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March 3, 2009

Employment Standards Board/Yukon Workers'  
Compensation Health & Safety Board

**RE: CONSULTATIONS ON MOTION 542**

The Yukon Federation of Labour (YFL) would like to thank Board members for the opportunity to provide our views on the employment of children and young people in the Yukon.

There is no doubt that the Yukon lags behind the rest of Canada with regard to legislation and regulations governing the employment of children. Other than OH&S regulations restricting employment in mines, transporting explosives and operating x-rays, the Yukon has no laws specific to the employment of children.

There is also no doubt that the statistics on the injury rate to workers under 25 and the research on how the development of the brain affects a child's ability to assess risk, clearly demonstrate that such laws are needed. The employment of children and young workers requires specific measures to ensure that their education and overall development are not harmed as a result of their work.

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

While there are those who would argue that this is best left to parents, even with the best intentions some parents may lack the expertise to make informed judgements. Furthermore, some parents may not even be aware of conditions at the workplace. A recent study in B.C. showed that 48.1% of 12 to 14 year olds

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reported that their parents had not evaluated the health and safety of their workplace.<sup>1</sup>

We believe that Bill 109 in general provides a reasonable approach to addressing the issue of child employment. However we understand that it may be more appropriate for administrative reasons to make amendments to the Employment Standards Act and the Occupational Health & Safety Act rather than enacting new legislation. We also recognize that some provisions in the bill may require adjustment and may more properly belong in regulations stemming from an act rather than in the act itself.

With this in mind the YFL believes that legislation/regulations should address several specific items.

There should be a minimum age for employment of at least 12 years of age.

The Alberta approach of dividing youth into two age categories with regulations specific to each category appropriately recognizes the different stages of development between the ages of 12 and 18. Additionally there is already a differential between the age of 16 and 18 in existing OH&S regulations in the Yukon.

There should be restrictions on employing youth in industries and occupations that are inherently dangerous as is the case in several provincial jurisdictions.

In order to avoid detrimental effects on a child's physical and educational development there should be a combination of daily and weekly maximum hours of work. Some studies indicate that more than 20 hours of work per week will adversely affect school work.<sup>2</sup>

In the same vein there should be restrictions on the hours of the day when children and young persons can be employed.

While we recognize that there will be significant pressure to exempt family members, we strongly believe that exemptions should be used sparingly, if at all. They should be limited to *immediate* family members and should not apply to specific industry/occupation restrictions.

Finally, proper supervision is critical to the safety of children at work. If one accepts the proposition that a child's inexperience and lack ability to properly assess risk requires rules to ensure their safety, then it is inherently contradictory

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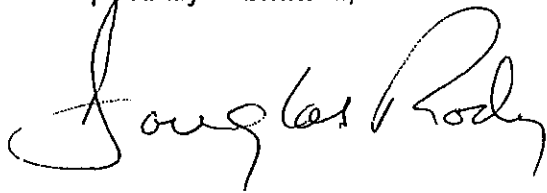
<sup>1</sup> Irwin, McBride, Stubin, Child and Youth Employment Standards (Vancouver: Canadian Centre for Policy Alternatives, 2005)

<sup>2</sup> Canadian Council on Social Development, Youth at Work in Canada: A research report. (Ottawa: Canadian Council on Social Development, 1989).

to have youth supervising other youth. No one under the age of 18 should be placed in a supervisory position.

The time between the ages of 12 and 18 are formative years and are vital for the education and experience of our youth. Gaining work experience is an important part of their growth and development and will have lasting impact on their lives. We owe it to them and their future to ensure that it is a positive impact and that their first experiences in the working world are regulated to an acceptable standard and that those regulations are strictly enforced.

Respectfully submitted,



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Director of Policy & Planning  
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Motion 542 Consultation  
Written submission received by email

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One element you might want to consider when the research is being done is the impact of student employment has on student performance, attendance, etc. at the high school level. A maximum number of hours a high school student can work might want to be considered. Usually students start out with a part time job at 10-15 hrs/week and that gradually increases to anywhere from 20-30+ hours. This takes its toll on the students ability to keep up with their studies. So if possible, schools might be included in part of the information gathering process.

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I have 2 concerns, one relating to youth paid to supervise youth, and assuring that younger workers engaged in film work of more than 3 days duration get access to a certified teacher for tutoring as a matter of course.

-currently the school system is hiring 17 year olds to work as on-call teachers inside and outside of schools. Some are, worse still, being hired as on-call teachers but are actually functioning as long-range van drivers and wilderness guides on outdoor education programmes.

-hiring people to do this work under 21 poses a myriad of problems:

-many have had juvenile offender records which are very 'fresh' as it were, but still sealed from public scrutiny

-both driving and outdoor risk management decisions are made with life experiences; it is inappropriate to use 16, 17 or 18 year olds to 'supervise' or transport, or ensure the safety, of their peers. Motor vehicle insurance rates for this age group reflect this.

-as wilderness tourism operations expand by both private sector, NGO and First Nations, there is pressure to put students and student-job-funding into guiding and outdoor risk-management roles where experience leads to judgement.

-While the best outdoor operators do not permit underage employees to work alone, circumstance and poor operators force this to happen. It bears repeating that risk management in this environment can involve fire-arms, motor-vehicles, corrosive aerosols under pressure (OC bear spray), cold-water hypothermia, and other challenges where experience comes over time.

