

**CHILD LABOUR AND TRAINING WAGES:  
ARE BRITISH COLUMBIA'S NEW EMPLOYMENT  
STANDARDS FAIR TO YOUTH?**

**By**

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## **EXECUTIVE SUMMARY**

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

In 2001, the British Columbia government introduced a two-tier minimum wage structure, under which workers who have less than 500 hours of work experience can be paid a minimum wage 25 percent less than the general minimum wage. The reduced wage has become widely known as the “training” wage, though in fact no training need be or is provided to many of those receiving it. Although the new wage is not age-specific, youth are most likely to lack the stipulated hours of experience to be entitled to the general minimum wage.

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

## **PURPOSE OF THIS STUDY**

First, this study compares British Columbia’s new system for regulating child and youth employment to: (i) the previous system in the province; (ii) the measures in place in comparable jurisdictions; and (iii) international standards and norms regarding child labour as expressed in various international conventions and agreements.

Second, a survey of BC students’ work experiences and attitudes to the new legislation was conducted, and we report its findings.

## **KEY FINDINGS**

### **BC's Youth Employment System in Comparative Context**

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

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

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

### **Working Children and Youth in BC**

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

- Students participating ranged from 12 to 18 years of age, and from grade 7 to grade 12 classrooms in elementary, middle and secondary schools.
- Students attended school in mostly urban communities, with some rural representation, though unfortunately too little for systematic analysis of the rural situation.

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

## **Student Occupations and Working Conditions**

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

## **Impact of Working on Students' Lives**

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

It is of paramount importance that children and youth work in safe and healthy environments. However, more than 1 in 5 students who currently work reported injuring themselves on the job and many (29.8 percent) reported feeling unsafe at work. This includes a number of youth aged 12 to 14 years.

## **Violations of the Employment Standards Act**

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

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



supervision some or all of the time, another violation of the ESA.

## **‘Training Wage’ and Youth Employment**

- Forty-four percent of the employed youth (n=41) indicated that they had been paid less than \$8 per hour.
- 52.2 percent of all students (n=301) found the ‘training wage’ to be unfair; among those who worked the percentage was higher.
- 31.4 percent of working students reported that they had not received any training while on the training wage, and a further 28.6 percent reported they had been trained only at the start.

## **RECOMMENDATIONS**

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

In particular, we find the training wage to be discriminatory in its effect and recommend it be abolished.

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

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

# **PART ONE: INTRODUCTION**

## **I. CHILD AND YOUTH LABOUR REGULATION IN BRITISH COLUMBIA**

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

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

## **II. MINIMUM WAGES AND BC'S 'TRAINING' WAGE**

Children and youth are subject to discrimination, as the Employment Standards Act in 2001 introduced a reduced minimum wage of \$6 per hour (\$2 per hour less than BC's statutory minimum wage) that can be applied to the first 500 hours of an individual's working life.

Officially, the lower minimum wage is described as a "first job" or "entry" wage. Colloquially it is called the "training" wage, though no training need occur. We reflect common usage and adopt the "training wage" terminology. The training wage is not explicitly based on age criteria but is discriminatory in its effect since youth are most likely to lack labour force experience. Other provinces have reduced minimum wages for some categories of workers, but the \$2 per hour gap in BC is substantially greater than elsewhere in Canada.

## **III. METHODS**

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

# **PART TWO: REVIEW OF BC'S POLICIES AND REGULATION**

## **I. BRITISH COLUMBIA'S NEW EMPLOYMENT STANDARDS**

### **A. Child and Youth Labour Law**

The *Skills Development and Labour Statutes Amendment Act* (previously known as Bill 37) came into effect December 2003. BC moved from a system whereby employment of children aged 12 to 14 years had to be pre-approved by the Employment Standards Branch, to a one-parent permission system, without further monitoring by the branch. Under the previous legislation (1996) and regulations, the Director of Employment Standards was given authority to set the conditions of employment for working children and youth under 15 years of age.

The amended act (Section 9) provides that:

- (1) A person must not employ a child under 15 years of age unless the person has obtained the written consent of the child's parent or guardian.
- (2) A person must not employ a child under 12 years of age without the director's permission.
- (3) On permitting the employment of a child under 12 years of age, the director may set the conditions of employment for the child.
- (4) An employer must comply with the conditions of employment set under subsection (3).<sup>2</sup>

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

- During school hours or for more than 4 hours on a school day;
- For more than 7 hours on a non-school day, unless the Director of Employment Standards gives prior written approval to the employer;
- For more than 20 hours per week in a five day school week;
- For more than 35 hours per week in any other case<sup>3</sup> (including a four day school week); and
- Children and youth aged 12 to 14 must be directly and immediately supervised by someone

at least 19 years old.<sup>4</sup>

Although some regulations remain, the new employment standards definitely reduce protection afforded by the previous regulatory framework.

## **Exclusions, Exceptions and Omissions**

### **Entertainment Industry**

The current regulatory framework for child labour is further eroded by exceptions granted to the entertainment industry (film, radio, video or television), an industry that has grown markedly in BC over the past 15 years.<sup>5</sup> A child actor of any age can now be employed without a permit from the Director of Employment Standards. Previously, children 15 and younger required a permit. Now written consent from one of the child's parents or guardians is sufficient. However, infants **15 days old** and younger cannot be employed in the entertainment industry.<sup>6</sup>

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

### **Other Exclusions**

BC's employment standards regulations also exclude secondary students working at the school where they are enrolled or doing a work study or work experience; babysitters; newspaper carriers working less than 15 hours per week; and youth in certain time-limited government training or work experience programs (under the federal Employment Insurance program).<sup>7</sup>

### **Omissions**

A number of omissions in the child labour regulations conceivably put young workers at risk. The regulations fail to restrict potentially hazardous activities (such as use of power tools or selling door-to-door),<sup>8</sup> do not stipulate that safe transportation to and from work should be

provided, nor do they place restrictions on times of day when a child can work.<sup>9</sup> In addition, the way the Act is now administered provides little confidence that anyone is actually monitoring the conditions under which children work. As Helesia Luke and Graeme Moore explain:

The new self-regulated system is complaint driven, informing government officials only after the fact about exploitation and injuries. This represents a fundamental shift away from exposing unsafe working conditions ahead of time. The new system has eliminated the opportunity for the Employment Standards Branch to check with school officials before granting a permit. The former system provided a chance for school administrators to ensure that a child was keeping up with their studies before a work permit was granted.<sup>10</sup>

## **B. The “Training” Wage**

On November 15, 2001, the BC government amended section 15 of the Employment Standards Regulation. An increased minimum wage of \$8 per hour, which had been scheduled by the previous government, was implemented. However, a new ‘first job’ minimum wage was put into effect for an employee who:

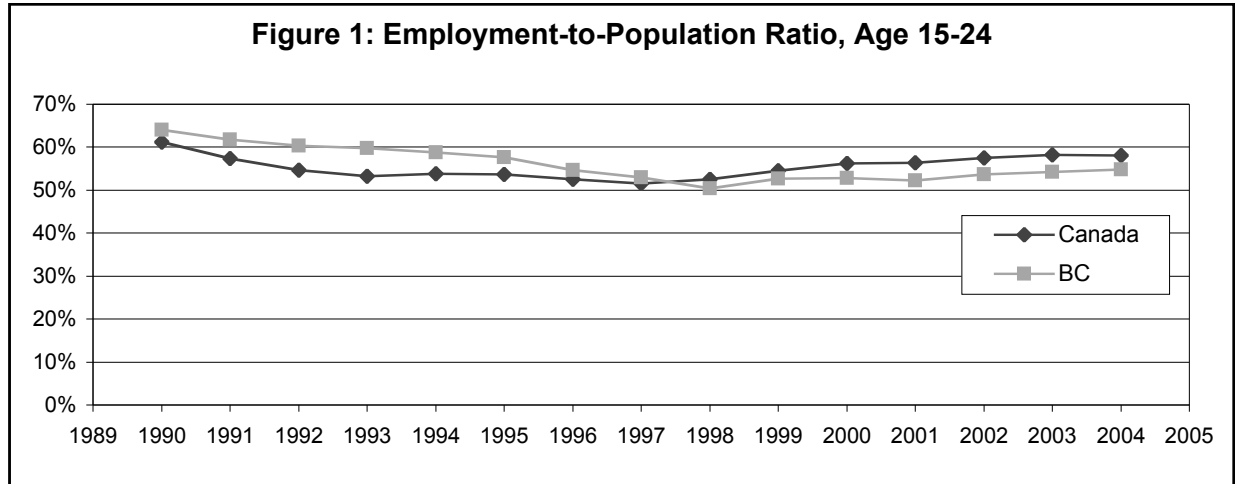
- (a) Has no paid employment experience before November 15, 2001, and
- (b) Has 500 or fewer hours of cumulative paid employment experience with one or more employers.<sup>11</sup>

The effect of this two-tier minimum wage is to discriminate against young workers who initially lack the 500 hours of work experience that would trigger an \$8 per hour minimum. The wage structure implies that workers with no previous paid work experience are less productive than those who have such experience. However, in many of the service jobs (fast food, retail, and tourism) in which children and youth are engaged, tasks are quite simple to master and require much less than 500 hours to gain sufficient experience to perform work of equal value to that performed by more experienced co-workers.

The rationale given for the new minimum wage structure was to reduce youth unemployment in British Columbia. Labour Minister Graham Bruce stated that: “The first-job rate will increase youth employment by giving employers a new incentive to hire young people.”<sup>12</sup>

The measure seems to have had little impact, however, as the employment rate for

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



The youth *un*employment rate has remained high in BC, both before and after the “training” wage came into effect. In July 2001, the unemployment rate for BC youth aged 15 to 24 was 13.1 percent,<sup>13</sup> and, after climbing in the intervening years, fell somewhat to 15.4 percent in July 2004.<sup>14</sup> Other factors like overall economic performance and the general rate of unemployment (which fluctuated between 7 percent and 8 percent for most of the early 2000s)<sup>15</sup> appear to drive youth unemployment more than a lower differential wage rate.

