

# CHILD AND YOUTH EMPLOYMENT STANDARDS

The Experience of Young Workers Under British Columbia's New Policy Regime



By John Irwin,  
Stephen McBride,  
and Tanya Strubin

SEPTEMBER 2005



CCPA  
CANADIAN CENTRE  
for POLICY ALTERNATIVES  
BC Office

AN ECONOMIC SECURITY PROJECT REPORT

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# Summary

It has long been recognized that the employment of child and youth workers requires special measures and regulations to ensure that their education and overall development are not harmed as a result of participating in the world of work. Specifically, youth employment regulations have sought to ensure that young workers are not exposed to hazardous and dangerous conditions, are not subject to excessive work, and are not treated unfairly on the basis of their youth and inexperience.

In 2001, the British Columbia government introduced a two-tier minimum wage structure, under which workers with less than 500 hours of paid work experience can be paid a wage 25 per cent less than the general minimum wage. The reduced wage has become widely known as the “training” wage, though in fact no training need be or is provided to many of those receiving it; thus, we refer to it by its official name, the first job / entry level wage. Although the new wage is not age-specific, youth are most likely to lack the stipulated hours of experience to be entitled to the general minimum wage.

Then, in 2003, the provincial government significantly changed the regulations governing the hiring of very young workers and the enforcement of the employment standards that continue to apply to them.

These measures combine to create a new policy regime regarding the employment of children and youth in British Columbia.

## **Purpose of This Study**

First, this study compares British Columbia’s new system for regulating child and youth employment to:

- the previous system in the province;
- the measures in place in comparable jurisdictions; and
- international standards and norms regarding child labour as expressed in various international conventions and agreements.

Second, we report the findings of our survey of BC students on their work experiences and attitudes to the new legislation.

Finally, we provide policy analysis and recommendations to improve the situation for BC’s young workers.

# Key Findings

## BC's Youth Employment System in Comparative Context

British Columbia provides significantly less protection to child workers than other jurisdictions in Canada, the United States and the European Union. In particular, permitting children as young as 12 to work with the permission of only one parent is unusual and seems to contravene the International Labour Organization's Convention on Minimum Age.

Similarly, although some Canadian provinces do have a two-tier minimum wage structure, in no other case does the wage gap approach the 25 per cent level found in British Columbia. Moreover, to the extent that many of those working for the reduced minimum wage are performing work of equal value to that of more experienced workers, the new wage structure is discriminatory and is in violation of International Labour Organization standards.

Further, in a context of rather weak protective regulations and notable regulatory omissions, the change from enforcement by the Employment Standards Branch to self- or parental regulation raises apprehension that young workers are inadequately protected. Indeed enough cases surfaced in our study of non-compliance with the *Employment Standards Act* to suggest that the province may breach at least the spirit of the North American Agreement on Labour Cooperation, one objective of which is the "effective enforcement by each Party of its labour law."

## Working Children and Youth in BC

The centrepiece of this study is an original survey of BC public school students.

- Students participating ranged from 12 to 18 years of age, and from Grade 7 to Grade 12 in elementary, middle and secondary schools.
- Most students attended school in more urban communities, with some rural representation, though unfortunately too little for systematic analysis of the rural situation.
- The survey was completed by 624 students from five participating school boards, though response rates varied by question.
- For the most part, the analysis in this paper focuses on the responses of the 114 students who were currently working (21.12 per cent of 540 valid responses), though some data from the larger sample of all students is used where appropriate.
- Of the larger sample, slightly more than half of the students were male and just under half were female.
- Over a third of all students reported being born outside of Canada, and about 45 per cent reported that both of their parents came to Canada as immigrants or refugees, compared to 31.7 per cent who reported that neither parent was an immigrant or refugee.
- Just under half the respondents (47.8 per cent, n=258) reported that they presently have a job or that they have had a job in the past. Most of the jobs were part-time. An additional 22 per cent of the respondents reported engaging in unpaid work, likely in the form of helping out in family businesses or accompanying parents to their work.
- The majority of working students reported that they wanted to earn their own spending money, while others report working to save up for university, or to help their families with expenses.

## Student Occupations and Working Conditions

- Students currently working reported varied types of employment. Service industry jobs, such as working in restaurants and retail shops, were the most common.
- Students were surveyed on the number of hours they work during the school week, on the weekend and during summer holidays. Respondents in the 15 to 18 year old range reported working significantly more hours overall than children aged 12 to 14 years. Amongst 12 to 14 year olds, female students worked longer hours than their male counterparts; the reverse was true among the older age group.

## Impact of Working on Students' Lives

Many students who are currently working feel they are missing out on recreational activities due to work. However, students' fitness levels and social lives often improved. Most students reported that their school performance stayed the same, some that it improved, and there were others, 9.2 per cent, for whom work had an adverse impact on school performance.

It is of paramount importance that children and youth work in safe and healthy environments. However, more than one in five students who currently work reported injuring themselves on the job and many (29.8 per cent) reported feeling unsafe at work. This includes a number of youth aged 12 to 14 years.

## Violations of the *Employment Standards Act*

The *Employment Standards Act* (ESA) sets out the conditions that employers must follow when hiring children and youth. However, student responses indicate these are often ignored. Employers are sometimes in violation of the ESA and many parents did not fulfill their responsibilities under the ESA's self-regulation model.

- 48.1 per cent of 12 to 14 year olds reported that their parents had not evaluated the health and safety of the workplace.
- Parents of 12 to 14 year olds must give consent for their children to work. Yet 58.3 per cent of 12 to 14 year olds with jobs reported that their employer did not receive written approval from their parents.
- 23 per cent of respondents reported that they worked less than two hours during the school week. Only a few of these were in excluded jobs such as newspaper delivery. Since the minimum call-out time under the *Employment Standards Act* (section 34) is two hours, such a work pattern for the remainder constitutes a violation.
- 70.3 per cent of working students 12 to 14 years old reported they worked without supervision some or all of the time, another violation of the ESA.

## 'First Job / Entry Level Wage' and Youth Employment

- 44 per cent of the employed youth (n=41) indicated they had been paid less than \$8 per hour.
- 52.2 per cent of all students (n=301) found the 'first job/ entry level wage' to be unfair; among those who worked the percentage was higher.

- 31.4 per cent of working students reported that they had not received any training while on the job entry wage, and a further 28.6 per cent reported they had been trained only at the start. While provision of training is not legally required, if training were necessary that might provide some justification for paying a reduced wage. In practice, there is clearly little need for any training in most of the jobs that students obtain, and hence that justification is largely absent.

## Recommendations

Many students work and find this to be a positive experience. However, it is clear that recent changes to the *Employment Standards Act* affect employed children and youth, potentially leaving them vulnerable to unsafe and unhealthy working environments.

In particular, we find the first job / entry level wage to be discriminatory in its effect and recommend it be abolished.

The minimum age for work in Canada should remain at 15 years of age to ensure that children and youth focus on their development and education. Any younger employment age should limit the types of work and ensure that the workplace health and safety of very young workers is protected. As a minimum, authorization for employment of children under 15 should be required both from the Employment Standards Branch and a parent or guardian.

The enforcement capacity of the Employment Standards Branch should be strengthened.

# Introduction

## Child and Youth Labour Regulation in British Columbia

There have been significant changes to employment standards law and regulation in British Columbia. Two of the regulatory changes that pertain directly to children and youth have the potential to adversely affect young people, either by discriminating against them or exposing them to unnecessary danger or harm. A brief summary of the relevant legislation and regulations identifies the differences between the current and previous approaches. BC's policies on child and youth employment are subsequently compared to those of other jurisdictions, in Canada and abroad, as well as to international norms as expressed in various international conventions and agreements. The comparison establishes that BC's regulatory posture is unusual in the lack of protection it affords young workers.

Children in BC aged 12 to 14 are now able to work with the consent of one parent or guardian. Previously, such children could not work unless the Director of Employment Standards granted a permit. This age threshold is amongst the lowest in Canada for employment without permission of employment standards officers or school authorities. A permit continues to be required for employment of children under 12 years. Lax regulations (children are allowed to work up to 35 hours per week when school is in session for four days or fewer per week, 20 hours when in session for five days) may have detrimental effects on school performance. No mechanism, other than the approval of one parent, now exists to ascertain academic standing before granting permission to work. In addition, very young workers may find themselves exposed to dangerous or inappropriate conditions.<sup>1</sup>

### Minimum Wages and BC's First Job / Entry Level Wage

Children and youth are subject to discrimination, as the *Employment Standards Act* in 2001 introduced a reduced minimum wage of \$6 per hour (\$2 per hour less than BC's statutory minimum wage) that can be applied to the first 500 hours of an individual's working life. Officially, the lower minimum wage is described as a "first job" or "entry" wage. Colloquially it is called the "training" wage, though no training need occur. The first job / entry level wage is not explicitly based on age criteria, but is discriminatory in its effect since youth are most likely to lack labour force experience. Other provinces have reduced minimum wages for some categories of workers, but the \$2 per hour gap in BC is substantially greater than elsewhere in Canada.

### Methods

A description of methodology is provided in Appendix I. Our online survey of public school students aged 12 to 18 years was completed by 624 students from five school boards that agreed to participate in the study. Response rate varied by question, so the 'n' reported in various statistical summaries also varies. We have focused the bulk of our analysis on the sub-group of 114 currently employed youth, to capture those whose experiences and impressions are most immediate and "fresh."



# Review of Child Labour Policies and Regulations

## BC Child Labour Policies and Regulations

Child labour in British Columbia is governed by three types of rules: labour and employment standards law, the First Job minimum wage, and other legislation that has an impact on the employment of young people.

### BC Child Labour and Employment Standards Law

When the *Skills Development and Labour Statutes Amendment Act* (previously known as Bill 37) came into effect in December 2003, BC moved from a system whereby employment of children aged 12 to 14 years had to be pre-approved by the Employment Standards Branch, to a one-parent permission system, without any involvement by or notification of the branch. Under the previous legislation and regulations, the Director of Employment Standards was given authority to set the conditions of employment for working children and youth under 15 years of age. While this continues to be the case for children under 12, employment of 12 to 14 year olds requires only the written consent of one parent or guardian. The consent must indicate the child's date of birth and that the parent/guardian is aware of where the young person is working, and the hours and type of job.

A fact sheet on the Ministry's website adds that "the parent or guardian is responsible for their children and must determine that the employment situation meets the best interests of the child and will not adversely affect the child's social, physical or educational needs."<sup>2</sup> Thus a system of parental regulation is established under which judgments of social, education, and health and safety issues are devolved to the parent. Even with the best of intentions, many, if not most parents may lack the necessary expertise to make informed judgments on these issues.

Remaining regulations stipulate that children and youth aged 12 to 14 cannot be required or allowed to work:

- during school hours or for more than four hours on a school day;
- for more than seven hours on a non-school day, unless the Director of Employment Standards gives prior written approval to the employer;
- for more than 20 hours per week in a five day school week;
- for more than 35 hours per week in any other case<sup>3</sup> (including a four day school week); and
- children and youth aged 12 to 14 must be directly and immediately supervised by someone at least 19 years old.<sup>4</sup>

These new employment standards reduce protection afforded by the previous regulatory framework.

