

Motion 542 Consultation Report

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EXECUTIVE SUMMARY

In the Fall 2008 Sitting of the Yukon Legislative Assembly, members debated Bill 109, *Young Worker Protection Act*. Flowing from this debate the Legislative Assembly passed Motion 542 which directed the Employment Standards Board and the Yukon Workers' Compensation Health and Safety Board to review and assess the current employment situation in relation to children and young people in the Yukon workforce. They also directed the boards to consult with parents, employers, youth and labour organizations, using Bill 109 as a discussion document, to identify gaps in current employment standards, occupational health and safety, and education legislation, in Yukon, governing the employment of children and young people.

Consultation focused on Bill 109 and included stakeholder meetings, three public meetings, and three young worker focus group meetings. In order to capture parent views, a questionnaire was mailed to all parents of school age children in Yukon; 309 were completed and returned. Some employers of youth were contacted in person, while others were encouraged to complete an on-line questionnaire; 91 responses were documented.

The consultation on Motion 542, despite the short timeline, involved a significant number of employers, parents, youth, and other stakeholders throughout the territory. The consultation discovered that there is a broad range of opinions among Yukoners, some of whom have very strong views on this topic.

This process revealed the many and varied reasons why young people enter the workforce. We also learned that young people begin their working lives in a wide range of occupations. Predictably, many youth get their first jobs in fast food restaurants and retail stores, but young people also start their working lives in placer mines, on construction sites, and in the hotel industry. In some cases, young people start out working for family members.

After reviewing existing Yukon legislation, legislation from other Canadian jurisdictions, and the consultation results, the Employment Standards Board and the Yukon Workers' Compensation Health and Safety Board arrived at the conclusions listed below.

1. There is currently legislation in place in Yukon that either covers or provides the authority to address the provisions proposed in Bill 109.
2. There was no consensus as to whether or not minimum working age legislation is needed or desired in Yukon.
3. A large majority of both employers and parents feel that there should be minimum working ages for certain occupations and workplaces—especially those that are perceived as having more risks and dangers.
4. Concern was expressed that minimum working age legislation will be disregarded by some employers and parents, leading to more “under-the-table” employment.
5. Opinion was fairly evenly split on the question of who should decide at what age a person can begin working.
6. There is no agreement between or within groups on the issue of parents exempting their children from certain provisions of any minimum working age legislation.

7. A number of consultation participants expressed concern about the practice of young workers supervising other young workers.
8. The *Occupational Health and Safety Act* applies to young workers between the ages of 12 – 18, however; it does not apply to those workers under the age of 12.
9. A significant majority of both employers and parents feel that employers and business owners bear the primary responsibility for young worker on-the-job safety.
10. Not all employers are meeting their obligations under the *Occupational Health and Safety Act* with respect to training and supervision of young workers.

INTRODUCTION

In the Fall 2008 sitting of the Yukon Legislative Assembly, members debated Bill 109, *Young Worker Protection Act*, introduced by the MLA for Mount Lorne. Among the provisions proposed in Bill 109 were:

- Establishment of a general minimum working age for Yukon workers (12).
- Minimum ages for certain occupations (e.g., 16 to work in construction and 18 to work in the forest industry).
- Limits on hours of work for high school students (e.g., two hours maximum on school nights for workers under 16 years of age).
- Working alone standards.
- A number of conditions for youth employed in the entertainment industry.

Immediate family members would be exempt from many of these provisions. (*Refer to Appendix 1, Tab 8, for a copy of Bill 109.*)

Subsequent to the debate on Bill 109, the Legislative Assembly unanimously passed Motion 542, introduced by the MLA for Dawson. The motion directed the Employment Standards Board and the Yukon Workers' Compensation Health and Safety Board to conduct a thorough review and assessment of the current situation involving employment of children and young people in the Yukon workforce to ensure their protection from hazardous environments, substances and occupations, as well as to consult with parents, employers, youth, and labour organizations to identify any gaps in employment standards, occupational health and safety, and education legislation regarding the employment of children and young people, using Bill 109 as a discussion document. (*Refer to Appendix 2, Tab 9, for a copy of Motion 542.*)

Consultation on Motion 542 took place in January, February, and March, 2009. This report reflects the results of that consultation.

BACKGROUND

Yukon Labour Force

In 2008, according to Statistics Canada, approximately two in three Yukoners aged 15 – 24 (67%) were in the labour force. Data on the number of workers aged 18 or younger are not available, but Yukon employers reported to the Yukon Bureau of Statistics in its *Business Survey 2008* that they employed 87 workers aged 14 or younger in 2008. As the excerpt from that report (Appendix 3, Tab 10) shows, 60% of this age group was employed in accommodation, food services, and the retail trade.

Why Minimum Working Age Legislation?

Minimum working age legislation, in one form or another, is in place in many countries around the world and in most Canadian jurisdictions. According to Human Resources and Social Development Canada's Labour Program, there are three main impetuses behind the enactment of minimum age legislation:

1. Primacy of education
2. Protection of the development of young persons
3. Physical safety of children, adolescents, and other workers

1. Primacy of education: Minimum working age legislation helps to ensure that children attend school up to a certain age by prohibiting work during school hours and by limiting the number of hours of work outside of school hours. In Alberta, for instance, children aged 12 to 14 are allowed to work only two hours on a school day. The age at which a young person can 'legally' quit school differs from jurisdiction to jurisdiction; in Yukon it is 16.

2. Protection of the development of young persons: Some young worker legislation aims to prevent young people from being exposed to occupations or situations that could be harmful to their growth or character. For instance, in Nova Scotia it is illegal for a child under 16 to work in a pool room.

3. Physical safety of children, adolescents, and other workers: Occupational health and safety laws and regulations in Canada aim to protect all workers from harm at work and apply to both younger and older workers. However, in recognition of the higher risk of injury for younger workers, most jurisdictions limit the occupational choices of young workers. For instance, workers under age 16 may be prohibited from working in construction, mining, or forestry. British Columbia has gone further by enacting a set of regulations which specifies in detail how young and new worker orientation and training are to be conducted and documented. New Brunswick is considering similar regulations. Prior to the introductions of Bill 109 and Motion 542, the Yukon Workers' Compensation Health and Safety Board, with the support of its Prevention and Safety Advisory Group, had begun work on a code of practice to address young worker orientation and training.

Bill 109 and Motion 542 arose primarily out of a concern for the health and safety of Yukon young workers. According to WorkSafeBC and Canada's Centre for Occupational Health and Safety, young workers (under age 25) are more likely to be injured or killed on the job than older workers. Half of those injuries and deaths occur within the first six months of employment. Every year in Canada, 60,000 young workers are injured and 50 – 60 are killed. In Yukon, 150 young workers, on average, are injured seriously enough to require medical treatment or time off work every year. Many of these injuries involve school-aged children working part-time. Some young worker injuries are permanently disabling. It has been more than 12 years since there has been

a young worker fatality in Yukon, but Yukon youth have been killed on the job in other jurisdictions, including two within the last three years.

Minimum Working Age Legislation: International

The U.N.-affiliated International Labour Organization has introduced two conventions pertaining to child labour. Convention 182, Worst Forms of Child Labour, asserts the importance of free education and prohibits children under age 18 from undertaking work likely to harm their health, safety or morals. One hundred and fifty nations, including Canada, have ratified this convention. Convention 138, Minimum Age, seeks to establish 15 as an international minimum age for work. One hundred and thirty-four countries have ratified Convention 138, but not Canada.

Minimum Working Age Legislation: Canada

Many Canadian jurisdictions have enacted various forms of minimum age legislation. The youngest general minimum working age in the country—in effect in Alberta, B.C., and Manitoba—is 12. The minimum in Ontario and Newfoundland and Labrador is 14. The remaining provinces and territories do not have a general minimum working age, although most have minimum ages for particular occupations and workplaces. (*Refer to Appendix 4, Tab 11, for the document Minimum Age for Employment in Canada, prepared in 2006 and updated in February 2009 by Human Resources and Social Development Canada's Labour Program and included in this report with permission. The 2006 and 2009 document includes a table comparing minimum working age legislation across Canada.*)

Minimum Working Age Legislation: Yukon

In Yukon, there is at present no general minimum working age, but there are limitations on youth employment for certain occupations and workplaces. These limitations are as follows:

- The *Employment Standards Act* provides that regulations may be passed to specify the circumstances and occupations in which persons under 17 years of age may be employed. To date no such regulations have been enacted. (*See below for further discussion on the Employment Standards Act.*)
- There are three references to minimum working age in the *Occupational Health and Safety Act Regulations*:
 1. No one under 16 can work in or about a mine, and no one under 18 can work at the working face of a mine or underground.
 2. No one under 18 can operate a motor vehicle transporting explosives.
 3. No one under 18 can work as an X-ray worker (unless in training and under the direct supervision of an X-ray worker).
- The *Education Act* requires children older than 6 and younger than 16 to attend school.
- The *Apprentice Training Act* prohibits anyone under 16 from being trained in designated occupations such as welding and carpentry.
- When proclaimed into force on April 1, 2009, amendments to the *Liquor Act and Regulations* will allow youth over 16 to enter bars for limited work purposes such as delivering food from a kitchen to patrons, perform in bars, and deliver liquor to customers in other licensed premises, with conditions such as written parental consent.

The *Young Persons Offences Act* defines a young person to be 12 years of age or more but less than 18 years of age. This means that someone who is 18 years of age may be prosecuted under the *Act* notwithstanding that they remain a minor. The *Age of Majority Act* defines a minor to be a person under the age of 19 years of age. Any worker or supervisor who causes a serious accident at a workplace cannot be prosecuted under the *Occupational Health and Safety Act* if they are under the age of 12. Therefore, since workers/supervisors under the age

of 12 cannot be held legally accountable for their responsibilities under the *Occupational Health and Safety Act* and *Regulations*, there is a strong legal argument that no worker under the age of 12 should be permitted at a workplace, except in exceptional circumstances.

(Refer to Appendix 5, Tab 12, for relevant sections of the statutes cited above, along with a legal opinion on the Young Persons Offences Act and the Age of Majority Act as it pertains to this issue.)