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

New employment standards legislation does not alter other legislation designed to protect youth, including:

- Compulsory school attendance legislation. Children must attend school until the age of 16 (home schooling is also permitted) and cannot work during school hours.<sup>16</sup>

- Child protection legislation protects children from abuse,<sup>17</sup> which could include demands to work in unsafe conditions or for unreasonable hours.
- Aspects of BC's occupational health and safety laws are designed to ensure the safety of working children and youth by prohibiting children and youth under 16 from being employed in a variety of dangerous occupations,<sup>18</sup> or in the case of children and youth under 18, in mines, except for the purpose of training.<sup>19</sup> Children and youth under the age of 19 (minors) are prohibited from employment in liquor establishments (bars, lounges, and taverns)<sup>20</sup> though minors are allowed to work as entertainers in licensed facilities.<sup>21</sup>

Despite these provisions, the changes to employment standards for young people diminish the level of protection along with the administrative capacity to preview or monitor working conditions, or to ensure that educational performance is protected. In comparing British Columbia to other jurisdictions and to international standards it is apparent that the new policies in British Columbia are beneath the norms established in comparable jurisdictions.

## **II. THE CANADIAN CONTEXT**

### **A. Child and Youth Labour Law and Regulation**

#### **1. Federal Legislation**

The great majority of jurisdiction over labour matters in Canada rests with the provinces.

Federal employment standards cover perhaps 5 to 10 percent of employees.<sup>22</sup>

Youth under 17 may only be employed if not required to be at school under provincial legislation and the work falls outside excluded categories (e.g. mines) and is unlikely to endanger health or safety. Work may never be between 11pm and 6am. Few federally regulated industries employ child labour but permission would be required from a federal labour standards officer.<sup>23</sup>



## 2. Provincial Minimum Ages for Employment in Canada

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

| <b>Jurisdiction</b>       | <b>Age</b> | <b>Details</b>   |
|---------------------------|------------|--|
| Federal                   | Under 17   | Youth may only be employed if not required to be at school under provincial legislation and the work falls outside excluded categories (e.g. mine) and is unlikely to endanger health or safety. Work may never be between 11pm and 6am. |
| Alberta                   | 12-14      | Cannot be employed without the written permission of the Director of Employment Standards.   |
|                           | 15-17      | The Director may impose conditions on the employment of a young person.  |
| British Columbia          | Under 12   | Cannot be employed without the permission of the Director of Employment Standards. The Director may set conditions of employment.  |
|                           | 12-14      | Cannot be employed without the written consent of one parent or guardian. Regulations include hours of work allowed.   |
|                           | Under 15   | Separate detailed regulations exist for children in the entertainment industry.  |
| Manitoba                  | Under 16   | Cannot be employed without a permit obtained from the Director of Employment Standards.  |
| New Brunswick             | Under 14   | Cannot be employed without a permit obtained from the Director of Employment Standards.  |
|                           | Under 16   | Cannot do work that may be harmful. Cannot be employed for more than six hours in any day.   |
| Newfoundland and Labrador | Under 14   | Cannot be employed unless in work and undertakings specifically permitted by local regulation (allowable work varies by region, and consists of light work such as newspaper vending or shoe shining).                                   |
|                           | Under 16   | Cannot be employed without the written consent of the child's parent or guardian.  |

|                                 |          |   |
|---------------------------------|----------|---|
| Nova Scotia                     | Under 14 | Cannot do work that is likely to interfere with normal, healthy development, or schooling. Cannot work for more than 8 hours a day or for more than 3 hours on school days, unless authorized by the local school board. <sup>25</sup> Cannot work between 10pm and 6am. Cannot do work prohibited by regulation. |
|                                 | Under 16 | Cannot work in industrial undertakings, forestry, garages and car repair, hotels and restaurants, in theatres, bowling alleys and pool halls, or shooting galleries, unless working for a family member.  |
| Ontario                         | 14-16    | Children under 14 cannot work in an industrial establishment of any kind. Children under 15 cannot work in a factory. Children under 16 cannot work in a logging operation, in a mine, or in construction.  |
| Prince Edward Island            | Under 16 | Employers must take care when employing young persons to assign reasonable, age-appropriate tasks and to provide adequate training and supervision to ensure the safety of young employees.   |
| Quebec                          | Under 14 | Cannot work without the written consent of the holder of parental authority or the tutor.   |
|                                 | Under 18 | Cannot perform work that is disproportionate to a child's capacity or that is likely to be detrimental to his/her education, health, physical or moral development.   |
| Saskatchewan                    | Under 16 | Cannot be employed in any educational institution, hospital, nursing home or restaurant. Cannot be employed in any of a series of specific hazardous industrial settings. Cannot work during school hours without permission from the principal.  |
| Northwest Territories / Nunavut | 17       | Cannot be employed in occupations and subject to conditions as may be prescribed by regulation.   |
|                                 | Under 17 | Must attend school. May be excused by the principal for one school term to work.  |
| Yukon Territory                 | Under 16 | Must attend school, unless excused by the director or superintendent.   |
|                                 | Under 17 | Cannot be employed in occupations that may be specified by regulation or contrary to such conditions as may be prescribed by the regulation.  |

Although standards vary, British Columbia seems very relaxed in its regulations affecting employment of 12 to 14 year olds, especially the provision that consent of only one parent or guardian is required.

### 3. Provincial Minimum Wages in Canada

Table 2 summarizes the situation.

| <b>Table 2: General Minimum Wages and Youth Minimum Wages Across Canada</b> <sup>26</sup> |                             |  |
|---|-----------------------------|--|
|   | <b>General Minimum Wage</b> | <b>Different Youth/Training Rate?</b>  |
| British Columbia  | \$8.00                      | \$2.00 less for those with less than 500 hours of paid work experience                 |
| Alberta   | \$5.90                      | No   |
| Manitoba  | \$7.25                      | No   |
| New Brunswick   | \$6.30                      | No   |
| Newfoundland  | \$6.00 (\$6.25 June 1/05)   | No   |
| Nova Scotia   | \$6.50                      | \$0.45 less for those with less than 3 months on payroll in their current type of work |
| Nunavut   | \$8.50                      | No   |
| Northwest Territories   | \$8.25                      | No   |
| Ontario   | \$7.45                      | \$0.50 less for part time student employees under the age of 18                        |
| Prince Edward Island  | \$6.80                      | No   |
| Quebec  | \$7.45 (\$7.60 May 1/05)    | No, but those who receive tips get \$0.75 less   |
| Saskatchewan  | \$6.65                      | No   |
| Yukon Territory   | \$7.20                      | No   |
| Note: this is a summary and for brevity's sake some regulations have been omitted.        |                             |  |

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

### **III. INTERNATIONAL CONTEXT**

#### **A. The United States**

Although the United States deservedly enjoys a reputation for deregulation, child employment is actually more tightly regulated than in Canada.<sup>27</sup> Jurisdiction is split, with federal law and regulations covering business with an annual volume of \$50,000 or more and state rules covering the smaller enterprises. Given the variety of state-level legislation, no general synthesis can be presented. However, federal legislation, which is relatively far more important than the federal jurisdiction in Canada, sets a minimum age for non-agricultural employment at 14, with a few minor exceptions; limits the employment of schoolchildren to 3 hours a day and 18 hours a week when school is in session; prevents 14 and 15 year olds from working at nights; and prohibits youth under 18 from performing a wide variety of jobs, with additional restricted occupations for the youngest workers. In Washington State, adjacent to BC, the minimum employment age is 14, employment is restricted to 3 hours a day for a maximum of 16 hours per week, and night-time employment is prohibited. Clearly young workers are more protected south of the border than they are in British Columbia.

#### **B. The European Union**

The European Union has developed legislation regarding labour standards that applies to all member states, even those who have not introduced similar domestic legislation.<sup>28</sup> The Charter of Fundamental Rights of the European Union (2000) limits the employment of children below school leaving age and requires that workplaces are safe, non-exploitative, and compatible with schooling.<sup>29</sup> In addition, the European Union Directive on the Protection of Young People at Work (1994) states that, "Member states shall take the necessary measures to prohibit work by children under 15 and regulate work by adolescents aged 15 to 18 years of age ... with light work permitted from the age of 13."<sup>30</sup> The focus of many European countries is to provide

school-to-work training programs to older adolescents, and for younger children on attaining an education and staying in school.

## **C. International Covenants and Agreements**

A number of international agreements address labour issues. Unlike their trade and investment counterparts, these agreements are weak, or non-existent when it comes to enforcement.

Nevertheless, international agreements on labour do express international standards and make it possible for us to gauge whether British Columbia's recent initiatives with respect to child labour conform.

### **1. North American Free Trade Agreement**

The North America Free Trade Agreement (NAFTA) does not directly address labour standards. Instead, Canada, Mexico, and the United States negotiated a 'side agreement' on labour: the North American Agreement on Labour Cooperation (NAALC). "The NAALC does not incorporate international labor rights norms; instead, it calls on the signatories to enforce their domestic labour standards effectively while working cooperatively with the International Labour Organization."<sup>31</sup> Although the NAALC is weakened by poor enforcement mechanisms, it is supposed to prevent member countries from "engaging in a 'race to the bottom' in pursuit of competitive economic advantage at the expense of employees."<sup>32</sup>

It does raise the spectre of a complaint if there is a "persistent pattern of failure to effectively enforce occupational safety and health, child labor or minimum wage technical standards."<sup>33</sup> To the extent that BC's system of self-regulation fails to enforce the province's own standards, BC leaves the federal government vulnerable to a complaint under the NAFTA labour 'side agreement.'

### **2. United Nations and the International Labour Organization**

Global agreements addressing child labour practices have been developed by the United Nations and the International Labour Organization (ILO). In 1989, the Convention on the Rights

of the Child was adopted by the General Assembly of the United Nations.<sup>34</sup> Article 32 of the Convention states that:

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article.<sup>35</sup>

Employment standards for children in BC contravene the ILO's Convention 138 on Minimum Age (1973), which declares that states must set a minimum age for entry into employment that should not be lower than the age of completion of compulsory education, and never lower than 15.<sup>36</sup> The convention does allow for exceptions to the 15 year old rule (article 2.4), but only under special circumstances, such as "a Member whose economy and educational facilities are insufficiently developed...."<sup>37</sup>, hardly the reality for BC, which has a well-developed public school system and an economy that does not require child labour in order to function. The ILO also states that "national laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is – (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school."<sup>38</sup> But the employment of children as young as 12 years of age is clearly not supported by the ILO.