## Exclusions, Exceptions and Omissions

### *Omissions*

A number of omissions in BC's child labour regulations conceivably put young workers at risk. The regulations fail to restrict potentially hazardous activities (such as use of power tools or selling door-to-door),<sup>5</sup> do not stipulate that safe transportation to and from work should be provided, nor do they place restrictions on times of day when a child can work.<sup>6</sup> In addition, the way the Act is now administered provides little confidence that anyone is actually monitoring the conditions under which children work. As researchers Helesia Luke and Graeme Moore explain:

*The new self-regulated system is complaint driven, informing government officials only after the fact about exploitation and injuries. This represents a fundamental shift away from exposing unsafe working conditions ahead of time. The new system has eliminated the opportunity for the Employment Standards Branch to check with school officials before granting a permit. The former system provided a chance for school administrators to ensure that a child was keeping up with their studies before a work permit was granted.<sup>7</sup>*

### *Entertainment Industry*

The current regulatory framework for child labour is further eroded by exceptions granted to the entertainment industry (film, radio, video or television), an industry that has grown markedly in BC over the past 15 years.<sup>8</sup> A child actor of any age can now be employed without a permit from the Director of Employment Standards. Previously, children 15 and younger required a permit. Now written consent from one of the child's parents or guardians is sufficient. Only infants less than 15 days old cannot be employed in the entertainment industry.<sup>9</sup>

In comparison, in California, the North American centre of the entertainment industry, regulations are much more protective of children. In California, child actors can work or be on location for shorter periods than their counterparts in BC, and exposure to hazardous conditions is more restricted.

### *Other Exclusions*

BC's employment standards regulations also exclude: secondary students working at the school where they are enrolled or doing a work study or work experience; babysitters; newspaper carriers working less than 15 hours per week; and youth in certain time-limited government training or work experience programs (under the federal Employment Insurance program).<sup>10</sup>

## The First Job / Entry Level Wage

On November 15, 2001, the BC government amended section 15 of the Employment Standards Regulation. An increased minimum wage of \$8 per hour, which had been scheduled by the previous government, was implemented. However, a new ‘first job’ minimum wage was put into effect for an employee lacking 500 hours of cumulative paid work experience with one or more employers.<sup>11</sup>

The effect of this two-tier minimum wage is to discriminate against young workers who initially lack the 500 hours of paid work experience that would trigger an \$8 per hour minimum wage. This type of discrimination contributes to the disadvantaged situation that young people face in the Canadian labour market and which is expressed in their employment and unemployment rates, the difficulty they experience in finding good jobs, declining real wages for young people (75 to 80 per cent of the real wages earned by young workers a generation ago), the widening gap between youth and adult wages, the incidence of low wages and the associated risk of poverty, and racial discrimination faced by young workers of colour.<sup>12</sup>

The two-tier wage structure implies that workers with no previous paid work experience are less productive than those who have such experience. However, in many of the service jobs (fast food, retail, and tourism) in which children and youth are engaged, tasks are quite simple to master and require much less than 500 hours to gain sufficient experience to perform work of equal value to that performed by more experienced co-workers.

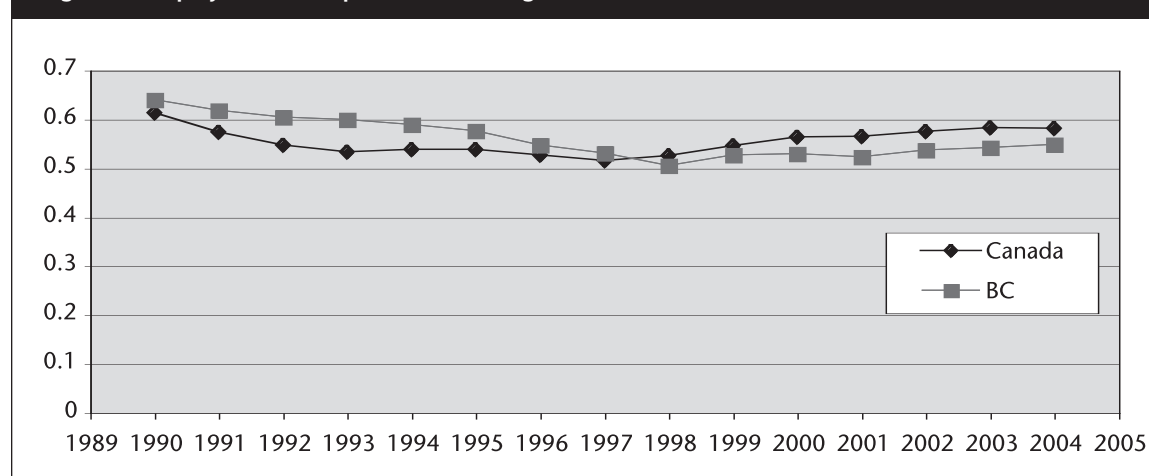
The rationale given for the new minimum wage structure was to reduce youth unemployment in British Columbia. Then Labour Minister Graham Bruce stated that “The first-job rate will increase youth employment by giving employers a new incentive to hire young people.”<sup>13</sup>

The measure seems to have had little impact, however, as the employment rate for youth in BC tracks the direction of the Canadian rate. BC had a higher employment-to-population ratio than Canada from 1990 to 1997, and from 1998 onward BC had a lower employment-to-population ratio. In terms of trends, however, both BC and Canada had a declining employment-to-population ratio until 1997 (in Canada) and 1998 (in BC), after which employment rose. This suggests that more general factors account for fluctuations.

The youth unemployment rate has remained high in BC, both before and after the first job / entry level wage came into effect. In July 2001, the unemployment rate for BC youth aged 15 to 24 was 13.1

In many of the service jobs in which children and youth are engaged, tasks are quite simple to master and require much less than 500 hours to gain sufficient experience to perform work of equal value to that performed by more experienced co-workers.

Figure 1: Employment-to-Population Ratio, Age 15–24



per cent,<sup>14</sup> and, after climbing in the intervening years, fell somewhat to 15.4 per cent in July 2004.<sup>15</sup> Other factors like overall economic performance and the general rate of unemployment (which fluctuated between 7 and 8 per cent for most of the early 2000s)<sup>16</sup> appear to drive youth unemployment more than a lower differential wage rate.

## **Other Legislation and Regulations that Affect Child and Youth Employment**

BC's new employment standards legislation does not alter other legislation designed to protect youth, including:

- children must attend school until the age of 16 (home schooling is also permitted) and cannot work during school hours;<sup>17</sup>
- child protection legislation protects children from abuse,<sup>18</sup> which could include demands to work in unsafe conditions or for unreasonable hours; and
- under BC's occupational health and safety laws workers under 16 are prohibited from being employed in a variety of dangerous occupations,<sup>19</sup> those under 18 cannot work in mines (except for the purpose of training),<sup>20</sup> and those under age 19 (minors) are prohibited from employment in liquor establishments (bars, lounges, and taverns),<sup>21</sup> though minors are allowed to work as entertainers in licensed facilities.<sup>22</sup>

Despite these remaining provisions, the changes to employment standards for young people, and the new method of enforcement that relies heavily on self- or parental regulation, diminish the level of protection. Administrative capacity to preview or monitor working conditions, or to ensure that educational performance is protected, is significantly reduced. In comparing British Columbia to other jurisdictions and to international standards it is apparent that the new policies in BC are beneath the norms established in comparable jurisdictions.

## **Canadian Context**

### **Federal Legislation**

The great majority of jurisdiction over labour matters in Canada rests with the provinces. Federal employment standards cover perhaps 10 per cent of employees.<sup>23</sup>

Youth under 17 may be employed only if they are not required to be at school under provincial legislation, the work falls outside excluded categories (e.g. mines), and the work is unlikely to endanger health or safety. Work may never be between 11 p.m. and 6 a.m. While few federally regulated industries employ child labour, permission would be required from a federal labour standards officer.<sup>24</sup>

### **Provincial Minimum Ages for Employment in Canada**

The minimum age of employment, without some form of special permission, varies across Canada by province and territory. Table 1 provides a summary.

Although standards vary, British Columbia seems very relaxed in its regulations affecting employment of 12 to 14 year olds, especially the provision that consent of only one parent or guardian is required, the lack of detail about the role of parents/guardians in granting such consent, and the lack of provisions to ensure the minimal conditions attached to the employment of young workers are enforced.

Even Alberta, which recently dropped the requirement for a permit for employing 12 to 14 year olds in some industries, such as food services and restaurants, retains a stronger regulatory structure.<sup>27</sup> For

**Table 1: Minimum Work Age** <sup>25</sup>

Jurisdiction	Age	Details
Federal	Under 17	May be employed only if not required to be at school under provincial legislation. Work must fall outside of excluded categories (e.g. mines). Work must be unlikely to endanger health or safety. Work may never be between 11 p.m. and 6 a.m.
Alberta	12–14	Cannot be employed without the written consent of one parent or guardian. A safety checklist must be completed and filed. Other regulations include hours of work allowed.
	15–17	No permit needed, but restrictions apply in some industries. General restrictions on times of day that may be worked and supervision required.
British Columbia	Under 12	Cannot be employed without the permission of the Director of Employment Standards. The Director may set conditions of employment.
	12–14	Cannot be employed without the written consent of one parent or guardian. Regulations include hours of work allowed.
	Under 15	Separate detailed regulations exist for children in the entertainment industry.
Manitoba	Under 16	Cannot be employed without a permit obtained from the Director of Employment Standards.
New Brunswick	Under 14	Cannot be employed without a permit obtained from the Director of Employment Standards.
	Under 16	Cannot do work that may be harmful. Cannot be employed for more than six hours in any day.
Newfoundland and Labrador	Under 14	Cannot be employed unless in work and undertakings specifically permitted by local regulation (allowable work varies by region, and consists of light work such as newspaper vending or shoe shining).
	Under 16	Cannot be employed without the written consent of the child’s parent or guardian.
Nova Scotia	Under 14	Cannot do work that is likely to interfere with normal, healthy development, or schooling. Cannot work for more than eight hours a day or for more than three hours on school days, unless authorized by the local school board. <sup>26</sup> Cannot work between 10 p.m. and 6 a.m. Cannot do work prohibited by regulation.
	Under 16	Cannot work in industrial undertakings, forestry, garages and car repair, hotels and restaurants, in theatres, bowling alleys and pool halls, or shooting galleries, unless working for a family member.
Ontario	14–16	Children under 14 cannot work in an industrial establishment of any kind. Children under 15 cannot work in a factory. Children under 16 cannot work in a logging operation, in a mine, or in construction.

*continued on next page*

**Table 1: Minimum Work Ages *continued***

Jurisdiction	Age	Details
Prince Edward Island	Under 16	Employers must take care when employing young persons to assign reasonable, age-appropriate tasks and to provide adequate training and supervision to ensure the safety of young employees.
Quebec	Under 14	Cannot work without the written consent of the holder of parental authority or the tutor.
	Under 18	Cannot perform work that is disproportionate to a child's capacity or that is likely to be detrimental to his/her education, health, physical or moral development.
Saskatchewan	Under 16	Cannot be employed in an educational institution, hospital, nursing home or restaurant. Cannot be employed in any of a series of specific hazardous industrial settings. Cannot work during school hours without permission from the principal.
Northwest Territories / Nunavut	17	Cannot be employed in occupations and subject to conditions as may be prescribed by regulation.
	Under 17	Must attend school. May be excused by the principal for one school term to work.
Yukon Territory	Under 16	Must attend school, unless excused by the director or superintendent.
	Under 17	Cannot be employed in occupations that may be specified by regulation or contrary to such conditions as may be prescribed by the regulation.

example, children under 12 are not permitted to be employed at any time in any occupation; a permit is still required for those between 12 and 14 except for a number of specified occupations and industries, including restaurants, food services, some retail and office occupations, and delivering newspapers or flyers. In those industries parental permission must be obtained and it is stipulated that “The employment must not be or have any likelihood of being injurious to the life, health, education or welfare of the adolescent...” Within the restaurant and food services industry only certain occupations are exempted from requiring permits: host/hostess, cashier, dishwashing, bussing tables, waiting on tables, providing customer service, assembling orders, or cleaning. And for these jobs a detailed safety checklist, which involves parental consent, must be completed and filed with the Employment Standards branch. The checklist includes a commitment to provide a safety orientation, to be informed about rights and responsibilities under the *Occupational Safety Act*, including the duty to refuse to perform unsafe work, and instruction on safe working practices. As well, the employer must complete a hazard assessment, which the parent or guardian must receive and review. None of these regulatory requirements exists in BC.