CONSULTATION PARTNERS

Yukon Workers' Compensation Health and Safety Board

The Yukon Workers' Compensation Health and Safety Board (YWCHSB) administers workers' compensation and occupational health and safety in the Yukon.

Compensation services include:

- Health care costs
- Compensation for loss of earnings
- Awards for permanent impairments
- Benefits to dependents of workers who die from work-related injuries or illnesses
- Return to work assistance

Occupational health and safety services include:

- Promotion of safety awareness
- Training and education
- Inspection and compliance
- Investigations

The YWCHSB administers the *Workers' Compensation Act* and the *Yukon Occupational Health and Safety Act* and Regulations.

► ***Workers' Compensation Act***

Part 14 of the *Workers' Compensation Act* outlines the composition and authority of the YWCHSB's board of directors. Section 98 states that the board of directors, as appointed by the Minister, shall be composed of:

- A chair
- An alternate chair
- No fewer than four and no more than six voting members with equal representation of employers and workers
- The president, sitting as a non-voting member of the board of directors

Section 99 of the *Workers' Compensation Act* outlines the duties of the board of directors. They are responsible to:

- Ensure that all those covered by this *Act* are treated with compassion, respect and fairness
- Act in good faith when administering this *Act*
- Maintain confidentiality

Section 100 of the *Act* describes the powers of the board of directors. They shall:

- Establish the policies of the board of directors in the areas of claims for compensation, assessments, and prevention
- Create rules governing the various issues surrounding conflict of interest
- Provide an annual report to the Minister
- Report to the Minister in a timely fashion on any matters requested by the Minister
- Consider and approve operating and capital budgets of the board
- Plan for the future of the board
- Determine assessment matters

- Make publicly available all policies of the board of directors relating to claims, assessments and prevention
- Publicly consult with employers, employer organizations, workers and worker organizations prior to adopting policies that relate to claims for compensation or assessment matters
- Promote awareness of basic rights and obligations of workers and employers
- Establish the functions and duties of the president

Section 105 of the *Act* states that the board of directors has the exclusive jurisdiction to examine, inquire into, hear, determine, and interpret all matters and questions under this *Act*.

Section 106 of the *Act* authorizes the board of directors to establish an appeal panel to examine, inquire into, hear and determine assessment matters.

► *Occupational Health and Safety Act and Occupational Health and Safety Regulations*

The board of directors is authorized, under Section 25 of the *Occupational Health and Safety Act*, to approve and issue codes of practice to provide practical guidance with respect to requirements of any provisions of the regulations. These codes of practice are filed and published under the *Occupational Health and Safety Act* in the same way as if they were regulations. The provisions of an approved code of practice do not have the force of law, but codes of practice are admissible as evidence in a prosecution for the violation of the provision of the regulations.

Under Section 26 of the *Occupational Health and Safety Act*, the board of directors can hear appeals pertaining to this *Act* or subsequent *Occupational Health and Safety Regulations*. The decision of the board of directors is final and binding.

The Commissioner in Executive Council, under Section 51 of the *Occupational Health and Safety Act*, may make any regulations in relation to matters covered by this *Act*.

Employment Standards Board

The Employment Standards Board is established under section 94(1) of the *Employment Standards Act*. Section 94(2) specifies that the Board is to consist of five members appointed by the Minister, including:

- A chair;
- Two members who are representative of employers; and
- Two members who are representative of employees.

The Board Chair is authorized by Section 95 to establish a panel consisting of one or more Board members. Such panels have all the power and authority of the Board on any matters referred to them by the Board Chair.

A Panel was established to address its responsibilities under Motion 542 including co-production of this report with the Workers' Compensation Health and Safety Board.

► *Board Authority and Responsibilities*

Section 98 of the *Act* grants the Board and each of its members the protection, privileges and powers of a board appointed under the *Public Inquiries Act*, including the power to:

- Summon any person as a witness and require them to give evidence on oath or affirmation and to produce any documents and things the Board considers necessary; and as in civil court cases, to:
- Enforce the attendance of persons as witnesses;
- Compel them to give evidence; and
- Compel them to produce documents and things.

Section 98 also empowers the Board to make certain decisions in calculating employee(s) hours of work and associated wages, should the Board determine that an employer has not kept accurate records of the hours worked by the employee(s).

► *Primary Functions*

The Board's three primary functions are to:

1. Recommend the minimum wage rate to apply in Yukon to employers and employees governed under the *Act*. As outlined under Section 18, this includes authority to consider matters such as: 'on-call' remuneration; room and/or board charges; clothing and uniform charges; tool and equipment charges; and basis of wage computation.

Under Section 18 the Board may also specify the circumstances and occupations in which persons under 17 years of age may be employed, and set the conditions of that employment.

Section 18 Board recommendations/orders must be approved by the Yukon Government before they take effect.

2. Decide on those matters referred to it under sections 76, 78, and 82 of the *Act*, and
3. Advise on such matters as outlined in sections 103 and 104 of the *Act*.

► *Decision-Making*

Section 76 authorizes the Director of Labour Services Branch (Department of Community Services) to refer to the Board, for decision, any complaint that the Director is unable to resolve.

Section 77 empowers the Board to order the Director to issue a certificate confirming the amount of wages that the Board determines is owed to an employee by an employer. If dissatisfied with the Board's decision, the affected employer or employee can apply to the Yukon Supreme Court for review of the amount of wages shown in the certificate.

Section 78 enables a person affected by a decision, order, authorization, or direction of the Director to appeal to the Board for a review of the matter. Under Section 79, the Board can deny or allow part or all of the appeal, and may make any order that it considers the Director ought to have made.

Section 82 enables an employer or employee to appeal to the Board for a review of a certificate issued by the Director under Section 81. Such certificates set out the amount that the Director believes an employer owes to an employee for unpaid wages. Section 82 authorizes the Board to amend certificates if a decision is made which differs from the Directors computation of unpaid wages. If dissatisfied with the Board's decision, the affected employer or employee can apply to the Yukon Supreme Court for review of the amount of wages shown in the certificate.

Under Section 102, an order or decision of the Board or a panel is deemed final and binding if an appeal is not filed under Section 82.

► *Board Procedure*

Section 99 of the *Act* obliges the Board to begin, within 14 days, an inquiry into any matter that comes before it, and grants opportunity to the parties involved to present evidence and make submissions. If the Board considers it necessary, it may hold a hearing with the parties. Section 99 also empowers the Board to order costs payable from one party to the other that it considers appropriate, including compensation for wage loss resulting from attending a hearing.

Section 101 enables the Board to reconsider, vary, amend or revoke a decision, order, authorization, direction, or ruling made by it or a panel within 14 days after making it.

► *Advisory Function*

Section 103 enables the Board, on application or on its own motion, to give a declaratory opinion on any matter arising under the *Act*.

Section 104 obliges the Board to advise the Minister on any matter the Minister refers to it.

► *Employment Standards Act*

The Yukon *Employment Standards Act (Act)* was proclaimed on January 1, 1985, at which time the former *Labour Standards Act* and *Wages Recovery Act* were repealed.

The *Act* has since been amended six times, with 11 amendments in 1990; 34 in 1995; 5 in 1998; 2 in 2002; and one amendment each in 2003 and 2007.

The *Act* applies to all employers and employees in the Yukon Territory, except for:

- The Yukon and federal governments and their employees. These are governed under separate public service legislation;
- Persons working in interprovincial undertakings covered by the federal Canada Labour Code, administered by Labour Canada (e.g. trucking companies, banks, First Nation governments, airports and the postal service); and those exempted from all or part of the *Act* by regulation, such as sitters (as defined by the regulation).

Yukon employers and employees, payroll associations and bookkeepers, and the legal community, including law firms across Canada, regularly consult the *Act* for Yukon information, interpretation, and application.

► *Legislative and Administrative Responsibility*

Yukon Government's Department of Community Services is responsible for the administration of the *Act*.

The *Act* requires Ministerial appointment of a member of the public service as Director responsible for day-to-day administration of the *Act*, as well as member appointments to an Employment Standards Board. The Department's Deputy Head appoints such other public servants as deemed necessary to serve as Employment Standards Officers.

► *Act Scope*

The *Act* establishes the minimum employment standards for both employers and employees and covers topics such as:

- Hours of work;
- Minimum wages;
- Annual vacation and general holidays;
- Maternity and parental leave;
- Special leave (without pay);
- Pay equity;
- Termination of employment; and
- Payment of wages.

► *Youth Provisions under the Act*

The *Act* contains two references specific to youth.

1. As outlined above, section 18 empowers the Employment Standards Board to make recommendations (orders) on specified employment matters. Section 18(2) states:

“18(2) If on the application of the director, or an employer, employee, or trade union representing employees directly affected by the matter, the board considers it necessary, it may

- (f) specify the circumstances and occupations in which persons under 17 years of age may be employed by an employer, set the conditions of that employment; and...

Section 18(7) specifies that any (section 18) Board Order does not come into effect until it has been approved by the Commissioner in Executive Council (i.e. Yukon Government Cabinet). Cabinet-approved Board Orders are reflected in a formal Order-in-Council document, as a regulation under the *Act*.

2. Section 18(6) specifies that:

“No employer shall employ a person under 17 years of age

- (a) in any occupations prescribed by the regulations;
- (b) at a wage less than the minimum wage prescribed by the regulations for the occupation in which the person is employed; or
- (c) contrary to any conditions prescribed by the regulations.”

To date, no such applications have been forwarded to the Board; therefore, no regulations have been made under the *Act* to prescribe circumstances, occupations, or terms and conditions of employment specific to youth under 17 years of age.

► *Labour Services Branch: Department of Community Services*

Labour Services Branch, comprised of the Director, Employment Standards Officers and administrative support staff, works to:

- Promote employer and employee awareness of their rights and obligations under the *Act*; and
- Ensure compliance with Yukon's minimum standards of employment for wages and working conditions, in order to establish a fair and equitable work environment for the work force.

