Hiring Young Employees Compliance Game Plan



Hiring students and young people to work at your organization can be a win-win, especially in a tight labour market. But it also requires careful legal maneuvering. Provincial employment standards and occupational health and safety laws impose strict restrictions on employment of persons under 18-years-old, particularly during the school year. There are also significant safety risks. Studies show that workers of any age are at the highest risk of occupational injury when they've been on the job for less than 6 months. The inexperience of youth makes the risks even greater for new workers under age 18. Here's a 5-step game plan for complying with employment standards and OHS laws governing employment of young people.

Step 1. Ensure Young Person Is Old Enough to Do the Job

For purposes of safety, every jurisdiction has rules governing the minimum age a person must be to do a particular job or work in a particular industry. Thus, for example, in BC, a person who's 14 to 15-years-old is allowed only to perform "light work." **Bottom Line:** There are 3 factors you need to consider in navigating minimum age requirements:

- How old the employee is;
- The industry you're in and whether there's a minimum age a person must be to work in it; and
- Whether the employee is old enough to perform the proposed job.

Thus, for example, in some jurisdictions, an auto repair firm can't hire a 15-year-old for any job; in others, a 15-year-old may be allowed to work for the firm doing filing, reception or other low-risk office or administrative work.

Step 2. Get All Required Permits or Parental Consents for Hiring Young Persons

Many provinces require employers to get a permit from the employment standards division or other government agency and/or the written consent of the employee's parent, guardian or legal representative. So, make sure you know the permit and consent requirements of your own jurisdiction.

Example: An Alberta museum hired a 14-year-old boy and then assigned him the job of sandblasting a truck box. While doing the work, the box fell on him, crushing him to death. In addition to 10 OHS violations, the museum and its director were charged with 2 offences under the Alberta *Employment Standards Code*: hiring a worker under 15-years-old without his parents' consent and making him work in an environment that could be dangerous to his life, health, education or welfare. Both defendants were convicted and the court imposed what was at that time, the maximum penalty—a $500,000 fine [*Reynolds Museum Ltd.*, AB Govt. News Release, July 13, 2006].

Table 1. Young Person Permit & Consent Requirements

Jurisdiction	Permit & Consent Requirements
Federal	None
Alberta	*__Age 12 or under:__ Employment Standards Director may issue a permit but only for employment in an "artistic endeavour" (*ESC Regs.*, Sec. 51.3(1)) __*Age 15 or under:__ Written consent + government permission required, subject to exceptions (*ESC*, Sec. 65) __*Ages 13 + 14:__ No permit required if: i. Employment is in one of the occupations listed in Sec. 52 of *ESC Regs.* as not requiring a permit; ii. Employment is outside normal school hours; iii. Employment is not injurious to person's life, health, education or welfare; and iv. Parent or guardian gives written consent (*ESC Regs.* Sec. 52)
British Columbia	__*Age 13 or under:__ Need written permission of Employment Standards Director to hire (*ESA*, Sec. 9) __*Ages 14 + 15—Light work:__ Need consent of parent or guardian (*ESA*, Sec. 9.1) __*Ages 14 + 15—Other than light work:__ Need Director's written permission + consent of parent or guardian (*ESA*, Sec. 9.1)
Manitoba	__*Age 12 or under:__ Illegal to employ (*ESC*, Sec. 84(1)) __Ages 13/14/15:__ Young person must provide employer a work readiness certificate that includes written consent of parent or guardian (*ESC*, Sec. 84.1)
New Brunswick	Employment Standards Director may, on application, issue a permit allowing the employment of a young person under certain conditions (*ESA*, Sec. 41)
Newfoundland	Written consent of parent or guardian required to hire a child under age 16 + consent must specify child's age (LSA, Sec. 48)
Nova Scotia	None
Ontario	None
Prince Edward Island	Written exemption from government inspector + consent of parent or guardian required to hire person under age 16 (*Youth Emp. Act*, Secs. 4 to 6)
Québec	Employer may hire a child under age 14 only for specific occupations and with written consent of the parent, guardian or tutor on a CNESST form specifying the child's principal tasks, maximum number of hours of work per week and periods of availability (*LSA*, Sec. 84.3)
Saskatchewan	None

Jurisdiction	Permit & Consent Requirements
Northwest Territories & Nunavut	*Written approval of Employment Standards Officer required to permit or require a “youth,” i.e., person under age 16, to work at any time: (a) between 11 p.m. and 6 a.m.; or (b) when the youth is required to attend school, except as part of school curriculum (*ESA*, Sec. 47) *Employment Standards Officer may ask an employer for evidence that the employment of a youth isn’t likely to be detrimental to health, education or moral character, and terminate the employment if it’s not satisfied with the evidence employer provides (*ESA*, Sec. 46)
Yukon	None

