

## Summary of Provincial Laws Governing Youth Employment – April 2014

Addendum to “The Protection of Young Workers in Canadian Employment Law”, by Peter Bowal, Joseph Craig and Mark Kelndorfer, LawNow, 38(5), May/June 2014

p.1

Canadian Jurisdiction	Legislation /Legal Citation/ Website	Hour-Based Limitations	Activity-Based Limitations	Consent / Approval
Alberta	<p><i>Employment Standards Code</i> RSA 2000, c E-9, sections 65 and 66 <a href="http://canlii.ca/t/526hw">http://canlii.ca/t/526hw</a></p> <p><i>School Act</i>, Sections 13 (1), (5)(e)</p>	<p>Must not be employed where required to go to school under <i>School Act</i> unless enrolled in an off-campus education program</p> <p>Children aged 12 -14 can only work 2 hours on a school day and a maximum of 8 hours on a non-school day</p> <p>Young Persons aged 15-17 must work with one or more adults between 9:00 pm and midnight and cannot be employed between midnight and 6:00 am at, or in connection with:</p> <ul style="list-style-type: none"> <li>- A retail business selling gasoline or other petroleum products, or any retail store selling food, beverages or merchandise</li> <li>- A motel, hotel, inn, etc.</li> </ul> <p>Young persons aged 15-17 can be employed in any other business between midnight and 6:00 am with continuous presence at least one adult and the written permission of the young person’s parent or guardian</p>	<p>Adolescents aged 12-14 may be employed to:</p> <ul style="list-style-type: none"> <li>- make deliveries for a retail store</li> <li>- deliver newspapers or flyers,</li> <li>- be a clerk in an office or retail store</li> <li>- perform some jobs in the restaurant and food services industry</li> </ul> <p>The employment must generally not be injurious to the adolescent's life, health, education or welfare.</p>	<p>Adolescents under 15 must not be employed without the written consent of the individual’s parent or guardian and the approval of the Director</p>
British Columbia	<p><i>Employment Standards Act</i> RSBC 1996, c 113, section 9 <a href="http://canlii.ca/t/8405">http://canlii.ca/t/8405</a></p> <p><i>School Act</i>, Section 3(b)</p> <p>Occupational Health and Safety Regulation under the <i>Workers Compensation Act</i>, Section 6.77</p> <p><i>Health, Safety and Reclamation Code</i> for Mines under the <i>Mines Act</i>, Section 3.2.1</p>	<p>Children must attend school until 16 years old</p> <p>There is a real emphasis put on the parents, guardians and directors who must consent to the employment and often may set the terms. The provincial government provides information to aid the decision-making process for parents. See <a href="http://www.labour.gov.bc.ca/esb/young/welcome.htm">http://www.labour.gov.bc.ca/esb/young/welcome.htm</a></p>	<p>Children under 15 cannot be employed to mix, load or apply a moderately or very toxic pesticide for use in a workplace, or clean or maintain equipment used in the operations.</p> <p>No young person under 18 may be employed at a mine, except for the purpose of training.</p>	<p>Children under 15 must not be employed without consent of a parent or guardian</p> <p>Children under 12 must not be employed without the Director’s permission, who can also set the terms of employment.</p>

