

# Regulating child labour in Québec: History and a look forward to Bill 19



On March 28, 2023, Labour Minister Jean Boulet introduced Bill 19, *An Act respecting the regulation of work by children*<sup>[1]</sup> (the “Bill”). On June 1, 2023, the National Assembly adopted the Bill. It should therefore be assented and enter into force shortly.

The Bill aims to strike a better balance between children’s education and their involvement in the labour market, particularly in response to current issues related to children’s health, safety, and physical and psychological well-being.<sup>[2]</sup> In Québec today, more than 90,000 children under the age of 14 are employed.<sup>[3]</sup> According to 2016–2017 data, 46% of children in Secondary 1 (ages 12–13) work during the school year, whether for the family business or an employer, or doing odd jobs.<sup>[4]</sup> From 2017 to 2021, the number of occupational injuries recognized in children under 14 by the Commission des normes, de l’équité, de la santé et de la sécurité du travail (the “CNESST”) increased from 10 to 64 per year. For all workers aged 16 and under, the number rose from 278 to 447 over the same period—an increase of 60.8%.<sup>[5]</sup>

At present, there is no general age limit preventing a child from working in Québec: with parental consent, children of any age may legally enter the labour market, as long as the work is not “disproportionate to the child’s capacity, or (...) likely to be detrimental to the child’s education, health or physical or moral development.”<sup>[6]</sup> They may also work any number of hours they wish, subject to these principles, the requirement of school attendance between the ages of 6 and 16 under the *Education Act*,<sup>[7]</sup> and the limits on night work by children under the *Act respecting labour standards*<sup>[8]</sup> (the “ARLS”). Also, “a minor 14 years of age or over is deemed to be of full age for all acts pertaining to his employment or to the practice of his craft or profession.”<sup>[9]</sup>

## **1. LOOKING BACK: QUÉBEC’S LAG IN REGULATING CHILD LABOUR**

Historically, Québec has long trailed behind in child labour protection and mandatory school attendance.<sup>[10]</sup>

Legislative regulation of child labour can be achieved in part through compulsory school attendance. Requiring all children to attend school necessarily limits their schedule and therefore the number of hours they can work.<sup>[11]</sup> Yet Québec only passed its first law on compulsory school attendance for children in 1943, well after France in 1882, British Columbia in 1873 and Ontario in 1871.<sup>[12]</sup> In 1918, Québec was the

only jurisdiction among the Canadian provinces and American states that did not have a compulsory education law.[\[13\]](#) The 1951 census found that even after school attendance became compulsory, child labour was more prevalent in Québec than in the rest of Canada: fewer than 10% of 14 and 15-year-olds were employed in the other Canadian provinces, compared to 20% of boys and 25% of girls in Québec.[\[14\]](#)

The main factors that delayed the regulation of child labour compared to other jurisdictions were the role of children in Québec's industrial economy of the 19th and early 20th centuries (with its predominance of light industry that lent itself to child and female labour, such as the textile, tobacco and shoe industries), the type of family farming practised in Québec, and resistance from certain economic and social actors.[\[15\]](#) The first legislative protections for working children were adopted in Québec in 1885. They established minimum ages in specific sectors like factories, plants, construction sites, workshops and mines, as well as basic education requirements, such as literacy.[\[16\]](#)

In 1907, the law prohibited children under 14 years of age and children under 16 who did not know how to read and write and were not attending night school from working in certain places ("*factories, plants, construction sites, workshops of all kinds and their outbuildings*").[\[17\]](#)

In 1934, this prohibition was extended to more workplaces and targeted children under 14 as well as children aged 16 and under who could not read and write fluently and easily.[\[18\]](#) However, these minimum ages did not apply to agricultural and domestic work—where the most children were hired.[\[19\]](#)

In 1968, the *Act to amend the Industrial and Commercial Establishments Act* raised the minimum age for employment in the same workplaces covered by the 1934 amendment from 14 to 16.[\[20\]](#)

However, in 1979, the *Industrial and Commercial Establishments Act*[\[21\]](#) was repealed and replaced by the *Act respecting occupational health and safety*.[\[22\]](#) The White Paper of the Minister of State for Social Development in support of this reform states the following about the working age limits in the *Industrial and Commercial Establishments Act*:

In its current form, this law dates from 1934. Although frequently amended since then, it contains provisions that now seem outdated or, at the very least, of secondary importance: in particular, all of Division IV on the hours of work and other working conditions of personnel under 18.[\[23\]](#)

[Note 1: For example, section 9 of Division IV prohibits "any boy or girl less than sixteen years of age to sell papers, or carry on any business in the streets or public places, unless able to read and write fluently and easily."]

