

OH&S LEGISLATION REVIEW PROJECT

DRAFT – JUNE 2013

Topic: Young and New Workers

Nova Scotia

OHS Law: Doesn't contain any specific protections for young workers. Employment Standards Law: Restricts employment of children under 16 and sets additional restrictions for employment of children under 14. [Labour Standards Code, Secs. 68-70].

No Specific Regulation.

Found on Website:

The WCB develops a social marketing plan for young workers in Nova Scotia each year which strongly emphasizes injury prevention and return to work programs. The campaign typically includes an interactive online environment, print advertising, and other materials all to inspire the necessary behaviour change needed in workplaces to achieve a safer tomorrow.

Newfoundland

OHS Law: Doesn't contain any specific protections for young workers. Employment Standards Law: a. Bars employment of children under 14 unless work is prescribed work within prescribed undertakings; b. limits types of work a "child" (under 16) may do and hours children may work; and c. requires parental consent for "child" to do such work. [Labour Standards Act, Secs. 45-48].

New Brunswick

OHS Law: Doesn't contain any specific protections for young workers. Employment Standards Law: a. Bars children under 14 from working in certain industries; b. restricts employment of children under 16; and c. states that these restrictions are subject to the provisions of the OHS Act respecting the employment of children under 16. [Employment Standards Act, Secs. 39-41].

Prince Edward Island

OHS Law: Doesn't contain any specific protections for young workers. Employment Standards Law: Youth Employment Act governs the employment of children under 16.

YOUTH EMPLOYMENT ACT

1 In this Act:

- (a) "construction" has the same meaning as in clause 1(b) of the Occupational Health and Safety Act R.S.P.E.I. 1988, Cap. O-1;
- (b) "Director" means the Director of Occupational Health and Safety;
- (c) "inspector" means the inspector of labour standards appointed under section 62 of the Labour Act R.S.P.E.I. 1988, Cap. L-1;
- (c.1) "Minister" means the Minister of Environment, Labour and Justice and Attorney General;
- (d) "school" means a public school of a regional administrative unit established under the School Act R.S.P.E.I. 1988, Cap. S-2;
- (e) "young person" means a person under the age of sixteen years. 1990, c.66, s.1;2006,c.43,s.1;2009,c.73,s.2;2010,c.31,s.3;2012,c.17,s.2.

2 This Act does not apply to employment:

- (a) pursuant to any course of study at a trade school registered under the Trade Schools Act R.S.P.E.I. 1988, Cap. T-4;
- (b) in an enterprise in which only members of the employer's family are employed;
- (c) of such descriptions as may be prescribed in the regulations. 1990, c.66, s.2.

3 The Minister is responsible for the administration of this Act. 1990, c.66, s.3; 1993, c.29, s.4; 1997,c.20,s.3; 2000,c.5,s.3, 2006,c.43,s.2.

4 No employer shall employ a young person in employment that is or is likely to be harmful to the health or safety, or moral or physical development of the young person. 1990, c.66, s.4.

5 No employer shall employ any young person in construction. 1990, c.66, s.5.

6 (1) No employer shall employ a young person:

- (a) between the hours of 11:00 p.m. and 7:00 a.m.;
 - (b) during normal school hours except pursuant to a recognized vocational training or apprenticeship program; or
 - (c) for more than;
 - (i) three hours on any school day,
- Definitions construction
Director inspector

Minister school young person
Application of Act
Administration
General principle governing youth employment
Construction
Hours of work
2 Cap. Y-2 Youth Employment Act 2

- (ii) eight hours on any day other than a school day,
- (iii) forty hours in any week.

(2) The inspector may, upon application, exempt the employment of any young person from subsection (1) if he is satisfied that the employment:

- (a) will not prejudice the attendance of the young person at school or the capacity of the young person to benefit from instruction at school; and
- (b) has been consented to by the parent or guardian of the young person.

(3) The inspector shall exempt the employment of any young person from subsection (1) if he has received a document in writing signed by the parent or guardian of the young person consenting to the employment. 1990, c.66, s.6.

7 (1) The Director, the inspector and any occupational health and safety officer appointed under the Occupational Health and Safety Act may at any time enter any premises in which a young person is employed and conduct an inspection to ensure compliance with the requirements of this Act or the Occupational Health and Safety Act.

(2) Where the Director or an occupational health and safety officer has determined that any toxic substance or machinery or equipment in use in any industrial undertaking or any plant engaged in the processing of fish, agricultural products or forest products, is potentially dangerous to young persons, he may, by order, prohibit the employment of young persons in that undertaking or plant either generally or in a location proximate to that substance, machinery or equipment. 1990, c.66, s.7.