## Provincial Minimum Wages in Canada

Table 2 summarizes minimum wages and youth minimum wages across Canada.

Following the changes to the *Employment Standards Act* in 2001, BC now has the largest gap in wages paid to new workers compared to the provincial minimum wage. In addition, given the skill levels required for many entry-level jobs and the minimal training that is required, the 500 hours new employees are required to work until they achieve the regular minimum wage seems excessive. If a new worker achieves the capacity to perform work of equal value in less than 500 hours, the \$6 wage for the remainder of those hours discriminates against the employee and functions, in effect, as a subsidy to the employer.

Table 2: General Minimum Wages and Youth Minimum Wages Across Canada <sup>28</sup>		
	General minimum wage	Different youth/training rate?
British Columbia	\$8.00	\$2.00 less for those with less than 500 hours of paid work experience
Alberta	\$7.00	No
Manitoba	\$7.25	No
New Brunswick	\$6.30	No
Newfoundland	\$6.25	No
Nova Scotia	\$6.50	\$0.45 less for those with less than three months on payroll in their current type of work
Nunavut	\$8.50	No
Northwest Territories	\$8.25	No
Ontario	\$7.45	\$0.50 less for part time student employees under the age of 18
Prince Edward Island	\$6.80	No
Quebec	\$7.60	No, but those who receive tips get \$0.75 less
Saskatchewan	\$7.05	No
Yukon Territory	\$7.20	No
Note: this is a summary and for brevity's sake some regulations have been omitted.		

## International Context

In this section we review practices and policies in a number of international jurisdictions. Given the level of detail and variation to be found, this is obviously a “broad-brush” survey. However, it does serve to highlight concerns that British Columbia’s child labour policies are now significantly below international standards.

### The United States

Although the United States deservedly enjoys a reputation for deregulation, child employment is actually more tightly regulated than in Canada.<sup>29</sup> Jurisdiction is split, with federal law and regulations covering business with an annual volume of \$50,000 or more and state rules covering smaller enterprises. Given the variety of state-level legislation, no general synthesis can be presented. However, federal legislation, which is relatively far more important than the federal jurisdiction in Canada, sets a minimum age for non-agricultural employment at 14, with a few minor exceptions; limits the employment of schoolchildren to three hours a day and 18 hours a week when school is in session; prevents 14 and 15 year olds from working at night; and prohibits youth under 18 from performing a wide variety of jobs, with additional restricted occupations for the youngest workers. For example, in Washington, the state adjacent to BC, the minimum employment age is 14, employment is restricted to three hours a day for a maximum of 16 hours per week, and night-time employment is prohibited. Clearly young workers are more protected south of the border than they are in British Columbia.

### The European Union

The European Union has developed legislation regarding labour standards that applies to all member states, even those that have not introduced similar domestic legislation.<sup>30</sup> The Charter of Fundamental Rights of the European Union (2000) limits the employment of children below school leaving age and requires that workplaces are safe, non-exploitative, and compatible with schooling.<sup>31</sup> In addition, the European Union Directive on the Protection of Young People at Work (1994) states that “Member states shall take the necessary measures to prohibit work by children under 15 and regulate work by adolescents aged 15 to 18 years of age ... with light work permitted from the age of 13.”<sup>32</sup> The focus of many European countries is to provide school-to-work training programs to older adolescents, and for younger children on attaining an education and staying in school.

## International Covenants and Agreements

A number of international agreements address labour issues. Unlike their trade and investment counterparts, these agreements are weak, or non-existent when it comes to enforcement. Nevertheless, international agreements on labour do express international standards and make it possible for us to gauge whether British Columbia’s recent initiatives with respect to child labour conform.

### North American Free Trade Agreement

The North America Free Trade Agreement (NAFTA) does not directly address labour standards. Instead, Canada, Mexico, and the United States negotiated a ‘side agreement’ on labour: the North American Agreement on Labour Cooperation (NAALC). “The NAALC does not incorporate international labor rights norms; instead, it calls on the signatories to enforce their domestic labour standards effectively while working cooperatively with the International Labour Organization.”<sup>33</sup> Although the NAALC is weakened



by poor enforcement mechanisms, it is supposed to prevent member countries from “engaging in a ‘race to the bottom’ in pursuit of competitive economic advantage at the expense of employees.”<sup>34</sup>

It does raise the spectre of a complaint if there is a “persistent pattern of failure to effectively enforce occupational safety and health, child labor or minimum wage technical standards.”<sup>35</sup> To the extent that BC’s system of self-regulation fails to enforce the province’s own standards, BC conceivably leaves the federal government vulnerable to a complaint under the NAFTA labour side agreement.

### The United Nations and the International Labour Organization

Global agreements addressing child labour practices have been developed by the United Nations and the International Labour Organization (ILO). In 1989, the Convention on the Rights of the Child was adopted by the General Assembly of the United Nations.<sup>36</sup> Article 32 of the Convention states that:

- 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.*
- 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article.*<sup>37</sup>

Employment standards for children in BC contravene the ILO’s Convention 138 on Minimum Age (1973), which declares that states must set a minimum age for entry into employment that should not be lower than the age of completion of compulsory education, and not lower than 15.<sup>38</sup> The convention does allow for exceptions to the 15 year old rule (article 2.4), but only under special circumstances, such as “a Member whose economy and educational facilities are insufficiently developed,”<sup>39</sup> hardly the reality for BC, which has a well-developed public school system and an economy that does not require child labour in order to function. The ILO also states that “national laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is – (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school.”<sup>40</sup> But the employment of children as young as 12 years of age is clearly not supported by the ILO.

The ILO has also set standards outlining the appropriate use of minimum age and wage legislation in member countries. These standards are guided by the principle of ‘equal remuneration for work of equal value.’<sup>41</sup> Although the ILO does not explicitly forbid the fixing of different rates on the basis of age, legislating a lower minimum wage for young workers does contravene the general principles outlined by the ILO if their work is of equal value. The ILO does recognize that there is a difference between youth who perform the same work as their adult counterparts, and those whose work includes formal training, such as apprentices. A lower wage for youth performing the same work as adults without the need for training is unjustifiable.<sup>42</sup> However, this is exactly what has occurred in BC.

Employment standards for children in BC contravene the ILO’s Convention 138 on Minimum Age (1973), which declares that states must set a minimum age for entry into employment that should not be lower than the age of completion of compulsory education, and not lower than 15.

# Study Results

## Working Children and Youth

### Demographics of Child and Youth Employment

#### Age, Gender, and Immigration Status

In the pages that follow, we present the findings of our original online survey of children and youth in BC. The respondents to the survey ranged in age from 12 to 18 years. The total sample of 624 yielded a good representation of ages, with the exception of the 18 year old category (many in this age group may already have graduated from or left high school). We believe our survey is unique in that it includes youth aged 12 to 14 years. The respondents who were currently working (n=114) were clustered into two age ranges, 12 to 14 (44.1 per cent), and 15 to 18 (55.9 per cent).

Of the broad sample of 624 respondents, 46.2 per cent are female and 53.8 per cent are male; amongst those currently working the percentages are 48.2 and 51.8 respectively.

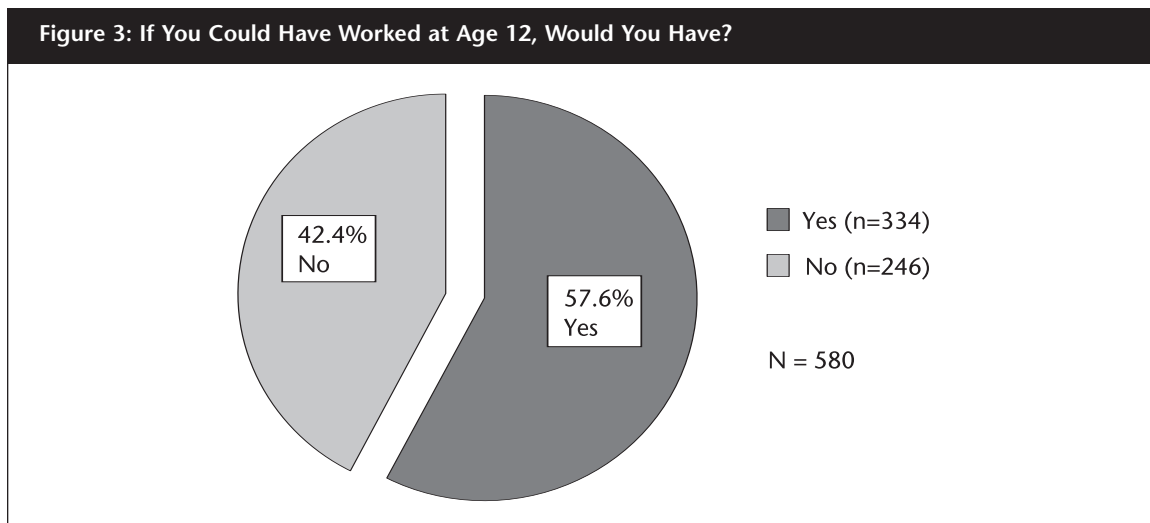
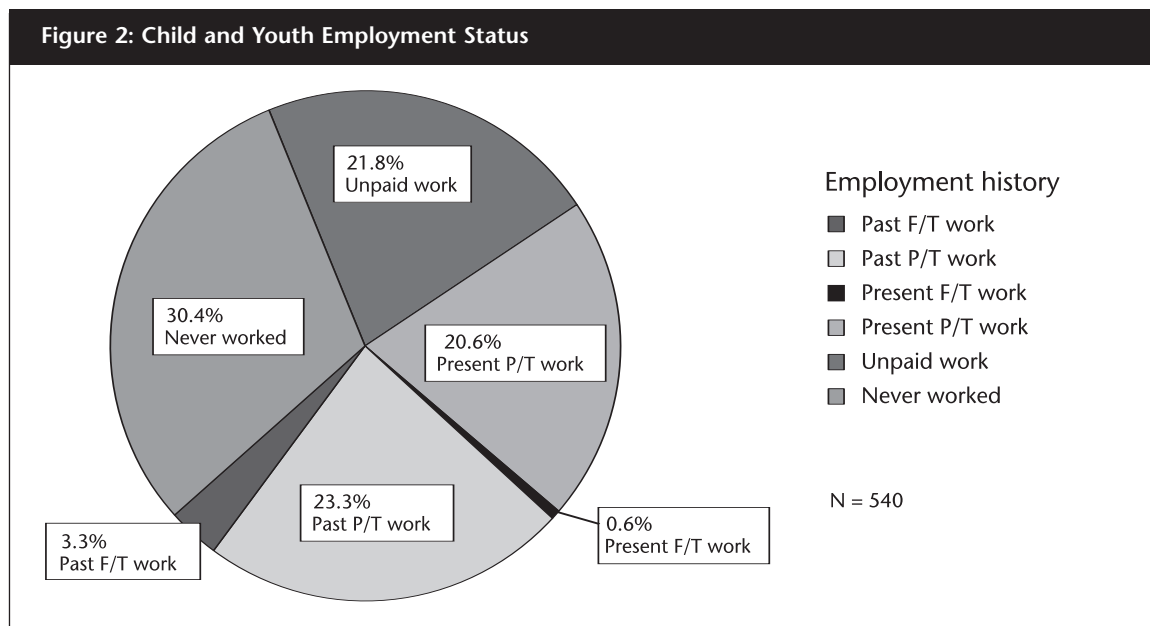
Of the full sample (624 respondents), 65.5 per cent were born in Canada and 34.5 per cent were born outside, 31.7 per cent reported that neither of their parents were immigrants or refugees and 44.9 per cent reported that both of their parents immigrated or sought refuge in Canada, 16.5 per cent have a mother who immigrated, and 6.8 per cent have an immigrant father. Thus, there are a high number of children with immigrant parents in the study's sample, a result that reflects the Vancouver Census Metropolitan Area (CMA), which has a high proportion of residents, approximately 39 per cent,<sup>43</sup> who have immigrated or are non-permanent residents.

