

REAL CHILD WORKER PROTECTION LEGISLATION AND REGULATION – MAY, 2011

EXISTING ESA	PROPOSED ESA	
<p>Hiring children</p> <p>9 (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.</p> <p>(2) A person must not employ a child under 12 years of age without the director's permission.</p> <p>(3) On permitting the employment of a child under 12 years of age, the director may set the conditions of employment for the child.</p> <p>(4) An employer must comply with the conditions of employment set under subsection (3).</p>	<p>Hiring children</p> <p>9 (1) A person shall not employ <i>an individual less than 18 years of age</i> unless the <i>person</i> has obtained the written consent of <i>that individual's</i> parent or guardian.</p> <p>(2) A person shall not employ <i>an individual less than 16 years of age unless the person has obtained the written consent of that individual's parent or guardian and the director's</i> permission.</p> <p>(3) <i>A person shall not employ an individual less than 14 years of age.</i></p> <p>(4) <i>An employer must provide to the director, in accordance with the regulations, any information required for establishing and maintaining a register of employees less than 18 years of age.</i></p>	<p>BC</p> <p>BC</p>
EXISTING ESR	PROPOSED ESR	
<p>Part 7.1 — Conditions of Employment for Children</p> <p>Division 1 — Children Generally</p>	<p>Part 7.1 — Conditions of Employment for Children</p> <p>Division 1 — Children Generally</p>	<p>AB</p>
	<p>Definitions</p> <p><i>X In this Division,</i></p> <p>(a) “adolescent” means an individual who is 14 or 15 years old.;</p> <p>(b) “young person” means an individual who is 16 or 17 years old.</p>	

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<p>Application</p> <p>45.1 This Division establishes conditions of employment for children 12 to less than 15 years of age but does not apply in respect of the employment of those children to whom Division 2 applies.</p>	<p>Application</p> <p>X.1 This Division establishes conditions of employment for <i>an adolescent and a young person</i> but does not apply in respect of the employment of <i>an individual</i> to whom Division 2 applies.</p>	
<p>Exclusions from the Act</p> <p>45.2 Section 37 of the Act does not apply to children in respect of whom this Division applies.</p>	<p>Exclusions from the Act</p> <p>X Section 37 of the Act does not apply to <i>adolescents and young persons</i> in respect of whom this Division applies.</p>	BC
<p>Limits on working hours</p> <p>45.3 (1) In this section, "school day" means, in relation to a child, a day on which the child's school is in session.</p> <p>(2) An employer of a child must not require or allow the child to work on a school day at a time when the child is scheduled to attend.</p> <p>(3) An <i>employer</i> of a child must not require or allow the child to work</p> <p>(a) more than 4 hours on a school day,</p> <p>(b) more than 7 hours on a day that is not a school day, unless the employer receives prior written approval from the director,</p> <p>(c) more than 20 hours in a week that has 5</p>	<p>Limits on employment of adolescent – working hours</p> <p>X (1) In this section, "school day" means, in relation to a <i>adolescent</i>, a day on which the <i>adolescent's</i> school is in session <i>or to a young person attending school, a day on which the young person's school is in session.</i></p> <p>(2) No person shall permit or allow an adolescent to work on a school day at a time when the adolescent is scheduled to attend school.</p> <p>(3) <i>No person shall require or allow an adolescent to work:</i></p> <p style="padding-left: 40px;"><i>(a) in the period of time after 9:00 p.m. to the start of the school day,</i></p> <p style="padding-left: 40px;"><i>(b)) in the period between 9:00 p.m. and 6:00 a.m. on a day that is not a school day,</i></p> <p style="padding-left: 40px;"><i>(c) for longer than 2 hours between the end of the normal school hours and 9:00 p.m. on a school day,</i></p> <p style="padding-left: 40px;"><i>(d) for longer than 7 hours on a day that is not a school day,</i></p> <p style="padding-left: 40px;"><i>(e) for longer than 14 hours during a week in which there is a school day, or</i></p> <p style="padding-left: 40px;"><i>(f) for longer than 28 hours during a week in which there is no school day.</i></p>	AB

