

**Note: Delete this page and following page (total 2 pages) once you complete tailoring the template for your own business**

## General Information

Employees may sometimes ask to bring their children to work, in order to enable them to balance their work and family responsibilities. Before allowing such a request, there are some very important factors employers that should consider. These include that:

- The employer is required under work health and safety laws to provide a safe work environment, so far as is reasonably practicable for all workers and persons at the workplace. This extends to ensuring there is not an unnecessary risk of exposure to infectious diseases or other hazards in the workplace to its workers, or visitors at the workplace. There is also a responsibility to ensure the safety of others who come into the workplace, including children.
- There are some workplaces where it is never safe to bring children. Consider whether your workplace is such a workplace before allowing any children on site.
- An employer may also be required by public health legislation to ensure that there is no risk of contamination of products through exposure to disease or injury, depending on the circumstances of their enterprise.
- The employer's insurance will need to cover the presence of a child on site.
- An employer may not have the resources to provide childcare on site.
- The work of the employee and others in the workplace may be inhibited by the presence of the child.

Conversely, a written request from an eligible employee to allow children onsite may constitute a request for flexible working arrangements, to which particular responses from a national system employer are now required under the Fair Work Act 2009 (Cth) (the Fair Work Act).

To be eligible to make this written request, employees (other than a casual) must have at least 12 months' continuous service at the time they make the request. Casuals must, at the time of making the request, be a long-term casual (i.e. they have been engaged on a regular and systematic basis for at least 12 months) and have a reasonable expectation of continuing employment with the employer on a regular and systematic basis.

Additionally, to request a flexible work arrangement, employees must fall into one of the following categories:

- The employee is 55 years of age or older;
- The employee has a disability;
- The employee is a carer (within the meaning of the Carer Recognition Act 2010 (Cth));
- The employee is the parent of, or has the responsibility of caring for, a child who is of school age or younger;
- The employee is experiencing violence from a member of the employee's family; and
- The employee provides care or support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because the member is experiencing violence from the member's family.

The employer is then required to respond in writing to the employee within 21 days stating whether the employer grants or refuses the request (written response may follow an oral response). A request may only be refused on 'reasonable business grounds'. If the request is refused, the

employer must include details of the reasons for the refusal and should address, if possible, the criteria set out in 65(5A) of the Fair Work Act along with any other relevant consideration.

### **Employers with employees in Victoria**

In Victoria, in addition to the requirements under the Fair Work Act, an employer must not 'unreasonably' refuse to accommodate parental/carer's responsibilities in relation to work arrangements of an employee, a person offered employment, a contractor, a partner to the business or a person invited to become a partner in a partnership comprising of five or more partners.

This policy should be supplemented by a policy on taking carer's leave in order to care for sick children.

### **How to complete this template**

#### **Designed to be customised**

It is completely customisable based on your specific requirements.

#### **Include what you must and can comply with**

This document should be used in conjunction with your contract of employment, and any specific company procedures and processes. Only include the commitments you are confident you can comply with, make sure you update and review the document regularly.

**Important:** You may have legal obligations to your employees under an employment or industrial agreement such as an award, workplace agreement or employment contract. Make absolutely certain what's written in this document is consistent with these. If you're unsure what covers your employees, ACFA Members can contact FIAA's workplace advice team on 1300 342 248 or on 02 4340 2000 for further advice/assistance.

#### **To complete the template:**

1. Using Word's Replace function, search for (INSERT COMPANY NAME) and replace with your company name.
2. Replace (items in brackets) with your own wording.
3. Once you have finished work on the template, delete the first TWO pages of the document.

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## Children in the Workplace Policy

### 1. Commencement of Policy

- 1.1 This Policy will commence from **XX/XX/XXXX**. It replaces all other policies of **(insert company name)**, if any, relating to **(insert company name)** bringing children in the workplace (whether written or not).

### 2. Scope

- 2.1 This Policy applies to casual, part-time and full-time employees of **(insert company name)**.
- 2.2 This Policy does not form part of any employee's contract of employment.

### 3. Purpose

- 3.1 This Policy sets out **(insert company name)**'s guidelines with regard to the bringing of children into the workplace. **(Insert company name)** understands that some employees may have a responsibility to care for children. Employees are encouraged to utilise carer's leave where available to care for children in such circumstances. Where employees access carer's leave, they must follow the terms of **(insert company name)**'s Leave Policy.
- 3.2 Children may only be brought to the workplace by employees with prior approval from **(insert manager's name)**. Circumstances where management may allow children at the workplace may include, for example, where **(insert company name)** is having an open day. Parents must ensure that work health and safety laws and relevant company policies are followed at all times when bringing children into the workplace.
- 3.3 If approval to bring children into the workplace has been granted, parents/carers must be sensitive to the needs of other employees and should not expect others to care for their children. Likewise, the needs of other employees and customers should be respected.
- 3.4 Parents/carers must be aware that the ultimate responsibility for the safety of their children rests with them.

### 4. Direct supervision

- 4.1 Any child in the workplace must be directly supervised at all times. This is because:
- a) children do not have the same capacities, skills, training and experience as adults. They are unlikely to have knowledge or judgment about workplace hazards, and lack the maturity to respond appropriately in unexpected or dangerous situations. As such, their ability to assess risks to health and safety is limited.

**\* This is only a preview of the document, you will need to purchase the document to see all the content.**

*\*Please Note: As a Business Plus or Premium ACFA Member you can download all the policies on our website for free or have them customised specifically for your business at no additional charge. ACFA Members can also request policies and resources which are not on our website through our HR Department. This is just one of the many services that are included with our annual membership subscription.*