## Child and Youth Employment Status

The results show that a high proportion of children and youth in BC have been formally employed (see Figure 2). Almost half the respondents (47.8 per cent) are either presently working, or have worked at part-time or full-time employment (including babysitting and paper routes). Another 21.8 per cent have done some form of unpaid work, and 30.4 per cent have never worked.

Many working children and youth (25.5 per cent or 26 cases of a valid sample of 98 respondents) work alongside their parents in the early morning or evening. Of these, nine are aged 12 to 14; and 17 are 15 to 18 years old. These young workers are likely employed in their parents' small businesses, or may, given a lack of child care, accompany their parents to work sites. This raises concerns about children from economically marginalized families being pressed to work, potentially for unacceptable hours or under questionable conditions. It also implies that the new regulations requiring only parental consent may be putting some parents in a conflict of interest.

A high proportion of all respondents (58 per cent)<sup>44</sup> indicate they would have wanted to work at age 12 if they could have (see Figure 3). This speaks to the power of the work ethic in contemporary culture



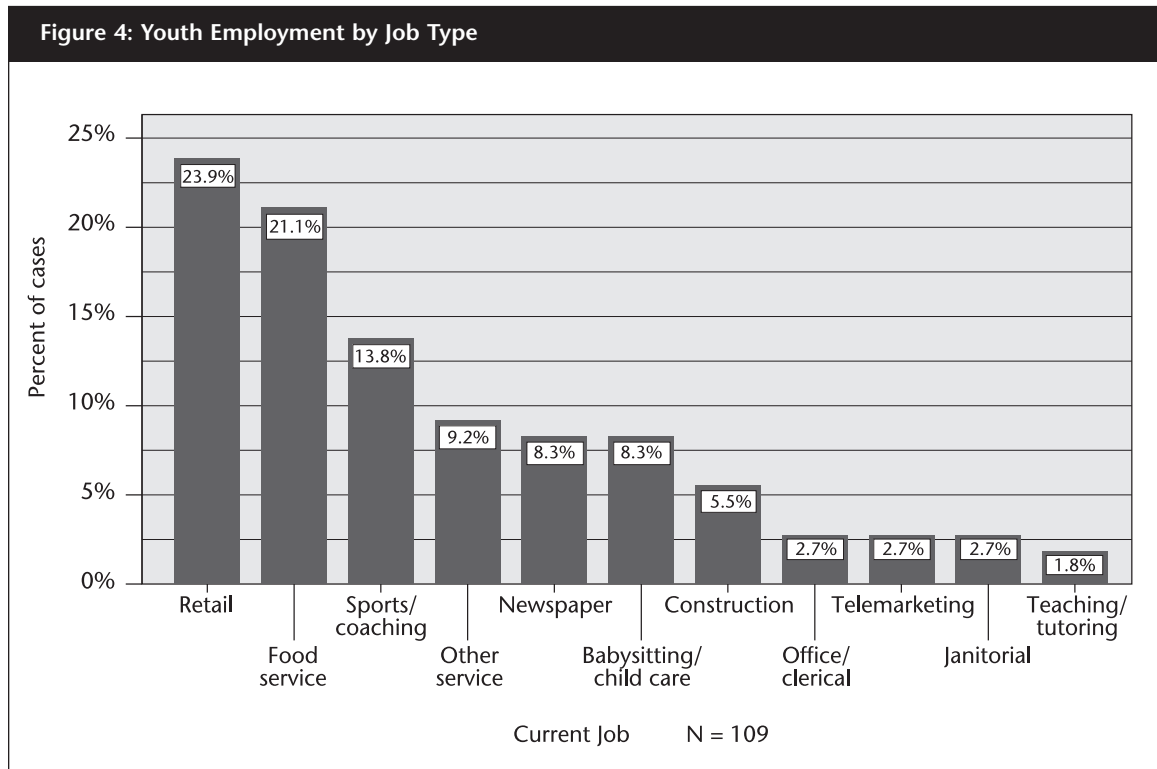
and, perhaps, the desire for income to satisfy consumer wants. However, the high rates of workplace injury found in this study and reported elsewhere in the literature<sup>45</sup> raise questions about whether those who answered affirmatively but have not themselves worked understand the challenges and dangers they may face in the workplace.

### Child and Youth Employment by Sector and Occupation

Survey results indicated that students work in a wide variety of jobs, with food service and retail being by far the most common. Of employed participants, 21.1 per cent (n=23) reported working in the food industry<sup>46</sup> and 23.9 per cent (n=26) in retail. Food industry jobs included hostessing or serving in a restaurant, deli, coffee shop or concession. McDonald's, with eight students, was the largest single employer. Retail jobs included being a cashier in shoe, clothing, sporting good or automotive stores, and work as sales associates and inventory clerks. Sports/coaching followed with 13.8 per cent (n=15) of jobs. Newspaper delivery and babysitting were common jobs for students, each with 8.3 per cent (n=9). Others were employed in construction, telemarketing, janitorial, office-clerical, a hair salon, door to door sales, walking dogs, berry picking, extra work in the film industry and computer repair.

Bearing in mind that the gender breakdown of those currently working was 51.8 per cent male to 48.2 per cent female, we note some gender variations within the five most frequently reported categories of work:

- food services workers are 63 per cent female and 37 per cent male;
- retail employees are 48 per cent female and 52 per cent male;
- newspaper deliverers are 31 per cent female and 69 per cent male;
- babysitters are 67 per cent female and 33 per cent male; and
- sports workers and coaches are 6 per cent female and 94 per cent male.



## Hours Spent at Work

The children and youth in our study worked varying lengths of time. They were asked how many hours they worked during the school week, on the weekend, and over the summer holidays. On average, 12 to 14 year olds work fewer hours in all these time periods. The mean number of weekly hours that 12 to 14 year olds reported working during each of these timeframes is 3.68, 2.9, and 8.97 respectively. The 15 to 18 year olds report working two to three times more (7.98, 8.56 and 23.14 hours respectively). For most children and youth school is the main focus when school is in session, though we record one case of a 12 to 14 year old working in excess of the 20 hour maximum during the school week.

As many as 23 per cent of all youth (n=23, valid cases=100), and 31 per cent of 12 to 14 year olds (n=9, valid cases=29), indicated that they worked less than two hours per week; in itself this flags a potential violation of the Employment Standards Act, since few of these cases were in excluded jobs and, for the rest, the minimum two-hour call-out is mandated under the Act.

Some of the respondents who noted difficulty with school/job balance worked longer hours. It appears that for some students, having too many hours of work can impact on their school performance.

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## Impact on School Performance

Some literature indicates that students who work 20 hours per week or more experience difficulty with their schoolwork, while those working under 20 hours generally do not experience negative impacts on school performance.<sup>47</sup> Our study did find a minority of respondents who reported a negative impact on school grades, including cases where fewer than 20 hours were worked. Nine of 98 respondents (9.2 per cent) replied that their grades had declined since they started working. Fifty-eight (59.2 per cent) reported that their marks stayed the same, and 15 (15.3 per cent) noted that their grades improved (16 were not sure whether there was an effect). Given that most of the study's participants work 10 hours or less each week, it is not surprising that the majority noted no impact on their school performance. The fact that around 15 per cent replied that their grades improved underlines the fact that a reasonable amount of time spent at work can be a positive experience for working students. The mixed finding, however, highlights the benefit that would result from giving school authorities a chance to intervene so that those who have difficulty mixing school and work could be required to reduce their work hours.

A higher proportion of students (17.7 per cent, n=17, valid cases=96), noted that they lacked time to do their homework. Of these, the great majority worked less than 20 hours a week and most worked less than 10 hours, suggesting that some students feel the effects of work more than others, and the effect is not confined to those working long hours. The remainder indicated they had enough time to do their homework (67.7 per cent, n=65,) or they did not work on school days (14.6 per cent, n=14).

## Impact on Recreation and Social Life

Some currently working participants noted a significant impact on their extra-curricular/recreational lives—almost 50 per cent (n=50) indicated they had to give up, or are missing out on, sports, music, or other activities (see Table 3).

The impact of work on students' social lives and their level of fitness was more benign. About half (50.5 per cent, n=49) noted that their social life stayed the same; 45.4 per cent (n=44) considered their level of physical fitness to have stayed the same. A sizeable number indicate that their social life and physical fitness has improved since they started working. For instance, 30.5 per cent feel that their fitness has increased, and 23.7 per cent think that their social lives have improved. It appears that work has a beneficial effect for many young people. However, some students (12.4 per cent and 13.4 per cent respectively) reported that work has had a negative effect on their social lives and physical fitness. It is these children and youth about whom a well-crafted employment standards regime should rightly be concerned.

