

# EMPLOYING YOUNG WORKERS IN VICTORIA: KEY LEGAL REQUIREMENTS

SMALL BUSINESSES IN VICTORIA HIRING EMPLOYEES AGED 14–22 (ESPECIALLY IN RETAIL, HOSPITALITY AND CONSTRUCTION) MUST COMPLY WITH BOTH VICTORIAN AND FEDERAL LAWS. VICTORIA'S WAGE INSPECTORATE (VIC.GOV) AND THE FAIR WORK OMBUDSMAN (FWO) PROVIDE GUIDANCE.

In Victoria, **children under 15** are heavily restricted: employers **must obtain a child-employment licence** to hire anyone under 15 (paid or unpaid). (Employing a child without a licence is a crime.) Children can work from age 11 (e.g. delivering newspapers) and age 13 for most retail or hospitality jobs. There is **no minimum age for entertainment work**, but a special entertainment licence is required for under-15s. Critically, **under-15s cannot perform hazardous work** – e.g. they **cannot work on building sites, fishing boats or do door-to-door sales**. (Thus, construction work is effectively off-limits to under-15s.) Anyone hiring under-15s must ensure **supervision by an adult (18+)** with a **Working-With-Children check**, obtain written parent/guardian consent, and keep detailed records of hours and duties.

Those aged **15–17** are not covered by the child-licence scheme, but they remain subject to general protections. The **Fair Work Act** sets no national minimum age, deferring to state rules. However, employers should still confirm they are above any schooling/employment age (Victoria's compulsory school-leaving age is 17). Importantly, **work permits** per se are only the Victorian child-employment licence (for under-15s); there is no special federal "work permit" beyond normal visa/work rights.

**Working Hours and Duties:** Under Victorian law, children under 15 may only work light duties and are limited in hours and times. For example, under-15s may only work between 6am and 9pm, not during school hours, max 3 hours/day in term (12 hrs/week) and 6 hours/day in holidays (30 hrs/week); they must have a 30-minute break every 3 hours and 12 hrs rest between shifts. Employers **must record each child's daily hours and breaks**. (Variations or school-hours work require approval.) By contrast, workers aged 15+ are governed by the National Employment Standards (NES): typically up to 38 ordinary hours/week plus "reasonable" overtime, with at least 10 hours off between shifts. Many industry awards may limit shifts or require extra rest for juniors or school-aged workers.

- **Rest breaks:** All employees are entitled to meal breaks per their award or NES (e.g. typically 30–60 min for shifts of 5+ hours) and daily rest; young workers under 15 still get a 30-min break per 3 hr.
- **Prohibited duties:** Under-15s cannot do building/construction work. Even over 15, Victorian liquor laws forbid minors from supplying alcohol. For example, a person under 18 may work in a bar/restaurant only in non-alcohol tasks (food prep, clearing dishes, serving non-alcoholic orders). Minors cannot sell, serve or clear alcoholic drinks. (Special approvals exist only for formal training programs.)

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## Pay Rates and Award Coverage

Young employees must be paid at least the minimum wage and award rates. Each industry has a **Modern Award** under the Fair Work system (e.g. General Retail Award, Hospitality Award, Building and Construction Award, etc.), which set base pay and conditions. Most awards include **junior pay rates** for workers under 21: a percentage of the adult rate based on age.

For example, a 17-year-old in retail might get 60% of the adult rate, rising to 70% at 18 (as illustrated by a shop example).

If an award has **no junior rate**, the young employee must be paid the full adult rate. (Casual loadings and penalty rates still apply on top of these rates.) The **National Minimum Wage** currently is \$24.95/hr (from 1 July 2025), and award rates were raised 3.5% that year. Employers can use the Fair Work **Pay and Conditions Tool** or **Pay Calculator** to determine exact rates under each award.

- *Alcohol exception:* Hospitality and restaurant Awards specifically require juniors who **serve or sell alcohol** to be paid the full adult rate for that role.
- *Unpaid work:* Any “work experience” or trials must meet legal criteria – unpaid internships must genuinely be for learning, and unpaid trials beyond what’s needed to test skills are usually illegal.

