



December 20, 2005

Secretary  
Employment Standards Code Review  
614-401 York Avenue  
WINNIPEG, Manitoba  
R3C 0P8

Dear Sir/Madam:

Thank you for inviting comments from the Manitoba Association of School Trustees on the Discussion Guide, "*Employment Standards for Modern Workplaces and Modern Families*". We are pleased to provide you with our comments on the proposed changes to the Employment Standards Act. Should you have any questions or require clarification regarding our response, please don't hesitate to contact me at the MAST office or by e-mail at [duhamelc@mast.mb.ca](mailto:duhamelc@mast.mb.ca)

Sincerely,

A handwritten signature in black ink, appearing to read 'Carolyn Duhamel', is written over a light blue horizontal line.

Carolyn Duhamel  
Executive Director

CD/bu  
Attachment (1)

**Manitoba Association of School Trustees**  
Presentation to the

# **Employment Standards Code Review**

December, 2005



## Manitoba Association of School Trustees Presentation to the Employment Standards Code Review

The Manitoba Association of School Trustees (MAST) is a voluntary organization of public school boards in Manitoba. Our direct mandate is to provide services to and advocate on behalf of those public school boards. Through those activities, we fulfill our indirect mandate: ensuring that Manitoba's school-aged children have access to and benefit from high-quality public schools.

The Manitoba Employers' Council, of which MAST is a member, will be preparing a comprehensive response to the *Employment Standards Review 2005 Discussion Guide*. In the presentation before you today, MAST will be restricting its comments to Section 7 of the *Discussion Guide*, "Employment of Children."

Some provincial jurisdictions have not been as proactive as Manitoba in seeking input before making changes that have the potential to impact on the well-being of children. In July of 2005, without prior notice, Alberta Human Resources and Employment announced retroactive changes to that province's employment standards code that expanded the circumstances under which children between the ages of 12 and 14 inclusive could work without a provincial permit. It was only after the fact that the Alberta Ministry of Human Resources and Employment asked for input from the public, and from organizations representing children and schools. MAST would like to publicly thank the Government of Manitoba for its own consultative approach in this regard.

In terms of the employment of children, MAST supports the status quo whereby the Employment Standards Code requires a permit for children under the age of 16 to start employment in any occupation. Judging by the numbers of Manitoba youth in paid employment, this requirement does not appear to be unduly onerous. What it has done, however, is ensure that there are some reasonable controls in place as to the extent and nature of the work engaged in by our province's young people.

Our primary concern is that, without adequate controls, younger students may be tempted to work longer hours, to the detriment of their education. A review of the literature on adolescents and work lists study after study that found a correlation between longer hours of work during the school year and lower levels of academic achievement. The negative impact seems to be especially pronounced when students exceeded a 15 or 20 hour work-week.

A number of studies have also identified very specific concerns that need to be carefully considered by anyone who has the best interests of Manitoba's children and youth in mind.

- Longer hours of work have been associated not only with diminished school achievement, but also with diminished school engagement. That school engagement is critical to student success is evidenced by the provincial education ministry's decision to make student engagement a cornerstone of its revised grades 7 and 8 student assessment program. We must guard against anything that may diminish a student's ability to become an active and participating member of his or her school community.
- Students who work often have problems balancing school and work demands. Even when this difficulty does not manifest itself in the form of lower grades, it may show up as limited participation in extra-curricular activities. For many students, school-based extra-curricular

activities are a major source of much-needed physical activity. Given current concerns about the state of health and physical fitness of our youth, we should be hesitant about embarking upon any course of action that may exacerbate the situation.

- Some studies have suggested that students from different backgrounds may be affected differently as a result of trying to balance the demands of work and school. One study found that working longer hours during the school year was related more strongly to lower grades for students from minority groups than for other students. In light of long-standing concerns in Manitoba at both the provincial and local levels about the achievement of aboriginal students in our schools, and the increasing numbers of immigrant and refugee students we are serving, we must be careful not to do anything that may further jeopardize these students' prospects for success.

To this point, we have addressed concerns MAST would have in the event that the *Employment Standards Code* was loosened with respect to the employment of children. We would also like to address briefly the two specific questions posed in the discussion guide in respect to this topic. These are:

- should the Code be more explicit on which industries or occupations children may not be employed in; and
- what criteria should govern the process for permitting the employment of children.

As stated earlier, the Manitoba Association of School Trustees supports the status quo regarding the employment of children. Under the Code, an employer must certify that the work or service a child will be performing will not be harmful to the child's safety, health, or well-being. We believe that this broad statement, providing that it is backed up with necessary and stringent enforcement mechanisms, is more useful than a list of specific industries or occupations. Such a list can never be truly comprehensive, nor take into account fully the variations that may exist between jobs or within workplaces which, on the surface, appear to be similar.

We also support the current process for permitting the employment of children. That process requires an application bearing the signature of the child's parent or guardian, the prospective employer, and the child's school principal (if the work period falls during the school year). The permit, once issued, is valid only for a specific job. The value of the current process is that it involves a variety of individuals who best know the child in question and his or her needs and abilities, as well as the employer who is ultimately responsible for meeting the requirements of the *Employment Standards Code*. There is a personal element to the current process that seems to be well suited to keeping the best interests of the child front and centre in any decision.

We offer these comments in the spirit of continuing to protect the best interests of Manitoba's youngest citizens. We trust that you will receive them in that same spirit, and give them the serious consideration they deserve. We wish you well in your deliberations, and look forward to seeing the fruits of your labours, a renewed *Employment Standards Code* that continues to respect both the needs of Manitoba's employers and employees.