8 Where an employer employs a young person, he shall:

- (a) act reasonably in assigning duties taking into account the age, knowledge, education and work experience of the young person;
- (b) identify any potential danger to health and safety known to him and give appropriate instruction to the young person;
- (c) personally supervise the work of the young person or ensure that at all times the work of the young person is supervised by an adult who has experience of the work;
- (d) provide adequate training and courses of instruction before authorizing the young person to perform unsupervised work. 1990, c.66, s.8.

9 An employer who violates any provision of this Act or fails to comply

with an order made under section 7 is guilty of an offence and liable on:

- Exception
- Idem
- Inspection
- Order prohibiting employment in dangerous workplace
- Obligations of employer
- Offence

Youth Employment Act Cap. Y-2 3 3 summary conviction to a fine of not less than \$200 or more than \$1,000. 1990,c.66,s.9.

10 The Lieutenant Governor in Council may make regulations.

11 Repeals. 1990,c.66,s.11.

REGULATIONS

Repeals

Quebec

OHS Law: An Act respecting Occupational Health and Safety bars employers from employing workers who haven't reached the age determined by regulation to perform such work [Sec. 53(1)].

OHS Regs. bar workers under 16 from operating a forklift truck and under 18 from performing blasting work or work with explosives. OHS in Mines Regs. bar certain work from being done by workers under 16, 18 and 20. Safety Code for the Construction Industry bars workers under 18 from various jobs, such as demolition, operation of hoisting equipment and work in excavations or trenches. Employment Standards Law: Bars employment of a child under 14 without parental consent and sets additional restrictions for work performed by "a child" [Labour Standards Act, Div. VI.2]. Restricts night-time work by children. [Reg. respecting Labour Standards, Div. VI.1].

Only thing I could find is:

Information for Government Website:

WHAT ARE MY RIGHTS AND OBLIGATIONS AS A WORKER?

You're entitled to require that your employer provide you with working conditions that let you do your job safely. Your employer must ensure that you get the information, training and supervision that you need to do your job without getting injured.

You're obliged to wear the protective gear furnished by your employer, to follow the safety rules in effect in the establishment where you work and to contribute to eliminating dangers in the workplace (for example, by telling your employer if you discover a danger, by warning someone if a machine is defective or by wiping up a puddle on the floor, etc.).

DOES MY EMPLOYER HAVE TO PROVIDE ME WITH PROTECTIVE GEAR?

Yes. Your employer must furnish you with the protective gear and equipment that you need to do your work safely. And your obligation is to wear that gear and use that equipment.

WHAT SHOULD I DO IF I THINK THAT IT'S UNSAFE TO DO MY JOB?

Tell your employer about it immediately. You have the right to refuse to do a task if you believe that it poses a health or safety risk for you or someone else. In such a case, your employer must correct the situation. If after speaking to your employer, you both still disagree about the danger or the proposed measures, you can request the intervention of an inspector by phoning the CSST office in the region in which your workplace is located.

Ontario

OHS Law: OHS Act requires employers to only employ persons over such age as may be prescribed [Sec. 25(2)(f)]. Construction Projects Regs. bar anyone under 16 from working at a construction project [Sec. 16]. Industrial Establishments Regs. set a minimum age of 16 for logging operations, 15 for factories other than logging operations and 14 for a workplace other than a factory [Sec. 4(1)]. Mines & Mining Plants Regs. set a minimum age of 16 for mining plants or surface mines and 18 for underground mines and the working faces of surface mines [Sec. 8(1)]. Employment Standards Law: Doesn't contain any specific protections for young workers.

Ontario has a website dedicated to Young worker Safety.

<http://www.worksmartontario.gov.on.ca/>

Manitoba

OHS Law: Doesn't contain any specific protections for young workers. Employment Standards Law: a. Bars children under 16 from working without a permit and limits their work hours; and b. bars children under 18 from working alone [9] late at night and from working in prescribed jobs or industries [Employment Standards Code, Div. 14]. Lists prescribed jobs and industries in which workers of certain ages can't work and requires permits for children under 16. [Employment Standards Reg., Secs. 25 and 26].

Saskatchewan

OHS Law: OHS Regs. bar workers under 16 from working in certain workplaces and performing certain jobs. Sets separate restrictions for workers under 18 [Sec. 14]. Employment Standards Law: Sets the minimum age of employment at 15 for hotels, restaurants, educational institutions, hospitals and nursing homes. [Minimum Wage Reg., Sec. 8].

