



Fair Work  
Commission

# Child safety and wellbeing

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Policy

October 2025

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# 1. Purpose and application

## Purpose

- 1.1. The actions and responsibilities in this policy aim to make the **Commission** and **FWC** a child safe organisation that implements child safe practices and promotes the wellbeing of children with whom we interact in the workplace.

## Application

- 1.2. This policy applies to the **General Manager**, ongoing and non-ongoing **APS** employees, agency staff, contractors and consultants. We refer to them collectively as **'staff'**.
- 1.3. The [National Principles for Child Safe Organisations](#) (the **National Principles**) do not apply to **Members** of the FWC, who are independent statutory officer holders carrying out functions under the Fair Work Act.
- 1.4. Nevertheless, the FWC chooses to adopt the highest possible standards in protecting children involved in **cases** by also applying this policy and the National Principles to Members.

# 2. Definitions and abbreviations

- 2.1. Definitions and abbreviations are set out in the Dictionary in paragraph 15. They are bold the first time they appear.

# 3. Context

## National principles

- 3.1. The National Children's Commissioner developed the National Principles to implement the key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. They provide a nationally consistent approach to creating child safe organisations.

## Cases involving young workers

- 3.2. As the national workplace relations tribunal, each year a small number of cases heard by the FWC involve a **child**. We call children who are involved in FWC cases **'young workers'**.
- 3.3. Most often, young workers are involved in a case because they have lodged an application asking the FWC to resolve a dispute, they have been named as someone involved in a case, or they have information that is important for a case (such as being a **witness**).
- 3.4. Young workers with a case are often employed in hospitality or as apprentices. Young workers, their parents/guardians and **representatives** are most likely to be involved in cases:
  - a. asking for orders to stop bullying or sexual harassment at work, or
  - b. where the young worker has lost their job, such as cases about unfair dismissal and general protections dismissal.
- 3.5. The Commission/FWC is not a 'child-related' organisation under any State or Territory legislation and does not perform any 'child-related work' that requires its staff or Members

to have working with children checks. We still, however, require staff to complete a criminal history check when they join the Commission.

- 3.6. Virtually all our contact with young workers is by email, video conference or over the phone. Rarely, a Member may require a young worker to appear face-to-face in a conference or hearing. Members consider all the circumstances of a case when they decide whether to hold a conference or hearing online or face-to-face. This includes the wellbeing and safety of young workers.
- 3.7. Regardless of whether we engage with them by email, video conference, over the phone or face-to-face, we encourage young workers to involve a parent/guardian or a representative.

### Work experience and school visits

- 3.8. The Commission does not offer work experience or school visits to school students.

## Implementing the National Principles

### 4. Our commitment to child safety and wellbeing

#### National Principle 1

#### Child safety and wellbeing is embedded in organisational leadership, governance and culture

- 4.1. We are committed to the safety, wellbeing and human rights of children.
- 4.2. Where young workers are involved in a case, we want them to feel, and to be, safe and welcome. We want them to tell us their side of the case, and to feel that we value what they say.
- 4.3. We expect staff and Members who deal with cases involving young workers to:
  - a. read, understand and apply this policy.
  - b. promote the human rights, safety and wellbeing of young workers.
  - c. behave respectfully, courteously and ethically towards young workers and their parents/guardians.
  - d. consider and promote the safety of young workers.
  - e. assist young workers and their parents/guardians to understand our processes and what they need to do.
- 4.4. We demonstrate our commitment to child safety by:
  - a. modelling best practice in child safety and wellbeing.
  - b. making this policy available to all staff and Members.
  - c. making this policy available to the public, including young workers and their parents/guardians, on our website.
  - d. providing information and training about the National Principles, working with vulnerable people, including young workers, mandatory reporting obligations under

State, Territory and Commonwealth criminal and child protection laws, and how to respond to a young worker who discloses child abuse, or allegations or suspicions of child abuse.

- e. requiring all staff and Members who deal with young workers to comply with this policy.
- f. reviewing this policy every 3 years so that we continue to provide a child safe environment.

