of the community receive the best possible protection from abuse and exploitation. Information gathered from this review will allow the Commission to report to the Government on any child labour risks which may be identified in Queensland, and whether there is a need for enhancements to child protections at work.

## 1.2 What is the purpose of the review?

Children and young people face a broad range of experiences at work. The Commission recognises the rights of young people to work, and the benefits of safe, positive work experiences. It also recognises the importance of protecting young workers from abuse and exploitation, and protecting their right to education and leisure time. It is impossible to consider these issues separately as the particular circumstances for each child will determine whether their work experiences are exploitative or beneficial.

<sup>1</sup> Recommendation 24 from Industrial Relations Taskforce. (1998). *Review of industrial relations legislation in Queensland*. Brisbane: Department of Employment, Training and Industrial Relations.

<sup>2</sup> The State of Queensland. (2002). *Queensland the smart state – Education and training reforms for the future, a White paper*. Brisbane: Author.



Therefore to understand the needs of children at work, this review considers child labour issues in the broader context of child and youth employment in Queensland. This framework is consistent with UNICEF's approach to child labour, which states that:<sup>3</sup>

*Children's work needs to be seen as happening along a continuum, with destructive or exploitative work at one end, and beneficial work – promoting or enhancing children's development without interfering with their schooling, recreation and rest – at the other.*

The review does not aim to restrict safe and positive employment provided by employers around the state. It is concerned with protecting children against potential exploitation and harm such as work at too early an age, for too many hours or for inadequate pay. The focus is work which fits within the following definition of 'child labour', as:

*work that is harmful to children because it prevents them from getting an education, because it damages their health or because it subjects them to physical, sexual or emotional abuse, or exploits them in other ways.*

*Light, safe, part-time work that can be combined with education and complies with legal standards should not be considered child labour.<sup>4</sup>*

The Queensland system provides a comparatively strong range of existing protections for all award and non-award employees, regardless of age. This includes key protections under the *Industrial Relations Act 1999*, the *Workplace Health and Safety Act 1995*, and the *Anti Discrimination Act 1991*. Such legislation is complimented by services such as Wageline, the Industrial Relations Inspectorate and Workplace Health and Safety Queensland. The Government also funds the Young Workers Advisory Service which provides important child focussed support and advocacy.

However, most current protections are not targeted at the specific needs and risks facing young workers. It is hoped this review will determine whether there is a need for additional child-focussed protections to complement the existing system.

### To summarise, the purpose of the review is to:

1. understand children's employment in Queensland and in other jurisdictions
2. identify the nature and extent of any child labour risks in Queensland<sup>5</sup>
3. consider the current protections for children and young people in Queensland, and
4. identify options which might improve protection for children if required.

Consultation questions on these four objectives appear throughout the paper to guide submissions from stakeholders.

A survey (attached in Appendix One) provides more specific questions for the general community and children and young people themselves.

The remainder of this paper covers three main areas:

- **Chapter two** provides information on the child employment context in Australia and overseas
- **Chapter three** considers the potential child labour risks from research
- **Chapter four** discusses a range of protective features including the existing protections.

<sup>3</sup> UNICEF. (1997). *State of the world's children report for 1997*. Geneva: Author.

<sup>4</sup> The Save the Children Fund. (2000). *Big business, small hands: Responsible approaches to child labour*. London: Author.

<sup>5</sup> The following matters will not be a focus for this review: household chores and duties; apprenticeships, traineeships and education-related work experience; and unpaid carers for relatives or friends who are ill or have a disability.