The ILO has also set standards outlining the appropriate use of minimum age and wage legislation in member countries. These standards are guided by the principle of 'equal remuneration for work of equal value.'<sup>39</sup> Although the ILO does not explicitly forbid the fixing of different rates on the basis of age, legislating a lower minimum wage for young workers does contravene the general principles outlined by the ILO if their work is of equal value. The ILO does recognize that there is a difference between youth who perform the same work as their adult counterparts, and those whose work includes formal training, such as apprentices. A lower wage for youth performing the same work as adults without the need for training is unjustifiable.<sup>40</sup> However, this is exactly what has occurred in BC.

## **PART THREE: STUDY RESULTS**

### **I. WORKING CHILDREN AND YOUTH**

#### **A. Demographics of Child and Youth Employment**

##### **1. Age, Gender, and Immigration Status**

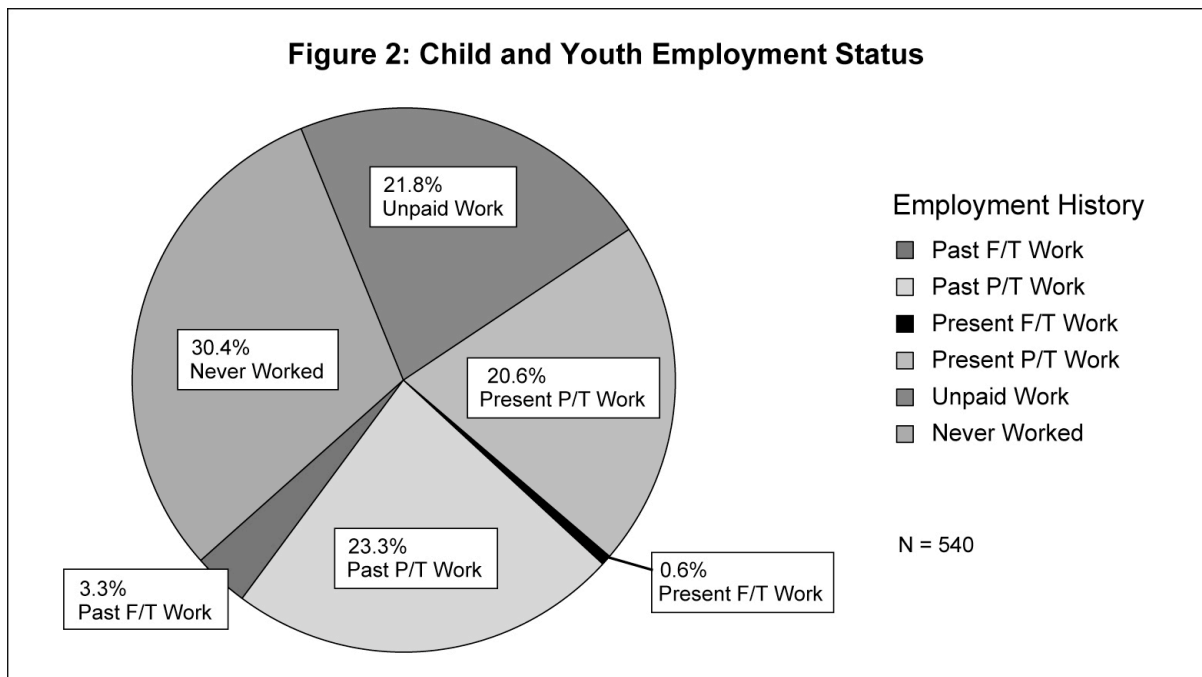
The respondents to the survey ranged in age from 12 to 18 years. The total sample of 624 yielded a good representation of ages, with the exception of the 18 year old category (many in this age group may already have graduated from or left high school). We believe our survey is unique in that it includes youth aged 12 to 14 years. The respondents who were currently working (n=114) were clustered into two age ranges, 12 to 14 (44.1 percent), and 15 to 18 (55.9 percent). This reflects changes to BC's Employment Standards Act, which apply to the 12 to 14 year old cohort, while the 15 to 18 age category captures the period in life when most youth begin to make the transition into paid employment.

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

Of the full sample (624 respondents): 65.5 percent were born in Canada, and 34.5 percent were born outside; 31.7 percent reported that neither of their parents were immigrants or refugees; 44.9 percent reported that both of their parents immigrated or sought refuge in Canada; 16.5 percent have a mother who immigrated, and 6.8 percent have an immigrant father. Thus, there are a high number of children with immigrant parents in the study's sample, a result which reflects the Vancouver Census Metropolitan Area (CMA), which has a high proportion of residents, approximately 39 percent,<sup>41</sup> who have immigrated or are non-permanent residents.

## 2. Child and Youth Employment Status

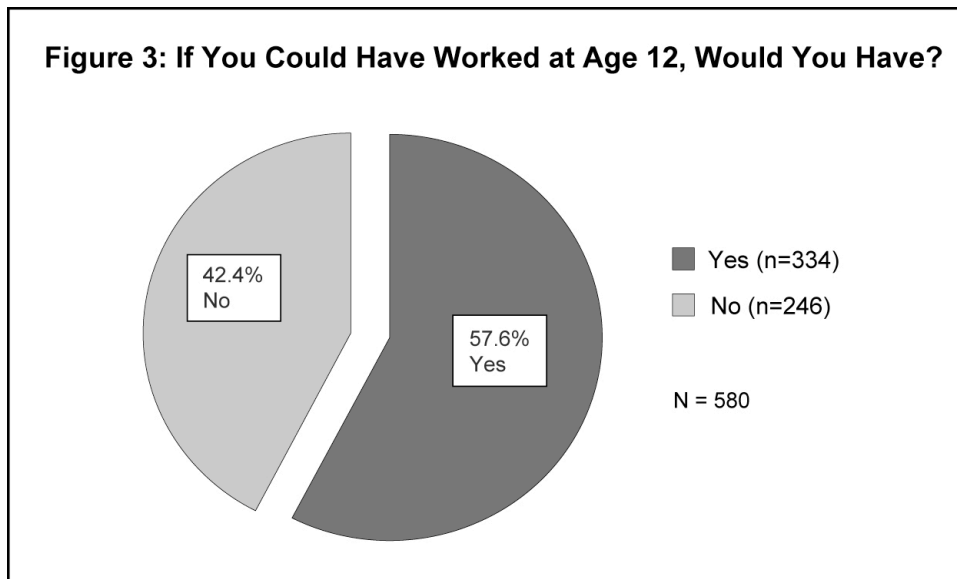
The results show that a high proportion of children and youth in BC have been formally employed (see Figure 2). Almost half the respondents (47.8 percent) are either presently working, or have worked at part-time or full-time employment (including babysitting and paper routes). Another 21.8 per cent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



Many working children and youth (25.5 percent or 26 cases of a valid sample of 98 respondents) work alongside their parents in the early morning or evening. Of these, 9 are aged 12 to 14; and 17 are 15 to 18 years old. These young workers are likely employed in their parents' small businesses, or may, given a lack of child care, accompany their parents to work sites. This raises concerns about children from economically marginalized families being pressed to work, potentially for unacceptable hours or under questionable conditions. It also implies that the new regulations, requiring only parental consent, may be putting some parents in a conflict of interest.



A high proportion of all respondents indicate that they would have wanted to work at age 12 if they could have (see Figure 3). This speaks to the power of the work ethic in contemporary culture and, perhaps, the desire for income to satisfy consumer wants. However, the high rates of workplace injury found in this study and reported elsewhere in the literature<sup>42</sup> raise questions about whether those who have not worked (58 percent)<sup>43</sup> understand the challenges and dangers that they may face in the workplace.



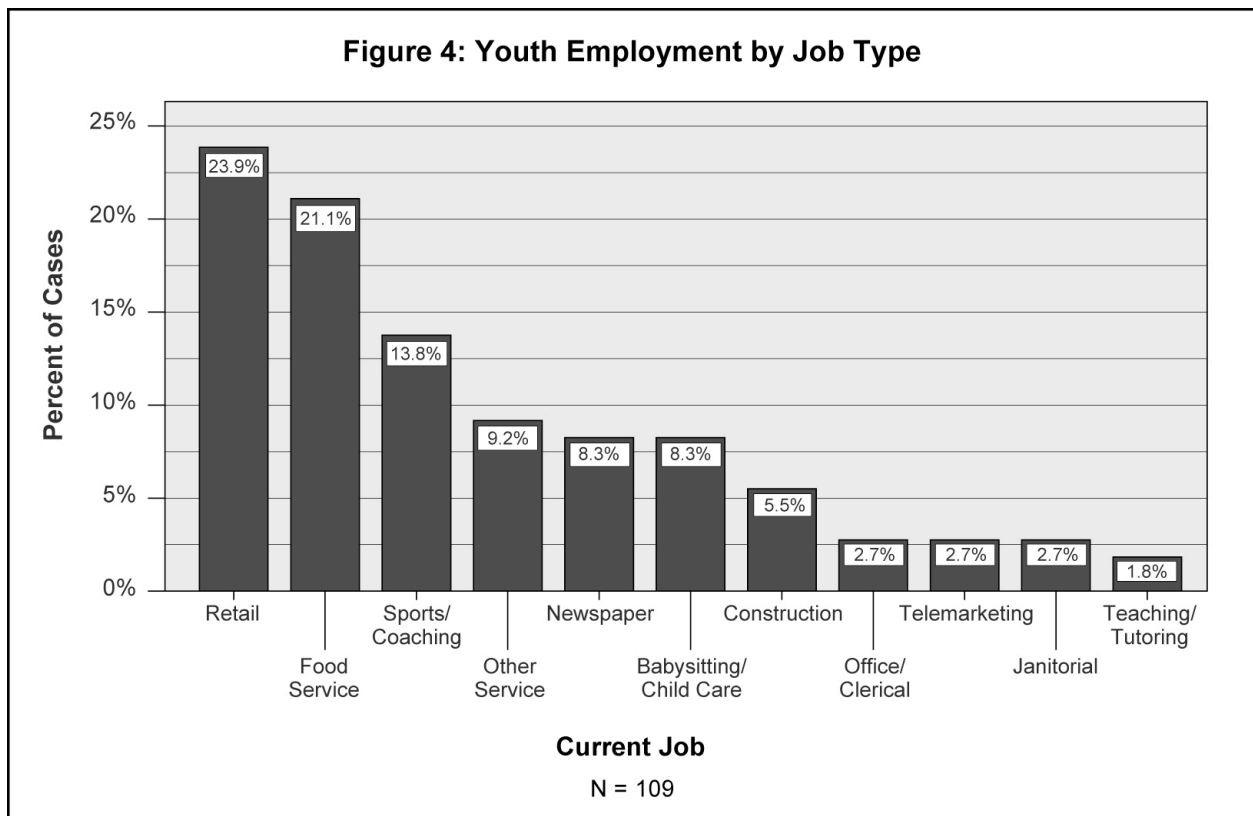
## B. Child and Youth Employment by Sector and Occupation