## Superannuation and Tax

Employers must comply with ATO rules on tax withholding and superannuation. Income tax (PAYG withholding) must be deducted from wages as required by the ATO and reported via Business Activity Statements. For **superannuation**, employers must pay 12% of ordinary time earnings into the employee’s nominated fund if the worker is **over 18** (no minimum hours) or **under 18 and works more than 30 hours in a week**. (The \$450/month income threshold no longer applies – all eligible employees must receive super.) Super contributions must be paid at least quarterly. All employees should complete a Tax File Number declaration on hiring, and employers should provide payslips detailing gross pay, tax and super contributions.

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## Workplace Health & Safety

Under Victorian OHS law, **employers have a duty to provide a safe workplace** “so far as is reasonably practicable”. This is especially important for young workers (15–24) who are at higher risk of injury. Employers must identify hazards and implement controls, and **give young employees adequate training, instruction and supervision**. The Young Workers: Safety Basics guidelines (WorkSafe) emphasize that employers must: provide thorough induction on OHS policies (hazard reporting, emergency procedures, first-aid); ensure machinery and equipment are safe and guarded; and train workers in safe use of tools. A useful approach is “Tell me, Show me, Watch me” training: explain the task, demonstrate it, then observe the young worker do it with feedback.

## Employers must provide detailed induction and training on safe work practices

Safety requirements vary by industry: in **hospitality**, common hazards for young workers include burns, heavy lifting and repetitive tasks. WorkSafe advises fitting guards on hot plates, providing trolleys for heavy loads, and rotating tasks to avoid repetitive strain. In **retail**, hazards include slips, handling heavy stock and customer aggression; employers should maintain dry, well-lit floors, provide PPE (e.g. gloves for heavy items) and train staff in safe lifting. In **construction**, strict site safety applies: anyone under 15 is banned, and older minors must use PPE (hard hats, boots), be trained on hazards (falls, power tools) and never work unsupervised on high-risk tasks. In all industries, employers should have policies against workplace violence or bullying – these are health & safety issues too. WorkSafe inspectors can sanction breaches; notably, failing to supervise a child or exposing them to prohibited work can incur fines or licence revocation.

## Anti-Discrimination and Equal Opportunity

Employers must also ensure **fair treatment** under both federal and state anti-discrimination laws. Age, sex, race, disability, pregnancy, family/carer status and other characteristics are protected. For example, the *Victorian Equal Opportunity Act 2010* makes it unlawful to discriminate on these grounds in employment. (This applies to recruitment, training, promotions and dismissals.) Victoria even imposes a **positive duty** on employers to eliminate discrimination and harassment. The Fair Work Act 2009 and federal **Age Discrimination Act 2004** similarly forbid adverse treatment of employees due to age, and protect against sexual harassment and racial vilification. In practice, employers should base decisions on skills and qualifications, provide reasonable adjustments for disabilities, and enforce a zero-tolerance policy on bullying or harassment. All workers (young and old) have the right to a respectful workplace, and avenues for complaint exist at the Victorian Equal Opportunity & Human Rights Commission and the Fair Work Commission if issues arise.

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## Best Practices: Onboarding, Training and Inclusion

Beyond legal compliance, best practice employers ensure young hires are well-integrated and supported. **Induction:** When a young employee starts, explain their **rights and responsibilities** clearly. Cover pay and conditions (award name, classification, pay frequency), work hours and break entitlements, leave policies, and any probationary rules. Go over OHS rules: how to report hazards, where first-aid is, and any industry-specific risks. Provide written materials if possible (e.g. the Fair Work Information Statement).

### Training and Supervision:

Give hands-on training suited to their experience. As one expert guide recommends, consider assigning both a **mentor** and a **peer “buddy”**: a mentor (a senior but not direct supervisor) offers guidance and confidence, while a buddy (a fellow young worker) can help with day-to-day questions. Supervise closely at first, observing the young person perform tasks (the

“Watch me” step) and correcting any unsafe techniques. Regularly check they have adequate personal protective equipment and understand safety signage. Encourage questions – young workers may be hesitant, so foster an open-door policy.

### Creating a Positive Environment:

Establish clear expectations about punctuality, communication and behaviour from the outset. Emphasize that discrimination or bullying will not be tolerated (Victorian law demands this). Some practical steps include: holding regular safety talks or “toolbox meetings” that involve all staff (reinforcing a safety-first culture); providing written procedures in plain language (or multiple languages if needed); and promoting an inclusive culture so that all young staff feel valued. Train existing staff on supervising youth – experienced workers should understand they need to be patient and supportive.