Its mandate is carried out through five primary functions:

- Intake of inquiries and complaints
- Investigation of complaints
- Enforcement of labour standards
- Policy development and regulation of the labour market
- Public education

Through these functions, Labour Services strives to increase voluntary compliance within the labour market and minimize *Act* violations, ensure collection of outstanding wages on behalf of employees' behalf, and generally, ensure the efficacy of Yukon's labour policies. The Director and Employment Standards Officers have considerable authority under the *Act*. (See Part 7 for a summary of the Director's primary responsibilities and authorities.)

By agreement, Labour Services Branch provided support to the Employment Standards Board in undertaking Motion 542 related-activities.

► *Labour Services Branch: Director*

The Director is responsible for all functions and duties assigned by the *Act*. Summarized below are some of the Director's primary responsibilities and authorities:

- Section 75 empowers the Director to investigate, or refuse to investigate, a complaint filed under section 73. The Director may decide not to pursue or continue investigation of a complaint if it is deemed to be frivolous, vexatious, trivial, or not filed in good faith. An investigation may also be ceased due to insufficient evidence.
- The Director may also commence an investigation without receiving a complaint if it is considered necessary to ensure that the requirements of the *Act* are being met.
- The Director may reconsider, vary and/or revoke a previous decision, order, authorization, or direction of the Director.
- Section 76 authorizes the Director to refer a complaint to the Board that s/he is unable to resolve.
- Section 81 authorizes the Director, once satisfied that an employer owes an employee wages, to issue a certificate for wages showing the amount the Director believes the employer owes to the employee. An administrative penalty is also levied. Either of the affected parties may file an appeal with the Board. If an appeal is not filed, the Director may file the certificate with the Yukon Supreme Court.

- Section 85 enables the Director to cancel a certificate issued under section 81 if the employee wishes to commence any other proceeding to recover unpaid wages.
- Section 84 authorizes the Director to levy an Administrative Penalty of \$500 against an employer who has violated sections of the Act. The Employer may appeal the levy to the Board. If an appeal is not filed the Director may issue a certificate for the amount of the levy.
- Section 86 enables the Director to issue a supplementary certificate for wages against the directors of a corporation 30 days after a certificate for wages has been filed in the Supreme Court against the corporation.
- Section 87 empowers the Director to treat any business, trade, or undertaking carried on by more than one corporation, individual, firm, syndicate, or association, or any combination of them, under common control or direction, one person.
- Section 89 empowers the Director, if s/he has reason to believe that any person is or is about to become indebted to an employer named in a certificate made under section 81, to serve a demand in writing on that person that the money be paid to the Director in the amount identified in the certificate. Section 90 obliges the Director to inform the employer and employee of receipt of money pursuant to section 89. If the employer does not dispute the amount, the Director will pay the amount to the employee.
- Section 92 enables the Director to file with the Land Titles Office a certificate issued by the Director. The registration of a certificate in the Land Titles Office creates a secured charge in favour of the Director on behalf of the employee named in the certificate.
- Section 93 authorizes the Director, on reasonable and probable grounds believing that an employer who is indebted intends to remove all or part of their assets from Yukon, to apply to the Supreme Court for an order prohibiting the employer from removing any of their assets from the Yukon.

CONSULTATION METHODOLOGY

To ensure that all of the stakeholder groups identified in Motion 542 had the opportunity to participate in the consultation, the following steps were taken:

- Meetings were held with stakeholder groups, including Yukon Federation of Labour, Yukon and Whitehorse Chambers of Commerce, Association of Yukon Communities, Yukon Tourism Industry Association, Yukon Workers' Compensation Health and Safety Board's Prevention and Safety Advisory Group, and Yukon Placer Miners Association, to advise them of the consultation and how they could participate in it.
- Three public meetings were held in Whitehorse, two in the evening and one over the lunch hour. The meetings were facilitated by a trained moderator and were advertised to the public through newspaper and radio ads as well the Yukon Workers' Compensation Health and Safety Board (YWCHSB), Yukon Government and Labour Services websites.
- Focus groups were conducted with three groups of Yukon young workers 13 – 18 years of age, all of whom were high school students. Two groups were conducted in Whitehorse, one with students in grades 8 – 10 and one with students in grades 11 – 12. One group of all-age young workers/students was held in a Yukon community. Time and budget constraints prevented inclusion of more groups and communities. All sessions were conducted by a trained focus group moderator and, while sessions were recorded to provide the basis for this report, participants were assured that details of their comments would be held as confidential, thus preventing identification of the students, their parents, or employers. This assurance was offered to allow a freer exchange of comment and discussion.
- Questionnaires were developed to give Yukon employers and parents the opportunity to provide their views. An on-line questionnaire for employers was made available on the YWCHSB, Yukon Government, and Labour Services websites and promoted to Yukon businesses, municipal governments, and First Nation governments by YWCHSB's Prevention and Safety Advisory Group, the Yukon and Whitehorse Chambers of Commerce, Association of Yukon Communities, and Yukon Tourism Industry Association. In addition to the online questionnaire, several key employers (primarily those that employ young workers) were contacted by telephone to ensure that a broad spectrum of employers was involved in the consultation. A shorter questionnaire was mailed to every Yukon family with one or more children enrolled in a Yukon school.
- Written submissions and emails were received from groups and individuals.

NOTE: Bill 109 contained several provisions pertaining to the entertainment industry. Due to the specialized nature of this industry and the relatively few Yukon children involved in it, the consultation did not ask specifically about these provisions.

CONSULTATION FINDINGS

Stakeholder meetings

► *Prevention and Safety Advisory Group*

The Prevention and Safety Advisory Group is a committee comprised of representatives from various industry and labour organizations. In attendance at the Prevention Group meeting to discuss Motion 542 were representatives from the Yukon Federation of Labour, Northern Safety Network, Association of Yukon Communities, Yukon Chamber of Commerce, Yukon Transportation Association, Klondike Placer Miners Association, Association of Professional Engineers, Yukon Workers' Compensation Health and Safety Board, and Yukon Employment Standards Board. *(Refer to Appendix 6, Tab 13, for Prevention and Safety Advisory Group's terms of reference.)*

As the Prevention and Safety Advisory Group had previously endorsed the development of a young worker code of practice, there was general agreement that steps to increase young worker safety are desired. However, there was considerable discussion about whether Yukon needs new minimum working age legislation and if so, whether a new act is required or if changes should be made to existing legislation. Concerns about enforcement were raised, and there were those who questioned the role of government in dictating terms and hours of youth employment. In particular there were those who felt that parents should have the right to decide when and where their children work. Others disagreed, noting that not all parents are fully informed about workplace safety and that some parents may not necessarily act in their children's best interests.

Public Meetings

A total of nine members of the public attended the three public meetings that were held in Whitehorse, four of whom identified themselves as parents, two of whom identified as both parents and business owners, and two of whom identified as representing an employer perspective. (One person did not specify his/her interest.) In addition, representatives from the Yukon Employment Standards Board, the Yukon Workers' Compensation Health and Safety Board and its Prevention and Safety Advisory Group, and the Yukon Federation of Labour attended the meetings. A member of the Legislative Assembly was present at two of the meetings. *(Refer to Appendix 7, Tab 14, for the public meetings discussion guide.)*

Four people agreed with the idea of a minimum working age, but there was no strong consensus on whether the age should be 12, 13 or 14. One person said legislating a minimum age is unnecessary because employers will ultimately decide who they hire based on a combination of age and experience. One person (parent, miner, and tourism operator) was vehemently against young worker legislation of any kind:

I get really scared when we're trying to regulate everything. I think common sense has to come into play at some point. I think this [proposed legislation] takes away from parents' responsibility. I'm a person that believes in individual rights and family and being able to raise your children the way that you see fit. I really have a problem with the government telling me how to do it.

On the question of whether or not, in the event of a mandated minimum working age of 12, parents should be allowed to let their own under age-12 children work in the family business, five people voiced quite strongly that this should be permitted because parents are going to take care of their own children. One person who was in favour of youth working for family acknowledged that safety is one area that sometimes falls down in a family business: "Things get a little bit more relaxed, because it's your kid—which is strange." When probed about the

high numbers of youth who are injured while working for their parents, the individual who was against government intervention said that legislation is not going to change injury statistics:

It's just going to make criminals out of a lot of people, because they're going to be taking their kids out running their tractor with them and taking them on the mine. They're going to do this stuff. We've been doing it for thousands of years—passing our knowledge onto our children.

As to whether or not there should be restrictions on the types of work performed by 12 – 15-year-olds, one person felt strongly, despite his/her own background of working in the mining industry from a young age, that “until you’re 18 you shouldn’t be working on an industrial site,” which s/he defined as anywhere heavy equipment is operated. Another person, with a background operating forklifts, expressed the opinion that nobody under 18 should be allowed to operate machinery of any kind if the intent of young worker legislation is to minimize the risk of injuries. Others noted that prior experience and physical ability are factors in a young worker’s suitability to perform certain jobs. “Someone who has been doing something since he was 10 and he’s 16 now has way more of a head start than the 21-year old who has never done it.” A parent with a road construction business stated, “I think we’re going to do all the safety stuff that we can to have our 16-year-old operate, say, a front-end loader, so I trust him to operate a piece of equipment more than some 18-year-old off the street.”

One attendee noted that section 7.1 of Bill 109 sets up a situation where someone under 16 could work in a restaurant kitchen but couldn’t do the same work in a camp kitchen at a construction site.

The individual who was against legislation of any sort suggested the focus be on education rather than restrictions:

I believe that we should be putting our efforts towards education and safe work practices, that sort of thing. And I think that we are doing that to some extent, because I know sometimes my kids will come up to me and say, ‘Dad, what the hell are you doing lying under that truck without blocking it up?’

One parent suggested addressing occupational risks through some sort of standardized job interview or probation process that ensured young workers have adequate knowledge of the job they are performing, the risks involved, and how to stay safe.

There was general support for restricting the hours 12 – 15-year-olds may work during a school week but not for establishing two hours as the maximum school-day shift. Parents and employers favoured four hours as the most an adolescent should work on a school night, and there was general recognition of the difficulties employers would face in scheduling workers for two-hour shifts. They also noted that students are better off working one or two longer shifts and then leaving the rest of the week open to focus on schooling. One person observed that some studies show that kids who work at least 20 hours a week do better in school. Family financial need was also cited as a need for flexibility around hours of work.