Table 2. Restrictions on Work Hours of Young Employees

Jurisdiction	Young Employee Work Hours Restrictions
Federal	Employees under age 18 can’t work between 11 PM one day and 6 AM the following day (*Can. Labour Code Regs*., Sec. 10(2))
Alberta	***Ages 15 to 17:** Can’t work between 9 PM and 12 AM in a retail business, restaurant, bar, gas station or hotel unless someone over age 18 is continually present (*Emp. Stds. Regs*., Sec. 53) ***Ages 13 and 14:** Can’t work: i. More than 2 hours outside school hours on a school day; ii. More than 8 hours on a non-school day; or iii. 9 PM to 6 AM on any day (*Emp. Stds. Regs*., Sec. 52)
British Columbia	**Ages 12 to 14 can’t work more than:** (a) 4 hours on a school day; (b) 7 hours on a non-school day, unless employer gets director’s prior written approval; (c) 20 hours in a week with 5 school days; or (d) 35 hours in any week; must work under direct and immediate supervision of a person 19 or older, except if child is employed as a sitter or home care worker (*Emp. Stds. Regs*., Sec. 45.3(3)) (Special rules apply to children in recorded and live entertainment industries)
Manitoba	**Under age 16 can’t work:** i. between 9 PM and 12 AM; or ii. more than 20 hours in a school week (*ESC*, Sec. 84.2) **Under age 18 can’t work:** alone at night between 11 PM and 6 AM (*ESC*, Sec. 84.3)
New Brunswick	**Under age 16 can’t work:** i. more than 6 hours on any day; ii. more than 3 hours on a school day; iii. any day where time at school + time at work = over 8 hours; or iv. between 10 PM and 6 AM (*ESA*, Sec. 39)
Newfoundland	**Under age 16 can’t work:** i. more than 8 hours a day; ii. more than 3 hours on a school day unless official certificate issued; iii. any day where time at school + time at work = over 8 hours; iv. between 10 PM and 7 AM; or v. without a rest period of at least 12 consecutive hours a day (*LSC*, Sec. 46(b))
Nova Scotia	**Under age 14 can’t work:** i. more than 8 hours a day; ii. more than 3 hours on a school day unless official certificate issued; iii. any day where time at school + time at work = over 8 hours; or iv. between 10 PM and 6 AM (*LSA*, Sec. 68(3))
Ontario	No work hours limitations other than ban on working during school hours
Prince Edward Island	**Under age 16 can’t work:** i. between 11 PM and 7 AM; ii. more than 3 hours on a school day; iii. during school hours, unless official certificate issued; iv. more than 8 hours on any day; or v. more than 40 hours a week (*Youth Emp. Act School Act*, Sec. 6)

Jurisdiction	Young Employee Work Hours Restrictions
Québec	**Child subject to compulsory school attendance can't work:** i. during school hours; ii for more than 17 hours per week; iii. for more than 10 hours from Monday to Friday; or iv. between 11 p.m. and 6 a.m. on the following day; **Exception:** prohibitions i. to iii. don't apply to any period of more than 7 consecutive days during which no educational service is offered to the child (*LSA*, Secs. 84.4, 84.6 + 84.7)
Saskatchewan	No work hours limitations other than ban on working during school hours
Northwest Territories & Nunavut	**Under age 16 can't work:** between 11 PM and 6 AM, unless Employment Standards Office approves in writing (*Emp. Stds. Act,* Sec. 47)
Yukon	No work hours limitations other than ban on working during school hours

Step 4. Provide Young Employees Required OHS & Safety Training

While **all** employees are entitled to receive training ensuring they can do their assigned jobs safely, most jurisdictions' OHS laws (all but FED, AB, NS, PEI, QC) also require employers to provide special safety orientation to new and young workers before they start their employment. Unlike employment standards laws, OHS laws define "young worker" as under age 24. In other words, special OHS training may be required even if the employee is well beyond the minimum age requirement of employment standards laws, e.g., a worker ages 20 to 24. Also note that OHS safety orientation training requirements aren't based solely on an employee's age but may apply when you:

- Hire post-grad students, co-op placements, volunteers or apprentices;
- Bring in immigrants or other permanent or temporary workers without experience in your industry; and
- Reassign current employees to new jobs or sites that pose different hazards.

While requirements vary slightly by jurisdiction, new and young safety orientation training must cover:

- The supervisor's name and contact information;
- Contact information for the workplace JHSC or health and safety representative, if any;
- The employer's and young/new worker's OHS duties and rights, including reporting unsafe conditions and refusing unsafe work;
- Workplace health and safety rules;
- Hazards to which the new/young worker may be exposed;
- Proper use of any PPE required;
- The location of first aid facilities and method of calling for help;
- Procedures for reporting safety incidents and injuries;
- Fire and emergency procedures; and
- Required WHMIS

Be sure to maintain written logs and records of the safety orientation and training you provide to new and young workers.

Step 5. Ensure Young Employees Get Required Safety Supervision

While the duty to provide proper safety supervision and direction applies to all workers, there are also special supervision requirements for young people in some jurisdictions. The employer in the Alberta *Reynolds Museum* $500,000 OHS fine case that we described above learned that lesson the hard way.

Table 3. Young Person Special Safety Supervision Requirements

Jurisdiction	Supervision Requirements
Federal	None
Alberta	*Adolescent, i.e., person age 13 or 14, employed as a food service employee must work with and in the continuous presence of at least one other employee 18 years old or older or, if the employer is an individual, the employer (*ESC Regs.*, Sec. 52) *Young person, i.e., person age 15/16/17, must work in presence of at least one individual who's 18 or older (*ESC Regs.*, Sec. 53)
British Columbia	Employer must ensure that a child age 12 to 14 works only under the direct and immediate supervision of a person who's 19 or older, except if the child is employed as a sitter or home care worker (*ESA Regs*, Sec. 45.4)
Manitoba	Illegal to require or allow a young person under age 16 work unless the young person is directly supervised by an adult who's in or at the same workplace (ESC Regs., Sec. 26.1)
New Brunswick	None
Newfoundland	None
Nova Scotia	None
Ontario	None
Prince Edward Island	Employer that hires young person under age 16 must personally supervise the work or ensure that at all times the work is supervised by an adult who has experience in the work unless young person gets adequate instruction and training to do the work unsupervised (*Youth Emp. Act*, Secs. 8(c) + (d))
Québec	Child under age 14 who's authorized to work in a family enterprise, non-profit organization venture, non-profit sports organization venture or agricultural enterprise must work under the supervision of a person 18 years of age or over at all times (*LSA*, Sec. 84)
Saskatchewan	None
Northwest Territories & Nunavut	None
Yukon	None