By following these rules and guidelines, employers in Victoria can ensure their youth employees (ages 14–22) are legally and safely employed. Key resources include the Fair Work Ombudsman (“Employing Young Workers” guides and pay tools), the WorkSafe Victoria website (young worker safety tips), Business Victoria (Wage Inspectorate for child licences), and relevant government sites (e.g. Vic.gov.au). Employers should bookmark official sources and stay updated on changes (e.g. annual wage updates).

**Sources:** Victorian Wage Inspectorate and Business Victoria on child employment rules; Fair Work Ombudsman on junior wages and young-worker rights; WorkSafe Victoria on employer

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OHS duties for youth; Victorian Equal Opportunity Commission on discrimination laws; Fair Work Ombudsman and ATO on tax and super obligations; plus industry-specific guidance on alcohol laws and onboarding best practices. Official websites (FWO, WorkSafe Vic, Business Victoria, Vic.gov.au) should be consulted for full details and updates.

Employing Young People (14–22) in Victoria: Laws, Regulations, and Best Practice Guidance for Small Business Employers This report provides a comprehensive guide for small business employers in Victoria, Australia, focusing on the legal requirements, recommended practices, onboarding, training, and workplace safety for hiring young people (aged 14–22) in retail, hospitality, and construction industries. \*\*All legislative references are current as of July 2025.\*\*

## 1. Minimum Age & Work Permits in Victoria

### General Legal Working Age

- Minimum age for general employment: 13 years old for retail and hospitality, but with specific restrictions and requirements for those under.
- Under 15 years old: Employers must obtain a 'Child Employment Licence' from the Wage Inspectorate Victoria. Working without a licence is an offence and may result in penalties.
- Apply for a licence: [www.vic.gov.au/child-employment-licence](https://www.vic.gov.au/child-employment-licence)
- Construction: Children under 15 generally cannot work on building sites. Special rules apply for work experience and family businesses

| AGE GROUP | PERMITTED INDUSTRIES                         | SPECIAL CONDITIONS                                                                     |
|-----------|----------------------------------------------|----------------------------------------------------------------------------------------|
| 11-12     | Delivery (newspapers/materials)              | Strict limits, parental consent                                                        |
| 13-14     | Retail, hospitality, delivery                | Requires child employment licence, parental consent, restricted hours, no construction |
| 15 & Over | All industries (except some hazardous roles) | No licence needed; regular youth worker protections apply                              |

Reference: Business Victoria Guide: <https://business.vic.gov.au/business-information/staff-and-hr/employing-children>

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## 2. Working Hours, Breaks & Supervision

**Under 15 years:** Strict limits on hours, including:

- Maximum 3 hours per day/12 hours per week during school term
- Maximum 6 hours per day/30 hours per week during school holidays
- No work during school hours; restricted start/finish times
- Supervision required by an adult

**All minors (under 18):**

- Must be given appropriate meal/rest breaks.
- Cannot work late-night hours (e.g., before 6am or after 9pm, with some exceptions depending on the award/EA and supervision arrangement).

For a detailed summary: Fair Work Ombudsman - Young Workers: [www.fairwork.gov.au/tools-and-resources/best-practice-guides/employing-young-workers](http://www.fairwork.gov.au/tools-and-resources/best-practice-guides/employing-young-workers)

## 3. Pay Rates & National Awards

- Junior pay rates: Generally, awards and agreements have a sliding scale of minimum pay based on age for workers under 21; these are usually specified as a percentage of the full adult rate.
- Retail and hospitality: Both have junior pay rates under their respective awards; check the Fair Work Pay Calculator for current figures.
- Pay Calculator PACT: <https://calculate.fairwork.gov.au/>
- Over 21: Young workers (21+) must be paid the full adult rate under the relevant award or agreement.
- Construction: Most on-site work is unavailable under 15, but apprenticeships from 16+ are common. Construction awards specify apprentice/junior rates.

**Tip: If no junior rates are listed in your award/EA, pay the adult wage.**



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## 4. Special Conditions in Retail, Hospitality, and Construction

### Retail & Hospitality

- Minimum age: 13, with licence and parental consent if under 15<sup>[2][3]</sup>.
- Prohibited duties for juniors: No unsupervised cash handling for under-15s, no serving alcohol unless legally allowed and supervised.
- Light duties only: Cannot be exposed to hazardous equipment, chemicals, or challenging customer situations without proper training and supervision<sup>[2][5]</sup>.