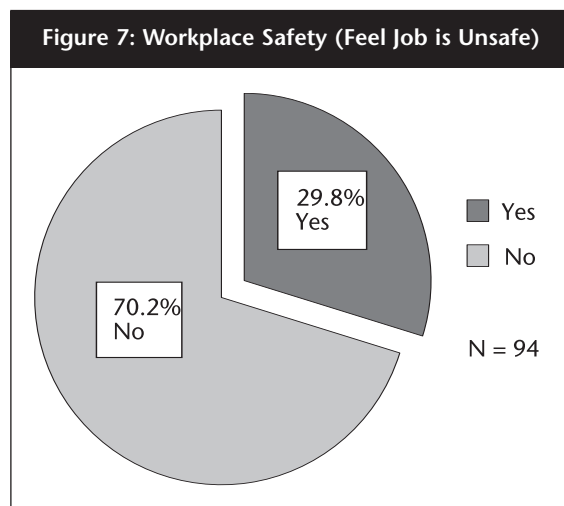
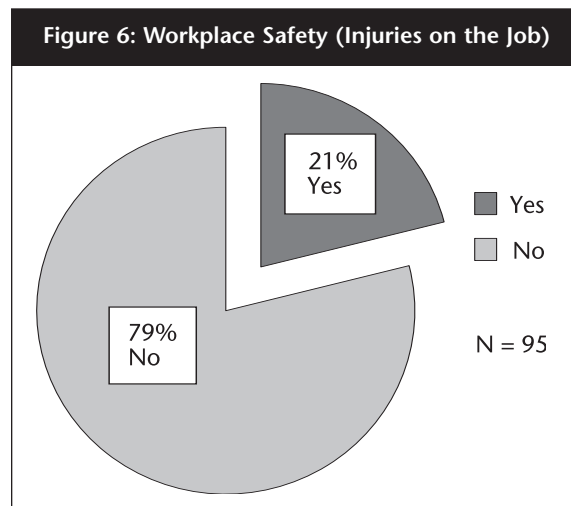
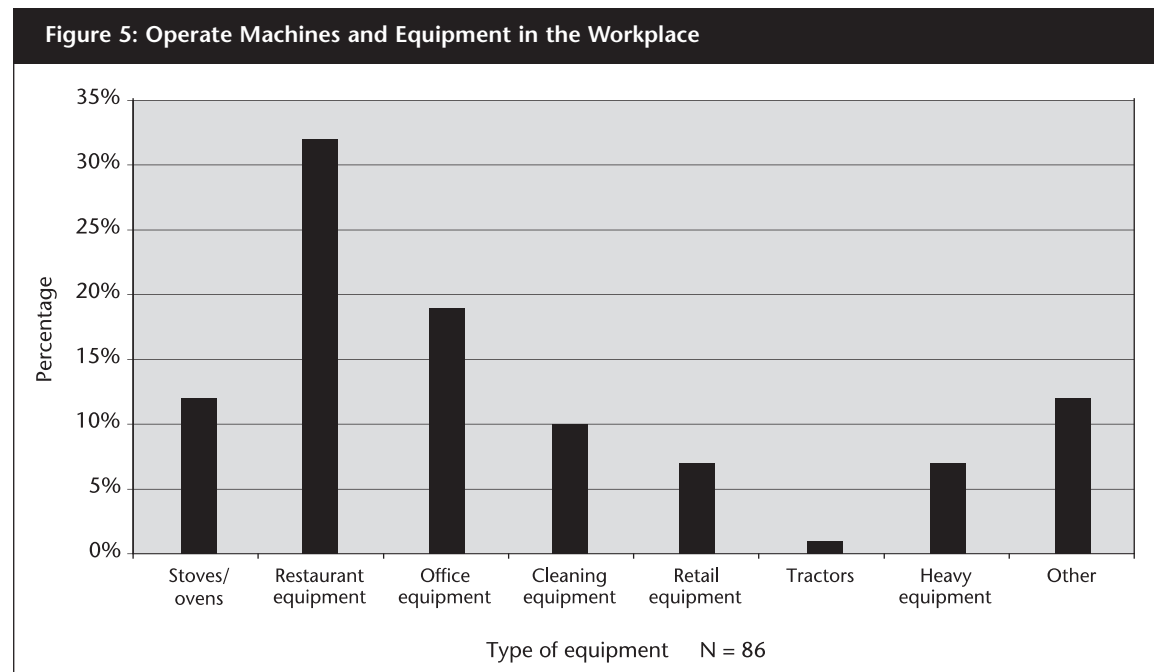
Table 3: Impact of Work on Recreation	
Missing out on recreation	49.5%
Not missing out on recreation	41.2%
Not sure	9.3%
Total	100%
	N=97

Table 4: Impact of Work on Social Life and Physical Fitness		
	Social life	Physical fitness
Worse	12.4%	13.4%
The same	50.5%	45.4%
Better	23.7%	30.9%
Not sure	13.4%	10.3%
Total	100%	100%
	N=97	

## Workplace Health and Safety

Many respondents are currently employed in the food services sector and operate stoves, ovens, and other restaurant equipment (over 40 per cent report they have operated such equipment, see Figure 5). Due to their age, relatively few work with heavy equipment, but there are exceptions. Several students reported operating heavy equipment such as bulldozers, diggers, forklifts, or tractors. While this is a very small proportion it does indicate that some young employees are operating potentially dangerous equipment.

More than one in five working children and youth report that they have been injured on the job (21.1 per cent, or 20 of 95 respondents; see Figure 6). Many of the injuries were burns. This probably reflects the fact that many are working around stoves, ovens, and restaurant equipment, although surprisingly retail cashiers also reported this injury. Most respondents were treated either at work or at home for their burns. Of those injured, 31.6 per cent (n=6) reported being treated in a hospital or by a physician, and 5 per cent received treatment at a clinic, suggesting more serious accidents.



The injured youth were 55 per cent female (n=11) and 45 per cent male (n=9), and youth between the ages of 15 and 18 were four times more likely to be injured while on the job than those aged 12 to 14.

Almost 30 per cent of currently working respondents indicated that they felt unsafe while at work (n=28; see Figure 7). Of those who felt unsafe at work:

- 10 respondents work in the food service industry (often at fast food outlets, e.g. four work at McDonalds);
- five work at retail jobs;
- four respondents work as newspaper deliverers;
- three are in the sports/coaching sector (two are hockey referees);
- two are working as babysitters; and
- the remainder, four respondents, work in the janitorial, construction, education/tutor, and other (hairstyling) sectors.

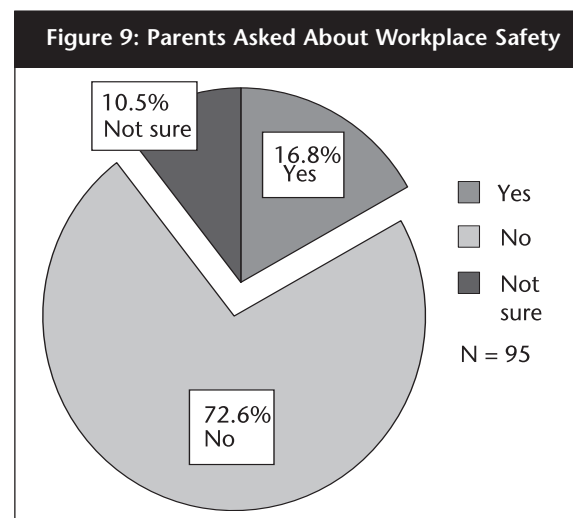
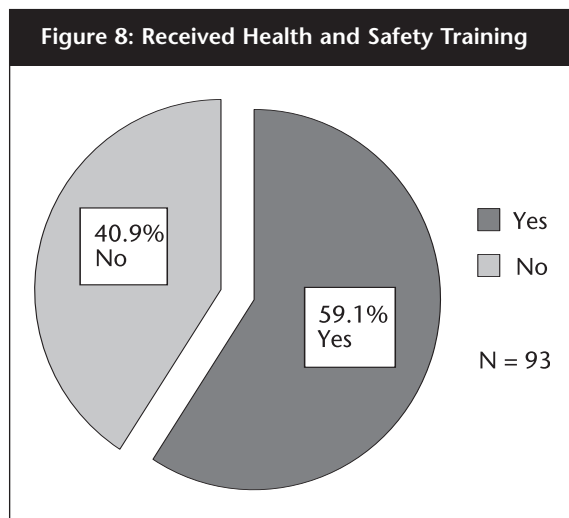
Our survey did not probe as to the kind of insecurity these young people felt. They may feel unsafe, in addition to the possibility of physical accidents, because they are required to work alone, or feel vulnerable to harassment, abuse or violence.

Working respondents were asked whether they received any on-the-job health and safety training. Quite a high number reported having no training—40.9 per cent (see Figure 8). This could indicate that health and safety is not being dealt with by employers.

It is worth noting that immigrant children are significantly less likely to have received health and safety training than their Canadian counterparts.

Regardless of the age of the young workers in this study, a surprisingly low number report that their parents have asked their prospective employer about the safety of the workplace. For all age groups, 72.6 per cent (69 respondents) report that their parents did not ask about health and safety (see Figure 9); for the 12 to 14 age group the figure was 48.1 per cent (n=13). Unlike the regulations in neighbouring Alberta, British Columbia provides no mechanism whereby parents can ascertain the safety of the workplace. In neither jurisdiction, of course, is there a guarantee that persons who are without potential conflict of interest and possessed of sufficient expertise can evaluate these issues.

In terms of supervision, 9.6 per cent of all students (n=9) reported that they work without adult supervision, 33 per cent (n=31) were supervised some of the time, and 57.4 per cent were supervised all or most of the time. This raises questions about the value of self-regulation under the current *Employment Standards Act* (ESA). The new employment standards regime relies upon parents to establish that their





children’s workplaces are not harmful from a health and safety point of view, and requires adult supervision of 12 to 14 year old workers. However, as our results indicate, a large proportion of parents may not be monitoring their children’s health and safety situation in the workplace, and too many employers seem to take a lax attitude towards the statutory requirement of adult supervision.

## Reports of Violations of Employment Standards

The proportion of young workers who reported that their employers did not receive written parental consent is quite high (60.9 per cent of students, n=56). Of course, many in the upper age group would not require this. However, most of the students in the 12 to 14 age group (58.3 per cent, n=14) reported employers did not get parental consent to work—a violation of the Act.

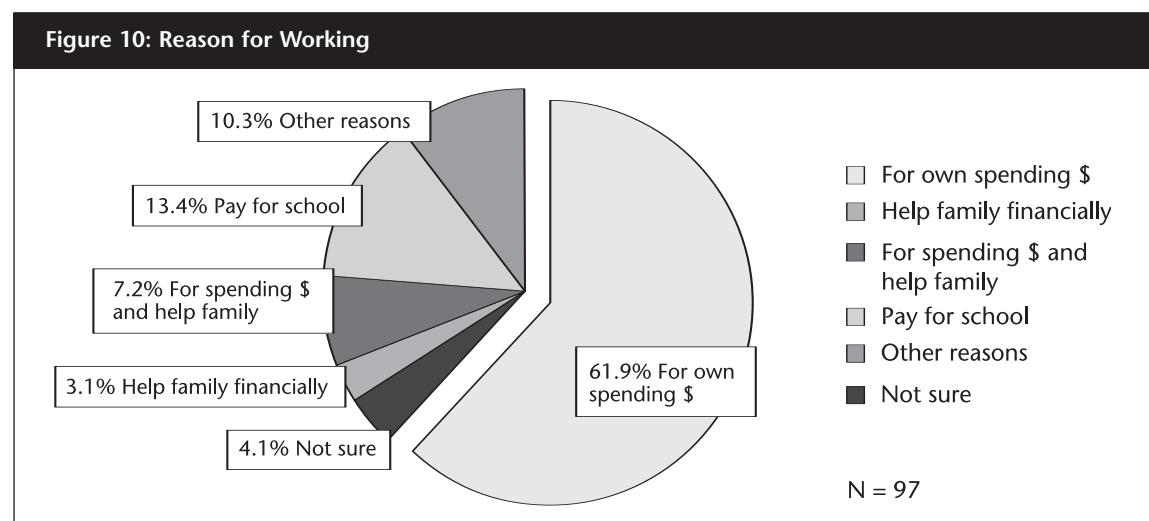
Students reported other apparent violations of the ESA. The Act requires the constant supervision of workers aged 14 and younger by an adult (defined as a responsible person at least 19 years old). A disturbing picture of unsupervised work among 12 to 14 year olds was revealed—22.2 per cent (n=6) of this group reported that they worked without adult supervision, 48.1 per cent (n=13) were only supervised some of the time, and only 29.6 per cent (n=9) were supervised all or most of the time.

A disturbing picture of unsupervised work among 12 to 14 year olds was revealed—22.2 per cent reported that they worked without adult supervision.

## Reasons for Working

The majority of working respondents (61.9 per cent, n=60) indicated they are working for spending money (see Figure 10). The next 13.4 per cent (n=13) note they are working to save for university, and 3.1 per cent (n=3) to help out their family. A further 7.2 per cent (n=7) answered that they are working to both earn pocket money and help out with family expenses. For the most part, young workers want to earn personal income to spend on consumer goods and services. Nevertheless, a small number may be working due to family income pressures. Indeed the two are not mutually exclusive, as young workers’ ability to generate their own spending money may, in low-income families, enable funds to be diverted from allowances and pocket money to general purposes.

