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CHILD AND YOUTH EMPLOYMENT STANDARDS

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

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S U M M A R Y

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.

Download the full study, *Child and Youth Employment Standards*, at: www.policyalternatives.ca



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