### Construction

- No site work for under 15 (even with family supervision)
- 15–17 years: Limited by occupational health and safety (OHS) rules and must have full induction, supervision, and cannot operate hazardous machinery.
- Apprenticeships/traineeships: Can begin at 16+, must be registered with the Victorian Registration and Qualifications Authority (VRQA)<sup>[8]</sup>.

## 5. Federal Employment Law Compliance

### National Employment Standards (NES):

- Apply to all employees, regardless of age. These provide entitlements for minimum wages, conditions, leave, and more<sup>[7]</sup>.
- [NES summary](<https://www.fairwork.gov.au/employment-conditions/national-employment-standards>)
- Discrimination: It is unlawful to discriminate due to age. Workplace bullying and harassment protections apply to all ages<sup>[6][9]</sup>.
- Apprentices/Trainees: Rights and obligations determined and overseen federally and by the Fair Work Commission.

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## 6. Onboarding & Induction for Young Workers

### Best practice steps:

- Verify age and obtain necessary licences/parental consent\*\* for those under 15<sup>[2][4]</sup>.
- Provide a comprehensive workplace induction:
- Explain rights, policies (absences, pay, breaks, conduct, reporting procedures)
- Set clear expectations and provide a point of contact for questions or concerns<sup>[6][10]</sup>
- Assign a buddy or mentor to support young staff in their settling-in period<sup>[6][10]</sup>.
- Schedule regular check-ins, especially in the first 6 months, since young staff are most at risk of injury or issues during this time<sup>[8][11]</sup>.
- For tips and a checklist: Fair Work Best Practice Guide: [www.fairwork.gov.au/sites/default/files/2025-04/employing-young-workers-best-practice-guide.pdf](http://www.fairwork.gov.au/sites/default/files/2025-04/employing-young-workers-best-practice-guide.pdf)

## 7. Training and Workplace Safety

### OHS Responsibilities

- Under the '**Victorian Occupational Health and Safety Act 2004**', all employers are required to provide a safe, risk-free work environment, and this applies especially to young, inexperienced workers.
- Young workers: Safety basics: WorkSafe: [www.worksafe.vic.gov.au/young-workers-safety-basics](http://www.worksafe.vic.gov.au/young-workers-safety-basics)

### Essential actions

- Rigorous induction and ongoing OHS training, especially on safe equipment use and handling hazardous materials or situations.
- Provide adequate supervision, as new and young workers lack experience and are at higher risk of harm.
- Make clear how to report safety issues; encourage young people to speak up.
- Apprentices/trainees: Must be enrolled with a registered training organisation (RTO) and receive Scheduled training and supervision.



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## 8. Record-Keeping, Parental Consent, and Audits

- **Consent:** Written parental/guardian consent \*required for under-15s\*; keep forms on file<sup>[2][4]</sup>.
- **Record-keeping:** Keep accurate records of rostered hours, breaks, pay rates, parental consents, induction, and safety training.
- **License display and auditing:** Child Employment Licence must be held and produced for inspection<sup>[4]</sup>.

## 9. Key References & Further Support

- Fair Work Ombudsman: Employing Young Workers] (<https://www.fairwork.gov.au/tools-and-resources/best-practice-guides/employing-young-workers>)<sup>[6]</sup>
- Employing children – Victorian Government Guide] (<https://www.vic.gov.au/child-employment-licence>)
- WorkSafe Victoria: Young Workers Information] (<https://www.worksafe.vic.gov.au/young-workers-information-employers>)
- Business Victoria – Employing Children] (<https://business.vic.gov.au/business-information/staff-and-hr/employing-children>)
- Wage Inspectorate Victoria] (<https://www.vic.gov.au/wage-inspectorate-victoria>)

## 10. Summary Table

| LEGAL ASPECT                    | AGE 14 | AGE 15 | AGE 16/17         | AGE 18-22             |
|---------------------------------|--------|--------|-------------------|-----------------------|
| CHILD EMPLOYMENT LICENCE NEEDED | YES    | YES    | NO                | NO                    |
| PARENTAL CONSENT                | YES    | YES    | NO                | NO                    |
| PROHIBITED CONSTRUCTION WORK    | YES    | YES    | SOME RESTRICTIONS | NO (UNLESS HAZARDOUS) |
| SUPERVISION REQUIRED            | YES    | YES    | RECOMMENDED       | NO                    |
| JUNIOR PAY RATES                | YES    | YES    | YES               | OVER 21 ONLY          |
| OHS INDUCTION & TRAINING        | YES    | YES    | YES               | YES                   |

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## 11. Penalties for Non-Compliance

- Failure to comply with child employment laws, pay standards, and safety requirements can result in substantial fines, litigation, or even criminal penalties for business owners<sup>[7][4]</sup>.