Survey results indicated that students work in a wide variety of jobs, with food service and retail being by far the most common. Of employed participants, 21.1 percent (n=23) reported working in the food industry<sup>44</sup> and 23.9 percent (n=26) in retail. Food industry jobs included hostessing or serving in a restaurant, deli, coffee shop or concession. McDonald's, with 8 students, was the largest single employer. Retail jobs included being a cashier in shoe, clothing, sporting good or automotive stores; and work as sales associates and inventory clerks. Sports/coaching followed with 13.8 percent (n=15) of jobs. Newspaper delivery and babysitting were common jobs for students, each with 8.3 percent (n=9). Others were employed in construction, telemarketing,

janitorial, office-clerical, a hair salon, door to door sales, walking dogs, berry picking, extra work in the film industry and computer repair.

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

- Food services workers are 63 percent female and 37 percent male;
- Retail employees are 48 percent female and 52 percent male;
- Newspaper deliverers are 31 percent female and 69 percent male;
- Babysitters are 67 percent female and 33 percent male; and
- Sports workers and coaches are 6 percent female and 94 percent male.



## C. Hours Spent at Work

The children and youth in our study worked varying lengths of time. They were asked how many hours they worked during the school week, on the weekend, and over the summer holidays (see Table 3). On average, 12 to 14 year olds work fewer hours in all these time periods. The mean number of weekly hours that 12 to 14 year olds reported working during each of these timeframes is 3.68, 2.9, and 8.97 respectively. The 15 to 18 year olds report working 2 to 3 times more (7.98, 8.56 and 23.14 hours respectively). For most children and youth school is the main focus when school is in session. As many as 23 per cent of all youth (n=23, valid cases=100), and 31 percent of 12 to 14 year olds (n=9, valid cases=29), indicated that they worked less than two hours per week; in itself this flags a potential violation of the Employment Standards Act, since few of these cases were in excluded jobs and, for the rest, the minimum 2-hour call-out is mandated under the Act.

A minority of youth aged 15 to 18 (2.8 percent, or 2 out of 74 valid responses), however, worked more than 20 hours each week while school is in (outside of school hours).

Some of the respondents who noted difficulty with school/job balance worked longer hours. It appears that for some students, having too many hours of work can impact on their school performance (see Section D). During the summer months, almost half the students aged 15 to 18 worked 20 to 40 plus hours per week — of these, 12.7 percent report working more than 40 hours per week. As school is not then in session, working over 20 hours is not a concern, depending on the work and its conditions — but over 35 hours could be a source of concern.

**Table 3: Hours Worked During School Week, Weekends and Summer Holidays, by Sex, Age and Country of Birth**

| <b>Hours Worked Per Week on School Days</b>         |                  |                  |                    |                    |                         |                   |
|---|------------------|------------------|--------------------|--------------------|-------------------------|-------------------|
|   | <b>Sex</b>       |                  | <b>Age Group</b>   |                    | <b>Country of Birth</b> |                   |
|   | Male             | Female           | 12-14<br>Year Olds | 15-18<br>Year Olds | Canada                  | Outside<br>Canada |
| <b>Less than 1 Hour Per Week</b>                    | 12 (21.8%)       | 7 (13.5%)        | 5 (17.2%)          | 14 (18.9%)         | 16 (19%)                | 3 (13%)           |
| <b>1-5 Hours</b>                                    | 17 (30.9%)       | 24 (46.2%)       | 18 (62.1%)         | 21 (28.4%)         | 34 (40.5%)              | 7 (38.3%)         |
| <b>6-10 Hours</b>                                   | 13 (23.6%)       | 12 (23.1%)       | 5 (17.2%)          | 20 (27%)           | 16 (19%)                | 9 (23.4%)         |
| <b>11-15 Hours</b>                                  | 5 (9.1%)         | 5 (9.6%)         | 0 (0%)             | 10 (13.5%)         | 9 (10.7%)               | 1 (9.3%)          |
| <b>16-20 Hours</b>                                  | 5 (9.1%)         | 3 (5.8%)         | 0 (0%)             | 7 (9.5%)           | 8 (9.5%)                | 0 (0%)            |
| <b>21-40 Hours</b>                                  | 2 (3.6%)         | 1 (1.9%)         | 1 (3.4%)           | 1 (1.4%)           | 1 (1.2%)                | 2 (8.7%)          |
| <b>Over 40 Hours</b>                                | 1 (1.8%)         | 0 (0%)           | 0 (0%)             | 1 (1.4%)           | 0 (0%)                  | 1 (4.3%)          |
| <b>Total</b>  | <b>55 (100%)</b> | <b>52 (100%)</b> | <b>29 (100%)</b>   | <b>74 (100%)</b>   | <b>84 (100%)</b>        | <b>23 (100%)</b>  |
| <b>Hours Worked on Weekends During School Year</b>  |                  |                  |                    |                    |                         |                   |
|   | <b>Sex</b>       |                  | <b>Age Group</b>   |                    | <b>Country of Birth</b> |                   |
|   | Male             | Female           | 12-14<br>Year Olds | 15-18<br>Year Olds | Canada                  | Outside<br>Canada |
| <b>Less than 1 Hour Per Week</b>                    | 6 (10.2%)        | 4 (7.7%)         | 6 (20.7%)          | 3 (3.8%)           | 8 (9.1%)                | 2 (8.7%)          |
| <b>1-5 Hours</b>                                    | 24 (40.7%)       | 15 (28.8%)       | 18 (62.1%)         | 21 (26.9%)         | 30 (34.1%)              | 9 (39.1%)         |
| <b>6-10 Hours</b>                                   | 15 (25.4%)       | 28 (53.8%)       | 4 (13.8%)          | 37 (47.4%)         | 35 (39.8%)              | 8 (34.8%)         |
| <b>11-15 Hours</b>                                  | 5 (8.5%)         | 2 (3.8%)         | 0 (0%)             | 7 (9%)             | 5 (5.7%)                | 2 (8.7%)          |
| <b>16-20 Hours</b>                                  | 6 (10.2%)        | 2 (3.8%)         | 1 (3.4%)           | 7 (9%)             | 7 (8%)                  | 1 (4.3%)          |
| <b>21-40 Hours</b>                                  | 3 (5.1%)         | 1 (1.9%)         | 0 (0%)             | 3 (3.8%)           | 3 (3.4%)                | 1 (4.3%)          |
| <b>Over 40 Hours</b>                                | 0 (0%)           | 0 (0%)           | 0 (0%)             | 0 (0%)             | 0 (0%)                  | 0 (0%)            |
| <b>Total</b>  | <b>59 (100%)</b> | <b>52 (100%)</b> | <b>29 (100%)</b>   | <b>78 (100%)</b>   | <b>88 (100%)</b>        | <b>23 (100%)</b>  |
| <b>Hours Worked Per Week During Summer Holidays</b> |                  |                  |                    |                    |                         |                   |
|   | <b>Sex</b>       |                  | <b>Age Group</b>   |                    | <b>Country of Birth</b> |                   |
|   | Male             | Female           | 12-14<br>Year Olds | 15-18<br>Year Olds | Canada                  | Outside<br>Canada |
| <b>Less than 1 Hour Per Week</b>                    | 6 (11.1%)        | 3 (7.3%)         | 7 (25%)            | 1 (1.6%)           | 6 (7.8%)                | 3 (16.7%)         |
| <b>1-5 Hours</b>                                    | 10 (18.5%)       | 8 (19.5%)        | 13 (46.4%)         | 5 (7.9%)           | 14 (18.2%)              | 4 (18.9%)         |
| <b>6-10 Hours</b>                                   | 6 (11.1%)        | 6 (14.6%)        | 2 (7.1%)           | 10 (15.9%)         | 8 (10.4%)               | 4 (22.2%)         |
| <b>11-15 Hours</b>                                  | 2 (3.7%)         | 4 (9.8%)         | 1 (3.6%)           | 5 (7.9%)           | 5 (6.5%)                | 1 (5.6%)          |
| <b>16-20 Hours</b>                                  | 7 (13%)          | 4 (9.8%)         | 0 (0%)             | 11 (17.5%)         | 8 (10.4%)               | 3 (16.7%)         |
| <b>21-40 Hours</b>                                  | 15 (27.8%)       | 14 (34.1%)       | 3 (10.7%)          | 23 (36.5%)         | 27 (35.1%)              | 2 (11.1%)         |
| <b>Over 40 Hours</b>                                | 8 (14.8%)        | 2 (4.9%)         | 2 (7.1%)           | 8 (12.7%)          | 9 (11.7%)               | 1 (5.6%)          |
| <b>Total</b>  | <b>54 (100%)</b> | <b>41 (100%)</b> | <b>28 (100%)</b>   | <b>63 (100%)</b>   | <b>77 (100%)</b>        | <b>18 (100%)</b>  |

## **D. Impact on School Performance**

This section considers perceptions of the relationship between work and school performance.

