

4.18 Children in the Workplace

Document type:	Policy
Administering entity:	Human Resource Services
Records management system number:	D10/44027
OHSSC endorsement:	11 February 2010
Date approved:	23 June 2010
Approved by:	Vice-Chancellor
Indicative time for review:	5 years
Responsibility for review:	Human Resource Services
Related policies or other documents:	4.01 OHS Policy

Rationale and Scope

The University of New England is committed to equal access to education and employment conditions regardless of an individual's status with respect to dependent children or other family members, in accordance with state and federal legislation.

In addition, the University has an obligation to ensure that it does not expose people to risks to their health, safety and welfare. Requirements under OHS legislation extend to staff members, students and visitors to the University, including children.

Principles

The University is also committed to "family friendly" work strategies to assist staff to balance work and family responsibilities. The University understands that although there is a range of child-care options available both on campus and throughout the community, in some circumstances a staff member or student may need to bring a child to a place of work or study. The arrangements outlined in the policy are not intended to provide an alternative to on-going child care. For staff, the University provides Family and Community Leave amongst other forms of leave, which can be utilised to care for a child. Students should refer to faculty rules for special consideration in cases where family responsibilities impinge on academic requirements.

This policy does not apply to residences or approved University activities where children are involved, such as Open Day, work experience, special teaching programs (e.g. high school activities/programs, etc), community playgroups, performances or areas of public access, e.g. eating areas, amenities, sports facilities, library, etc. Staff who undertake child related employment on or off campus must comply with NSW Commission for Children in the Workplace *Working with Children Check* requirements.

Definitions

For the purpose of clarification, the following definitions have been provided, and are only intended to apply to this policy.

Child(ren) means any person under the age of eighteen (18) years who is not a staff member or student of the University.

Caregiver means a person (employee, student or visitor) who brings a child to University premises or activity.

Supervisor means the person who is directly responsible for a place of work, teaching and/or study, or fieldwork activity.

Exceptional circumstance means the “ad hoc” or irregular requirement of a staff member/student having to care for a child in an unexpected circumstance or having justifiable cause not to arrange alternate care for a child.

Place of Work and/or Study means any University-owned or occupied premises or vehicle used for University business (including, but not limited to road or marine), or any University-approved outdoor activity.

Fieldwork activity means any activity under the control of the University, but not in a University building. *N.B. students on “practicum” (or other workplace-based training) will be subject to the rules of those workplaces.*

Policy

4.18.01 Where childcare arrangements have fallen through, or other exceptional circumstances exist, the caregiver may bring a child to a place of work or study.

4.18.02 Where children are brought on to University premises or to any approved fieldwork activity, they must be supervised by the caregiver at all times. The responsibility for the child(ren) rests solely with the caregiver, and other staff or students must not be asked to look after the child(ren).

4.18.03 In the interests of health, safety and welfare, the following are designated University places of work where children are not permitted:

- laboratories (unless for approved University activity);
- workshops;
- kitchens, without direct caregiver supervision;
- farms and areas where animals are held;
- construction sites;
- areas that contain hazardous substances or dangerous goods; and
- areas that contain items of plant, including power tools that are designed for the purposes of cutting or processing materials or produce significant heat or noise in excess of 85dB(A).

- 4.18.04** The University will ensure that staff who need a private space for breastfeeding, expressing milk or changing nappies can have access to reasonably accessible facilities for this purpose on campus.
- 4.18.05** Children with significant communicable medical conditions, for example, chickenpox, head lice or conjunctivitis are not permitted in a place of work, teaching or fieldwork activity.

Procedure

- 4.18.06** A staff member wishing to bring a child to their place of work for a period of more than one hour must first seek permission from their supervisor.
- 4.18.07** A caregiver may bring a child to a place of work for a brief visit (less than one hour) without gaining prior permission from their supervisor, however the staff member/student will inform their supervisor of the child being present as soon as is practicable.
- 4.18.08** A student wishing to bring a child to a lecture, tutorial or other class must first seek permission from the relevant lecturer.
- 4.18.09** Requests should, where possible, be made in advance. This will include after hours and weekend access to University facilities.
- 4.18.10** The supervisor should treat requests flexibly and sensitively, and make a determination having regard to the following:
- the size and layout of the work/study environment;
 - the age of the child;
 - the length of time involved;
 - any work or study place hazards;
 - any medical conditions and special needs of the child;
 - the possibility of use of, and/or possible damage to University property;
 - the degree of possible interference with others;
 - material which may be displayed presented or discussed which is unsuitable or upsetting for children; and
 - providing reasonable adjustment in workplace arrangements to meet the needs of caregivers.
- 4.18.11** Where a significant risk or issue is later identified, or the supervisor has reason to believe that the child is not being appropriately supervised and/or a child's behaviour is disruptive to other staff or students, the supervisor has the right to request that the caregiver remove the child from the work or study area.

4.18.12 In the event of a dispute between the supervisor and the caregiver, the matter will be referred in the case of students to the Head of School or Dean; and in the case of staff to the supervisor's supervisor. At any time advice may be sought from the Employment, Equity and Diversity Office or the OHS Unit.

Fieldwork

4.18.13 In the case of fieldwork, the caregiver must apply to the supervisor in writing no less than seven (7) working days before the event to allow the supervisor to assess the risks and/or provide reasonable adjustment in workplace arrangements to meet needs of caregivers.

4.18.14 If a caregiver has to unexpectedly care for a child and is unable to provide this notice, the supervisor may grant permission for the caregiver to have the child present where the fieldwork activity is in a place normally frequented by children, e.g. art galleries, public exhibitions, shopping centres and public recreation areas.

4.18.15 Where permission has been sought to bring a child on a fieldwork exercise, the supervisor must advise the caregiver of their decision as soon as practicable, and in any case, at least three (3) working days before the day of activity.

Further Information

Equity Office	ext. 3242
Occupational Health and Safety Unit	ext. 3232

References

Anti-Discrimination Amendment (Carers' Responsibilities) Act 2000 – No 24

Equal Opportunity for Women in the Workplace Act 1999

Sex Discrimination Act 1984

(NSW) Occupational Health and Safety Act 2000 - Part 2: Division 1.

(NSW) Child Protection (Offenders Registration Act 2000

(NSW) Commission for Children and Young People Act 1998

(NSW) Anti-Discrimination Act 1977

Website www.kids.nsw.gov.au/director/check/employerguidelines/child-related.cfm