OHS: EMPLOYMENT OF YOUNG PERSONS

14(1) An employer or contractor shall ensure that no person under the age of 16 years is employed or permitted to work:

- (a) on a construction site;
- (b) in a production process at a pulp mill, sawmill or woodworking establishment;
- (c) in a production process at a smelter, foundry, refinery or metal processing or fabricating operation;
- (d) in a confined space;
- (e) in a production process in a meat, fish or poultry processing plant;
- (f) in a forestry or logging operation;
- (g) on a drilling or servicing rig;
- (h) as an operator of powered mobile equipment, a crane or a hoist;
- (i) where exposure to a chemical or biological substance is likely to endanger the health or safety of the person; or
- (j) in power line construction or maintenance.

OCCUPATIONAL HEALTH AND SAFETY

16 O-1.1 REG 1

(2) An employer or contractor shall ensure that no person under the age of 18 years is employed:

- (a) underground or in an open pit at a mine;
- (b) as a radiation worker;
- (c) in an asbestos process as defined in section 330;

- (d) in a silica process as defined in section 346; or
- (e) in any activity for which these regulations or any other regulations made pursuant to the Act require the use of an atmosphere-supplying respirator.

Alberta

OHS Law: Doesn't contain any specific protections for young workers. Employment Standards Law: a. Bars children under 12 from working; b. requires an "adolescent" (age 12-14) to have a permit to work, and imposes other restrictions; and c. allows a "young person" (age 15-17) to work without a permit but subject to other limits. [Employment Standards Reg., Part 5].

British Columbia

OHS Law: OHS Regs. require employers to ensure that workers under 25 get an OHS orientation before beginning work [Secs. 3.22-3.25].

Employment Standards Law: Bars employment of child under 12 without Director's permission and employment of child under 15 without parents' consent [Employment Standards Act, Sec. 9]. Limits working hours of children age 12-15, requires adult supervision and sets additional restrictions on employment of children in the entertainment industry. [Employment Standards Reg., Part 7.1].

Young or New Workers

DEFINITIONS

In sections 3.23 to 3.25: "*new worker*" means any worker who is:

- (a) new to the workplace;
- (b) returning to a workplace where the hazards in that workplace have changed during the worker's absence;
- (c) affected by a change in the hazards of a workplace; or
- (d) relocated to a new workplace if the hazards in that workplace are different from the hazards in the worker's previous workplace;

"*young worker*" means any worker who is under 25 years of age.

[Enacted by B.C. Reg. 105/2007, effective July 26, 2007.]

3.23 YOUNG OR NEW WORKER ORIENTATION AND TRAINING

(1) An employer must ensure that before a young or new worker begins work in a workplace, the young or new worker is given health and safety orientation and training specific to that young or new worker's workplace.

(2) The following topics must be included in the young or new worker's orientation and training:

- (a) the name and contact information for the young or new worker's supervisor;
- (b) the employer's and young or new worker's rights and responsibilities under the *Workers Compensation Act* and this Regulation including the reporting of unsafe conditions and the right to refuse to perform unsafe work;
- (c) workplace health and safety rules;
- (d) hazards to which the young or new worker may be exposed, including risks from robbery, assault or confrontation;
- (e) working alone or in isolation;
- (f) violence in the workplace;
- (g) personal protective equipment;
- (h) location of first aid facilities and means of summoning first aid and reporting illnesses and injuries;
- (i) emergency procedures;
- (j) instruction and demonstration of the young or new worker's work task or work process;
- (k) the employer's health and safety program, if required under section 3.1 of this Regulation;
- (l) WHMIS information requirements set out in Part 5, as applicable to the young or new worker's workplace;
- (m) contact information for the occupational health and safety committee or the worker health and safety representative, as applicable to the workplace.

[Enacted by B.C. Reg. 105/2007, effective July 26, 2007.]

3.24 ADDITIONAL ORIENTATION AND TRAINING

An employer must provide a young or new worker with additional orientation and training if:

- (a) workplace observation reveals that the young or new worker is not able to perform work tasks or work processes safely; or
- (b) requested by the young or new worker.

3.25 DOCUMENTATION

An employer must keep records of all orientation and training provided under sections 3.23 and 3.24.

Federal Sector

FEDERAL: Canada Labour Standards Regs. restricts workers under 17 from working during school hours and under certain conditions [Sec. 10].

Comments

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