Some literature indicates that students who work 20 hours per week or more experience difficulty with their schoolwork, while those working under 20 hours generally do not experience negative impacts on school performance.<sup>45</sup> Our study did find a minority of respondents who reported a negative impact on school grades, including cases where fewer than 20 hours were worked. Nine of 98 respondents (9.2 percent) replied that their grades had declined since they started working. Fifty-eight (59.2 percent) reported that their marks stayed the same, and 15 (15.3 percent) noted that their grades improved (16 were not sure if there was an effect). Given that most of the study's participants work 10 hours or less each week (see Table 3), it is not surprising that the majority noted no impact on their school performance. The fact that around 15 percent replied that their grades improved underlines the fact that a reasonable amount of time spent at work can be a positive experience for working students. The mixed finding, however, highlights the benefits of giving school authorities a chance to intervene so that those who have difficulty mixing school and work could be required to reduce their work hours.

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

## **E. Impact on Recreation and Social Life**

Some currently working participants noted a significant impact on their extra-curricular/recreational lives — almost fifty per cent (n=50) indicated that they had to give up, or are missing out on, sports, music, or other activities (see Table 4).

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

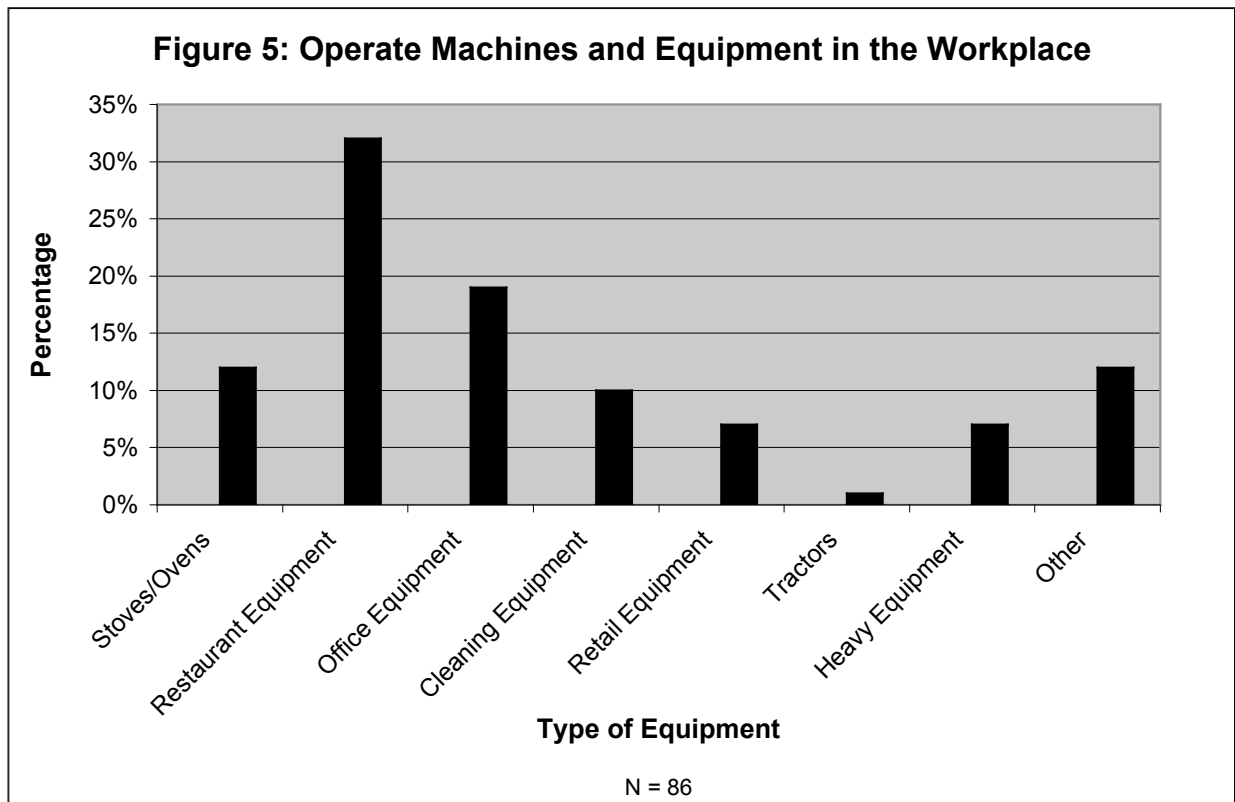
| <b>Table 4: Impact of Work on Recreation</b> |       |
|--|-------|
| Missing out on recreation                    | 49.5% |
| Not missing out on recreation                | 41.2% |
| Not sure                                     | 9.3%  |
| Total  | 100%  |
| N=97   |       |

| <b>Table 5: Impact of Work on Social Life and Physical Fitness</b> |                    |                         |
|--|--------------------|-------------------------|
|  | <b>Social Life</b> | <b>Physical Fitness</b> |
| Worse  | 12.4%              | 13.4%                   |
| The Same   | 50.5%              | 45.4%                   |
| Better   | 23.7%              | 30.9%                   |
| Not Sure   | 13.4%              | 10.3%                   |
| Total  | 100%               | 100%                    |
| N=97   |                    |                         |

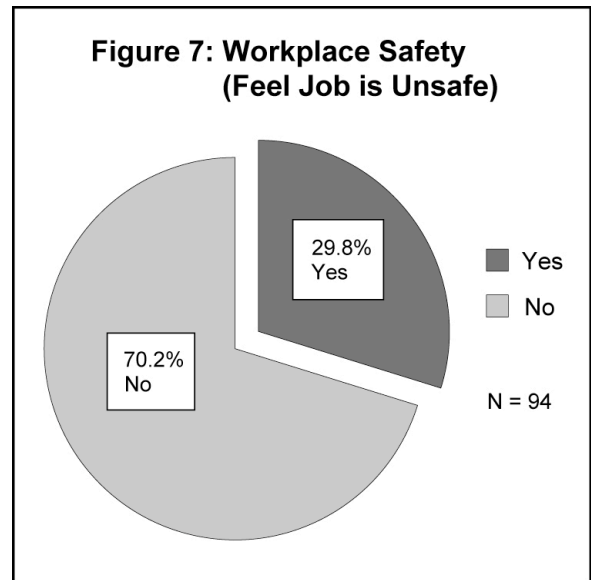
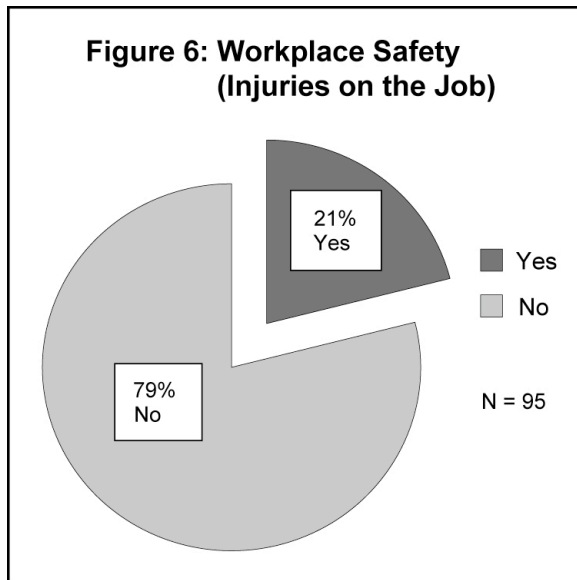
## **F. Workplace Health and Safety**

Many respondents are currently employed in the food services sector and operate stoves, ovens, and other restaurant equipment (over 40 percent report they have operated such

equipment, see Figure 5). Due to their age, relatively few work with heavy equipment, but there are exceptions. Several students reported operating heavy equipment such as bulldozers, diggers, forklifts, or tractors. While this is a very small proportion it does indicate that some young employees are operating potentially dangerous equipment.



Over 1 in 5 working children and youth report that they have been injured on the job (21.1 percent, or 20 of 95 respondents; see Figure 6). Many of the injuries were burns. This probably reflects the fact that many are working around stoves, ovens, and restaurant equipment, although surprisingly retail cashiers also reported this injury. Most respondents were treated either at work or at home for their burns. Of those injured, 31.6 percent (n=6) reported being treated in a hospital or by a physician, and 5 percent received treatment at a clinic, suggesting more serious accidents.



The injured youth were 55 percent female (n=11) and 45 percent male (n=9), and youth between the ages of 15 and 18 were 4 times more likely to be injured while on the job than those aged 12 to 14.

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

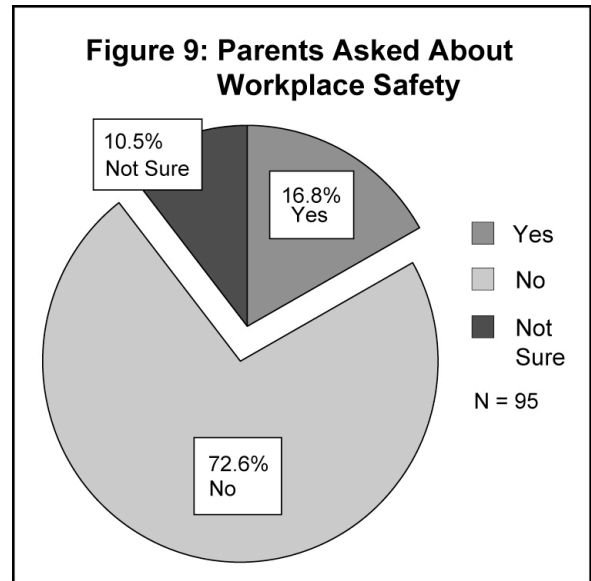
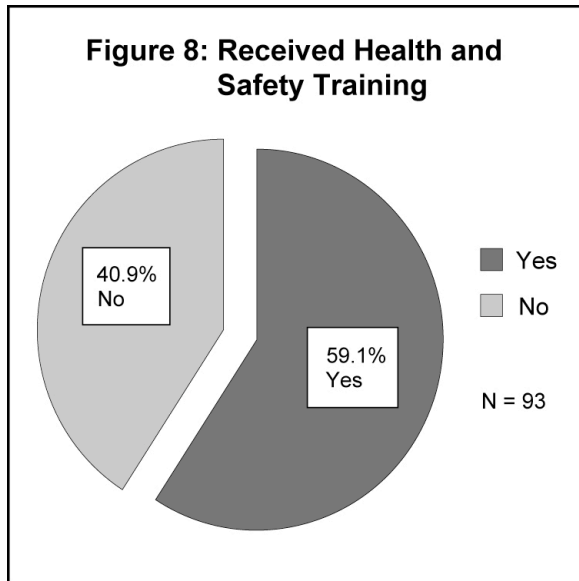
- Ten respondents work in the food service industry (often at fast food outlets, e.g. four work at McDonalds);
- Five work at retail jobs;
- Four respondents work as newspaper deliverers;
- Three are in the sports/coaching sector (two are hockey referees);
- Two are working as babysitters; and
- The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

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



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

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



Regardless of the age of the young workers in this study, a surprisingly low number report that their parents have asked their prospective employer about the safety of the workplace. For all age groups, 72.6 percent (69 respondents) report that their parents did not ask about health and safety; for the 12 to 14 age group the figure was 48.1 percent (n=13) (see Figure 9).