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p.2

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Manitoba	<p><i>The Employment Standards Code</i> CCSM c E110, sections 83-84 <a href="http://canlii.ca/t/8gkm">http://canlii.ca/t/8gkm</a></p> <p><i>Public Schools Act</i>, Sections 258(1), 262(e) and 263(1)</p> <p><i>Education Act</i> 15(1)(b), 16, 17(1)</p> <p>Apprenticeship and Trades Qualifications Regulation, Section 1</p>	<p>Employees under 16 years old cannot work at all between the hours of 11:00 p.m. and 6:00 a.m.</p> <p>Employees under 18 years old cannot work alone between 11:00 p.m. and 6:00 a.m. During a week of school, employees under 16 years old can work up to 20 hours per week.</p> <p>A child required to attend school cannot be employed during school hours. A child must attend school until graduation from high school or until he/she reaches the age of 18.</p>	<p>Employees under 16 years old cannot work:</p> <ul style="list-style-type: none"> <li>- on a construction site</li> <li>- in industrial or manufacturing processes</li> <li>- drilling or servicing rigs</li> <li>- on scaffolds or swing stages</li> <li>- pruning, repairing, maintaining, or removing trees</li> </ul> <p>Cannot work in a designated trade. Apprentices must be at least 16 years of age</p>	<p>All employees under 16 years old must have a permit from Employment Standards before they can work.</p> <p>Exemption from attendance in circumstances considered exceptional by the Minister responsible for the Act, or on application of the parent</p>
New Brunswick	<p><i>Employment Standards Act</i> SNB 1982, c E-7.2, Sections Section 39-41 <a href="http://canlii.ca/t/88hs">http://canlii.ca/t/88hs</a></p> <p><i>School Act</i> 1977 Sections 4(1)(c), 5(e)</p>	<p>Those under 16 years old must not be employed:</p> <ul style="list-style-type: none"> <li>- for more than six hours in any day;</li> <li>- for more than three hours on any school day;</li> <li>- time at work and attending school on any given day must not total more than eight hours</li> <li>- Between the hours of 10:00 p.m. and 6:00 a.m.</li> </ul> <p>A child, who is under 16 on September 1 in a year, must attend a school for the entire school year.</p>	<p>Those under the age of 16 cannot be employed:</p> <ul style="list-style-type: none"> <li>- in employment that is or is likely to be unwholesome or harmful to the person’s health, welfare or moral or physical development</li> </ul> <p>Those under the age of 14 cannot be employed:</p> <ul style="list-style-type: none"> <li>- in any industrial undertaking; forest industry, construction industry, garage or automotive service station;</li> <li>- in a hotel or restaurant, in a theatre, dance hall or shooting gallery; or as an elevator operator</li> </ul>	<p>Principal of school has discretion to excuse those under 16 from school</p>

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p.3

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Newfoundland and Labrador	<i>Labour Standards Act</i> RSNL 1990, c L-2, Sections 45 & 46 <a href="http://canlii.ca/t/89wx">http://canlii.ca/t/89wx</a>	Employer shall not employ a child less than 16 to: - do work that is prejudicial to the child's attendance at school or to the child's capacity to benefit from instruction given at school - work for more than 8 hours in a day, or for more than 3 hours on a school day - To work and attending school on any given day for more than 8 hours - Between the hours of 10:00 p.m. and 7 a.m. of the following day - In a manner that would prevent a rest period of at least 12 consecutive hours per day	An employer shall not employ a child less than 16 to: - Do work that is or is likely to be unwholesome or harmful to the child's health or normal development - Occupations that are prescribed as hazardous occupations or undertakings	
Northwest Territories	Employment Standards Act, SNWT 2007, c 13, Sections 44-47 <a href="http://canlii.ca/t/8hqg">http://canlii.ca/t/8hqg</a>	No employer without the written approval of the Employment Standards Officer can allow a youth under 16 to work at any time: - Between the hours of 11 p.m. on one and 6 a.m. on the next day; - When the youth is required to attend school, except when he or she is in a work program that is part of his or her school curriculum	No employer shall employ a youth under 16 in any of the following activities unless the employer first obtains the approval in writing of the Employment Standards Officer: - clearing brush and trees; -constructing, reconstructing, demolishing, laying foundations of any type of construction	Employment Standards officers approve youth work exceptions and enforce regulations

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p.4

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Nova Scotia	Labour Standards Code, RSNS 1989, c 246, Sections 68-70 <a href="http://canlii.ca/t/87x4">http://canlii.ca/t/87x4</a>	No person shall employ a child under 14 to: - Work for more than eight hours in any day; for more than three hours on any school day - Work and attending school on any given day for more than 8 hours - Between the hour of 10:00 p.m. of any day and the hour of 6:00 a.m. of the following day; - In any work or class of work in which the employment of a child under fourteen years of age is prohibited by regulation.	Children under 14 years of age cannot do work that is unwholesome or harmful to his health or normal development; or such as to prejudice his attendance at school or capacity to benefit from instruction there given. No person shall employ a child under sixteen years of age in work of any kind in: - an industrial undertaking; - the forest industry; -garages and automobile service stations; - hotels; - restaurants, except where an employee is not operating cooking equipment	
Nunavut	Employment of Young Persons Regulations, RRNWT (Nu) 1990 c L-3, Sections 1-4 <a href="http://canlii.ca/t/8khq">http://canlii.ca/t/8khq</a>	No young person can work between the hours of 11: p.m. and 6 a.m. without the approval of The Labour Standards Officer	Young persons who have not yet reached 17cannot be employed in the construction industry without written consent of The Labour Standards Officer	Where a young person is employed it is conditional on the employer being able to satisfy the Labour Standards Officer that the employment is not detrimental to the development of the young person