The majority of young workers (73.7 per cent, n=73) indicated that they like their job; 13.1 per cent (n=13) did not like their job; and 14.4 per cent were not sure. Obviously most working children and youth do get satisfaction from working. Those who do not like their work gave a variety of reasons: that work is boring, takes too much time, or is tiring.

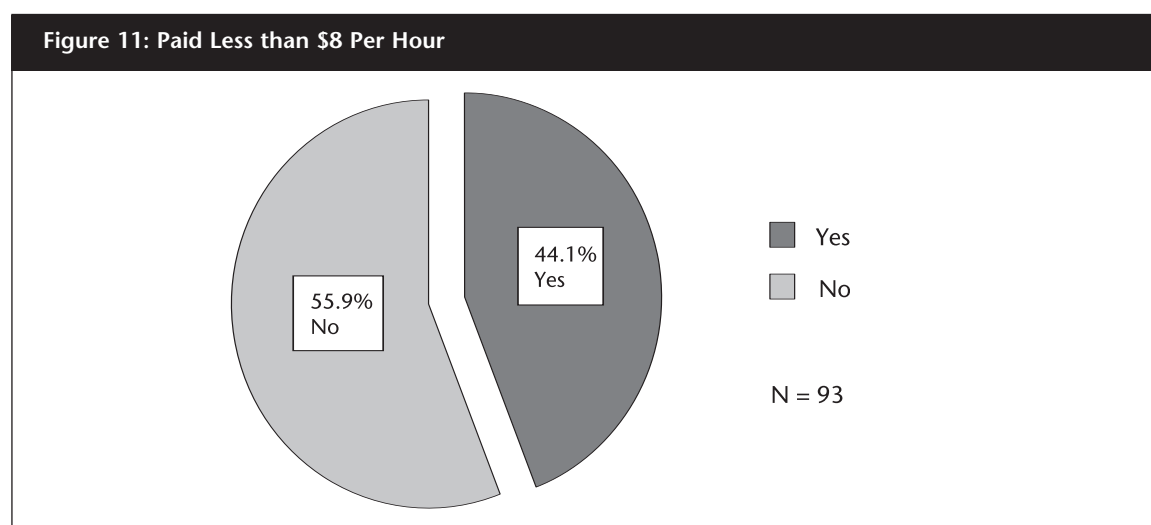


## BC's First Job / Entry Wage

### Children and Youth Employed at the First Job Rate

Many young workers reported they received the first job / entry level wage. Forty-four per cent of the employed youth (n=41) indicated that they had been paid less than \$8 per hour at some time (the remaining 56 per cent (n=52) were never paid less than \$8 per hour—BC's regular minimum wage) (see Figure 11).

Of those who indicate they have been paid less than \$8 per hour: 43.9 per cent are female (n=18) and 55.1 per cent are male (n=23); and 46.3 per cent (n=19) are aged 12 to 14, while 53.7 per cent (n=22) are in the 15 to 18 cohort (meaning, a disproportionate share of the younger cohort worked at the reduced wage). Our findings indicate that females and males are both prone to being paid the reduced rate. There is no significant gender difference within the age cohorts.



**Table 5: Comparison of Current Pay, Least Paid, and Most Paid**

Dollars per hour	Current pay per hour		Least paid per hour		Most paid per hour	
	Cases	%	Cases	%	Cases	%
<\$6.00	6	7.1	22	26.8	1	1.3
\$6.00–\$7.99	5	5.9	19	23.2	3	3.8
\$8.00	29	34.1	25	30.5	13	16.3
\$8.15–\$9.99	25	29.4	8	9.8	20	25.0
\$10.00–\$11.99	12	14.1	5	6.1	18	22.5
\$12.00–\$15.99	6	7.1	2	2.4	14	17.5
\$16.00–\$19.99	1	1.2	0	0	1	1.3
\$20.00 or more	1	1.2	1	1.2	9	11.3
	85	100.0	82	100.0	79	100.0

Table 5 summarizes more detailed pay data from the respondents who currently have jobs. Eleven (13 per cent) indicated that they are being paid less than the minimum wage of \$8 per hour (indeed six respondents report being paid less than \$6), 34.1 per cent note that they are paid \$8 per hour, and the remainder (52.9 per cent) are paid more than \$8 per hour. Young workers were asked what was the least that they were ever paid: 26.8 per cent indicated that they had been paid less than \$6 per hour, and another 23.2 per cent were paid from \$6 per hour to \$7.99 per hour (for a total of 50 per cent who had earned less than \$8 per hour).

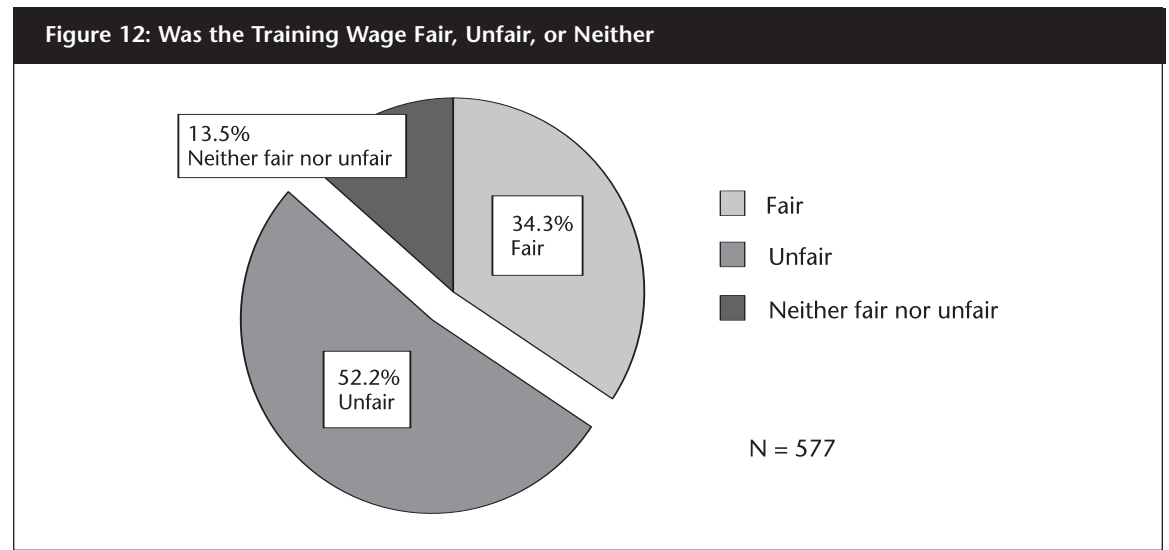
Not shown in the table, but statistically significant, are the gender differences in average (or mean) wages. For males the mean is \$9.42 per hour, for females \$8.22. Of those getting paid more than \$8, males reported a mean hourly wage of \$12.70, females \$8.66—again a statistically significant difference.

Young workers who completed 500 hours on the first job / entry level wage are entitled to receive the \$8 minimum wage. A few in our sample (13 per cent, or three of 23 valid cases), however, indicated that they either lost their job or continued to work at \$6 per hour. They were already disadvantaged by the first job / entry level wage and then had their right to the general minimum wage abrogated because their employers were not willing to pay them the statutory minimum wage.

### Perceived Fairness of the First Job / Entry Level Wage

A slight majority, 52.2 per cent of all respondents (n=577) find the first job / entry level wage to be unfair (see Figure 12). However, that figure rises dramatically among those students who are actually working: 71 per cent (n=66) indicated they thought it unfair. There is a statistically significant relationship between students' feelings about the wage and whether they have ever held a job. This gap may also speak to the fact that students with actual work experience (who have a better understanding of the minimal skills and training required for most minimum wage jobs) are more likely to find the first job / entry level wage unfair.

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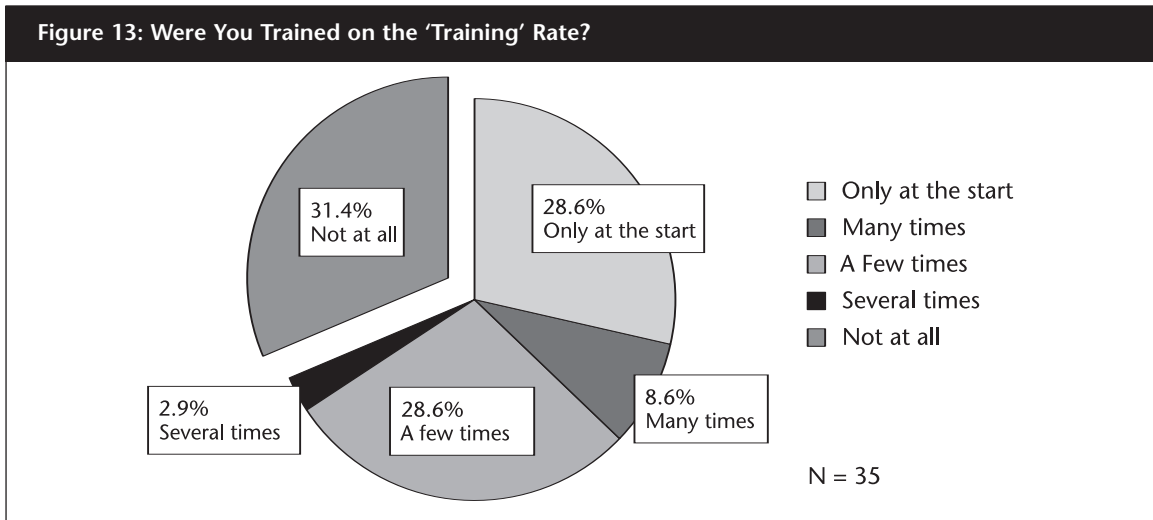
## Workplace Training and the First Job / Entry Level Wage

Young workers who participated in this study were seldom trained while on the first job / entry level wage. Of course there is no legal obligation for employers to provide training. However, the idea that lack of experience warrants lower pay is implicit in the statute and the official designation of this wage as a “first job” or “entry” wage. One justification for the reduced wage could be that new workers require considerable supervision and are less efficient in their jobs than are more experienced workers. The implication is that ‘training’ will occur, whether formal or on-the-job, and, over a period of 500 hours,

Our survey indicates that while some young people are supervised and given training, many are not.

remedy the alleged deficiencies of the new worker. This perception explains why the reduced minimum wage became known colloquially as the ‘training wage.’ However, our survey indicates that while some young people are supervised and given training, many are not. A sizable proportion of respondents indicated that they were trained only at the start (28.6 per cent, n=10), or just a few times (28.6 per cent, n=10) (see Figure 13). The largest proportion indicated that they were not trained at all (31.4 per cent, n=11). Only 8.6 per cent (n=3) reported being trained many times. These findings indicate young workers are

often not being trained by their employers or other experienced employees while on the first job / entry level wage.



# Policy Analysis

## Fair Child And Youth Employment Standards

### Minimum Age and Allowable Hours of Work

In BC, children as young as 12 years old are allowed to work and for longer hours than in other provinces.<sup>48</sup> The relationship between working and school performance is complex. Some research has shown that working less than 20 hours a week is not detrimental to schoolwork, but working more than 20 hours a week can be. Studies in Ontario and Quebec have shown that students who work 15 hours or less tend to perform well academically. Other studies show that students who work a small to moderate amount (less than 19 hours a week) are less likely to drop out of school than students who do not work at all.<sup>49</sup> However, working more than 20 hours can be a problem.