In terms of supervision, 9.6 percent of all students (n=9) reported that they work without adult supervision, 33 percent (n=31) were supervised some of the time, and 57.4 percent were supervised all or most of the time. This raises questions about the value of self-regulation under the current Employment Standards Act (ESA). The new employment standards regime relies upon the parents to monitor the health and safety of their children's workplaces and requires adult supervision of 12 to 14 year old workers. However, as our results indicate, a large

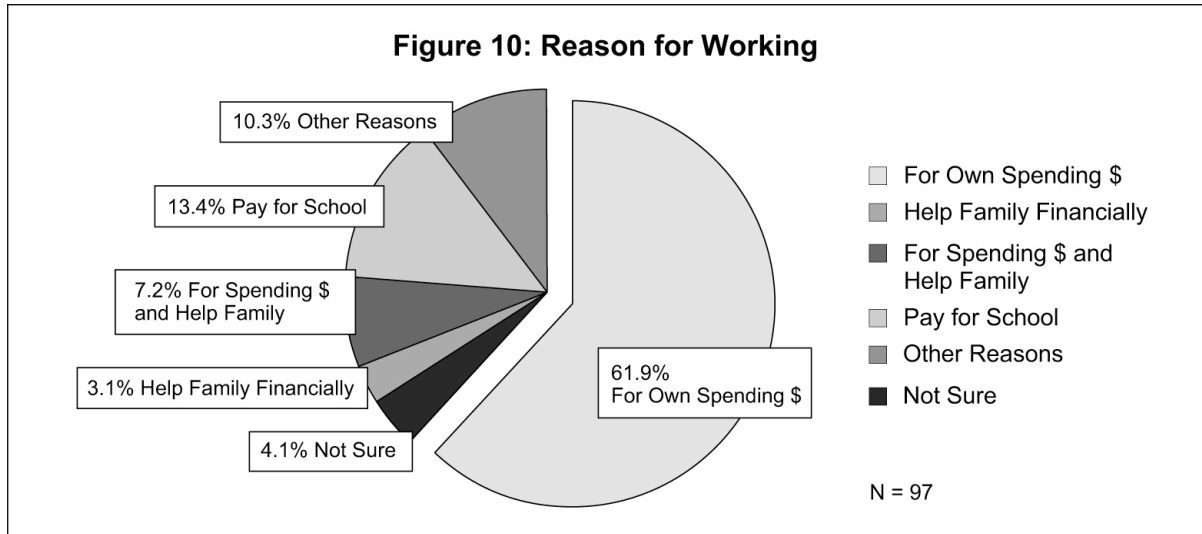
proportion of parents may not be monitoring their children's health and safety in the workplace, and too many employers seem to take a lax attitude towards the statutory requirement of adult supervision.

## **Reports of Violations of Employment Standards**

The proportion of young workers who reported that their employers did not receive written parental consent is quite high (60.9 percent of students, n=56). Of course, many in the upper age group would not require this. However, most of the students in the 12 to 14 age group (58.3 percent, n=14) reported employers did not get parental consent to work — a violation of the Act. Students reported other apparent violations of the ESA. The ESA requires the constant supervision of workers aged 14 and younger by an adult (defined as some responsible person at least 19 years old). A disturbing picture of unsupervised work among 12 to 14 year olds was revealed — 22.2 percent (n=6) of this group reported that they worked without adult supervision, 48.1 percent (n=13) were only supervised some of the time, and only 29.6 percent (n=9) were supervised all or most of the time.

## **G. Reasons for Working**

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



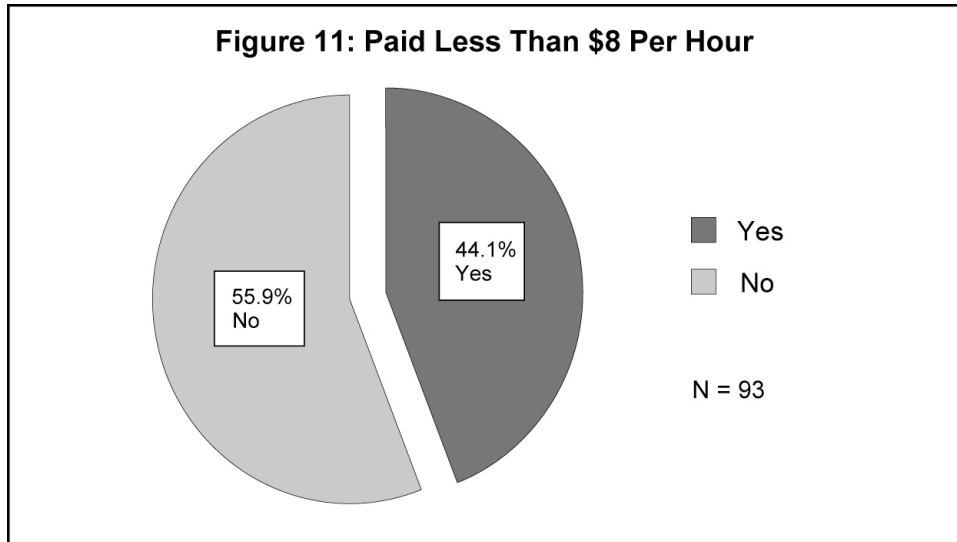
The majority of young workers (73.7 percent, n=73) indicated that they like their job; 13.1 percent (n=13) did not like their job; and 14.4 percent were not sure. Obviously most working children and youth do get satisfaction from working. Those who do not like their work gave a variety of reasons: that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

## II. BC'S FIRST JOB/ENTRY OR 'TRAINING' WAGE

### A. Children and Youth Employed at the 'Training' Rate

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

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



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

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

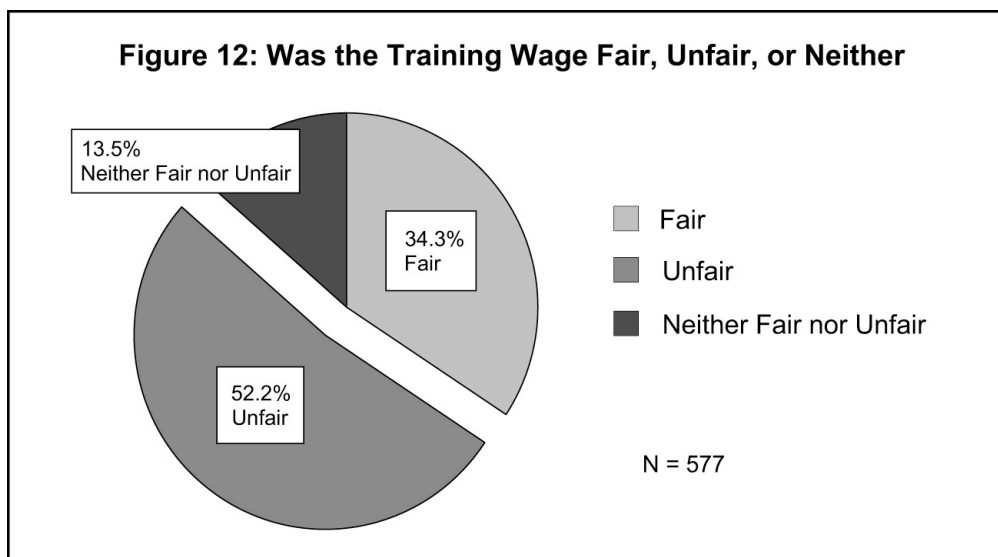
Not shown in the table, but statistically significant, are the gender differences in average

(or mean) wages. For males the mean is \$9.42 per hour, for females \$8.22. Of those getting paid more than \$8, males reported a mean hourly wage of \$12.70, females \$8.66 — again a statistically significant difference.

Young workers who completed 500 hours on the training wage are entitled to receive the \$8 minimum wage. A few in our sample (13 percent, or 3 of 23 valid cases), however, indicated that they either lost their job or continued to work at \$6 per hour. They were already disadvantaged by the training wage and then had their right to the general minimum wage abrogated because their employers were not willing to pay them the statutory minimum wage.

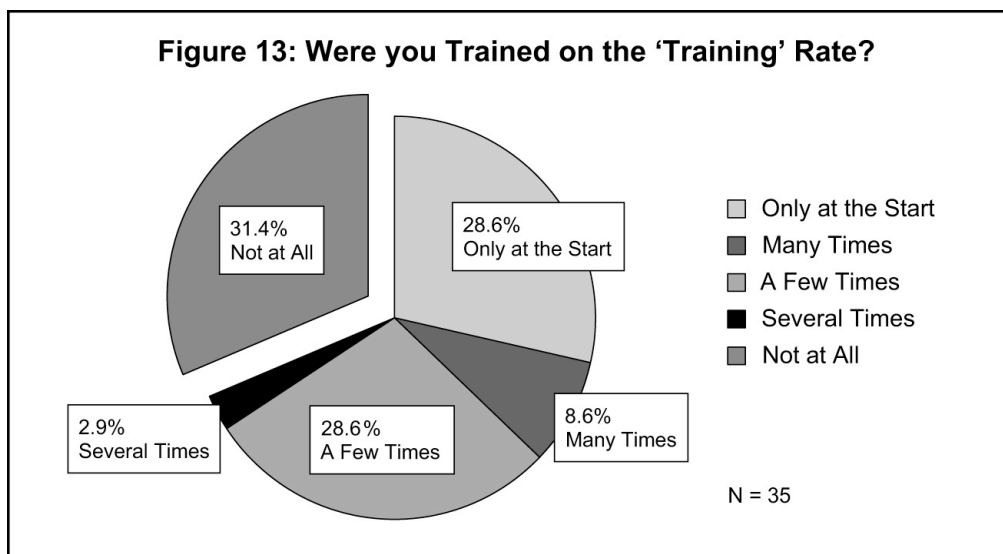
## B. Perceived Fairness of the ‘Training’ Wage

A slight majority, 52.2 percent of all respondents (n=577) find the ‘training’ wage to be unfair (see Figure 12). However, that figure rises dramatically among those students who are actually working: 71 percent (n=66) indicated they thought it unfair. There is a statistically significant relationship between students’ feelings about the wage and whether or not they have ever held a job. This gap may also speak to the fact that students with actual work experience (who have a better understanding of the minimal skills and training required for most minimum wage jobs) are more likely to find the training wage unfair.