## 5. Child participation and consent

### National Principle 2

**Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously**

- 5.1. The right to participate is one of the 4 guiding principles of the Convention on the Rights of the Child and is fundamental to the enjoyment of all other rights in that convention. Creating an environment where children are included and involved helps them feel, and be, safe.
- 5.2. Balanced against this, the FWC's role as the national workplace relations tribunal is to exercise its functions and powers under the Fair Work Act, including dealing with workplace disputes. Where the parties cannot settle a dispute between themselves (with the FWC's assistance), the FWC can usually issue a decision and order that is binding on the people involved.
- 5.3. FWC does not need the people involved in a case to agree with its decision or order made under the Fair Work Act. If a **party** thinks the decision or order is based on wrong facts or law, they can appeal under the Fair Work Act.
- 5.4. Whether or not a young worker's case is resolved in a way they want, an important part of our process is giving young people an opportunity to tell their side of a case, and listening to what they have to say.
- 5.5. Given the nature of the FWC's role under the Fair Work Act, we are committed to:
  - a. providing young workers and their parents/guardians with information about our processes and what they need to do if they are part of a case.
  - b. as early in the case as possible, providing young workers and their parents/guardians with information about how to ask the FWC to keep their case confidential.
  - c. providing young workers and their parents/guardians with the opportunity to resubmit information for their case if they have sent us personal or sensitive information.
  - d. providing information and training about the National Principles, working with vulnerable people, including young workers, mandatory reporting obligations under State, Territory and Commonwealth criminal and child protection laws, and how to respond to a young worker who discloses child abuse, or allegations or suspicions of child abuse.

- e. giving young workers and their parents/guardians information about how to provide feedback or make a complaint.
- f. taking feedback and complaints from young workers and their parents/guardians seriously, and reviewing our processes and information to make changes where we can and should.

## 6. Involving families and communities

### National Principle 3

#### Families and communities are informed and involved in promoting child safety and wellbeing

- 6.1. Open and respectful communication about the Commission’s child safe policy and processes is an important part of making sure young workers can fully take part in a case.
- 6.2. Given the nature of the FWC’s role under the Fair Work Act, we are committed to:
  - a. making this policy available to the public, including young workers and their parents/guardians, on our [dedicated webpage for young workers](#).
  - b. providing young workers and their parents/guardians with accessible information in writing and over the phone about our processes and what they are required to do when involved in a case.
  - c. providing information and training about the National Principles, working with vulnerable people, including young workers, mandatory reporting obligations under State, Territory and Commonwealth criminal and child protection laws, and how to respond to a young worker who discloses child abuse, or allegations or suspicions of child abuse.

## 7. Respecting equity and diversity

### National Principle 4

#### Equity is upheld and diverse needs respected in policy and practice

- 7.1. We recognise that young workers come from diverse backgrounds with diverse needs and experiences. While all children can be vulnerable to harm, some have specific circumstances and vulnerabilities due to their age, background or circumstances.
- 7.2. When they are involved in a case, we consider the rights and particular needs of young workers who are First Nations Australians, from culturally and linguistically diverse backgrounds, unable to live at home, have a disability, or identify as LGBTIQ+.
- 7.3. All APS staff must comply with the [APS Code of Conduct](#) and uphold the [APS Values](#). This includes:
  - a. being respectful of all people, including their rights and heritage.
  - b. treating everyone with respect and courtesy, and without harassment.
  - c. upholding the integrity and good reputation of the Commission and the APS more broadly.

