Young Workers
A guide to rights and responsibilities at work for young people and employers

Safe, fair, productive working lives

Further information
A number of useful contacts and web links are available on the SafeWork SA website at safework.sa.gov.au.

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Topics or sections of interest include:

- business, industry and trade – employing people
- licensing and regulation
- education, skills and learning – vocational education and training
- employment and finance – looking for work
- at work – information for employers.

Workplace behaviour
Young workers, particularly those starting a job for the first time, are usually unaware of how to deal with inappropriate workplace behaviours like discrimination, harassment and bullying.

Workplace policies should be implemented in relation to managing these hazards and it is important that young workers be aware of them.

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health, safety and well-being.

Workplace bullying is not acceptable. The risk of it occurring can be eliminated or minimised by proactive approaches and policies that create a co-operative anti-bullying culture within a workplace.

Workplace bullying does not include reasonable and lawful direction or management action to direct and control the way work is carried out.

for employers
Be aware that some young workers may be afraid or reluctant to speak up about discrimination, harassment and bullying – until it’s too late. It is vital that you create an environment where young workers feel comfortable raising these issues.

for workers
If you experience discrimination or harassment, or are being bullied at work, you must report it to your supervisor or manager. If for some reason you can’t report it to them, you should contact the SafeWork SA Help Centre on 1300 365 255 or the Fair Work Commission on 1300 799 675 for information and assistance.

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Such a workshop will help you understand your respective rights and responsibilities.

For employers

Probationary periods, work experience and trial work

Probationary periods

Probationary periods are a way for an employer to test the suitability of a worker for a job. It is not a separate period of employment and so a probationary worker should receive the same pay and conditions as an employee who isn’t on probation.

Work experience

Work experience is the term usually given to a work placement,实训 or trial work. It should only consist of you demonstrating your skills relevant to the job’s required tasks.

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Traineeships and apprenticeships

A traineeship or apprenticeship involves agreeing to and signing a training contract. The training contract contains a number of specific training conditions and responsibilities for both the worker and the employer.

Specific advice should be sought as part of a pre-employment checklist.

For employers

Minimum working age

There is no minimum working age in South Australia. However, it is a requirement of the Education Act 1972 (SA) that a child of compulsory school age (between 6 and 16 years of age) cannot be employed during the hours that they are required to attend school.

Pay and employment conditions

There are two sets of laws that establish pay and employment conditions in South Australia.

South Australia’s private sector employers are in the national workplace-relations system covered by the Fair Work Act 2009 (Cth). South Australia’s public sector and local government are in the state industrial relations system covered by the Fair Work Act 2009 (SA).

Government and non-government organisations where you can get advice and information on wages and conditions of employment are listed on the Safework SA website at safework.sa.gov.au.

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A sole trader

- a partnership

A worker, also referred to as an employee, is someone who works for themselves or on their behalf. An employer can be:

- an individual
- a corporation
- a local government (council)
- a partnership
- a body corporate
- a trust
- a sole trader
- a self-employed worker (e.g. independent contractor)

An employer is someone who employs a person to carry out work for them or on their behalf.

Employers

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For more information, including a useful seven-step guide for small business, visit the Safework SA website at safework.sa.gov.au or call the Help Centre on 1300 365 255.

Probationary periods, work experience and trial work

A probationary period can be used as an opportunity for a worker to trial a role to see if it is a suitable fit for them. An employer and a probationary worker should discuss the reasons for entering such a period and the expected outcomes of the work experience or trial work that is of direct benefit to your business and should be paid the legal minimum pay rate for that type of work.

If you are experiencing problems, you should contact your union or broker and the young worker’s parent(s) or supervisor immediately.

Traineeships and apprenticeships

A traineeship or apprenticeship involves agreeing to a formal training contract. A trainee or apprentice is a person undertaking any form of work experience or trial work that is of direct benefit to your business and should be paid the legal minimum pay rate for that type of work.

For workers

- work for them or on their behalf.
- be employed during the hours that they are required to attend school.
- be enrolled at school.
- be unemployed, or
- be employed late at night or early in the morning.

Young workers can be vulnerable and at increased risk of workplace injury due to lack of experience, maturity and awareness. They may also be:

- a corporation
- a local government (council)
- a trust
- a sole trader
- a self-employed worker (e.g. independent contractor)

They may also be:

- unfamiliar with appropriate workplace behaviours
- unaware of their responsibilities and the duties of their employer regarding work health and safety
- over-confident of their capabilities

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