

MINISTRY OF LABOUR
2019 UBCM CONVENTION – MEETING NOTE

PREPARED FOR: Hon. Harry Bains meeting with the Regional District of Peace River on September 24, 2019

Expected Attendees: Allen Courtoreille, Director; Brad Sperling, Chair; Crystal Brown, Electoral Area Manager; Dale Bumstead, Director; Dan Rose, Director; Dave Heiberg, Director; Karen Goodings, Director; Keith Bertrand, Director; Leonard Hiebert, Director; Lori Ackerman, Director; Lorraine Michetti, Director; Rob Fraser, Director; Shawn Dahlen, Chief Administrative Officer; Tony Zabinsky, Director

ISSUE: *Employment Standards Act* – Working age of children.

BACKGROUND / DISCUSSION:

The *Employment Standards Amendment Act, 2019* (Bill 8), which received Royal Assent on May 30, 2019, includes provisions impacting child employment.

Currently, the *Employment Standards Act* (Act) prohibits the employment of a child under 12 without a permit from the Director of Employment Standards, while children aged 12 to 14 may be employed in virtually any occupation with the written consent of the child's parent or guardian.

In terms of age-appropriate work, the Act's current rules conflict with both Canada's international labour obligations as well as those in other Canadian jurisdictions.

Provisions in Bill 8 allow 14 and 15-year-olds to perform "light work" with parental consent, or other work with a permit from the Director of Employment Standards. Employers who wish to employ a child under 14 are required to obtain a permit from the Director of Employment Standards.

In recognition of the fact that some work is not safe for children's health and development, Bill 8 prohibits employers from employing a child under 16 to perform "hazardous work" or to work in a "hazardous industry", while a minimum age of between 16 and 19 will be established for employment in any hazardous work or industry.

The details for the new child employment provisions will be set out in regulations to be approved by Cabinet. While no decisions have been made, based on other jurisdictions, possible examples of hazardous work that could be prohibited by regulation for anyone under 16 include construction, forestry, heavy manufacturing, or operating dangerous equipment. Similarly, it is anticipated that light work suitable for 14 and 15-year-old children could include activities such as stocking shelves in a convenience store, working as a cashier, and hosting at a restaurant.

Before developing the regulations, the public and other stakeholders will be consulted on what should be considered light work, hazardous work, or a hazardous industry. The Ministry intends to consult very broadly and encourage input from a wide variety of perspectives.

Until these regulations are brought into force, the status quo continues with respect to the employment of children.

Prior to the introduction of Bill 8 into the Legislature, the Ministry conducted an online consultation process requesting public feedback on how best to modernize the Act, including increasing protection for child workers. Over 1,200 submissions were received from employer associations, advocacy associations, unions, and individuals.

In addition, many of the proposed amendments in Bill 8 are based on recommendations made by the British Columbia Law Institute (BCLI), a not-for-profit law reform agency which recently concluded a four-year independent review of employment standards. The review, which included an in-depth examination of child employment, had input from both worker and employer labour law experts and included public consultations.

The results of the online consultation process, recommendations from the BCLI review, as well as those received from the Employment Standards Coalition, the BC Federation of Labour, First Call: BC Child and Youth Advocacy Coalition, other union and worker groups, and employers, were all considered when developing the child employment provisions included in Bill 8.

KEY MESSAGES:

- *Government is committed to ensuring that the work children perform in this province is age-appropriate and safe.*
- *The Ministry recognizes the significance of child and youth employment, both to the continuing operation of many BC businesses and to the development of responsible, mature, and hard-working young people.*
- *Details of the new child employment provisions will be set out in regulations, and it is important to note that no decisions have been made yet about what these regulations will say.*
- *Prior to drafting the regulations, the Ministry intends to consult very broadly and encourage input from a wide variety of perspectives.*
- *Please be assured that your comments and suggestions are appreciated and will be considered as the Ministry moves forward with the consultation process.*

Contact: Trevor Hughes, Deputy Minister, 778-974-2189
Last revised: September 13, 2019