- I fear a degradation of Yukon's wilderness tourism experiences as labour-shortages push operators into employing younger student staff in remote and inherently hazardous locations. This has already happened in school outdoor education programmes.

-institutions such as the Ed. Dep't do not currently have the organization capacity to address these issues themselves (See 2009 Auditor General's Report)

-if current trends continue, I fear that it will take the death of a young worker in the outdoor education field, or in wilderness guiding, before there is a recognition that experience must be accumulated over time and that 21 must be the legal minimum age for working in such fields.

-sadly, in many remote work-sites alcohol is a constant fixture and exposing younger workers to it, who are legally not entitled to consume it, poses problems.

Young people working in Placer Mines:

February 13 2009

WCB is currently seeking input from mothers (I understand only mothers) on what conditions they want their children working in etc and what legislation they want government to create to prevent their children from working in various industries.

There is some current legislation a couple years old that prevents young people working in certain industries and there is more being looked at.

This whole effort makes me mad. I worked for my Dad in Placer mining starting at the time I was nine years old. My first jobs were moving Caterpillar tractors for him, when they needed to be moved down the mining roads (public roads on ---- and ---- creeks) from one location to another. I was so proud of the fact that my Father trusted me to do this. As well as moving Cats by the time I was ten he had me tending to some water stripping projects where he would leave me for five or six hours a day on my own. All of this took place during my summer holidays. When I was eleven he and I would run the sluicing operation for two hours in between the two ten hour shifts that the regular crew worked. By the time I was twelve I was starting to work ten-hour shifts. It was my responsibility to wake up early enough to be at the cookhouse with the crew for breakfast and be ready to go to work at around 6:45 am.

My father died when I was 17 years old. He died in the spring before I left school and was there to work with him. The last summer I worked with him was when I was 16 years old. If the current legislation were in place, I would never have had the privilege of working with my father. I would never have learned what I needed to learn about mining to enable me, after trying a few other things, to come back to mining and make my living at this business. I would never have learned how to work; I would not have had the satisfaction of keeping up with the regular crew packing pipe and moving setup and helping with the cleanup and driving cat and tending sluice box etc. I suppose I would have had a good time doing other things even though there were no video games around in those days however, I would not be the person I am today. I like the person I am today, in spite of my flaws. I am grateful for those years of working with my father and the other men that worked for him. I know that I learned very valuable lessons about placer gold mining from him.

I regularly employ young workers. I have employed young men as young as 14 years and both my own boys and my daughters worked for me at much younger ages. The jobs I gave them suited their abilities. They all have all their fingers and toes, and they all learned from the experience. I like the people they are today. One of the men who started work for me at age 14 works for me today at age 30 something.

None of this could happen with the current legislation and less would happen with the proposed legislation.

I don't hire young people because I think young kids are the best workers. I hire them to give them a chance to work, to make some money, to learn about pride in ones work and the respect they get from their coworkers when they pull their weight at a job site. Parents approach me regularly to see if their kids can work for me because they want their kids to have the experience. I can only take a small percentage of young inexperienced people so it's a privilege.

The way government now looks it at, in industries government is considering allowing kids to work in they want to restrict the hours they can work and what they can do. How do the kids feel that they are pulling their own weight when they aren't allowed to do the work that everyone else does? How does hiring someone and then treating him or her like a baby help their self esteem and teach them how to work?

I find so much of the legislative and regulatory direction of government to be the antithesis of the way I want to live my life as well as what has made Canada a great place. I was complaining to a friend about the regulation/wcb regulation/occupational work and safety/ etc and she said "(name), what's wrong with being safe"? The reply came sputtering out of my mouth; "I want to be safe on my own terms". That assumption is the very thing that's so infuriating. As soon as one questions the wisdom and effectiveness of all these regulations people accuse you of being "unsafe" and "not believing in safety" and in "not caring about the safety of your workers". Only an idiot would not care about the safety of ones workers or the safety of your own children. Its just that government mandated safety meeting and government mandated safety manuals and government mandated work breaks and government restrictions on how old you have to be to work and where you can work and how long you can work are not the solution in my opinion.

The government is not my father and my mother and I don't want it treating me as if it is. The government is not the mother and father of my employees either. We can decide for ourselves how to deal issues at the workplace. The government is not the mother and father of the young people that work for me. Let the parents of the young people of the Yukon decide where they think it appropriate for their children to work, how many hours are appropriate and let the government just stay out of it. Why does the government think it right to ask all the parents to abide by the same rules for their kids? Who thinks that the government decides best? We are a long way from the sweatshops of the industrial revolution. The kids I hire want to work and neither they nor their parents are starving.

Statistics show that young workers have more accidents. It is because they have never worked. So is the solution to keep them away from work? Is there an age when they will magically learn to work and not have accidents? We all have to learn to work safely and it takes time. So does learning to play hockey and soccer and rugby and football and skiing and snowboarding and wrestling and boxing and kayaking and mountain climbing etc. All these things are dangerous too, kids get concussion and broken legs and arms etc. If we restrict all these sports to age 18 and over what would people say? These are potentially life-threatening activities. Kids don't really "need" to do these things and

they also can interfere with school. Where should our legislative/regulatory meddling end!

I wish the government would stay out of my business...I suppose most people think I belong in the last century, but remember, the last century is where we came from and it made us the country we are today, and we are not such a bad place. The legislation we make today will shape the culture we live in tomorrow.

Ok it feels good to get this off my chest.