**Final tip:** Always check Fair Work: [www.fairwork.gov.au/tools-and-resources/best-practice-guides/employing-young-workers](https://www.fairwork.gov.au/tools-and-resources/best-practice-guides/employing-young-workers) and Wage Inspectorate Victoria: [www.vic.gov.au/wage-inspectorate-victoria](https://www.vic.gov.au/wage-inspectorate-victoria) for up-to-date resources and contact them or a qualified legal advisor before hiring if in doubt.

## Sources

[1] Minimum Legal Working Age in Victoria: Employer's Compliance ... <https://sprintlaw.com.au/articles/minimum-legal-working-age-in-victoria-employers-compliance-guide/>

[2] Employing children under 15 years old - Victorian Government <https://www.vic.gov.au/child-employment-licence>

[3] Child Employment (Vic) - Go To Court Lawyers <https://www.gotocourt.com.au/child-employment-vic/>

[4] Employing children | Business Victoria <https://business.vic.gov.au/business-information/staff-and-hr/employing-children>

[5] The National Retail Guide to Child Employment <https://www.nationalretail.org.au/app/uploads/2024/02/240219-The-National-Retail-Guide-to-Child-Employment-2024-branding.pdf>

[6] Employing young workers - Fair Work Ombudsman <https://www.fairwork.gov.au/tools-and-resources/best-practice-guides/employing-young-workers>

[7] Legal Age for Employment in Australia <https://sprintlaw.com.au/articles/legal-age-for-employment-in-australia-employers-compliance-guide/>

[8] Keeping young workers safe: Would you work for you? <https://www2.vrqa.vic.gov.au/keeping-young-workers-safe-would-you-work-you>

[9] Hiring young workers: Everything employers need to know - BrightHR <https://www.brighthr.com.au/articles/hiring/hiring-young-workers-everything-employers-need-to-know/>

[10] [PDF] Employing young workers best practice guide - Fair Work Ombudsman <https://www.fairwork.gov.au/sites/default/files/2025-04/employing-young-workers-best-practice-guide.pdf>

# EMPLOYING YOUNG WORKERS IN VICTORIA: KEY LEGAL REQUIREMENTS

- [11] Young workers: information for employers - WorkSafe Victoria <https://www.worksafe.vic.gov.au/young-workers-information-employers>
- [12] Young workers: Safety basics | WorkSafe Victoria <https://www.worksafe.vic.gov.au/young-workers-safety-basics>
- [13] Young workers are vulnerable - BeSafe Victoria <https://www.besafevictoria.com.au/young-workers-are-vulnerable>
- [14] Workplace rights - Office for Youth, Australian Government <https://www.youth.gov.au/employment/workplace-rights>
- [15] Navigating the complexity of employing juniors <https://www.retail.org.au/news-and-insights/navigating-the-complexity-of-employing-juniors>
- [16] How old do you have to be to work? | Employment rights for under-15s <https://www.youthcentral.vic.gov.au/jobs/navigating-workplace/your-rights-work/employment-rights-under-15s>
- [17] Child employment in Victoria | New laws | MDW Lawyers <https://mdlaw.com.au/news-insights/child-employment-victoria/>
- [18] Onboarding and induction - Victorian Government <https://www.vic.gov.au/bicultural-workforce-toolkit/recruiting-bicultural-workers/onboarding-and-induction>
- [19] THE WAGE CRISIS FACING YOUNG WORKERS IN ... [https://law.unimelb.edu.au/data/assets/pdf\\_file/0007/5331517/Fair-Days-Work-Report\\_final.pdf](https://law.unimelb.edu.au/data/assets/pdf_file/0007/5331517/Fair-Days-Work-Report_final.pdf)
- [20] Legal Age of Employment in Australia: Employer's Guide <https://sprintlaw.com.au/articles/legal-age-of-employment-in-australia-employers-guide/>