This reform abandoned the idea of setting a general minimum age for employment.[\[24\]](#) Instead, the CNESST (then the CSST) was given the power to set rules[\[25\]](#) establishing the minimum age and hours of work for the various economic sectors.[\[26\]](#) For example, the *Construction Safety Code* sets minimum ages for using certain equipment or performing certain hazardous tasks.[\[27\]](#) Other age-based restrictions have been adopted for high-risk activities.[\[28\]](#)

In 1997, the ARLS was amended to limit night work for children.[\[29\]](#)

In 1999, it was further amended to extend protections for children at

work.[\[30\]](#) Employers were then prohibited from requiring a child to perform work beyond the child's abilities or likely to interfere with the child's education, health or development.[\[31\]](#) Employers were also prohibited from having a child work during school hours.[\[32\]](#) A child under 14 must now provide parental consent to an employer.[\[33\]](#)

## 2. BILL 19

The Bill tabled by the Québec government proposes the following changes to child labour regulation.

It sets the general minimum age for employment in all workplaces at 14, regardless of whether parents agree to their child starting work earlier. It also amends the *Regulation respecting labour standards*[\[34\]](#) to allow exceptions for children under the age of 14 to work in certain types of employment, namely:

1. Babysitting;
2. Providing homework assistance or tutoring;
3. Delivering newspapers or other publications;
4. Working in a non-profit organization having social or community purposes such as a vacation camp or recreational organization;
5. Working in a non-profit sports organization to assist another person or in a support capacity such as assistant instructor, assistant coach or scorekeeper;
6. Working in a family business with fewer than 10 employees, if they are the child of the employer, of a director or partner of the employer, or of the spouse of any of these individuals;
7. Working as creators or performers in a field of artistic endeavour referred to in the first paragraph of section 1 of the *Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts*.[\[35\]](#)

Following a detailed study by the parliamentary committee dated May 10, 2023, an 8th exception was added:

8. Children 12 years of age or older who work on a farm with fewer than 10 employees, when they perform light manual labour to harvest fruits or vegetables, care for animals, or prepare or maintain the soil.

For these exceptions, the employer must obtain the written consent of the parental authority using the CNESST form, and the children must work under the supervision of an adult at all times.[\[36\]](#) The consent form must state the main duties, maximum hours of work per week and periods of availability for the child. Any changes to any of these items will require a new written consent.

For children subject to compulsory school attendance, the maximum hours of work are set at 10 hours Monday through Friday and 17 hours per full week, excluding periods when no educational services are provided to the child. This limit will apply as of September 1, 2023.

Regarding health and safety, the Bill requires certain targeted employers[\[37\]](#) that employ children aged 16 and under to implement prevention programs specifically aimed at eliminating risks to their physical and mental health, as well as identifying and analyzing hazards that could affect their health and safety.

Fines for violation of the child labour provisions of the ARLS are increased and will range from \$600 to \$6,000 for a first offence and \$6,000 to \$12,000 for a second offence.

Thirty days after the Bill receives assent, all Québec employers who employ children under the age of 14 will have to send them a notice of termination of employment or, in the case of an exception mentioned above, obtain a parental authority consent form.

Should you have any questions or concerns, please feel free to reach out to a member of Miller Thomson's [Labour & Employment](#) group.

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[1] *An Act respecting the regulation of work by children*, Bill 19 (Committee report tabled), 1st Sess., 43rd Leg. (QC)

[2] Special consultations and public hearings on Bill 19, *An Act respecting the regulation of work by children*, in the Hansard of the Committee on Labour and the Economy, 1st Sess., 43rd Leg. (QC), Tuesday, April 18, 2023 – Vol. 47, No. 2.

[3] Ministère du Travail, *Analyse de l'impact réglementaire – Projet de loi sur l'encadrement du travail des enfants*, Publications, February 28, 2023, section 4.2.2.

[4] Institut de la statistique du Québec, *Enquête québécoise sur la santé des jeunes du secondaire 2016–2017 – Tome 3: La santé physique et les habitudes de vie des jeunes*, 2018, p. 67.

[5] [Le ministre Jean Boulet présente le projet de loi 19 pour mieux encadrer le travail des enfants](#), Gouvernement du Québec, retrieved on March 28, 2023 < <https://www.quebec.ca/nouvelles/actualites/details/le-ministre-jean-boulet-presente-le-projet-de-loi-19-pour-mieux-encadrer-le-travail-des-enfants-46641> >.

[6] *Act respecting labour standards*, CQLR, c. N-1.1, sections 84.2 and 84.3.

[7] *Education Act*, I-13.3, s. 14.

[8] *Act respecting labour standards*, cf note 6.

[9] *Civil Code of Québec*, art. 156.

[10] Thérèse Hamel, "Obligation scolaire et travail des enfants au Québec : 1900 – 1950", *Revue d'histoire de l'Amérique française* (1984), 38 (1), 39-58, page 44.

[11] *Id.*, page 43.

[12] *Id.*, page 41; Philip Oreopoulos, « Législation canadienne de l'école obligatoire et incidence sur les années de scolarité et le futur revenu du travail », May 2005, Statistique Canada, Working Paper, 11F0019 n° 251, page 9.

[13] Thérèse Hamel, *supra* note 10, pages 44-45.

[14] Dominique Jean, "Le recul du travail des enfants au Québec entre 1940 et 1960 : une explication des conflits entre les familles pauvres et l'État providence" *Labour/Le Travailleur* (1989), 24, 91-130, page 96.