### C. Workplace Training and the ‘Training’ Wage

Young workers who participated in this study were seldom trained while on the ‘training’ wage. Of course there is no legal obligation for employers to provide training. However, the idea that lack of experience warrants lower pay is implicit in the statute and the official designation of this wage as a “first job” or “entry” wage. One justification for the reduced wage could be that new workers require considerable supervision and are less efficient in their jobs than are more experienced workers. The implication is that ‘training’ will occur, whether formal or on-the-job, and, over a period of 500 hours, remedy the alleged deficiencies of the new worker. This perception explains why the reduced minimum wage has become known as the ‘training wage.’ However, our survey indicates that while some young people are supervised and given training, many are not. A sizable proportion of respondents indicated that they were trained only at the start (28.6 percent, n=10), or just a few times (28.6 percent, n=10) (see Figure 13). The largest proportion indicated that they were not trained at all (31.4 percent, n=11). Only 8.6 percent (n=3) reported being trained many times. These findings indicate young workers are often not being trained by their employers or other experienced employees while on the ‘training’ wage.



## **PART FOUR: POLICY ANALYSIS**

### **I. FAIR CHILD AND YOUTH EMPLOYMENT STANDARDS**

#### **A. Minimum Age and Allowable Hours of Work**

In BC, children as young as 12 years old are allowed to work and for longer hours than in other provinces.<sup>46</sup> The relationship between working and school performance is complex. Some research has shown that working less than 20 hours a week is not detrimental to schoolwork, but working more than 20 hours a week can be. Studies in Ontario and Quebec have shown that students who work 15 hours or less tend to perform well academically. Other studies show that students who work a small to moderate amount (less than 19 hours a week) are less likely to drop out of school than students who do not work at all.<sup>47</sup> However, working more than 20-hours can be a problem.

The fact that, in school districts with a four-day school week,<sup>48</sup> children and youth can work up to thirty-five hours per week, is a cause for concern. Children and youth are legally able to work hours that are too long to maintain their schoolwork and have a reasonable amount of time for recreation. Many of the respondents in our study noted that because of work they lacked enough time for recreation.

Under the new regulations, the parent granting their consent to the employer of a 12 to 14 year old “must determine that the employment situation meets the best interest of the child and will not adversely affect the child’s social, physical or educational needs.”<sup>49</sup> The Workers Compensation Board (WCB) believes that parents usually assume that employers provide proper safety training, equipment and supervision for their children. Many parents believe they have no role to play in this area and, indeed, the Act provides no specific direction. As a result, it is likely that many parents are consenting to the employment of their child without an idea of the

real risks involved.<sup>50</sup> Without the supervision of the employment standards branch, or some other form of regulation, parents might be unwittingly placing their children at risk of injury. Our results indicate that many parents are not following up on the health and safety of their children's workplaces.

WCB does not provide statistics on the rate of injury for children under the age of 15. Nor were these statistics available for other provinces in Canada. However, statistics from the United States indicate that children in this age group are at serious risk for injury and death. The US National Institute for Occupational Safety and Health states that for children 14 and under, workplace injuries and fatalities are a significant concern.<sup>51</sup>

In addition, Canadians should be concerned about the impact of recent changes to the Employment Standards Act, which allows children to work at a younger age in industries such as farming. These changes, coupled with a need to increase the number of farm workers, may encourage increasing numbers of Canadian children to seek employment in this industry.<sup>52</sup> For example, the BC Fruit Growers Association supported changes to employment standards for youth in the hopes that it would streamline paperwork for hiring children.<sup>53</sup> US studies demonstrate that this is not an appropriate industry for children to enter, especially at a young age. Children often perform the same jobs as their adult counterparts, but are often not physically and mentally equipped to do so.<sup>54</sup> When children work in agriculture, they face a myriad of dangerous conditions on the job.

Children and youth are generally inexperienced and do not have the necessary skills to operate tractors or other equipment safely, and the consequences can be fatal.<sup>55</sup> Accidents and fatalities are most likely to occur during the summer months when children are not in school.<sup>56</sup> Changes to the BC Employment Standards Act, resulting in reduced inspections on farms and cut backs on regulations, has made farm work "much closer to third world conditions than would be acceptable in BC".<sup>57</sup> Children as young as 12 years of age can now work in these poor conditions with only the approval of one parent. Unfortunately, all of the rural school districts that



were approached to participate in this study refused, with one exception. The one rural school district that did approve the study had no teachers come forward to allow their students to participate.

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

## **B. The ‘Training’ wage**

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

## **II. POLICY RECOMMENDATIONS**

### **A. Minimum Age and Allowable Hours of Work**

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

Parents should be involved in decisions of whether or not to allow their 12 to 14 year old

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

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

## **B. The 'Training' wage**

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

Most of the working youth in our study are employed in occupations that require very little training or time to master. If government decides to retain the differential wage rate then it should be for a much shorter period of time than 500 hours; for most jobs this would be in the range of 40 to 120 hours.

## **C. Enforcement**

The regulatory framework that governs child and youth employment standards should be properly enforced and monitored. It does not appear that the system of self-regulation established by the new legislation and regulations achieves consistent enforcement of employment standards. Therefore the enforcement capacity of the Employment Standards Branch should be strengthened and a special unit assigned to monitor child and youth employment.

## **CONCLUSION**

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

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

# APPENDIX I: METHODOLOGY

The use of online surveys in social science research is increasingly common.<sup>58</sup> An online survey was used for this study because it is a cost effective, fast, and efficient way to connect with students. Computers are widely used in schools and students are familiar with their use. The schools that participated in the study provided students with access to computers, therefore ensuring the inclusion of students who may not have access in their home.

Students also tend to have more interest in participating in an online survey and, with appropriate permissions, researchers can access students in schools during class time. Studies conducted on the efficacy of online surveys report no large differences in the internal consistency and reliability of online surveys versus paper and pencil surveys. In addition, there appears to be no difference in the quality of responses for closed-ended questions.<sup>59</sup>

Online surveys tend to have a higher response rates than paper surveys, due in part to respondents feeling that they are more anonymous and therefore able to answer more truthfully.<sup>60</sup> For open-ended questions, answers are generally longer and more detailed in online surveys than in paper surveys.<sup>61</sup> Interviewer effects are eliminated in online surveys.

## I. SAMPLE AND SELECTION OF RESPONDENTS

This study relied on a purposive sample of public school students in BC, aged 12 to 18 years. Online survey methods are conducive to purposive sampling, as the desired respondents can be selected for receipt of the survey from the larger population. The aim is for survey results to be representative of the specific population under study.<sup>62</sup> Random sampling methods were unrealistic for this study, given the challenges of recruiting working youth. A total of 624 students completed the survey, including 114 currently working youth. A much larger portion of students responded to the key attitudinal questions in the survey but for purposes of this paper

our analysis focuses on the working youth subgroup.

Fourteen of sixty public school districts were contacted for permission to include their students in this project.<sup>63</sup> These districts were chosen to represent various regions in the province, in an attempt to obtain a sample from both urban and rural communities. Five school districts agreed: Boundary School District (in rural BC), Burnaby School District (an urban board in the Greater Vancouver Regional District – GVRD), Langley School District (GVRD), Richmond School District (GVRD), and Vancouver School District (GVRD). Both Langley and Richmond have some agricultural areas.

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

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

## II. LIMITATIONS OF THE STUDY

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

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

# NOTES

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<sup>1</sup> H. Luke and G. Moore, *Who's Looking Out for Our Kids? Deregulating Child Labour Law in British Columbia* (Vancouver: Canadian Centre for Policy Alternatives, 2004).

<sup>2</sup> *Employment Standards Act*, R.S.B.C. 1996, Chapter 113, Section 9 [hereinafter *Employment Standards Act*].

<sup>3</sup> *Employment Standards Act*, Regulation, Section 45.3.

<sup>4</sup> *Ibid.*, Section 45.4.

<sup>5</sup> D. Tysoe, *Report of the Industrial Inquiry Commission: British Columbia's Film and Television Industry* (Victoria: Ministry of Skills Development and Labour, 2004).

<sup>6</sup> *Employment Standards Act*, Regulation, Section 45.8.

<sup>7</sup> *Ibid.*, Section 32 (a-g).

<sup>8</sup> Although some other activities are prohibited under other protective measures like BC's occupational health and safety laws.

<sup>9</sup> Luke and Moore, p. 5

<sup>10</sup> *Ibid.*, p. 5

<sup>11</sup> *Employment Standards Act*, Regulation, Section 15 (1-2).

<sup>12</sup> G. Bohn, "Few Well-Paid Jobs Available" *The Vancouver Sun* (23 November, 2004) B2.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Supra* note 11.

<sup>15</sup> From *One-page summary extract of labour data for BC and Canada*, online: <<http://www.bcstats.gov.bc.ca/data/lss/labour.htm>> accessed February 16, 2005.

<sup>16</sup> *School Act*, R.S.B.C. 1996, Chapter 412, Division 1, Section 3 (b) and Division 4, Section 12.

<sup>17</sup> *Child, Family, and Community Service Act*, R.S.B.C. 1996, Chapter 46.

<sup>18</sup> *Workers Compensation Act*, R.S.B.C. 1996, Chapter 492, *Occupational Health and Safety Regulation*, Section 6.77.

<sup>19</sup> *Mines Act*, R.S.B.C. 1996, Chapter 293, *Health Safety and Reclamation Code for Mines*, Section 3.2.1.