One attendee recommended that any new legislation or amendments to existing regulations should be based on research and study that reflects a holistic approach to young worker health and safety and how young workers differ from older workers.

Two people agreed that adolescents should not work past 9:00 p.m. during the school year, but there was support for allowing a later limit in the summer. "I think parents would rather their kids were working until 11 p.m. than being out who knows where."

On the question of 16 – 18-year-olds working alone, two people felt that this is a not just a young worker issue: they felt that no one should work alone, regardless of age.

There was widespread agreement that adolescents and young people should not be supervising each other and that there should be an adult in charge. People cited safety concerns, peer dynamics, and a general lack of worldliness as reasons why under-18s should not be in supervisory roles.

Other comments and suggestions from the public meetings:

- "The more we legislate, the less onus [there is] on parents to take responsibility for their children."
- "Everybody's so different that it would be hard to pin it down to a minimum working age of 12 or a number of hours per week."
- The government should look closely at children working on industrial sites.
- Children should be required to take a basic course on life skills, safety, etc.
- Care should be taken to ensure that any restrictions do not "drive business into the ground."
- The message needs to get out to employers that young workers are different with regard to learning, attention, retention of information, and risk-taking behaviour.

Not all parents know about child development. Not all parents know about the willingness of our children to please us, to the point of self-harm. I think it's good that we have people who are not emotionally involved with their children to put some parameters in.

Youth Focus Groups

A total of 33 young workers participated in three focus groups, two in Whitehorse and one in a Yukon community. Males and females were included within each group. To ensure the confidentiality promised to participants, comments included in this report have been stripped of any features that would allow identification of the parties involved.

The focus groups loosely used Bill 109 as a discussion guide, and sought to understand the experience of young workers in Yukon workplaces as much as to ask their opinions. The experience of young workers offers important insights into how the current regime is working; questions posed within the groups therefore explored experience in broad and specific terms before seeking opinions. (*Refer to Appendix 8, Tab 15, for the youth focus groups discussion guide.*)

► *Benefits of working (What are you spending the money on?)*

Participants identified what they were spending their wages on:

- Junk food, eating out, miscellaneous spending money
- For some, groceries (necessity)
- Movies, video games, electronics
- Clothes (For some it is a necessity; for others it means being able to have more of the clothes they like)
- For females, beauty products and services

- Car / snowmobile / gas
- School supplies
- School and recreational sports
- For a small minority, saving for university
- For some, general savings
- Travel, including contributing to costs of family travel

A significant number of participants were expected to pay some of their own costs; a few were expected to contribute to general household expenses. An important benefit of working is financial independence and being able to make personal spending choices:

It's your money. You earned it, you made it—you get to spend it on whatever you want. Nobody can tell you what to do with it. It's like you're the boss of it.

If I didn't have a job this summer I would probably be pretty bored, because there was nothing going on.

► *Disadvantages of working (What are the downsides of having a job?)*

Youth were asked about the downsides of having a job. Unlike Whitehorse participants, most community participants did not feel that they gave anything up to work, stating instead that it alleviated boredom and provided money to do something fun when they weren't working. For other participants the disadvantages of working included less free time, less time with friends, less time to get homework done, less time for sleep (especially when working late), losing out on being able to participate in sports as well as coping with the challenges of getting to and from work (e.g. no public transit on Sundays).

Like, you go to school all day and then you got to work all night. You get six hours of sleep and then do it again. It's going to affect you quite a bit.

► *Age at first job (How old were you when you first started work, and why then?)*

First job ages ranged from 11 to 16, with 14 being the average starting age. Among the reasons why participants started working were that they wanted to have some spending money (in some cases, they stopped getting allowance; in others, their list of things they wanted grew); they wanted to save towards a specific purchase; they were told by parents to get a job; it was the next step after having had a paper route and one youth worker stated that s/he "thought I couldn't work until I was 14, so that's when I got a job."

Participant: I think my mom told me to go get a job. And then, yeah, I just wanted to buy stuff.

Moderator: And you were how old when you started?

Participant: Twelve.

► *Type of youth employment (What was your first job?)*

- Restaurant (bussing tables)
- Fast food restaurant
- Retail
- Farm hand
- Warehouse / loading trucks
- Construction labour
- Hotel (cleaning and labour)
- Youth camp / centre
- Janitorial
- Movie theatre

A very small minority of participants worked for relatives in their first jobs.

► *Minimum working age (Do you think there should be a minimum working age, and if so, what age?)*

Younger respondents, in general, strongly favoured a minimum working age, with several expressing that 13 or even 14 might be a more appropriate minimum age than 12. Several, in this demographic, felt that workers that young should not be handling cash (“They should be 16”) or having to deal with angry customers or those under the influence of alcohol or drugs; these respondents expressed discomfort with their experience having to deal with angry or drunk adults as part of their work duties.

We had a twelve-year-old working at (---) as a cashier, and someone came up and had a big order and there was no one there. And she got, like, cursed at. I don't think that would be good for a twelve-year-old.

Many older respondents felt there should be no minimum age regulations; however, when pushed on the idea, several of those felt there was such a thing as “too young” to work, although they were unclear as to what would fall into that category (age suggestions ranged from eight to ten years old). Some felt that certain jobs (e.g., stocking shelves, bagging groceries) would be acceptable work for even six-year-old children, while others felt that children should have the chance to just be children. Some also felt that workers under the age of 12 would not know or be able to defend their rights in the face of an adult employer.

Many older respondents felt that employers should be able to decide on a case-by-case basis. Several agreed that it would be dependent upon the young worker’s maturity level, on their experience, and on the quality of the training.

Most were aware that minimum working age policies vary from one employer to another. None mentioned, unprompted, a parents’ role in deciding when a student was old enough to begin working. Several noted cases where students got a job because of pressure from their parents.

► *Hours of work (What has been your pattern of work hours?)*

Many participants worked full-time hours during the summer, with several working night shift or late into the evenings. One had worked 3:45 – 10:00 p.m. on school days until becoming too worn out to continue. One worked five hours after school every day until it became clear that graduation was in jeopardy (and there was some pressure by a parent

to cut back). One worked eight hours after school, three times per week, but that was only possible due to “easy courses and no homework.”

Several had repeatedly worked to between 10:00 p.m. and midnight on school nights (mainly restaurant workers). More typically, respondents worked only one or two shifts during the school week, ending at about 8:00 p.m. Many participants worked between 12 and 20 hours in a school week. Most seemed able to set manageable work hours, either by restricting the number of hours they worked during the school year or by working only summer jobs.

I used to work until midnight every day, like, three days... three school nights a week, and, like, by the end of the week you just got like crazy tired.

► *Impact of working on school (Has working had a negative impact on school?)*

Community participants and younger Whitehorse participants were much less likely to feel that work had a negative impact on school, although at least one in each of those groups noted times when working late had had a direct impact on school. More commonly, the first class in the morning suffered the most; in at least two cases, the least favourite or most difficult subjects bore the brunt of reduced homework time.

Many senior high school students from Whitehorse readily acknowledged that work had interfered with completing school work or studying for tests. Some choose homework as lowest on their priority list, saying that they would sacrifice homework time before losing social time or missing their favourite television shows.

Some have given up part-time work entirely because they couldn't keep up their school work. One cut back on amount of part-time work because it was jeopardizing his/her ability to graduate, despite pressure from the employer when the student sought and explained reduced hours (“they thought it was dumb”).

Participant: You have a late night; sometimes you miss school. That can lead to dropping classes.

Moderator: Are you sleeping in for that morning class?

Participant: Yeah.

► *Restrictions on number of school nights worked / number of hours on school nights / lateness of shifts on school nights / number of hours worked per week during the school year*

Approximately one-third of the participants supported the idea of legislation limiting how late students could work on school nights (Sunday through Thursday). The main reason for supporting this was to ensure they could get enough sleep (a common challenge for them).

Two participants felt that 8:00 p.m. would be a good cut-off time on school nights, particularly for those under 16, while others thought that 9:00 or even 10:00 p.m. might be appropriate. Some also supported a limitation to working on only two school nights so that they would be able to catch up on homework on the other evenings.

One respondent expressed concern that restricting hours of work for workers under 16 could encourage them to work too many hours after reaching that age and possibly even quit school. Some older respondents also resisted the idea of any restrictions, believing

that learning a work/life balance was an essential life skill that people needed to learn young and that appropriate work hours should be determined on a case-by-case basis.

If you're willing to do the twelve hours and it's, like, your choice to how badly it affects your school; if you can still get your schooling done and, you know, still get your hours in, then you might as well do it.

► *Workplace safety (What kind of training did you get for your work?)*

Some participants reported receiving excellent training. Some were simply given large amounts of reading material about potential job hazards, but there appeared to be little follow-up; some participants said they did not read much of it. Many felt their training was adequate, particularly given that they felt their jobs posed no risks. Further probing found that several were not aware they had received inadequate training (e.g., seatbelt use when driving loaders or forklifts, dealing with medical sharps for hotel cleaning staff, knowing what to do in the case of a robbery, etc.). Three students operated chainsaws as part of their duties without training or appropriate personal protective equipment. A couple of participants operated mobile machinery with no or little training. Another was shown how to use mobile machinery and then left alone to try it (not legally considered training).

A few young workers were aware that their training had been inadequate but did their jobs regardless. Several had been trained by other young workers or had conducted such training themselves—in at least one case with only a few weeks more experience than the trainee. One reported being trained by someone who did not speak English. A couple of participants felt they had been over-trained (where they believed it to be just common sense, or where they were trained to deal with hazards unrelated to their jobs).

I think one of my most unsafe jobs was (--) because their materials are pretty, pretty old, and they don't give you any training whatsoever. And it's just fellow employees who tell you what to do.

► *Unsafe work (Have you been in a work situation where you were scared?)*

Many participants reported that they had not encountered any dangerous situations at work. However, some had experienced unsafe work situations, such as:

- The bucket came off a Bobcat and swung into the operator cage while it was being operated by a participant who had not had proper training.
- A participant was required to get under a heavy load suspended by a forklift in order to position materials.
- A participant was required to work on rickety ladders set on uneven ground.
- A participant was required to clear off a steep, snow-covered roof alone and without fall protection.

