

May 2019

Child Employment Standards Improvement Project Update, FAQs, Case Stories and Background

What's New

On April 29th, 2019 BC's Minister of Labour introduced Bill 8¹ in the legislature that will amend the Employment Standards Act to provide better protections for children and adolescents who are working.

This Bill modernizes BC's employment laws and brings us into compliance with international standards, specifically the International Labour Organization's Convention 138 on the minimum age of employment – an agreement the Government of Canada ratified in 2016.

Once enacted, Bill 8 will:

- **raise the age for formal employment**, (this is the age where special government provisions about things like hours and type of work no longer apply), from 12 to 16;
- **prohibit hazardous work** for those under 16;
- compel government to **develop a list of acceptable tasks and occupations** for the employment of children aged 14 and 15; and
- allow the Director of the Employment Standards Branch to **consider applications for permits** to hire those under the age of 14; and
- compel government to **define "hazardous industries and work"** prohibitions and regulations for 16 to 18 year olds.

While these legislative changes set a direction that will greatly improve protections for working children and adolescents, the Ministry must now engage with British Columbians (including youth with recent employment experience), as well as review workplace injury data, to determine what jobs, tasks and hours are appropriate.

First Call's Position

- We welcome changes that prioritize the health and safety of BC's children and youth.
- The First Call Coalition has been calling for change for over 15 years. Specifically we have called for raising the minimum age for formal employment to 16 with exceptions for appropriate light work defined in regulations.
- Every single year over the past ten years children under 14-years were injured on the job seriously enough for Worksafe BC to pay out tens of thousands of dollars in injury claims².

¹ BILL 8 – 2019 Employment Standards Amendment Act, 2019

<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/4th-session/bills/first-reading/gov08-1>

² Claims cost statistics for ages 15 & under, by sector, 2007-2017, WorkSafeBC, 2018

https://firstcallbc.org/wordpress/wp-content/uploads/2018/07/claim_costs_ages_15__under_bysector_2007-2017_25APR18.pdf

- WorkSafeBC paid over \$5Million in disability benefits to under 15s in the past decade and additional health care claims for over 2,000 more.
- We're not saying that all work should be off limits to younger adolescents but currently we are failing BC's children and youth by not having rules about hazardous work, inappropriate jobs, tasks, work hours and times of day.

FAQs

Q: Does this legislation mean you have to be 16 to work at a paid job?

A: No. Government has said it will develop a list of acceptable tasks ("light work") and occupations that are unlikely to be harmful to the health or development of a child who is 14 or 15. Employers will not need a permit to hire 14 – 15 year-olds-olds for acceptable tasks and occupations.

Q: Does the legislation mean you can't work if you are under 14?

A: No. Government has said employers will be able to apply to the Director of Employment Standards for a permit to hire those under the age of 14. The Director may set conditions of employment when granting a permit.

A: Government has indicated that babysitting and newspaper delivery will continue to be excluded from the Act.

Q: When does this take effect?

A: The legislation was tabled on April 29th. It will take time to be enacted into law and for accompanying regulations to be written. Until then, the current legislation and regulations are in force.

Q: Why is First Call making it hard for children to work? Working develops self confidence and self esteem.

A: We agree. We know that safe, age-appropriate work experience is beneficial for adolescents.

Currently though, there are *no government prohibited work places or jobs* for anyone over the age of 12. For example, *BC is the only jurisdiction* in North America that allows 12 year-olds to work on construction sites. This lack of regulation and oversight is resulting in too many children getting injured while working.

We encourage government to develop a list of age-appropriate jobs so that children and adolescents can have safe work experience, with adequate supervision and at fair wages.

Q: What's the next step?

A: We would like to see the Ministry of Labour consult with British Columbians, including youth with recent employment experience, to determine what industries, jobs, tasks and hours are appropriate.

Please contact us if you would like to be involved in First Call's response to government and the development of regulations.

Stories

Last fall First Call spoke with a young woman who said that while she was in foster care, she worked at a fast food restaurant in downtown Vancouver. All the employees had to take a turn closing down. So at the age of 14, she found herself working alone, closing down the restaurant at 2am and then making her way to the bus.