The fact that, in school districts with a four-day school week,<sup>50</sup> children and youth can work up to 35 hours per week is a cause for concern. Children and youth are legally able to work hours that are too long to maintain their schoolwork and have a reasonable amount of time for recreation. Many of the respondents in our study noted that because of work they lacked enough time for recreation.

Under the new regulations, the parent granting their consent to the employer of a 12 to 14 year old “must determine that the employment situation meets the best interest of the child and will not adversely affect the child’s social, physical or educational needs.”<sup>51</sup> The Workers’ Compensation Board (WCB) believes that parents usually assume that employers provide proper safety training, equipment and supervision for their children. Many parents believe they have no role to play in this area and, indeed, the Act provides no specific direction. As a result, it is likely that many parents are consenting to the employment of their child without an idea of the real risks involved.<sup>52</sup> Without the supervision of the employment standards branch, or some other form of regulation, parents might be unwittingly placing their children at risk of injury. Our results indicate that many parents are not following up on the health and safety of their children’s workplaces.

WCB does not provide statistics on the rate of injury for children under the age of 15, nor were these statistics available for other provinces in Canada. However, statistics from the United States indicate that children in this age group are at serious risk for injury and death. The US National Institute for Occupational Safety and Health states that for children 14 and under, workplace injuries and fatalities are a significant concern.<sup>53</sup>

In addition, Canadians should be concerned about the impact of recent changes to the *Employment Standards Act*, which allows children to work at a younger age in industries such as farming. These changes, coupled with a need to increase the number of farm workers, may encourage increasing numbers of Canadian children to seek employment in this industry.<sup>54</sup> The BC Fruit Growers Association supported changes to employment standards for youth in the hopes that it would streamline paperwork for hiring children.<sup>55</sup> US studies, however, demonstrate that this is not an appropriate industry for children to enter, especially at a young age. Children often perform the same jobs as their adult counterparts, but are often not physically and mentally equipped to do so.<sup>56</sup> When children work in agriculture, they face myriad dangerous conditions on the job.

Children and youth are generally inexperienced and do not have the necessary skills to operate tractors or other equipment safely, and the consequences can be fatal.<sup>57</sup> Accidents and fatalities are most likely to occur during the summer months when children are not in school.<sup>58</sup> Changes to the BC Employment Standards Act resulting in reduced inspections on farms and cutbacks on regulations have made farm work “much closer to third world conditions than would be acceptable in BC.”<sup>59</sup> Children as young as 12 years of age can now work in these poor conditions with the approval of only one parent. Unfortunately, all of the rural school districts that were approached to participate in this study refused, with one exception. The one rural school district that did approve the study had no teachers come forward to allow their students to participate.

We recommend that further research be conducted into the effects of the revised Employment Standards Act on children and youth working in the agricultural sector in BC.

## **The First Job / Entry Level Wage**

Implementing a differential wage like the \$6 first job / entry level wage entrenches the notion that young workers’ labour is not of equal worth. The majority of the children and youth in our survey (52.4 per cent) indicated that they find the first job / entry level wage unfair, and 71 per cent of working students felt this way. The International Labour Organization (ILO) sets out general principles that allow for differential rates of pay when training is required (such as in apprenticeship programs); otherwise a lower wage is unjustifiable. However, the BC legislation requires no training and most of the working children and youth in our sample have jobs that require only a small amount of training. Thus the reduced minimum or first job / entry level wage explicitly goes against the notion of equal pay for work of equal value and is discriminatory against the youth who are paid this rate.

# Policy Recommendations

## Minimum Age and Allowable Hours of Work

The minimum age for work in BC should be 15 years of age to ensure that children and youth focus on their education. Any younger employment age should expressly limit the types of work to ensure that the workplace health and safety of very young workers is protected. Authorization should be required both from the Employment Standards Branch and a parent or guardian.

Parents should be involved in deciding whether to allow their 12 to 14 year old children to work and should be required to carry out a workplace health and safety check with the employer. This could be accomplished with a workplace inspection report, similar to a rental property condition report (which is in force under BC's *Residential Tenancy Act*), that both the parent and the employer must sign. The signatories would indicate that they have inspected the workplace and both parties find it suitable and safe for the employment of children and youth. Such reports should be filed with the Employment Standards Branch (ESB), which would also be able, prior to granting a permit, to order an inspection of working conditions by a qualified official.

We are not simply recommending a return to the former employment standard regime. Rather, we believe strongly that the ESB permitting process must be enforced (which was too often not the case previously), and that parents should be required to assume additional responsibilities. Employment of children and youth under the age of 15 must not be treated lightly—both parents and society have an extra duty to protect, and to ensure that these years are spent primarily in the pursuit of education and personal development.

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## The First Job / Entry Level Wage

The first job / entry level wage should be eliminated, as it clearly discriminates against most of the children and youth being paid a lower rate for work of equal value. (There might be exceptions to this rule, an obvious one being apprentices or interns in fields where high degrees of skill are required, and *which require an extensive period of training*—but in almost all cases, such apprenticeships are already rightly paid above the minimum wage.)

Most of the working youth in our study are employed in occupations that require very little training or time to master. If government decides to retain the differential wage rate, it should be for a much shorter period of time than 500 hours, and must be justified on some rational grounds.

## Enforcement

The regulatory framework that governs child and youth employment standards should be properly enforced and monitored. It does not appear that the system of self-regulation established by the new legislation and regulations achieves consistent enforcement of employment standards. Indeed, the role to be played by parents is unclear, apart from granting or denying consent, and no assistance is available to ensure that they reach sound decisions. Therefore the enforcement capacity of the Employment Standards Branch should be strengthened and a special unit assigned to monitor child and youth employment.

# Conclusion

Young workers should experience a fair, smooth and safe transition into the workplace. Parental involvement is a necessary but insufficient condition for making this happen. It needs to be supplemented by the expertise of those trained to evaluate employment conditions. Moreover, minimum criteria for obtaining parental consent should be established, such that parents acquire sufficient information about the job and workplace to make their consent “informed” rather than pro-forma.

The fact that youth are the most likely group to be paid a first job, or ‘training’ rate, makes this pay rate discriminatory on the basis of age. In order for society to have a healthy and stable workforce in the future, the transition from school to work should be a well-regulated process that protects a vulnerable population like children and youth from possible abuse. The formative years for children and youth aged 12 to 18 are vital for their education and experience. Gaining work experience can be an important part of the growth and development of children in this age group. But society owes it to its young to ensure that their initial experiences with the working world are regulated to acceptable standards, and that these standards are followed.



## APPENDIX I:

# Methodology

The use of online surveys in social science research is increasingly common.<sup>60</sup> An online survey was used for this study because it is a cost-effective, fast, and efficient way to connect with students. Computers are widely used in schools and students are familiar with their use. The schools that participated in the study provided students with access to computers, therefore ensuring the inclusion of students who may not have access in their homes.

Students also tend to have more interest in participating in an online survey and, with appropriate permissions, researchers can access students in schools during class time. Studies conducted on the efficacy of online surveys report no large differences in the internal consistency and reliability of online surveys versus paper and pencil surveys. In addition, there appears to be no difference in the quality of responses for closed-ended questions.<sup>61</sup>

Online surveys tend to have a higher response rates than paper surveys, due in part to respondents feeling that they are more anonymous and therefore able to answer more truthfully.<sup>62</sup> For open-ended questions, answers are generally longer and more detailed in online surveys than in paper surveys.<sup>63</sup> Interviewer effects are eliminated in online surveys.

## Sample and Selection of Respondents

This study relied on a purposive sample of public school students in BC aged 12 to 18 years. Online survey methods are conducive to purposive sampling, as the desired respondents can be selected for receipt of the survey from the larger population. The aim is for survey results to be representative of the specific population under study.<sup>64</sup> Random sampling methods were unrealistic for this study, given the challenges of recruiting working youth. A total of 624 students completed the survey, including 114 currently working youth. While a much larger portion of students responded to the key attitudinal questions in the survey, for the purposes of this paper our analysis focuses on the working youth subgroup.

Fourteen of 60 public school districts were contacted for permission to include their students in this project.<sup>65</sup> These districts were chosen to represent various regions in the province, in an attempt to obtain a sample from both urban and rural communities. Five school districts agreed: Boundary School District (in rural BC), Burnaby School District (an urban board in the Greater Vancouver Regional District – GVRD), Langley School District (GVRD), Richmond School District (GVRD), and Vancouver School District (GVRD). Both Langley and Richmond have some agricultural areas.

These school districts granted the researchers permission to contact individual school principals by sending an information package to selected schools in each district. School principals who approved the study either selected teachers within their school or provided permission for the researchers to contact the teachers. The survey was then administered to students in participating classes. The Burnaby school district preferred to approach school principals and teachers directly and then presented us with information about the classrooms willing to participate.

School districts that agreed to participate in the study determined the type of consent needed to survey students in their school. Some school districts had specific consent requirements, such as signed parental approval for students' participation. In all cases the school district's approval process was followed. Simon Fraser University Research Ethics Board approval was also obtained and stipulated procedures followed. Parents who did not approve of their child's participation could inform the school and the student would then be excluded from the study. In all cases, the surveys were completely anonymous. The researchers deleted from the sample answers that were clearly frivolous or false.

## Limitations of the Study

In seeking to understand the relationship between work hours, nature of work and school performance, our findings are not indications of causation, but reflect the perspective of the students. We recognize that there are many factors that may influence the effects of working on youth. These include an individual's general level of academic performance, career goals, family circumstances, family income, general health, and parents' education level. However, although causation cannot be established, discovering the students' own perceptions of the impacts is important.

It is possible that the parental consent process influenced results. Although it is crucial to ensure that children participating in research are protected by notifying or ascertaining consent from their parents, there is no way of knowing whether children not permitted to participate in the study had different experiences from those who were allowed to participate.

# Notes

- <sup>1</sup> H. Luke and G. Moore, *Who's Looking Out for Our Kids? Deregulating Child Labour Law in British Columbia* (Vancouver: Canadian Centre for Policy Alternatives, 2004).
- <sup>2</sup> Ministry of Labour and Citizens' Services, Employment Standards Fact Sheet: General Employment of Young People, <http://www.labour.gov.bc.ca>.
- <sup>3</sup> *Employment Standards Act*, Regulation, Section 45.3.
- <sup>4</sup> *Ibid.*, Section 45.4.
- <sup>5</sup> Although some other activities are prohibited under other protective measures, such as BC's occupational health and safety laws.
- <sup>6</sup> Luke and Moore, p. 5.
- <sup>7</sup> *Ibid.*, p. 5.
- <sup>8</sup> D. Tysoe, *Report of the Industrial Inquiry Commission: British Columbia's Film and Television Industry* (Victoria: Ministry of Skills Development and Labour, 2004).
- <sup>9</sup> *Employment Standards Act*, Regulation, Section 45.8.
- <sup>10</sup> *Ibid.*, Section 32 (a-g).
- <sup>11</sup> *Employment Standards Act*, Regulation, Section 15 (1-2).
- <sup>12</sup> See Andrew Jackson, *Better Educated, Badly Paid and Underemployed: A Statistical Picture of Young Workers in Canada*. Ottawa: Canadian Labour Congress, Research Paper #33, 2005.
- <sup>13</sup> G. Bohn, "Few Well-Paid Jobs Available" *The Vancouver Sun* (23 November, 2004) B2.
- <sup>14</sup> *Ibid.*
- <sup>15</sup> *Supra* note 11.
- <sup>16</sup> From *one-page summary extract of labour data for BC and Canada*, <http://www.bcstats.gov.bc.ca/data/lss/labour.htm>, accessed February 16, 2005.
- <sup>17</sup> *School Act*, R.S.B.C. 1996, Chapter 412, Division 1, Section 3 (b) and Division 4, Section 12.
- <sup>18</sup> *Child, Family, and Community Service Act*, R.S.B.C. 1996, Chapter 46.