- 7.4. Members are guided by the [Member Code of Conduct](#), which provides that everyone who comes to the FWC – party and witness alike – is entitled to be treated with courtesy and in a way that respects their dignity. Members are to be firm but fair and, above all, even-handed. This involves protecting a party or witness from any display of bias or prejudice on discriminatory grounds, such as on racial, sexual or religious grounds.
- 7.5. We take steps to create a respectful, courteous and inclusive environment by:
- a. providing website information in languages other than English through built-in translation tools in modern internet browsers.
  - b. providing a translation service to assist young workers and their parents/guardians whose first language is not English.
  - c. applying plain language standards in our published information and correspondence.
  - d. providing online learning modules to help people prepare for their case:
    - i. our animation about [Preparing for an unfair dismissal conciliation](#) explains the process, provides tips about how to prepare, describes the roles of people who take part in conciliation, explains possible outcomes, and provides a downloadable checklist to help prepare.
    - ii. the [Workplace Sexual Harassment](#) module is an animation that explores what sexual harassment is and who is most likely to experience it. It gives examples of actions and behaviours and explains the FWC’s role in dealing with sexual harassment cases.
    - iii. our online learning module about [Preparing for a hearing](#) explains how to prepare for, and participate in, a hearing, including what to expect, how to present your case, and where to find support and resources.
  - e. providing a [dedicated webpage with information for young workers](#).
  - f. employing a culturally and linguistically diverse workforce, including First Nations Australians, people with disability, neurodiverse people, and those who identify as LGBTIQ+.

## 8. Ensuring Commission workers are suitable and supported

### National Principle 5

**People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice**

- 8.1. The Commission has a responsibility to make sure our staff are suitable for, and supported in, any work involving children.
- 8.2. The Commission supports this by:
- a. conducting criminal record checks for new staff.
  - b. providing information and training about the National Principles, working with vulnerable people, including young workers, mandatory reporting obligations under

State, Territory and Commonwealth criminal and child protection laws, and how to respond to a young worker who discloses child abuse, or allegations or suspicions of child abuse.

## 9. Child-focused complaints system

### National Principle 6

#### Processes to respond to complaints and concerns are child-focused

#### Feedback and complaints about Commission processes and people

- 9.1. We invite feedback from young workers and their parents/guardians.
- 9.2. Our [dedicated webpage for young workers](#) has links to information about how to provide feedback or lodge a complaint, and how we process complaints.
- 9.3. We take seriously all complaints about the safety of young workers.
- 9.4. When we receive feedback or complaints, we review our processes and information where we can and should. Where appropriate, we investigate potential breaches of the APS Code of Conduct by APS staff.
- 9.5. Agency staff, contractors and consultants are not covered by the [APS Code of Conduct](#). However, any action that would be considered a breach of the APS Code of Conduct if it had applied may result in the Commission ending a person or company's engagement with the Commission.
- 9.6. The [Member Code of Conduct](#) includes information about how to make a complaint about a Member. The Commission's President deals with complaints about Members.
- 9.7. We may refer allegations of criminal conduct, including disclosures or allegations of abuse or harm to young workers, to the police.

#### Responding to disclosures and allegations of abuse or harm to a young worker

- 9.8. If staff or a Member become aware of an incident or allegation of abuse or harm to a young worker, our priority is to ensure the young worker's safety, and to mitigate risks of further harm where we can.
- 9.9. We provide information and training about how to respond to a young worker who discloses child abuse, or where there are allegations or suspicions of child abuse.
- 9.10. Staff and Members report disclosures, allegations or suspicions of child abuse or harm to the General Manager, who may contact police and/or relevant child protection agencies if appropriate or required.
- 9.11. We treat the details of any disclosure or allegation of abuse or harm to a young worker as confidential. We will only disclose this information as required by law or to protect their safety.
- 9.12. The Commission will comply with any applicable mandatory reporting obligations under State, Territory and Commonwealth criminal and child protection laws.

## 10. Knowledge, skills and awareness of our staff and Members

### National Principle 7

**Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training**

- 10.1. All staff who deal with cases involving young workers must familiarise themselves with this policy.
- 10.2. We provide information and training about the National Principles, working with vulnerable people, including young workers, mandatory reporting obligations under State, Territory and Commonwealth criminal and child protection laws, and how to respond to a young worker who discloses child abuse, or allegations or suspicions of child abuse.