[15] Thérèse Hamel, *supra* note 10, p. 41.

[16] *Id.*, page 45; Dominique Jean, *supra* note 14.

[17] *An Act to amend the law respecting industrial establishments*, 1907 c. 39, s. 2 and 3; R.S. 1909, 3833 and 3835.

[18] *An Act to amend the Industrial Establishments Act*, 1934, c. 35, s. 9:

"9. Section 8 of the said act is replaced by the following:

"8. It is forbidden for any employer in any industrial or commercial establishment, for any person carrying on any industry, trade or business, for any owner, tenant or manager of a theatre, moving-picture hall, club, amusement hall, arena, hotel or restaurant, for any telegraph company employing messengers, or in the case of printers or agents who distribute advertisements or hand-bills, and for owners of department stores who employ boys or girls as messengers, **to employ any boy or girl less than fourteen years of age. Furthermore, this prohibition is to be maintained up to sixteen years of age, for those who are unable to read and write fluently and easily.**

*This section shall not apply to the head of the family who employs his wife or his children in his industry or business; nor shall it apply to persons employing domestic or farm servants."*

[19] Dominique Jean, *supra* note 14, at p. 94.

[20] *An Act to amend the Industrial and Commercial Establishments Act*, 1968, c. 46, s. 4

[21] R.S.Q. 1964, c. 150, now CQLR, c. E-15.

[22] *Act respecting occupational health and safety*, c. S-2.1.

[23] Minister of State for Social Development, *Politique québécoise de la santé et de la sécurité des travailleurs*, 1978, Éditeur officiel du Québec, p. 71.

[24] At the time of its repeal in 1979, s. 8 of the *Industrial and Commercial Establishments Act*, c. E-15, stated the following with respect to age limits for employment:

"8. It is forbidden for any employer in any industrial or commercial establishment, for any person carrying on any industry, trade or business, for any owner, tenant or manager of a theatre, moving-picture hall, club, amusement hall, arena, hotel or restaurant, for any telegraph company employing messengers, or in the case of printers or agents who distribute advertisements or hand-bills, and for owners of department stores who employ boys or girls as messengers, **to employ any boy or girl less than sixteen years of age.** However the inspector may, by means of a permit which he issues for such purpose, allow the persons contemplated by this section to employ any boy or a girl not less than fifteen years of age, between the end of one school year and the beginning of the next, or a boy or girl who attains fifteen years of age before 1 July of the year or who has been released in accordance with section 259 of the Education Act ([chapter I?14](#)) from the obligation to attend school.

*This section shall not apply to the head of the family who employs his wife or his children in his industry or business; nor shall it apply to persons employing domestic or farm servants.*

R.S. 1964, c. 150, s. 8; 1968, c. 46, s. 4; 1975, c. 49, s. 5."

[25] *Act respecting occupational health and safety*, *supra* note 23, s. 53:

"53. No employer may have particular work performed

(1) by a worker who has not reached the age determined by regulation to perform such work;

(2) *beyond the daily or weekly maximum number of hours fixed by regulation;*

(3) *by a person who has not undergone the medical examination or does not hold the health certificate prescribed by regulation to perform such work.*

1979, c. 63, s. 53”

[26] Ministère du Travail, *Document de réflexion sur le travail des enfants au Québec*, Publication, January 26, 1998, para. 3.1.1 This document also mentions other laws that specifically restrict the work of minors, such as the laws on training and professional qualification in the construction industry or the laws regulating work in certain sectors (public transit, police forces, real estate brokerage, security agencies).

[27] Chapter S-2.1, r. 4, s. 2.15.10 (motorized hoisting apparatus), 3.9.16 (suspended scaffolding), 3.9.17 (Boatswain’s chair), 3.15.10 (excavations and trenches), 3.18.1 (demolition), 4.2.3 (shot-firer’s certificate), 7.1.1.5 (low velocity explosive actuated tool) and 8.13.1 (working underground, at an open pit face or at the controls of hoisting or moving equipment).

[28] *Regulation respecting occupational health and safety*, c. S-2.1, r. 13, s. 294 (blasting work or work requiring the use of explosives); *Regulation respecting forestry operations*, s. 27 (manual felling of a tree); *Regulation respecting occupational health and safety in mines*, chapter S-2.1, r. 14, s. 26.

[29] *An Act to again amend the Act respecting labour standards*, SQ 1997, c. 72, s. 5.

[30] *An Act to amend the Act respecting labour standards and other legislative provisions concerning work performed by children*, 1999, c. 52.

[31] *An Act respecting labour standards*, supra, note 5, s. 84.2.

[32] *Id.*, s. 84.4.

[33] *Id.*, s. 84.3.

[34] *Regulation respecting labour standards*, N-1.1, r. 3.

[35] Chapter S-32.1

[36] *An Act to again amend the Act respecting labour standards*, SQ 1997, c. 72, s. 2.

[37] *Regulation respecting prevention programs*, S-2.1, r. 10, s. 4 and Schedule I.

Source: [Miller Thomson](#)

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