<sup>20</sup> *Liquor Control and Licensing Act*, R.S.B.C. 1996, Chapter 267, Section 35.

<sup>21</sup> *Liquor Control and Licensing Act*, R.S.B.C. 1996, Chapter 267, *Liquor Control Licensing Regulations*, Section 9.

<sup>22</sup> Activities that come within federal jurisdiction include: interprovincial and international services such as railways; highway transport; telephone, telegraph, and cable systems; pipelines; canals; ferries, tunnels, and bridges; shipping and shipping services; radio and television broadcasting, including cablevision; air transport, aircraft operations, and aerodromes; banks; undertakings for the protection and preservation of fisheries as a natural resource; First Nations communities and activities; undertakings declared by Parliament to be for the general advantage of Canada such as: most grain elevators; flour and seed mills, feed warehouses and grain-seed cleaning plants; uranium mining and processing and atomic energy. Most federal Crown corporations, such as the Canada Mortgage and Housing Corporation and Canada Post Corporation, are covered, while federal public service employees are not. Online: <<http://www.hrsdc.gc.ca/asp/gateway.asp?hr=en/lp/lo/lswel/publications/1.shtml&hs=ixn>> last accessed March 15, 2004.

<sup>23</sup> Telephone interview with a former provincial employment standards officer, March 29, 2005

<sup>24</sup> *Canadian Master Labour Guide* (17<sup>th</sup> ed.), (Toronto: CCH Canadian Limited, 2003).

Labour Program, Human Resources and Skills Development Canada, *Labour law analysis*, (Human Resources and Skills Development Canada, April 1, 2004).

<sup>25</sup> *Nova Scotia Education Act*, Sec. 114, online: <<http://canlii.org/ns/laws/sta/1995-96c.1/20050211/whole.html>> accessed March 29, 2005.

<sup>26</sup> Sources: Ontario, Manitoba, Nova Scotia, Northwest Territories, Quebec and Saskatchewan government websites accessed March 23, 2005. <[www.gov.on.ca/LAB/english/nes/03.657.html](http://www.gov.on.ca/LAB/english/nes/03.657.html)> <[www.gov.mb.ca/labour/labmgt/resbr/wages/minwage.html](http://www.gov.mb.ca/labour/labmgt/resbr/wages/minwage.html)> <[www.cnt.gouv.qc.ca/cn/normes/salaire](http://www.cnt.gouv.qc.ca/cn/normes/salaire)> <[www.labour.gov.sk.ca/minwage.htm](http://www.labour.gov.sk.ca/minwage.htm)> <[www.gov.ns.ca/enla/labstand/minwage.htm](http://www.gov.ns.ca/enla/labstand/minwage.htm)> <[www.justice.gov.nt.ca/LabourServices/ls\\_FAQ\\_6.htm](http://www.justice.gov.nt.ca/LabourServices/ls_FAQ_6.htm)>

Human Resources Skills Development Canada website, accessed March 23, 2005  
<[www.hrsdc.gc.ca/en/epb/yi/yep/programs/scpp\\_nb.smhtml](http://www.hrsdc.gc.ca/en/epb/yi/yep/programs/scpp_nb.smhtml)>  
<[www.hrsdc.gc.ca/en/epb/yi/yep/programs/scpp\\_pe.smhtml](http://www.hrsdc.gc.ca/en/epb/yi/yep/programs/scpp_pe.smhtml)>

Yukon Labour Services: Telephone Conversation March 23, 2005; Newfoundland Labour Standards: Telephone Conversation March 24, 2005

<sup>27</sup> This section is based on Luke and Moore, p. 16

<sup>28</sup> Federation of European Employers, online: <[www.fedee.com/eulablaw.html](http://www.fedee.com/eulablaw.html)>

<sup>29</sup> European Union, online: <<http://europa.eu.int/>>

<sup>30</sup> Organisation for Economic Co-operation and Development, *Combating child labour: A review of policies*, (France: OECD, 2003), p. 116. In this context, light work refers to babysitting and other duties considered to be informal in nature as opposed to the regulation of more formal jobs at age 15.

<sup>31</sup> Human Rights Watch, *Trading away rights: The unfulfilled promise of NAFTA's labour side agreement*, Volume 13, No. 2(B), April 2001. p. 1.

<sup>32</sup> Luke and Moore.

<sup>33</sup> NAALC full text, Annex 1, online: <[www.naalc.org/english/agreement9.shtml](http://www.naalc.org/english/agreement9.shtml)>

<sup>34</sup> Unless otherwise stated, all paraphrasing based on, and all quotes taken from, the original text of the Convention, online: <[www.unhchr.ch/html/menu3/b/k2crc.htm](http://www.unhchr.ch/html/menu3/b/k2crc.htm)>

<sup>35</sup> *Ibid.*

<sup>36</sup> International Labour Organization, online: <[www.ilo.org/ilolex/cgi-lex/convde.pl?C138](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138)>

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> N. O'Higgins, *Youth unemployment and employment policy: A global perspective*, (Geneva: International Labour Office, 2001).

<sup>40</sup> *Ibid.*

<sup>41</sup> Statistics Canada, online: <<http://www12.statcan.ca/english/profil01/Details/details1pop2.cfm?SEARCH=BEGINS&PSGC=59&SGC=59933&A=&LANG=E&Province=59&PlaceName=vancouver&CSDNAME=Vancouver&CMA=&SEARCH=BEGINS&DataType=1&TypeNameE=Censuspercent20Metropolitanpercent20Area&ID=1251>> accessed on March 23, 2005. The 2001 Census reports that 767,715 of the Vancouver Census Metropolitan Area's total population of 1,967,475 have immigrated to Canada (738,555) or are non-permanent residents (29,165). The percentage given is based on the author's calculations.

<sup>42</sup> Workers' Compensation Board of BC, *Young workers and workplace injuries*, (Vancouver: WCB of BC, June 2000). Research conducted by the Angus Reid Group.

Worker's Compensation Board of BC, Strategic Initiatives, Prevention Division, *Parent Focus Groups: Results and Analysis*, (Vancouver: WCB of BC, June 2003).

U.S. Department of Labor, *Report on the youth labor force*, online: <<http://www.bls.gov/opub/rylf/rylfhome.htm>> accessed July 14, 2004

<sup>43</sup> Of this 58 percent, 39 percent have never worked, and 19 percent have done unpaid work. The remaining positive responses worked full-time (4 percent) and part-time (38 percent).

<sup>44</sup> Food industry jobs included hostessing or waitering in a restaurant, working at a deli, a coffee shop or a concession. McDonald's was the most popular place of employment with 8 students working for this fast food chain.

<sup>45</sup> Canadian Council on Social Development, *Youth at work in Canada: A research report*. (Ottawa: Canadian Council on Social Development, 1989).

<sup>46</sup> *Canadian Master Labour Guide* (17<sup>th</sup> ed.), (Toronto: CCH Canadian Limited, 2003).

Labour Program, Human Resources and Skills Development Canada, *Labour law analysis*, (Human Resources and Skills Development Canada, April 1, 2004).



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- <sup>47</sup> Canadian Council on Social Development, *Youth at work in Canada: A research report*. (Ottawa: Canadian Council on Social Development, 1989).
- <sup>48</sup> Currently, three school districts in BC have adopted a four-day week, and other districts have many weeks with one day of extra closures as a cost-cutting measure. Online: <<http://www.bctf.ca/action/cuts/SchoolCalendar/>>
- <sup>49</sup> British Columbia Ministry of Skills Development and Labour, *General Employment of Young People Fact Sheet*, online: <[http://www.gov.bc.ca/esp/facshts/youth\\_general.htm](http://www.gov.bc.ca/esp/facshts/youth_general.htm)>
- <sup>50</sup> Worker's Compensation Board of BC, Strategic Initiatives, Prevention Division, *Parent Focus Groups: Results and Analysis*, (Vancouver: WCB of BC, June 2003).
- <sup>51</sup> National Institute for Occupational Safety and Health, *Preventing deaths, injuries and illnesses of young workers*, (West Virginia: NIOSH, July 2003).
- <sup>52</sup> BC Fruit Growers Association Bulletin, *High risk time in farming*, (Kelowna: BCFGGA, August 16, 2002).
- <sup>53</sup> BC Fruit Growers Association Bulletin, *Children (aged 12-14) working on farms*, (Kelowna: BCFGGA, December 19, 2002).
- <sup>54</sup> Human Rights Watch, *Fingers to the bone: United States failure to protect child farmworkers*, (New York: Human Rights Watch, 2000).
- <sup>55</sup> Canadian Agricultural Injury Surveillance Program, *Media Bite: Childhood farm injuries in Canada: Ages 10-14*, (Kingston: CAISP, January 2004). Online: <<http://meds.queensu.ca/~emresrch/caisp/mb3child4.html>> accessed October 1, 2004.
- <sup>56</sup> *Ibid.*
- <sup>57</sup> Ian Bailey, *Pickers face 'Third world conditions'*, (The Province, September 24, 2004).
- <sup>58</sup> B. Batinic, U-D. Reips, & M. Bosnjak, eds., *Online Social Sciences* (Toronto: Hogrefe & Huber Publishers, 2002).
- <sup>59</sup> *Ibid.*
- <sup>60</sup> P. Comley, *Online Surveys and Internet Research*, 2002, online: <[www.virtualsurveys.com](http://www.virtualsurveys.com)> accessed June 22, 2004.
- <sup>61</sup> B. Batinic, U-D. Reips, & M. Bosnjak, eds., *Online Social Sciences* (Toronto: Hogrefe & Huber Publishers, 2002).
- <sup>62</sup> B. K. Kaye, & T. J. Johnson, "Research Methodology: Taming the Cyber Frontier. Techniques for Improving Online Surveys" (1999) 17(3) *Social Science Computer Review*, 323-337, *Supra* note 1.
- <sup>63</sup> These school districts (SD) included: Boundary SD 51, Burnaby SD 41, Central Okanagan SD 23, Chilliwack SD 33, Kamloops/Thompson SD 73, Langley SD 35, New Westminster SD 40, Nicola-Similkameen SD 58, Okanagan Similkameen SD 53, Okanagan Skaha SD 67, Richmond SD 38, Vancouver SD 39, Vernon SD 22, and West Vancouver SD 45.

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