

Submission to the Minimum Wage Board
Regarding the Review of Minimum Age of
Employment and
Employer-Provided Transportation Home

by the

Canadian Union of Public Employees - Saskatchewan

May 1, 2006



CUPE Research

INTRODUCTION

CUPE Saskatchewan welcomes this opportunity to present our views to the Minimum Wage Board regarding the review of the minimum age of employment and the employer-provider transportation home requirement.

CUPE represents over 26,000 public sector workers in Saskatchewan. Our members are employed in a variety of workplaces: hospitals and nursing homes, schools, municipalities, universities, libraries, the Legal Aid Commission and the Saskatchewan Human Rights Commission, and community-based organizations like daycares and group homes.

Saskatchewan has a proud history of pioneering innovative social policies and progressive labour legislation. Saskatchewan was the first province to allow working people, including public servants, to organize and bargain collectively when it introduced the Trade Union Act in 1944. Our province led the way with the introduction of the Occupational Health and Safety Act in 1972. During the 1970s and early 1980s, Saskatchewan maintained a minimum wage that was the highest or among the highest in the country. Our province leads the rest of the country by providing three weeks of vacation after one year of employment.

Saskatchewan should not turn its back on this proud history of innovation by joining some other provinces in lowering the minimum working age or weakening provisions that require employer-provided transportation home. Instead, our province should continue to move forward by expanding these regulations.

CUPE Saskatchewan fully supports the recommendations put forward by the Saskatchewan Federation of Labour in their submission to this Minimum Wage Board review.

MINIMUM AGE OF EMPLOYMENT

The issue of child labour is usually associated with Third World countries. But in recent years, some Canadian provinces have quietly started to turn back the clock by reducing restrictions on child labour.

In 2003, Gordon Campbell's B.C. government amended its Employment Standards Act to allow businesses to employ children as young as 12 for up to four hours of work each day while they are in school - without government permits. This move came on the heels of the implementation of a \$6 dollar training wage (for employees with no work experience), which is \$2 less than the standard minimum wage.

Last year, Ralph Klein's Alberta government joined their western neighbour by allowing employers to hire children aged 12 to 14 years old to work in restaurants. The Alberta law is slightly less regressive than B.C.'s since it limits children to a maximum of two hours of work per day.

B.C. and Alberta place the least restrictions on child labour in Canada. But the minimum working age is also quite low in Ontario, Quebec and Nova Scotia. In these provinces, employers can hire children as young as 14 years of age.

In Saskatchewan, the current minimum age for employment in hotels, restaurants, educational institutions, hospitals and nursing homes is 16 years of age. However, employers in other sectors, like the retail trade, are allowed to hire workers under the age of 16.

It's understandable that many young people under 16 may choose to earn some pocket change by babysitting or delivering newspapers. But it's a completely different matter to allow employers to hire children this young in formal work arrangements. There are several reasons why the use of child labour should be prohibited.

First, younger workers experience higher rates of workplace injuries and death. According to the Canadian Centre for Occupational Health and Safety, one out of seven young workers in Canada are injured on the job. Young workers aged 15 to 29 represent one in every four injured workers in Canada.¹ Younger workers also have a greater chance of being seriously injured at work. According to the Canadian Institute of Health Information, 13 percent of the job-related injuries that required hospitalization across Canada in 2002-03 involved workers under 24 years old, compared to 10 percent for the overall population.² After car accidents, the CCOHS reports that machine injuries and electrocutions are the leading causes of death among young people.

Why do young workers have a greater chance of being injured or killed at the workplace? Young workers are often employed in more dangerous jobs. Inexperience, inadequate training, a reluctance to ask questions, and a lack of understanding of their rights as workers also contribute to the higher rates of workplace injuries. Lowering the minimum working age would undoubtedly increase the number of workplace injuries, illnesses and fatalities among Saskatchewan's young people.

Second, lowering the minimum working age would more than likely increase high-school dropout rates. A 2003 Statistics Canada study found a strong correlation between hours worked by students and high-school dropout rates. Those students working 30 hours or more per week had a high-school dropout rate over three times as high as those students working from 1 to 10 hours per week.³

While a moderate amount of work may be beneficial to high-school students, allowing employers to hire elementary school aged children and schedule work

¹ Canadian Centre for Occupational Health and Safety, www.ccohs.ca/youngworkers/

² As cited in Ann Kyle, "Severe workplace injuries causing concern," *Regina Leader Post*, April 28, 2005.

³ Tracey Bushnik, *Learning, Earning and Leaving: The relationship between working while in high school and dropping out*, Statistics Canada, 2003, p. 10-11.

hours during school days would more than likely exacerbate high school dropout rates. It would leave students less time for homework and extra-curricular activities that play a vital role in promoting health, self-esteem and social development.

Increasingly, the jobs of today's labour market require a post-secondary degree. Recent reports have pointed out that Saskatchewan is facing a shortage of skilled labour in many areas. It would simply be bad public policy to undertake an initiative that would increase high school dropout rates and discourage life-long learning.

Third, lowering the minimum working age would contravene international conventions. The International Labour Organization's C138 Minimum Age Convention calls for "the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons." Article 2, paragraph 3 of the ILO convention further states, "The minimum age...shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years."⁴

Saskatchewan's Education Act states that the age of completion of compulsory education is 16 years. Thus, allowing employers to hire children less than 16 years of age would constitute a violation of the ILO convention.

