

**LEGISLATIVE ASSEMBLY
OF
YUKON**

**First Session of the
Thirty-second Legislative Assembly**

BILL NO. 109

YOUNG WORKER PROTECTION ACT

First Reading:

Second Reading:

Committee of the Whole:

Third Reading:

Assented to:

BILL NO. 109

**Thirty-second Legislative Assembly
First Session**

Young Worker Protection Act

Definitions

1 In this Act,

“adolescent” means an individual 12 years old or older but less than 16 years old;

“child” means an individual under the age of 12 years old;

“immediate family” means a spouse, son, daughter, stepson or stepdaughter.

“young person” means an individual 16 years old or older but less than 18 years old.

Exemptions

2.1 Sitters and paper carriers are exempt from the provisions of this Act.

2.2 Immediate family members are exempt from Sections 3.1, 4 and 5 of this Act.

Restriction on employment

3.1 No employer may employ, or permit to work on the person’s premises, a child under the age of 12.

3.2 No employer may, during normal school hours, employ, or permit to work on the employer’s premises, an individual who is required to attend school under the Education Act, unless the individual is enrolled in an off-campus education program provided under the Education Act.

Adolescents

4.1 No employer may employ an adolescent outside of normal school hours unless

(a) the adolescent is employed as a

(i) delivery person of small wares for a retail store,

(ii) clerk or messenger in an office,

(iii) clerk in a retail store,

(iv) delivery person for the distribution of newspapers, flyers or handbills,

(v) worker in the restaurant and food services industry, or

(vi) worker in an occupation approved by the Director of Employment Standards.

(b) the employment is not or is not likely to be injurious to the life, health, education or welfare of the adolescent, and

(c) a parent or guardian of the adolescent gives the prospective employer written consent to the employment.

(2) No employer may employ an adolescent

(a) for longer than 2 hours outside of normal school hours on a day during which the adolescent is required to attend school, or

(b) for longer than 8 hours on a day during which the adolescent is not required to attend school.

(3) During the period of time from 9:00 p.m. to the following 6:00 a.m., no employer may employ an adolescent and no adolescent may work in any employment.

Young persons

5.1 During the period of time from 9:00 p.m. to the following 12:01 a.m., no employer may employ a young person and no young person may work in any employment on or in connection with any of the following premises unless the young person works with and

is in the continuous presence of at least one other individual 18 years old or older:

(a) the premises of any retail business selling

(i) food or beverages, whether alcoholic or not, or

(ii) any other commodities, goods, wares or merchandise;

(b) the premises of a retail business in which gasoline, diesel fuel, propane or any other product of petroleum or natural gas is sold;

(c) a hotel, motel or other place that provides overnight accommodation to the public.

(2) During the period of time from 12:01 a.m. to the following 6:00 a.m., no employer may employ a young person and no young person may work, in any employment on or in connection with any of the premises specified in subsection (1).

(3) With respect to the employment of young persons on premises not specified in subsection (1) during the period of time from 12:01 a.m. to the following 6:00 a.m., no employer may employ a young person and no young person may work in any employment unless

(a) a parent or guardian of the young person gives the prospective employer written consent to the employment, and

(b) during the employment the young person works with and is in the continuous presence of at least one individual 18 years old or older.

Conditions on employment

6.1 The Director of Employment Standards is authorized to impose conditions on the employment of an adolescent or young person whenever the Director considers it necessary to do so.

6.2 The employer, adolescent or young person who is subject to the conditions must comply with them.

Restrictions on industries and occupations

7.1 No employer shall require or allow an individual under the age of 16 to be employed in the following industries or occupations

- (a) on a construction site;
- (b) in an industrial or manufacturing production process;
- (c) in work involving scaffolding or swing stages;
- (d) to work on a drilling or servicing rig;
- (e) on a mine or a mining project.

7.2 No employer shall require or allow an individual under the age of 18 to be employed in the following industries or occupations

- (a) the forest industry;
- (b) an occupation in a sawmill or pulp mill;
- (c) an occupation in an underground mine or the face on an open pit quarry;
- (d) an occupation involving the abatement or removal of asbestos;
- (e) an occupation involving work in an enclosed or partially enclosed space that
 - (i) except for the purposes of performing work, is not primarily designed or intended for human occupancy, and
 - (ii) has restricted means of access or egress.

Children and adolescents in the entertainment industry

8.1 (1) In this Section

"entertainment industry" means

- (a) the film, radio, video or television industry, or
- (b) the television and radio commercials industry.

"recording device" means any device that records sound or images.

(2) This Section applies in respect of the employment in the entertainment industry of children and adolescents as actors, including background performers and extras, and establishes conditions of employment for those children and adolescents.