Last summer a mom called First Call to tell us about her 14 year-old daughter who had been working at a large chain-restaurant as a server. She had badly burned her arm on the deep fryer – badly enough that she will have a large scar for life – and then the manager docked her tip and pay for that shift when she left for the hospital.

We heard from a young man who, at the age of 12, worked in an auto salvage yard. He was stacking car batteries and was burned across his chest by battery acid as he and another 12 year-old worked unsupervised. He has scars from the acid burn³.

First Call interviewed a 13- year-old with a broken wrist and back injury from a fall and another teenager with blistered fingers from a burn on a grill. The latter reported being told she was not allowed to leave work to seek medical treatment⁴.

Recently, in a guide book⁵ to help parents assess work place safety, WorkSafeBC included a story of a 15 year-old who fell off a roof while painting a house and is paralyzed for life. The same guide also mentions an 18 year-old who lost his leg in an accident while working at a saw mill.

Background

In 2003, the provincial government lowered the work-start age from 15 to 12 years and imposed only a few conditions on their employment:

The employer must receive written permission from a parent or guardian, and the employee can work four hours on a school day; seven hours on a non-school day; 20 hours in a week that has five school days; and 35 hours in any other week⁶.

Essentially, in 2003 **government put parents in charge** of workplace safety and this is evident from fact sheets on the Employment Standards website and guidebooks on WorkSafeBC's website. These documents provide information to parents about how to assess the safety of worksites for their children.

BC has the lowest child-related employment standards in North America and is the only province that has virtually no restrictions on the occupations, tasks, or time of day a child can work.

³Child Labour is No Accident, First Call, 2013

<https://firstcallbc.org/wordpress/wp-content/uploads/2015/08/Child-Labour-Is-No-Accident-FirstCall-2013-05.pdf>

⁴ Ibid see 3

⁵ Keeping your kids safe at work: A guide for parents, March 2019, WorkSafeBC

<https://www.worksafebc.com/en/resources/health-safety/books-guides/keeping-your-kids-safe-at-work-guide-for-parents?lang=en>

⁶ Employment of Young People - A Resource Guide for Parents Factsheet, BC Government Website

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/factsheets/employment-of-young-people-a-resource-guide-for-parents>

We don't know how many children are working because Statistics Canada does not track the participation of those under 15 in its workforce survey.

We can see from years of injury data from WorkSafeBC that **kids as young as 12 are getting injured doing jobs meant for adults.**

They're getting injured doing **jobs in construction, manufacturing, resources and in the service sector.** One study we carried out with adolescents found 9% of participants said that their first jobs were in construction – this is a sector that is prohibited for under 16s in all other provinces.

In its **2018 Report on the Employment Standards Act**⁷ the British Columbia Law Institute's review committee agreed that government must act, as do most British Columbians.

Last summer, First Call commissioned a **public opinion survey**⁸ from Mustel Group and while we're not surprised that people don't know how young the work-start age is, the results are more dramatic than we anticipated.

- Only 6% of British Columbians could correctly identify the age at which a child can be formally employed without the need for a government permit in BC.
- In fact, the work start age in BC is 12 years of age.
- When we asked what they thought the age should be, more than 50% said it should be 15 or 16.
- 16 is actually the age Canada set when we ratified the International Labour Organization's Convention 138.

Additional Resources

First Call's Submission to the Law Institute's Employment Standards Review and Minister Bains
(August 2018)

https://firstcallbc.org/wordpress/wp-content/uploads/2018/07/First-Call-Child-Employment-Standards-Policy-Recommendations-FINAL-Aug_31_18.docx.pdf

Questions or comments?

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⁷ Employment Standards Act Reform Project, BCLI, December 2018 (pages 209-222)

<https://www.bcli.org/project/employment-standards-act-reform-project>

⁸ First Call: BC Child and Youth Advocacy Coalition Child Labour Survey, Mustel Group, June 2018

<https://firstcallbc.org/wordpress/wp-content/uploads/2015/06/B933-First-Call-Child-Labour-Survey-2018-June15.pdf>