Participants seemed to be aware of their right to refuse unsafe work, but at least two had refrained from exercising that right in dangerous situations because they felt they might get into trouble with their employer for doing so. Other participants who had not had to refuse unsafe work believed they would be able to do so in that situation, or to ask for additional help if unsure. One respondent said he would do a task he thought was unsafe if he thought he probably wouldn't get hurt.

The roof is, like, this steep, and I'm supposed to get up there and shovel the snow off, and I'm, like, sliding down the roof, just thinking I'm, like, this guy is an idiot, I don't want to work for this goof, right? So I ended up just doing it and, like, toughing it out.

► *Workplace injuries (Have you ever been hurt at work?)*

Several participants reported that they had never been hurt on the job. However, when probed, many admitted they had cut themselves frequently. A few had hurt their backs lifting at work. A couple of respondents had experienced minor burns, and a couple had suffered bruised feet from dropping heavy items. One had been struck by equipment. One flipped an ATV he was driving for work. Another had been repeatedly stung after being instructed to clear wasp nests from an area by knocking them down with sticks or rocks. One fell off a three-metre ladder while trying to carry down a heavy box.

None of these injuries had been formally reported, although at least two incidents involved the workers' supervisors; the most common reasons given were that the injury wasn't serious or they felt that the incident had been their own fault

I guess [my supervisor] just wasn't looking or something and he was going to back and turn out; he smoked me with the forklift. He went backward; it was pretty brutal.

► *Working alone (Have you ever been left to work alone?)*

Most respondents had not been left alone, or had only been left alone for a very few minutes. Those that had worked alone included:

- One participant regularly worked the night shift (11:00 p.m. – 7:00 a.m.) alone at a gas station during summer months.
- One participant worked on scaffolding alone for several hours. (The set-up described seemed adequate, but it had been a scary experience for the worker.)
- Two participants worked heavy equipment alone on work sites for significant lengths of time.
- One participant was commonly left alone to do warehouse cleaning.

We'd be there for an hour or two hours by ourselves or whatever with all the kids, which is illegal.

► *Peer supervision (Have you ever been left under the supervision of another student-worker, or been left in charge of other student-workers?)*

Approximately one-third of the participants said they had occasionally supervised other teens or been supervised by other teens. In some instances, young workers were involved in training other young workers. In at least one case, a young worker was left in charge of a store during the evening, and in one fast food restaurant the young worker on duty who has been there the longest is named supervisor each evening:

The boss, every night, she would leave around 5:00 or 6:00. I don't know, it kind of got ridiculous at some points just because there was actually, like, no supervisor. You could pretty much do as you want if [adults were] not there. It was all good. As long as the [food] kept going out, everything was fine.

► *Unfair treatment (Have you ever been treated inequitably because of your age?)*

Most participants had not experienced inequitable treatment because of their age. Some said they were paid less than older people for the same job, despite comparable experience levels. A couple of participants believed they were routinely given less desirable shifts because of their age, with adult workers (even new ones) given preferred shift choices. A couple of participants had been turned down for employment because of their age.

► *Final comments (Is there any message you would like to pass along to the legislators?)*

- “I think it’s great that they’re trying to consult us even though we’re not of age of majority.”
- “Keep it in the best interest of the people who are being affected: the students.”
- “I don’t think it’s fair that, like, an adult should be able to choose when we work. I think we should be able to have our own say in it.”
- “Better training.”
- “They should just still keep in mind that, you know, different employers have different rules about age limits, so they should really come up with a real solid what you can do, what you can’t do, in terms of kinds of jobs, what kind of standard each job has, including safety and equipment, and things like that.”
- “I think there should just be more information on what rights you have as a worker, you know, because, like, I don’t really know too much about it.”
- “I think if somebody is interested and wants to do a job and seems mature enough to do it, they should be allowed no matter what type of job it is.” (Note: This participant wants to be a bartender.)
- “I think everything’s going pretty good. But there’s a couple little things that could be tweaked, make it a little bit better, but a lot of the companies do mostly what they want anyway. Not a lot of enforcement, which is actually really good for me because it’s working pretty good.”
- “I think there should be a minimum working age of, like, 12, but not a limit upon how many hours a week you can work. I think that’s, like, up to you.”
- “I think that it should be left up to the employer how old the employee should be.”
- “I think that students should just be made more aware of their rights, but also that employers should have it enforced upon them that it’s their duty to train people and all these other things that they should know, but they may not.”
- “I think there should be a minimum age. If you’re, like, under 12 and working, then it’s, like, that’s kind of your parents’ job and that’s, like, what social services is for.”

I think that based on the lack of knowledge some people have, maybe a mandatory course on your rights as a worker should be mandatory for any younger people entering the workforce.

Employer Questionnaire

Ninety-one Yukon employers completed the consultation questionnaire. We heard from employers involved in retail sales, food service (fast food and other restaurants), mining, professions, food retail (grocery stores), municipal and First Nations Government, auto repair, tourism, gas stations, transportation and trucking, construction, manufacturing, and other fields of endeavour. (Refer to Appendix 9, Tab 16, for a detailed summary of the findings and comments of the employer questionnaire.)

► *Employing workers under 18 years of age*

Almost three-quarters of the employers who completed the questionnaire employ workers under age 18. One employer reported that 90% of his/her workforce is under 18. Comments from this group included:

- “I don’t need these people. I employ them as a favour to friends and or when I see a young person who really wants to work and would benefit from the money and the experience.”
- “Unfortunately, and with exceptions, the younger workers tend not to be as dependable as older workers and need more direction in daily work projects.”

► *Employing workers under 16 years of age*

Slightly more than half reported that they employ workers under age 16. Explaining why, one employer wrote, “Our family and key employees like to have their children work with them on the site. This is a key part of the lifestyle for both our families and employees.” Another wrote, “I would consider hiring a 14 – 16-year-old on a casual basis to clean vans or prepare equipment for tourists (picnic planning), but he/she would be supervised at all times by an adult. And I would only hire during school vacations.”

► *Employing workers under 12 years of age*

A very small minority of employers have workers under age 12. One employer reported employing a worker as young as eight (his/her daughter). One respondent commented, “[We] tried it once because the parents pressured the kid to work. It was too stressful for the young person. Now we don’t hire anyone under 13.” One employer said that 12 is “just way too young. Ideally, we wouldn’t be hiring anybody under age 16, 15, or 14, but there’s a shortage of workers.”

One employer was in favour of hiring very young workers:

It is great for kids to learn to work [at] early ages. If the older kids can work but the younger ones cannot, it creates a lot of jealousy. While younger kids do not work for a long period, they can do useful work. We have as young as seven or eight who like to do a few odd jobs. They take great pride in having jobs to do and doing them well. It teaches them the value of work, responsibility, and also gives them self confidence.

The employer questionnaire asked employers how they would be affected by various provisions proposed in Bill 109. Key responses are summarized below:

► *Under-18-year-olds working after midnight*

Slightly more than one-third of the 14 employers who answered this question said that being unable to schedule workers under 18 to work after midnight in certain workplaces (e.g., retail sales and hotels/motels) would negatively affect them. The reported impact ranged from slight to significant. One commented, “A big chunk of my workforce (55 - 60%) is under 18. If they couldn’t work after midnight we would have to seek out older workers, and if we couldn’t find them we’d have to revise our operating hours, which, as a business, we would not want to do.” Another stated, “I would probably not hire these young people, so it would affect them, not me. This is so wrong.”

Of employers who reported that they do not employ workers under age 18, three-quarters agreed with the proposed prohibition on under-18-year-olds working after midnight. One said, “Under 18 is too young to work after midnight in any job that entails cash handling or dealing with people who have consumed alcohol, because the worker is vulnerable.” Another stated that while he/she agreed in general with this prohibition, “I really don’t like one-size-fits-all hard rules because I believe there are always going to be exceptional situations, like lack of labour availability, or a family run business in a remote location where everyone has to pitch in.”

► *Under-16-year-olds working more than two hours on school nights*

A significant majority of the 24 employers who schedule their under-age-16 workers for more than two hours on school days said they would be negatively affected by the two-hour limit on school days proposed by Bill 109 for this age group. Of these, slightly less than half said they would have to make significant changes to their operations. One stated that a two-hour limit would affect his/her business “dramatically,” adding, “This is ridiculous. Our minimum shift is three hours, and that’s a pretty common labour standard across the country.” Another commented, “We would be unable to schedule the employee on a school day if they were prohibited from working more than two hours.” Yet another said, “I would simply not be able to hire anyone under 16.”

A majority of the 40 employers who do not employ workers under age 16 agreed with the proposed two-hour limit on school nights for this age group. One such employer said:

I come from a strong background that education comes first. I think it's easy for kids to get a misconstrued view of the world when they're making money. It can affect their values, whether they're working to support a habit or so they can go shopping. Also, students shouldn't have to bear the burden of school and work.

On the opposing side of this issue, an employer stated, “Two hours is limiting. A lot of young folk have a second job, and not too many places will hire you for just two hours. A lot of students work after school starting at 3:30. They could reasonably work more than two hours.”

One employer expressed his/her ambivalence on this issue:

I agree with the intent and so have answered yes; however, when I think about the other options on which teens choose to spend their time, like four to five hours a day of TV, then I think this provision can not achieve its intent. I would rather see a teen under 16 working four hours a night than watching TV four hours a night or choosing some even less desirable activities on which to spend their time. By comparison with some of those other choices, working, even more than two hours, is by far preferable.

► *Under-16-year-olds working more than eight hours on non-school days*

Three-quarters of the employers who answered this question said they would not be negatively affected by a prohibition on scheduling their under-age-16 workers to work more than eight hours on non-school days. The remaining 25% said they would be negatively affected by such a prohibition, with half of them reporting that they would have to make significant changes to their operations. One explained:

Tourism is a huge industry in the summer. It is a short season with some days being long. We are there to serve our clients and hope they want to come back to the Yukon. Our staff are well aware of what is needed in the industry and what it takes to offer a first-class service. If they had short days, we would not be able to provide the level of service and safety that is required.