Exclusions from the Act

8.2 Sections 3.1 and 4 of this Act do not apply to children and adolescents in respect of whom this Section applies.

Minimum age

8.3 An employer must not employ a child in the entertainment industry if the child is less than 15 days old.

Limits on daily hours

8.4 (1) In this section, "school day" means, in relation to a child or adolescent, a day on which the child's or adolescent's school is in session.

(2) The employer of a child or adolescent in the entertainment industry must ensure that, on any day that the employer requires the child or adolescent to report for work at any location designated by the employer, the child's or adolescent's shift ends no later than

(a) 8 hours after the child reports for work at that location, or

(b) 10 hours after the adolescent reports for work at that location, unless the employer receives prior written approval from the Director of Employment Standards.

(3) The employer of a child or adolescent in the entertainment industry must not require the child or adolescent to report for work earlier than 5:00 a.m. on any day unless the employer receives prior written approval from the Director of Employment Standards.

(4) The employer of a child or adolescent in the entertainment industry must ensure that the child's or adolescent's shift ends no later than the following times unless the employer receives prior written approval from the Director of Employment Standards:

(a) if the child's or adolescent's school is in session,

(i) 10:00 p.m. if the next day is a school day, and

(ii) 12:30 a.m. if the next day is not a school day;

(b) if the child's or adolescent's school is not in session, 2:00 a.m.

No split shifts and maximum limit on breaks

8.5 The employer of a child or adolescent in the entertainment

industry

(a) must not require or allow the child or adolescent to work a split shift, and

(b) must ensure that the child's or adolescent's meal breaks are not longer than 1 hour each.

Time before recording device and breaks

8.6 If a child or adolescent employed in the entertainment industry is of an age specified in Column 1 of the following table, the employer must ensure that the child or adolescent

(a) is not before a recording device for longer than the amount of time specified opposite that age in Column 2 before receiving a break under paragraph (b), and

(b) receives a break, between times spent before a recording device, that is no less than the amount of time specified opposite that age in Column 3.

Column 1 Age	Column 2 Time before Recording Device	Column 3 Breaks
less than 3 years of age	15 consecutive minutes	20 consecutive minutes
3 years to less than 6 years of age	30 consecutive minutes	15 consecutive minutes
6 years to less than 12 years of age	45 consecutive minutes	10 consecutive minutes
12 years to less than 16 years of age	60 consecutive minutes	10 consecutive minutes

Hours free from work

8.7 (1) The employer of a child or adolescent in the entertainment industry must either

(a) ensure that the child or adolescent has at least 48 consecutive hours free from work each week, or

(b) pay the child or adolescent 1 1/2 times the regular wage for time worked by the child or adolescent during the 48 hour period the child or adolescent would otherwise be entitled to have free from work.

(2) The employer of a child or adolescent in the entertainment industry must ensure that the child or adolescent has at least 12 consecutive hours free from work

(a) between each shift worked, and

(b) before the child or adolescent is scheduled to attend school.

Work week

8.8 The employer of a child or adolescent in the entertainment industry must not require or allow the child or adolescent to work more than

(a) 5 days in a week, or

(b) if the Director of Employment Standards approves in writing, 6 days in a week.

Chaperones

8.9 (1) In this section:

"chaperone" means, in relation to a child or adolescent referred to in this section,

(a) the child's or adolescent's parent or guardian, if the parent or guardian has reached 19 years of age and is not working as an actor in the production, except as a background performer or extra, or

(b) a person who

- (i) has reached 19 years of age,
- (ii) is designated chaperone by the child's or adolescent's parent or guardian, and
- (iii) is not the child's or adolescent's employer or tutor or an employee of either.

(2) The employer of a child or adolescent in the entertainment industry must ensure that

(a) the child or adolescent has a chaperone on the production set, and

(b) subject to subsection (3), if the child or adolescent is of an age specified in Column 1 of the following table, the chaperone under paragraph (a) is not, at the same time, chaperone for more than the number of children or adolescents specified opposite that age in Column 2.

Column 1 Age of Child	Column 2 Number of Children per Chaperone
15 days to less than 6 years	1
6 years to less than 12 years	3
12 years to less than 16 years	5

(3) If (a) the adolescent under subsection (2) is 12 to less than 16 years of age, and

(b) the adolescent's chaperone is the child's parent or guardian and is working as a background performer or extra on the same production set,

the employer must ensure that the chaperone is not, at the same time, chaperone for more than 2 other children or adolescents on the production set.

Income protection

8.10 If a child or adolescent employed in the entertainment industry earns more than \$2,000 on a production, the employer must remit 25% of any earnings over \$2,000 to the Public Guardian and Trustee to hold in trust for the child or adolescent.

Training and job orientation

9 The employer will ensure that every employee covered by this act is aware of his/her job duties and work procedures and that he/she is properly trained on any piece of equipment required for the job.

Regulations

10 The Commissioner in Executive Council may make any regulations considered necessary for carrying out the provisions of this Act.