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p.5

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Ontario	Employment Standards Act, 2000, SO 2000, c 41 <a href="http://canlii.ca/t/3of">http://canlii.ca/t/3of</a>  Education Act and Supervised Alternative Learning for Excused Pupils Regulation, Sections 1-3	Children under the age of 16 may be employed during school hours upon approval	Children under 14 may be employed in most occupations except for an industrial undertaking of any kind  Children under 15 are unable to work in a factory  Children under 16 cannot work in a logging operation, in a mine or in construction	Provincial School Attendance Counsellor
Prince Edward Island	Youth Employment Act, RSPEI 1988, c Y-2, Sections 1-9 <a href="http://canlii.ca/t/8d31">http://canlii.ca/t/8d31</a>	No employer shall employ a young person under the age of 16: - Between the hours of 11:00p.m. and 7:00 a.m. - During normal school hours, unless part of a recognized vocational program - for more than 3 hours on any school day, 8 hours on any day other than a school day - forty hours in any week	No employer shall employ a young person under 16: - in employment that is or is likely to be harmful to the health or safety or moral or physical development of the young person - in construction	The ‘inspector’ can allow certain employment contrary to that listed to the left if able to show reason for and safety for that young person. This also requires parental consent of the employment
Quebec	An Act Respecting Labour Standards, CQLR c N-1.1, Sections 4 <a href="http://canlii.ca/t/z2t">http://canlii.ca/t/z2t</a>	No employer may have work performed during school hours by a child subject to compulsory school attendance  No employer may have work performed by a child under 14 between 11 p.m. on any given day and 6 a.m. on the following day except in the case of newspaper delivery  An employer who has work performed by a child under 14 must schedule the work so that, having regard to the location of the child's family residence, the child may be at the family residence between 11 p.m. on any given day and 6 a.m. on the following day	No employer may have work performed by a child under 14 that is: - Disproportionate to the child's capacity - Likely to be detrimental to the child's education, health or physical or moral development.	No employer may have work performed by a child under the age of 14 years without first obtaining the written consent of the holder of parental authority or the tutor.  The employer must preserve the written consent as if it were an entry required to be made in the registration system

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p.6

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Saskatchewan	<p>Labour Standards Regulations, 1995, RRS c L-1 Reg 5, <a href="http://canlii.ca/t/vzl">http://canlii.ca/t/vzl</a></p> <p>Occupational Health and Safety Regulations, 1996 under the Occupational Health and Safety Act, 1993, Section 14(1)</p> <p>Education Act, 1995. Section 149(1)</p>	<p>Children under 16 are not able to work more than 16 hours per week</p> <p>Cannot work later than 10:00 on a night where there is school the next morning.</p> <p>They also must not work the on a morning that they have school. Exemptions include: family business employing only immediate family, the self-employed, traditional farming operations, babysitters, and newspaper carriers</p>	<p>Workers under 16 must complete a “Young Workers Readiness” certificate course</p> <p>Children are expressly prohibited from work:</p> <ul style="list-style-type: none"> <li>- on a construction site, pulp mills, saw mills, wood working establishments, smelters, foundries, refineries or metal processing or fabricating operations</li> <li>- in a confined space, production process, meat, fish or poultry processing plant</li> <li>- in a forestry or logging operation, on a drilling or servicing rig, as an operator of powered mobile equipment, a crane or a hoist</li> <li>- where exposure to a chemical or biological substance is likely to endanger the health or safety of the person</li> <li>-in power line construction or maintenance</li> </ul>	<p>Children under 16 must have written consent from parent or guardian</p> <p>Children under 14 require a special permit from the Director of Labour Standards</p>
Yukon	<p>Employment Standards Act,RSY 2002, c 72, Section 17(6) <a href="http://canlii.ca/t/8j7o">http://canlii.ca/t/8j7o</a></p> <p>Education Act, Sections 22(1), 23(1)</p> <p>Mines Safety Regulations under the Occupational Health and Safety Act, Section 14(1)(a)</p>	<p>Children under 16 must attend school unless they receive approval otherwise.</p>	<p>Children under 17 Cannot be employed in occupations that may be specified by Regulation.</p> <p>Cannot be employed in or about a mine. At age 16, a young person can be employed at a surface mine, except the working face</p>	<p>The superintendent or director may, on application from a student or a parent, excuse a student from school attendance.</p>