Another stated, “We can always manage, but why not let the young workers spend their time being productive members of society if they choose? Don't portray business and work as something that is ‘bad and having a negative impact on a child’s development.’” Three-quarters of the 40 employers who do not employ workers under age 16 agreed with an eight-hour daily limit on non-school days for this age group of worker. One of those employers stated, “They are the most vulnerable. They’re anxious and eager to make money and aren’t going to say no.” Another commented, “No one should work

more than eight hours; productivity drops dramatically.” On the other side of this issue, an employer explained, “During spring break, that’s when our students are augmenting their income. They’re looking to work more than eight hours.”

► *Under-16-year-olds not being able to work past 9:00 p.m.*

The majority of the 70 employers who answered this question agreed that 9:00 p.m. was late enough for an under-16-year-old to work. One employer expressed it this way: “By the time they get home and unwind, which we all need to do, it’s 10:30. Any later than that would interfere with their schooling.” Another put it more succinctly: “They should get their rest. 9:00 p.m. is a good cut-off.” One employer spoke about the dangers of working late for this age group: “They’re still pretty young. There’s an issue of getting to and from work. We have a lot of ‘kids’ that walk home, and we had one kid who got jumped and beaten up pretty badly.” Others had a different perspective. The employer linked the issue to business success:

There are many capable youth under 16 that can work until 10:00 p.m. or even 11:00 p.m. when not in school and with parental consent. The number of hours we have light in the Yukon forces businesses to operate until later hours. It is part of our tourism/retail responsibility and vital to our success.

Another employer said the proposed prohibition should not apply year-round: “Maybe when they’re in school [when] they need their rest, but I don’t see a problem during the summer.”

Among those employers who schedule their under-age-16 employees to work after 9:00 p.m., five said they would be negatively affected by being unable to do so, with three of them saying the impact would be significant. One employer said, “I would have to close earlier.” Another noted that he/she would lose “flexibility” because the business is open until 10:00 p.m. or 11:00 p.m. on Fridays. One said “I could make the business work, but what about the kids? It would make me not want to hire them if there’d be so many strings attached, and that would be a shame.”

► *Supervision of under-age-18 workers*

The overwhelming majority of 53 employers who answered the question said that under-age-18 workers require more or different supervision than older workers. One employer stated, “Absolutely, this may be their first job and they need to understand concepts like safety, responsibility, appropriate dress, and behaviour. Instil the right traits when they start out, and the benefits last a lifetime.” Another stated it more simply: “They’re new to the workforce. They don’t have the expertise or the wiseness [*sic*] of older workers.” The opposing view was also expressed: “If workers under 18 need more supervision than adults, they aren’t mature enough to work. A job is not daycare. They should be adequately trained, but if they require constant increased supervision they are not suited to work.”

The majority of 31 employers who answered the question said they provide more or different supervision to their younger workers than to their older workers, although nearly one-third said they do not. One of those who does not said, “We provide adequate supervision to all.” Of those who do provide more or different supervision, one said, “I think you have to. They need to be shown what to do. They maybe don’t have any work experience.”

In terms of the ways in which young worker supervision differs, the 19 employers who answered the question said they:

- Work more closely with younger workers (63%).
- Check up on younger workers more often (74%).
- Do not allow their younger workers to work unsupervised (58%).

One employer “paired a 16-year-old with an older worker” and is “currently working on a better safety program” and becoming “more conscious of the work [that] gets assigned to a younger person ([we] don’t let an under-18 operate a forklift, for example).” Another employer “wouldn’t put somebody 15, 16, or 17 with another 15, 16, or 17-year-old; they’d be with an adult. There are too many situations that can occur in retail that a young person isn’t equipped to deal with—theft, for instance.”

► *Minimum hiring age policy*

Approximately one-third of the 83 employers who answered the question said they have a minimum hiring policy. For chain retail stores, it is often the minimum age in effect in a given province or territory. One employer with no formal policy said, “Because [there is] no legislation in the Yukon, it’s up to the owner/operator. We started with 15 as the minimum but just had so many 14-year-olds wanting to work. During the two hiring blitzes we did last summer, the majority of applicants were under 14 and we had to say no.” A common comment among those who don’t have an actual policy was that the business hires based on the “maturity, presentation, [and] individual experience.” For those with hiring policies, the most common minimum hiring ages stated were 16 (32% of 28 respondents) and 14 (21%). Three companies do not hire anyone under 21.

► *Minimum general working age*

A slight majority (54%) of the employers who answered this question agreed that there should be a general minimum working age in Yukon, but a significant minority (46%) said there should not be such a minimum.

Taking the opposing view was this parent: “Man, are we ever wimps in our culture when we think about sheltering kids from life. If they are ready, let them work.” An employer’s comment echoed this sentiment:

Let young people work if they want to. Most of the time the problem is that there is no ambition or desire to work and make money. So don't take the position that young people need "protection from big, bad business" that might have a negative impact on their development. It's too much free time to play, and no responsibility that keep young people from growing up. It is proven in the past that some of the most successful people learned to work and be responsible by the time they were teens. Government regulations do not develop mature, responsible adults.

Some employers qualified their responses with statements like these:

- “More dangerous occupations require higher restricting ages.”
- “There are valid exceptions which should be considered. A blanket statement acts as a hindrance to progress for both businesses and young people.”

When asked what a general minimum working age for Yukon should be, the average age suggested by employers was age 14. Most of the employers who commented on this question were in favour of a higher minimum working age than the proposed minimum of 12. Among their comments were:

- “14 years, with a higher age for high-risk occupations such as construction, mining.”
- “16, with lots of conditions. Parents often let kids out to work too young.”

No one should start working before age 14. I've seen the difference between the Maritimes and Alberta, and I believe that allowing younger age employment discourages youth from pursuing higher education, which depletes the future pool of highly-trained, skilled workers.

Employers were asked about Bill 109's proposed minimum working age of 12. Half of the 60 employers who answered this question agreed unequivocally that children under age 12 should not be able to work. One summed it up by saying, “Up to age 12 it's a critical part of their schooling, and they need plenty of rest.” A further almost one-third of the respondents agreed, but with the caveat that there would be an exemption for immediate family members. Among the comments that spoke to this issue was this one:

If a child wishes to work I believe that they should be allowed to, with certain restrictions applied such as parental approval, scholastic records showing their grades are maintained or improved, hours restricted, etc. Children are fast learners, are motivated, and when we tell them they cannot do something to earn money such as wash dishes at a cafe for six hours a week, they feel slighted. They learn to handle money, work with others, and so forth. It is great training grounds for all young people if handled properly. Families that own and operate their own businesses always have their children working alongside of them. The majority of these kids grow up with much more business savvy than those young people that never step outside of the box.

One employer expressed concern that a minimum age restriction without a parent exemption would be ineffective: “[You] can't stop the child from working at their family business. It would just happen under the table more than it already does.” A parent agreed: “I am concerned that if legislation is passed, a larger ‘under the table’ industry will be created.”

► *Minimum working ages for certain occupations and workplaces*

The overwhelming majority of employers who answered this question (83%) said there should be minimum working ages for certain occupations and workplaces. Comments on this question included:

- “This is common sense and should reflect the complexity of the work task, safety, risk, etc.”
- “Where people are working in situations where there is inherent risk to them or others, the age should be higher.”

Others, including this employer, took a different view:

That's too open-ended a question. You can go work for a mining company, but you're working in the office. It depends on the job, the work environment, and what the parents have to say. I wouldn't want a 13-year-old hanging trusses on my house, but if there are jobs a 13-year-old can do for a construction company, he should be allowed.

There was a range of suggested minimum working ages for certain occupations and workplaces. Employers and parents were in agreement on all but the two highlighted work situations working at heights and working in the forest industry. The average responses from employers for each category were as follows:

General retail: 14

Food retail: 14

Food service: 14

Construction: 17

Drilling or servicing rig: 18

Sawmills or pulp mills: 18

Industrial or manufacturing processes: 17

Working at heights: 17

Forest industry: 17

Working alone: 17

Working in confined spaces: 18

Many who commented on this question talked about safety issues and the need to keep younger children out of potentially injurious situations:

- “The more dangerous the job, the older the person should be.”
- “The facts should speak for themselves. Look at your injury rates, and why would you put someone in danger? Obviously, once someone is an adult you can’t think for them, but kids shouldn’t be placed in danger.”

Many employers, felt, as did this employer that any legislation should take the individual worker into account: “In any of these areas there could be exemptions if the young worker can prove exceptional abilities/training or have other factors that need considering, or if working with family members.”

One employer expressed a minority point of view:

Common sense should prevail. Parents have to be involved [and] employers need to be aware they are not hiring an adult but an impressionable young person that is very interested in some aspect of the employer’s business; otherwise, they would not be applying. This is the employer’s chance to mentor a young person for future hiring prospects, a parent’s chance to mentor their child in the many intricacies of the world of work and finance, and the young person’s chance to learn more about the real world than any school book will ever teach them. So, rolled into one, it is the chance to educate all sectors.

► Exemptions for parents

A slight majority of the 83 employers, who answered this question, (57%) said that parents or guardians should be able to exempt their children from certain provisions proposed in Bill 109. Respondents who were in favour of the parental exemption made comments like these:

- “Parents should know their children best.”
- “Government should never have the last word to determine what a young worker can do.”

Those who disagreed made comments like these:

- “If it’s the law it should apply to everybody.”
- “What would we make the rule for, if parents could just ‘punt it’?”
- “Parents don’t have a clue what goes on at work. They don’t have a clue if there are safety issues.”

With respect to whether or not parents should be able to employ their own children in a family-owned business (if their children are younger than a possible legislated minimum working age), a clear majority of employers (70%) said they should be able to do so. One employer said that children “should be able to work with [their] parents at any age.” One called the family business “good training ground.” Another commented on the benefits of children working with their parents:

Parents know their kids best. And it's good for kids. [It] builds character if they understand what their parents are doing and see that they are to help out, to contribute to the business.