Likewise, Article 32 of the United Nations' Convention on the Rights of the Child proclaims: "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." This UN

⁴ *C138 Minimum Age Convention, 1973*, International Labour Organization, www.ilo.org/ilolex/cgi-lex/convde.pl?C138

convention obliges signatories, of which Canada is one, to provide for “a minimum age or minimum ages for admission to employment” and appropriate regulation, penalties and sanctions to ensure effective enforcement.⁵

As a society, we have an obligation to ensure that children have the fullest opportunity to learn, read, play and engage in sports, music, art and other recreational activities. In short, children need time to be children. They should not be a source of cheap labour for business.

Recommendation:

The Government of Saskatchewan should maintain the current minimum age of employment of 16 years for hotels, restaurants, educational institutions, hospitals and nursing homes.

Some business owners have questioned the inconsistency of the application of this minimum working age regulation. There may seem to be little rationale for allowing youth under 16 years of age to work at a retail outlet, but not a restaurant or a hotel. But the solution is not to level the playing field by lowering the minimum working age in hotels, restaurants, schools, hospitals and nursing homes. The progressive solution, consistent with the ILO objective of abolishing child labour, would be to level the playing field by expanding the minimum working age law to all sectors.

Recommendation:

The Government of Saskatchewan should expand the minimum age of employment law to all sectors and industries, but maintain the minimum working age of 18 years for miners and workers dealing with radiation, asbestos and silica, and any activity requiring the use of atmosphere-supplying respirators.

⁵ Convention on the Rights of the Child, UNICEF, www.ohchr.org/english/law/pdf/crc.pdf

EMPLOYER-PROVIDED TRANSPORTATION HOME

In Saskatchewan, employers must provide transportation home for workers employed at hotels, restaurants, educational institutions, hospitals and nursing homes who are required or permitted to finish work between the hours of 12:30 a.m. and 7:00 a.m. local time. There is no such requirement in other employment sectors.

For the most part, relatively few CUPE members in the education and health sectors are able to utilize the employer-provided transportation home provision. Caretaking staff in schools and universities only rarely work past midnight. Workers at the University of Saskatchewan campus pub are provided with taxi passes if they finish their shift after 12:30 a.m.

In health care, evening shifts typically finish no later than 11:30 p.m., while night shifts finish no earlier than 7:00 a.m. Nonetheless, increased reliance on overtime has resulted in CUPE members in both long-term and acute care finishing work in the early morning in some health regions. Those members who live and work in a community where taxi service is available and know about the employer-provided transportation home requirement will utilize this provision. Laboratory and x-ray technicians are sometimes called in during the night. These members are able to use the call back transportation article in the CUPE provincial health care agreement, which allows employees to be reimbursed for the return fare of a taxi ride or mileage for use of their own vehicle.

Getting home safely after an evening shift remains a concern for many of our members. These concerns have been addressed to some extent in the health sector through the collective agreement, development of call systems, and by having security escort members to vehicles. But the safety of health care members and members working in other sectors could be greatly enhanced by expanding the employer-provided transportation

The need for strong regulations on this issue are even more pressing for unorganized workers, particularly new entrants to the labour force. In recent years, a number of young people across Canada have been killed on the job while working alone in gas stations, convenience stores and fast-food outlets. The lack of safe transportation for employees who finish shifts in the late evening or early morning is also a growing concern, especially for young workers who often lack their own transportation. Last fall, an Ottawa teenager was murdered on her walk home after finishing a late night shift at a Wendy's restaurant. Sadly, there was no requirement in Ontario that employers provide safe transportation home for their employees finishing late night shifts – something that could have prevented this tragic death. Only Saskatchewan, Manitoba and Newfoundland require employers to provide safe transportation home.

Many businesses, especially in the hospitality and retail industry, have expanded their hours of operation over the last twenty years. Some businesses now operate 24-hours a day. But many of the teenage workers employed in these low-wage jobs simply can't afford a vehicle or to pay for a taxi ride home on a regular basis. Public transit is not available in the early morning hours, if it is available at all. If employers are going to insist on maintaining such hours of operation, then it is incumbent upon them to ensure that their employees are protected when working alone and are able to safely get home after finishing a shift after dusk.

Recommendation:

The Government of Saskatchewan should expand the employer-provided transportation home provision to cover the hours between 9:00 p.m. and 7:00 a.m. without a distance limitation or a mode of transportation restriction.

Again, much has changed in the last twenty years as more businesses in the service and retail industries have expanded their hours or operations.

Undoubtedly, the safety of many workers employed in sectors outside those currently covered would be enhanced with employer-provided transportation home.

Recommendation:

The Government of Saskatchewan should expand the employer-provided transportation home provision to all industries and sectors and publicize this regulation so employers are made aware of their responsibilities and employees are made aware of their rights.

CONCLUSION

Saskatchewan's regulations relating to the minimum age for employment and employer-provided transportation home are among the most progressive in the country. Our province should resist the recent regressive trend to weaken these regulations. Lowering the minimum working age below 16 years of age would lead to more workplace injuries and fatalities among young workers and increase high school dropout rates. Such a move would also contravene the ILO Minimum Age Convention and UN Convention on the Rights of the Child.

Instead, the provincial government should make 16 years of age the minimum age of employment in all sectors, with the exception noted above for miners and workers dealing with radiation, asbestos and silica. Likewise, the requirement for employers to provide free transportation home should be expanded to all sectors to ensure the safety of all workers.