- <sup>19</sup> *Workers Compensation Act*, R.S.B.C. 1996, Chapter 492, *Occupational Health and Safety Regulation*, Section 6.77.
- <sup>20</sup> *Mines Act*, R.S.B.C. 1996, Chapter 293, *Health Safety and Reclamation Code for Mines*, Section 3.2.1.
- <sup>21</sup> *Liquor Control and Licensing Act*, R.S.B.C. 1996, Chapter 267, Section 35.
- <sup>22</sup> *Liquor Control and Licensing Act*, R.S.B.C. 1996, Chapter 267, *Liquor Control Licensing Regulations*, Section 9.
- <sup>23</sup> Activities that come within federal jurisdiction include: interprovincial and international services such as railways; highway transport; telephone, telegraph, and cable systems; pipelines; canals; ferries, tunnels, and bridges; shipping and shipping services; radio and television broadcasting, including cablevision; air transport, aircraft operations, and aerodromes; banks; undertakings for the protection and preservation of fisheries as a natural resource; First Nations communities and activities; and undertakings declared by Parliament to be for the general advantage of Canada such as: most grain elevators; flour and seed mills, feed warehouses and grain-seed cleaning plants; uranium mining and processing and atomic energy. Most federal Crown corporations, such as the Canada Mortgage and Housing Corporation and Canada Post Corporation, are covered, while federal public service employees are not. <http://www.hrsdc.gc.ca/asp/gateway.asp?hr=en/lp/lo/lswel/publications/1.shtml&hs=lxn>, accessed March 15, 2004.
- <sup>24</sup> Telephone interview with a former provincial employment standards officer, March 29, 2005.
- <sup>25</sup> *Canadian Master Labour Guide* (17<sup>th</sup> ed.), (Toronto: CCH Canadian Limited, 2003). Labour Program, Human Resources and Skills Development Canada, *Labour law analysis*, (Human Resources and Skills Development Canada, April 1, 2004).
- <sup>26</sup> *Nova Scotia Education Act*, Sec. 114, <http://canlii.org/ns/laws/sta/1995-96c.1/20050211/whole.html>, accessed March 29, 2005.
- <sup>27</sup> Information taken from Government of Alberta website at [http://www3.gov.ab.ca/hre/employment-standards/about/under\\_18.asp](http://www3.gov.ab.ca/hre/employment-standards/about/under_18.asp), accessed 12 August 2005.
- <sup>28</sup> Sources: Alberta, Ontario, Manitoba, Quebec, Saskatchewan, Nova Scotia, Prince Edward Island, New Brunswick, Newfoundland, Northwest Territories and Yukon government websites accessed August 31, 2005.
- <http://www3.gov.ab.ca/hre/employmentstandards/about/minwage.asp>
- [http://www.labour.gov.on.ca/english/es/factsheets/fs\\_wage.html](http://www.labour.gov.on.ca/english/es/factsheets/fs_wage.html)
- <http://www.gov.mb.ca/labour/labmgt/resbr/wages/minwage.html>
- [http://www.cnt.gouv.qc.ca/en/gen/faq/salaire\\_minimum.asp](http://www.cnt.gouv.qc.ca/en/gen/faq/salaire_minimum.asp)
- <http://www.gov.sk.ca/newsrel/releases/2005/08/29-781.html>
- <http://www.gov.ns.ca/enla/employmentrights/minimumwage.asp>
- <http://www.gov.pe.ca/cca/index.php3?number=49717>
- <http://www.gnb.ca/0308/002e.htm>
- <http://www.releases.gov.nl.ca/releases/2005/hrle/0106n01.htm>
- <http://www.ece.gov.nt.ca/Divisions/Labour/index.htm>
- <http://www.community.gov.yk.ca/labour/minwage.html>
- Government of Canada website accessed August 31, 2005
- [http://www.hrsdc.gc.ca/en/epb/yi/yep/programs/scpp\\_nu.shtml](http://www.hrsdc.gc.ca/en/epb/yi/yep/programs/scpp_nu.shtml)
- <sup>29</sup> This section is based on Luke and Moore, p. 16.
- <sup>30</sup> Federation of European Employers, online: [www.fedee.com/eulablaws.html](http://www.fedee.com/eulablaws.html).

- <sup>31</sup> European Union, <http://europa.eu.int/>.
- <sup>32</sup> Organisation for Economic Co-operation and Development, *Combating child labour: A review of policies*, (France: OECD, 2003), p. 116. In this context, light work refers to babysitting and other duties considered to be informal in nature as opposed to the regulation of more formal jobs at age 15.
- <sup>33</sup> Human Rights Watch, *Trading away rights: The unfulfilled promise of NAFTA's labour side agreement*, Volume 13, No. 2(B), April 2001. p. 1.
- <sup>34</sup> Luke and Moore.
- <sup>35</sup> NAALC full text, Annex 1, online: [www.naalc.org/english/agreement9.shtml](http://www.naalc.org/english/agreement9.shtml).
- <sup>36</sup> Unless otherwise stated, all paraphrasing based on, and all quotes taken from, the original text of the Convention, online: [www.unhchr.ch/html/menu3/b/k2crc.htm](http://www.unhchr.ch/html/menu3/b/k2crc.htm).
- <sup>37</sup> *Ibid.*
- <sup>38</sup> International Labour Organization, [www.ilo.org/ilolex/cgi-lex/convde.pl?C138](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138).
- <sup>39</sup> *Ibid.*
- <sup>40</sup> *Ibid.*
- <sup>41</sup> N. O'Higgins, *Youth unemployment and employment policy: A global perspective*, (Geneva: International Labour Office, 2001).
- <sup>42</sup> *Ibid.*
- <sup>43</sup> Statistics Canada, <http://www12.statcan.ca/english/profil01/Details/details1pop2.cfm?SEARCH=BEGINS&PSGC=59&SGC=59933&A=&LANG=E&Province=59&PlaceName=vancouver&CS DNAME=Vancouver&CMA=&SEARCH=BEGINS&DataType=1&TypeNameE=Censuspercent20Metro politanpercent20Area&ID=1251>, accessed on March 23, 2005. The 2001 Census reports that 767,715 of the Vancouver Census Metropolitan Area's total population of 1,967,475 have immigrated to Canada (738,555) or are non-permanent residents (29,165). The percentage given is based on the author's calculations.
- <sup>44</sup> Of this 58 per cent, 39 per cent have never worked, and 19 per cent have done unpaid work. The remaining positive responses worked full-time (4 per cent) and part-time (38 per cent).
- <sup>45</sup> Workers' Compensation Board of BC, *Young workers and workplace injuries*, (Vancouver: WCB of BC, June 2000). Research conducted by the Angus Reid Group.
- Workers' Compensation Board of BC, Strategic Initiatives, Prevention Division, *Parent Focus Groups: Results and Analysis*, (Vancouver: WCB of BC, June 2003).
- U.S. Department of Labor, *Report on the youth labor force*, <http://www.bls.gov/opub/rylf/rylfhome.htm>, accessed July 14, 2004.
- <sup>46</sup> Food industry jobs included hostessing or waiting in a restaurant, working at a deli, a coffee shop or a concession. McDonald's was the most popular place of employment with eight students working for this fast food chain.
- <sup>47</sup> Canadian Council on Social Development, *Youth at work in Canada: A research report*. (Ottawa: Canadian Council on Social Development, 1989).
- <sup>48</sup> *Canadian Master Labour Guide* (17<sup>th</sup> ed.), (Toronto: CCH Canadian Limited, 2003).  
Labour Program, Human Resources and Skills Development Canada, *Labour law analysis*, (Human Resources and Skills Development Canada, April 1, 2004).

- <sup>49</sup> Canadian Council on Social Development, *Youth at work in Canada: A research report*. (Ottawa: Canadian Council on Social Development, 1989).
- <sup>50</sup> Currently, three school districts in BC have adopted a four-day week, and other districts have many weeks with one day of extra closures as a cost-cutting measure. <http://www.bctf.ca/action/cuts/SchoolCalendar/>.
- <sup>51</sup> British Columbia Ministry of Skills Development and Labour, *General Employment of Young People Fact Sheet*, [http://www.gov.bc.ca/esp/facshts/youth\\_general.htm](http://www.gov.bc.ca/esp/facshts/youth_general.htm).
- <sup>52</sup> Workers' Compensation Board of BC, Strategic Initiatives, Prevention Division, *Parent Focus Groups: Results and Analysis*, (Vancouver: WCB of BC, June 2003).
- <sup>53</sup> National Institute for Occupational Safety and Health, *Preventing deaths, injuries and illnesses of young workers*, (West Virginia: NIOSH, July 2003).
- <sup>54</sup> BC Fruit Growers Association Bulletin, *High risk time in farming*, (Kelowna: BCFG, August 16, 2002).
- <sup>55</sup> BC Fruit Growers Association Bulletin, *Children (aged 12–14) working on farms*, (Kelowna: BCFG, December 19, 2002).
- <sup>56</sup> Human Rights Watch, *Fingers to the bone: United States failure to protect child farmworkers*, (New York: Human Rights Watch, 2000).
- <sup>57</sup> Canadian Agricultural Injury Surveillance Program, *Media Bite: Childhood farm injuries in Canada: Ages 10–14*, (Kingston: CAISP, January 2004), <http://meds.queensu.ca/~emresrch/caisp/mb3child4.html>, accessed October 1, 2004.
- <sup>58</sup> *Ibid.*
- <sup>59</sup> Ian Bailey, *Pickers face 'Third world conditions,'* (The Province, September 24, 2004).
- <sup>60</sup> B. Batinic, U-D. Reips, & M. Bosnjak, eds., *Online Social Sciences* (Toronto: Hogrefe & Huber Publishers, 2002).
- <sup>61</sup> *Ibid.*
- <sup>62</sup> P. Comley, *Online Surveys and Internet Research*, 2002, [www.virtualsurveys.com](http://www.virtualsurveys.com), accessed June 22, 2004.
- <sup>63</sup> B. Batinic, U-D. Reips, & M. Bosnjak, eds., *Online Social Sciences* (Toronto: Hogrefe & Huber Publishers, 2002).
- <sup>64</sup> B. K. Kaye, & T. J. Johnson, "Research Methodology: Taming the Cyber Frontier. Techniques for Improving Online Surveys" (1999) 17(3) *Social Science Computer Review*, 323-337, *Supra* note 1.
- <sup>65</sup> These school districts (SD) included: Boundary SD 51, Burnaby SD 41, Central Okanagan SD 23, Chilliwack SD 33, Kamloops/Thompson SD 73, Langley SD 35, New Westminster SD 40, Nicola-Similkameen SD 58, Okanagan Similkameen SD 53, Okanagan Skaha SD 67, Richmond SD 38, Vancouver SD 39, Vernon SD 22, and West Vancouver SD 45.

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## About the Economic Security Project

The Economic Security Project is a major research initiative of the CCPA's BC Office and Simon Fraser University, in partnership with 24 community organizations and four BC universities.

The project examines how recent provincial policy changes affect the economic well-being of vulnerable people in BC, such as those who rely on social assistance, low-wage earners, recent immigrants, youth and others. It also develops and promotes policy solutions that improve economic security.

The project is funded primarily by a grant from the Social Sciences and Humanities Research Council of Canada (SSHRC) through its Community-University Research Alliance Program.

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