Some commented that it should depend on the type of family business. One employer expressed this view this way:

[There] shouldn't be a blanket exception. If dad runs a sawmill, his kid shouldn't be allowed to run the saw, but if dad owns a grocery store, it would be okay for his kid to work in the store. There has to be some consideration of the specific occupation.

One employer expressed concern about very young children working with their parents: "I hate showing up at a family business and having a six- or eight-year-old ring me through. Kids don't have the experience or life skills to deal with lots of the situations they might find themselves in. Customers can be nasty or offensive."

Another offered this cautionary comment:

I find the exemption for immediate family members a bit dicey. You cannot assume that just because a guardian or family member is present, they will have the youth's best interests in mind or ensure a safe and healthy work environment.

One respondent offered a personal story about the effect working in a family-owned business had on him/her:

With regard to children working in a family business, school should always take precedence, even though it's important for people to learn responsibility in a work environment. I made lots of money in a family business, but if I hadn't done that maybe I'd have concentrated more on extra-curricular activities. Once you start making money, it's hard to give it up. I'm torn: I went to university for two years, but the [business] needed staff and now I'm back here.

► *Who should be primarily responsible for deciding when a person can begin working?* A slight majority of the employers, who answered this question (54%), felt that parents or guardians should bear the primary responsibility for deciding at what age a person can begin working. Just over one-third (35%) of the employers who responded to the question felt this was the government's role. Many employers opted for the "other" response, noting that the responsibility should be shared by some combination of government, parents, employers, and young people—or by all of these. As one put it, "It should be a collaborative process."

Comments like this one from an employer captured the perspective of those who feel this decision is a parent's responsibility: "I believe parents or guardians are best equipped to make such a decision. It is too subjective to make broad rules governing this, as capabilities, maturity, and experience can vary wildly on an individual basis."

One employer used the same argument to offer a different perspective:

Every child matures at a different level, and certain jobs require more maturity than others. Government is the only body that can generalize the age that is acceptable without emotion or vested interest. Employers need workers, kids want to work, [and] parents don't always participate.

One employer felt that government should play a role but only with parents' involvement:

The government should set guidelines; however, parents should have a say as to whether or not their particular child can handle the responsibility/physical strength/common sense to do the job. There are always going to be employers who take advantage of youth, unscrupulous operators who wouldn't think twice about putting a young person in a dangerous situation. If the government has policies then at least those individuals will be held accountable and might think twice.

► *Who is primarily responsible for on-the-job safety?*

A large majority of employers who responded to this question (78%) said that employers/business owners should bear the primary responsibility for workplace safety. 12% of employer-respondents felt that supervisors bear the primary responsibility.

Many employers and parents commented that on-the-job safety is a joint responsibility of employers and supervisors. One explained, "Employers can't be everywhere at once, but they have to set standards. Supervisors have to be diligent and monitor conduct."

Many agreed with the respondent who said, "Everybody is responsible." Another put it this way:

Young people tend not to recognize many unsafe situations due to lack of experience and, perhaps, lack of training. Immediate supervisors are the people in the best position to point out basic safety considerations as well as dangerous situations and how they ought to be handled. Employers are responsible for ensuring that such safety supervision/education/training is provided, but there are limits to what an employer or supervisor can be responsible for. At the end, it is the worker, whether young or old, who must be alert to safety and take responsibility for working safely.

► *Final comments*

Many employers chose to offer final comments on the issue. Some said they were glad this issue was being discussed and appreciated having the opportunity to provide their views. Here is a selection of some of the opinions expressed:

There needs to be a balance between legislation that provides for the health, safety, and importance of education while also giving young people the opportunity to get into the workforce. Parents have to be involved because they know their children best.

I'm surprised they're thinking 12 as a minimum age. For starts, how are they going to get to and from work? They'll be relying on the bus or their parents. Then there are ethical problems. Parents might steal from their kids. Kids don't understand about things like statutory holidays, so employers might take advantage of them. Even some 16-year-olds don't understand about time and a half. I don't think you should be able to work until you're old enough to manage your money.

There should be no further restrictions on youth working. Parents should decide and be able to exempt their kids from the government rules. This is particularly important in the north where rural and remote lifestyles require kids to help out. Yukon does not need the rules from southern Canada that work in big cities—or maybe they don't work, and that is why we have so much youth crime and young people who don't want to work. Maybe if they changed their laws we would have more people develop a work ethic young and be more productive in the work force.

There should be some form of youth legislation, but the pendulum is swinging to the extreme here. I know there are not good employers out there, but you can't tar everyone with the same brush.

Children should not be engaged in the wage economy. They have more important things to do than be workers and consumers. Adolescents need to make a gradual transition into being part of the wage economy, but it is important to communicate that schooling and recreational activities are more important. Young people have many years of working ahead of them. They do not need to become locked into the consumer economy before they are adults, somewhere between ages 18 - 21.

Parent Questionnaire

More than 300 parents, representing almost every Yukon community, completed the consultation questionnaire. Key findings of the questionnaires are summarized here. (Refer to Appendix 10, Tab 17, for a detailed summary of the findings and comments of the parent questionnaire.)

► *Age at first job*

Half of the parents of school-aged children who completed the questionnaire reported that their children were or had been employed in such workplaces as grocery stores, retail stores, restaurants, and hotels in jobs such as clerks, cashiers, food servers, dishwashers, housekeepers, janitors, hockey referees, labourers, and Legislative Assembly pages. The average age at which their children started work was 14, although children were reported to have started working as early as age six (in a family business).

One parent underscored the importance of proper supervision of young workers:

I do not agree with businesses leaving supervisors who are within a close age of their peers. Careless and reckless behaviour is usually a result. I have seen this first hand, especially with fast food restaurants. The younger staff are not responsible enough to be serving customers and don't have a lot of life experience to handle issues when they arise. All rules are broken, including food safety, without proper supervision.

► *Minimum general working age*

A majority of parents (68%) were in favour of a minimum general working age. One parent who is in favour stated:

I strongly feel the focus for students should be school. This part-time work has to interfere with the quality of their homework and amount of sleep.

One parent qualified his/her response with this statement:

- “Depending on job, duties, requirements. Employment should exist but be based on how qualified the individual is [and the] difficulty of the job.”

When asked what a general minimum working age for Yukon should be, parents suggested an average age of 14. A number of parents agreed that 12 is too young to start working:

- “Kids should be allowed to be kids. Under 16, school life and family life should be a priority, not rushing to a job after school.”
- “At 14 – 15, kids are ready to take on responsibility. At 13 they are not yet ready.”

A child younger than 14 is more than likely still in elementary school. Elementary-school-aged children should be playing after school and not exposed to some things in the work place at such a young age. Also, children under 14 are not mature enough to handle such things as dealing with the public or putting up with a difficult boss.

► *Minimum working ages for certain occupations and workplaces*

The overwhelming majority of parents (94%) said there should be minimum working ages for certain occupations and workplaces. Comments on this question included:

- “This is common sense and should reflect the complexity of the work task, safety, risk, etc.”
- “Where people are working in situations where there is inherent risk to them or others, the age should be higher.”

One parent said simply, “We need to protect the younger workers.” Another stated, “If you want to limit injuries and accidents, you MUST limit young workers.”

Other parents offered a different view: “Depends on the task involved. Felling trees is different than cleaning the forest company office.” Another wrote, “Parents should be involved in the decision because certain jobs have helper positions that can be done by young people.”

There was a range of suggested minimum working ages for certain occupations and workplaces. Parents and employers were in agreement on all but the two highlighted work situations working at heights and working in the forest industry. The average parent responses for each category were as follows:

General retail: 14	Industrial or manufacturing processes: 17
Food retail: 14	Working at heights: 18
Food service: 14	Forest industry: 18
Construction: 17	Working alone: 17
Drilling or servicing rig: 18	Working in confined spaces: 18
Sawmills or pulp mills: 18	

Many who commented on this question talked about safety issues and the need to keep younger children out of potentially injurious situations:

- The more dangerous the job, the older the person should be.
- The facts should speak for themselves. Look at your injury rates, and why would you put someone in danger? Obviously, once someone is an adult you can't think for them, but kids shouldn't be placed in danger.

Many parents felt, that any legislation should take the individual worker into account.

► *Exemptions for parents*

A slight majority of the parents (55%) were against exemptions for parents and guardians proposed in Bill 109. Respondents who were in favour of the parental exemption made comments like these:

We place too much emphasis on sheltering children from the world. School is not THAT important, despite the common belief that it must rule above all else. Some kids are better served by working as well as school. (parent)

One parent agreed with the proposed exemption but added, “with constant supervision and good training.” One parent who disagreed stated that “the law is to protect the children, not to preserve the rights of parents.”

With respect to whether or not parents should be able to employ their own children in a family-owned business (if their children are younger than a possible legislated minimum working age), a bare majority of parents (52%) agreed with this proposed exemption. One respondent offered a personal story about the effect working in a family-owned business had on him/her:

With regard to children working in a family business, school should always take precedence, even though it's important for people to learn responsibility in a work environment. I made lots of money in a family business, but if I hadn't done that maybe I'd have concentrated more on extra-curricular activities. Once you start making money, it's hard to give it up. I'm torn: I went to university for two years, but the [business] needed staff and now I'm back here.

► *Who should be primarily responsible for deciding when a person can begin working?*

Exactly half of the parents felt that parents or guardians should bear the primary responsibility for deciding at what age a person can begin working. However, a significant minority (40%) of the parents who responded to the question felt this was the government’s role. Many employers and parents opted for the “other” response, noting that the responsibility should be shared by some combination of government, parents, employers, and young people—or by all of these. As one put it, “It should be a collaborative process.”

One parent expressed concern that some parents might not always act in their children’s best interests: “Unfortunately, not all parents (and employers) are responsible or show good judgement. The responsibility then has to fall on the government.”

► *Who is primarily responsible for on-the-job safety?*

A large majority of parents (80%) who responded to this question said that employers/business owners should bear the primary responsibility for workplace safety. As one respondent stated, “Ultimately, it’s owners who are on the hook.”