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<p>school days, and</p> <p>(d) in any case, more than 35 hours in a week.</p>		
	<p>Limits on young person – working hours</p> <p>(1) No person shall permit or allow a young person to work on a school day at a time when the young person is scheduled to attend school.</p> <p>(2) No person shall require or allow an a young person to work:</p> <p>(a) During the period of time from midnight to the following 6:00 a.m.,</p> <p>(b) For longer than 4 hours outside of the normal school hours on a school day,</p> <p>(c) For longer than 8 hours on a day that is not a school day,</p> <p>(d) For longer than 20 hours during a week in which there is a school day,</p> <p>(e) For longer than 40 hours during a week in which there is no school day.</p>	AB
	<p>Limits on adolescent - types of employment</p> <p>(1) No person shall employ an adolescent unless:</p> <p>(a) the adolescent is employed as a</p> <p>(i) Delivery person for flyers, newspapers and handbills,</p> <p>(ii) Delivery person of small goods, wares and merchandise for a retail store;</p> <p>(iii) Clerk or messenger in an office</p> <p>(iv) Clerk in a retail store, or</p> <p>(v) In an occupation approved by the Director, and</p> <p>(b) The employment is not or is unlikely to be injurious to the life, health, education or welfare of the adolescent.</p> <p>(2) On receipt of a written application from the adolescent's parent or guardian for permission for employment, if the director is satisfied that the application is suitable, the director shall issue an employment permit that allows the specified employer to employ the adolescent.</p> <p>(3) Employment permits are not transferable.</p>	AB

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	<p>Limits on type of employment – young person</p> <p><i>(1) No person shall employ a young person unless the employment is not or is unlikely to be injurious to the life, health, education or welfare of the young person.</i></p>	AB SK
	<p>Adolescent and young person must complete work readiness program</p> <p><i>(1) No employer shall employ an adolescent or a young person unless the adolescent or young person provides the employer with evidence satisfactory to the employer that the adolescent or young person has completed a work readiness certificate approved by the director for the purposes of this division.</i></p>	SK
<p>Adult supervision required 45.4 An employer of a child must ensure that the child works only under the direct and immediate supervision of a person who has reached 19 years of age.</p>	<p>Adult supervision required</p> <p><i>(1) an employer of an adolescent shall ensure that the adolescent works only under the direct and immediate supervision of a person who is no less than 19 years of age.</i></p> <p><i>(2) an employer of a young person shall ensure that the young person during the period from 9:00 p.m. to midnight works only under the direction and immediate supervision of a person who is no less than 19 years of age.</i></p> <p><i>(3) and, in any case, a person who is no less than 19 years of age shall not supervise more than five (5) adolescents or young persons at the same time.</i></p>	BC AB
	<p>Record Keeping</p> <p><i>(1) An employer of an adolescent shall keep a copy of the written parental or guardian consent for employment and a copy of the director's employment permit in the place of business at which the adolescent works.</i></p> <p><i>(2) An employer of a young person shall keep a copy of the written parental or guardian consent for employment in the place of business at which the adolescent works.</i></p>	BC
PROPOSED ESA	<p>Registry of employment of an adolescent or a young person</p> <p><i>X An employer must provide to the director, in accordance with the regulations, any information required for establishing and maintaining a register of employees less than 18 years of age.</i></p>	BC

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PROPOSED ESR	<p><i>Registry information</i></p> <p><i>X (1) An employer of an adolescent or a young person must provide the director with the following information:</i></p> <ul style="list-style-type: none"> <i>(a) the employer's name, address, telephone number and fax number;</i> <i>(b) the employee's name, address and telephone number and date of birth;</i> <p><i>(2) The employer must provide the information required under subsection (1) in writing to the director within 30 days after the date the employee was hired,</i></p> <p><i>(3) An employer who is aware of any change in the information provided under subsection (1) must provide the director the new information in writing within 30 days after being aware of the change.</i></p>	BC
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