## 11. Safe physical and online environments

### National Principle 8

**Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed**

- 11.1. Our work health and safety arrangements aim to provide a safe environment for staff and Members, and for everyone who interacts with our workplace either in person or digitally.
- 11.2. Each year, only a small number of cases involve young workers. Where a case involves a young worker, we encourage them to also involve a parent/guardian or representative.
- 11.3. Members consider all the circumstances of a case when they decide whether to hold a conference or hearing online or face-to-face. This includes the wellbeing and safety of young workers.
- 11.4. Usually, the FWC publishes decisions and orders about its cases on its website. This includes publishing the names of people and some facts about the case. When a case involves a young worker, we provide them and their parents/guardians with information as early as possible about how to ask the FWC to keep their case confidential.
- 11.5. We comply with our obligations about collecting, storing, using and disclosing personal and sensitive information under the Privacy Act 1988.

## 12. Review of this policy

### National Principle 9

**Implementation of the national child safe principles is regularly reviewed and improved**

- 12.1. We review this policy every 3 years so we continue to provide a child safe environment. Our review includes:
  - a. whether we need to make any changes to comply with the National Principles.

- b. any complaints and feedback involving young workers since our last review that have not already been considered and actioned, where appropriate.

## 13. Child safe policies and procedures

### National principle 10

#### Policies and procedures document how the organisation is safe for children and young people

- 13.1. This policy is available on our website.
- 13.2. Other policies and information relevant to the safety of young workers are:
  - a. our [dedicated webpage for young workers](#)
  - b. our [Privacy Policy](#)
  - c. [APS Values](#)
  - d. [APS Code of Conduct](#)
  - e. [Member Code of Conduct](#).

## 14. Further advice and support

- 14.1. If you need further advice or support about child safety, [contact us](#) by:
  - a. sending an [online enquiry](#)
  - b. emailing [inquiries@fwc.gov.au](mailto:inquiries@fwc.gov.au)
  - c. calling our Helpline on 1300 799 675
  - d. visiting or writing to us in the [capital city of your State or Territory](#).

## 15. Dictionary

- 15.1. In this policy:

### Defined terms

- a. **[APS Code of Conduct](#)** is set out in section 13 of the Public Service Act 1999.
- b. **[APS Values](#)** are set out in section 10 of the Public Service Act 1999.
- c. **case** means a case that the FWC is dealing with using its powers under the Fair Work Act.
- d. **child** means a person under 18 years.
- e. **child harm** means all forms of physical, emotional or sexual abuse or exploitation, neglect or harm.
- f. **Commission** means the statutory agency under the Public Service Act 1999 that is the Fair Work Commission, consisting of staff and the General Manager (see s.670 of the Fair Work Act).

- g. **conciliation** is when people involved in a case meet with staff or a Member to talk about the case. Representatives and support people can also be part of the meeting. One outcome of conciliation is that the people involved agree how to settle the case.
- h. **FWC** means the Fair Work Commission established under s.575 of the Fair Work Act. FWC consists of the Members.
- i. **General Manager** means the General Manager of the Commission appointed under section 660 of the Fair Work Act.
- j. **Member** means a statutory appointee to the FWC appointed under section 626 of the Fair Work Act. Members are the President, Vice Presidents, Deputy Presidents, and Commissioners.
- k. **Member Code of Conduct** means the Code of Conduct made by the President for Members under section 581B of the Fair Work Act. It is available on the Commission’s [website](#).
- l. **National Principles** means the [National Principles for Child Safe Organisations](#) that were developed by the National Children’s Commissioner.
- m. **party** means the people and/or organisations on both sides of a case. This includes:
  - i. the person who has asked the Commission to deal with a case. This is usually an employee or worker (the applicant), and
  - ii. the person or organisation/company that the case is brought against or about. This is usually an employer (the respondent).
- n. **representative** means a lawyer, paid agent or union official.
- o. **staff** means the General Manager, ongoing and non-ongoing APS employees, agency staff, contractors and consultants employed or engaged by the Commission.
- p. **witness** means someone who is not a party and who is asked to give information to the FWC during a case, often about what they heard or saw.
- q. **young worker** is a child involved in a case or who contacts the Commission with an enquiry.

### Abbreviations

- a. **APS** means the Australian Public Service.
- b. **Fair Work Act** means the Fair Work Act 2009.