Among the 19% of parents who felt that supervisors bear the primary responsibility, one said, “Supervisors are responsible for all employees working under them. That’s why they’re called supervisors.” However, one parent felt it would not be fair for supervisors to carry this burden:

I don't think it would be right to put the responsibility on supervisors, as often the ultimate decisions regarding safety are at the owner level. It costs money to provide training [and] safety equipment, and some business owners are cheap and don't want to spend the extra money. Those types prefer to cut corners to pad their bottom line.

Many parents commented that on-the-job safety is a joint responsibility of employers and supervisors. One explained, “Employers can’t be everywhere at once, but they have to set standards. Supervisors have to be diligent and monitor conduct.”

One parent felt that parents should be involved in workplace safety, too: “Parents are not in the list above and should be. Parents, the employer, and the law all play a role, and

no one group can be/should be held fully liable.” Another agreed: “Parents should ensure their children are working in a safe, supervised, appropriate job.”

► *Final comments*

Many parents chose to offer final comments on the issue. Some said they were glad this issue was being discussed and appreciated having the opportunity to provide their views. Here is a selection of some of the opinions expressed:

There are other benefits to gain by working when you are young. Kids work around home to assist in chores, etc. and learn responsibilities. To expand further to other business can also assist kids in deciding what direction a career may or may not go.

I believe the ‘full-time job’ of any child up until graduation is their formal schooling/education. This is a job I want my children to complete and be proud of and not be adversely affected by part-time work.

Kids need their education on safety before work. If there were more on this the kids wouldn’t get hurt. Any company should have an on-the-job-safety course. It would bring the number [of injuries] down.

It is about time that the Yukon Government addressed labour legislation. Young workers need to be protected just as much as any worker.

I can only guess that employment has kept a lot of kids from delving into drugs and alcohol through boredom. I am in full support of teaching kids to learn a good work ethic at a young age.

Written submissions

Yukon Federation of Labour

In a written submission, the Yukon Federation of Labour (YFL) expressed its concern that Yukon “lags behind the rest of Canada with regard to legislation and regulations governing the employment of children.” They argued that brain development, which “affects a child’s ability to assess risk,” demonstrates the need for laws and other “measures to ensure that their education and overall development are not harmed as a result of work.”

Legislation should ensure that youth are not exposed to inherently hazardous and dangerous conditions, industries, and occupations; are not subject to excessive work; are not treated unfairly or exposed to undue risk on the basis of their youth and inexperience; and that hours of work are not detrimental to their physical and educational development.

The YFL cautioned that “even the with best of intentions some parents may lack the expertise to make informed judgements,” citing a recent B.C. study finding that “48.1% of 12- to 14-year-olds reported that their parents had not evaluated the health and safety of their workplaces,” and concluding that if there were to be exemptions for family members in legislation that might result from this consultation, any such exemptions should be used “sparingly” and should apply only to immediate family members, but never to the specific industry/occupation restrictions proposed in Bill 109. The YFL’s submission also speaks to the need for proper supervision of children at work and recommends against anyone under 18 being placed in a supervisory position.

Individuals

Written submissions were received by three individuals. One expressed concern about youth being paid to supervise youth, specifically in the education system, which he/she says is “hiring 17-year-olds to work as on-call teachers inside and outside of schools, [some of whom] are functioning as long-range van drivers and wilderness guides on outdoor education programs.” One issue is the possibility that some of these individuals may have had juvenile offender records “which are very ‘fresh’ as it were, but still sealed from public scrutiny.” The individual is also concerned about safety:

Both driving and outdoor risk management decisions are made with life experiences; it is inappropriate to use 16, 17, or 18-year-olds to ‘supervise’ or transport, or ensure the safety of their peers. Motor vehicle rates for this age group reflect this. . . While the best outdoor operators do not permit underage employees to work alone, circumstance and poor operators force this to happen. It bears repeating that risk management in this environment can involve firearms, motor vehicles, corrosive aerosols under pressure (OC bear spray), cold-water hypothermia, and other challenges where experience comes over time. . . If current trends continue, I fear that it will take the death of a young worker in the outdoor education field, or in wilderness guiding, before there is recognition that experience must be accumulated over time and that 21 must be the legal minimum age for working in such fields.

This individual also suggested that young workers involved in film work get access to a certified teacher for tutoring if they are doing more than three days of work (presumably during the school year).

A placer miner wrote that the prospect of possible minimum working age legislation angers him. The submission outlines his extensive experience working with his father in placer mining starting at age nine. He writes of his experience:

If the current legislation were in place, I would never have had the privilege of working with my father. I would never have learned what I needed to learn about mining to enable me, after trying a few other things, to come back to mining and make my living at this business. I would never have learned how to work; I would not have had the satisfaction of keeping up with the regular crew packing pipe and moving setup and helping with the cleanup and driving cat and tending sluice box, etc. I suppose I would have had a good time doing other things even though there were no video games around in those days. However, I would not be the person I am today. . . I know that I learned very valuable lessons about placer gold mining from [my father].

This individual says that he regularly employs workers as young as 14; his own children worked with him at “much younger ages.” He points out that “they all have all their fingers and toes, and they all learned from the experience.” The writer strongly objects to “government restrictions” and feel that employers should decide how to deal with workplace issues such as safety and that parents should decide where and for how many hours their children should work.

A third individual expressed concern about the “impact student employment has on student performance, attendance, etc. at the high school level” and suggested that students “start out with a part-time job at 10 – 15 hours/week and that gradually increased to anywhere from 20 – 30+ hours,” which, he says, “takes its toll on the students’ ability to keep up with their studies.”

(Refer to Appendix 11, Tab 18, to read the full text of these written submissions.)

CONCLUSIONS

The consultation on Motion 542, despite the short timeline, involved a significant number of employers, parents, youth, and other stakeholders throughout the territory. The consultation discovered that there is a broad range of opinions among Yukoners, some of whom have very strong views on this topic.

The consultation revealed the many and varied reasons why young people enter the workforce. We also learned that young people begin their working lives in a wide range of occupations. Predictably, many youth get their first jobs in fast food restaurants and retail stores, but young people also start their working lives in placer mines, on construction sites, and in the hotel industry. In some cases, young people start out working for family members.

The key conclusions of this consultation are:

1. As discussed earlier in the report, mechanisms are already in place to respond to the issues identified in the consultation. There is current authority in the *Employment Standards Act* to pass regulations dealing with workers under the age of 17 relating to the circumstances and occupations in which those workers may be employed by an employer, the conditions of that employment, and the wages of such. In addition, regulations can be implemented under the *Occupational Health and Safety Act* to limit certain occupations and workplaces to workers of specified minimum ages; in three instances such regulations are already in place. As well, the *Occupational Health and Safety Act* provides for the issuance of codes of practice; as noted previously, the Yukon Workers' Compensation Health and Safety Board, with the support of its Prevention and Safety Advisory Group, has already considered development of a young worker safety code of practice to provide guidance to employers by clarifying their obligations with respect to orientation, training, and supervision of young workers.
2. There was no consensus as to whether or not minimum working age legislation is needed or desired in Yukon. A majority of both employers and parents feel that a general minimum age should be established, but a significant minority of both groups do not. Some feel that the government should leave decisions about when and where young people work entirely to parents and, to a lesser degree, to employers. Others feel the government should establish and enforce clear rules about when a young person can start working and in which jobs. In between these two perspectives were those who recommended a combined approach—minimum working age legislation, with allowance for parents/guardians to exempt their children from certain provisions (e.g., limits on hours of work on school nights).
3. A few people expressed concerns that minimum working age legislation will be disregarded by some employers and parents, leading to more “under-the-table” employment.
4. A large majority of both employers and parents feel that there should be minimum working ages for certain occupations and workplaces—especially those that are perceived as having more risks and dangers. The recommended minimum working ages ranged from an average of 14 for jobs in retail and food

- services to an average of 18 for jobs on drilling or servicing rigs, in sawmills, and for working in confined spaces.
5. Opinion was fairly evenly split on the question of who should decide at what age a person can begin working. Slightly more than half of the employers and barely half of parents who completed the questionnaires feel that parents should make this decision on behalf of their children. For both groups, government was a strong second choice.
 6. Employers and parents do not agree amongst themselves or with each other on the issue of parental exemptions. Among the questionnaire respondents, a slight majority of employers feel that parents/guardians should be able to exempt their children from certain provisions of any minimum working age legislation, whereas a slightly smaller majority of parents feel the opposite. It was pointed out at the public meetings and in the questionnaires that some parents do not always act in their children's best interests, whether because they lack knowledge about workplace laws and practices, make assumptions about their children's safety at work, or are negligent.
 7. A considerable number of consultation participants expressed concern about the practice of young workers supervising other young workers. Although this practice is not wide-spread, it occurs often enough that both parents and youth commented on it. Many parents stated that young workers should be supervised by responsible adults at all times. Youth told us that in some workplaces, this is not the case.
 8. With respect to the legal responsibilities of young supervisors, under the *Occupational Health and Safety Act*, the *Act* applies to workers between the ages of 12 – 18 however; it does not apply to those workers under the age of 12.
 9. A significant majority of both employers and parents feel that employers and business owners bear the primary responsibility for young worker on-the-job safety. Many youth and parents called for more and better safety education and training for young workers, a few suggesting that there should be mandatory pre-employment safety education for Yukon youth.
 10. The consultation revealed that not all employers are meeting their obligations under the *Occupational Health and Safety Act* with respect to training and supervision of young workers, and that some are disregarding existing regulations about minimum working ages. We heard from a number of the focus group participants that their training was inadequate; in some cases, lack of training clearly put young workers at risk of injury. We also learned that youth are working in mining operations below the age of 16.

APPENDICES

Appendix 1: Bill 109, *Young Worker Protection Act*

Appendix 2: Motion 542

Appendix 3: Excerpt from *Business Survey 2008*

Appendix 4: *Minimum Age for Employment in Canada*

Appendix 5: Excerpts from relevant Yukon legislation

Appendix 6: YWCHSB Prevention and Safety Advisory Group Terms of Reference

Appendix 7: Public meetings discussion guide

Appendix 8: Youth focus groups discussion guide

Appendix 9: Summary of Employer Questionnaire results + comments

Appendix 10: Summary of Parent Questionnaire results + comments

Appendix 11: Written submissions