

Reviewing Saskatchewan's Minimum Wage Regulations:

**Minimum Age of Employment and
Employer-Provided Transportation Home**

Saskatchewan Minimum Wage Board

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Introduction

Saskatchewan's Minimum Wage Board (The Board) is established under *The Labour Standards Act* (section 15). In addition to making recommendations to the Minister of Labour on the hourly pay-rate of the minimum wage, the board can suggest changes to other minimum wage laws, including:

- i) Fixing the minimum age at which workers may be employed in a certain type of job, and
- ii) Requiring that an employer must provide free transportation home if an employee is required to finish work between 12:30 a.m. and 7:30 a.m.

The Board can also suggest to the Minister of Labour to which sector of industry these regulations should apply.

For both of the issues mentioned above, current minimum wage legislation limits their application only to employees in hotels, restaurants, educational institutions, hospitals, and nursing homes. For many other employment sectors there is no legislated minimum age and for all other sectors there is no requirement to provide free transportation home.

Concerns have been expressed about the minimum age and employee transportation regulations now in place. As part of its review of the two regulations, the Board wants to hear the views of a broad cross section of employees and employers about what changes, if any, should be recommended to the Minister of Labour.

Minimum Age of Employment

Two types of workplaces with very large numbers of young workers are restaurants and foodservice providers (which cannot hire those under age 16), and retail trade such as clothing and general merchandise stores (which can hire those under age 16). Some parents and employers have questioned the apparent inconsistency of this provision. Along with young people, they would like youth under age 16 to be able to work - especially in the restaurant and foodservices sector – just as older teenagers are allowed to work.

The original age restriction in the five sectors named above has been in place for many years. Reasons for not changing current age levels include the need to protect young people from dangerous

Working age restrictions in Saskatchewan are contained in *The Labour Standards Act and Regulations, The Occupational Health and Safety Act, 1993, The Radiation Health and Safety Act, The Education Act, 1995, and The Alcohol and Gaming Regulation Act.*

The minimum age of employment in Ontario, Nova Scotia, and Quebec is 14; in Alberta and B.C. it is 15; in the remaining provinces it is 16.

Alberta has special rules, including the issuance of permits, for young workers 12, 13, and 14 years old. Still, adolescents may not work for longer than 2 hours on a school day, for longer than 8 hours on a non-school day, and not at all between 9 p.m. and 6 a.m. Alberta also allows adolescents to work without a permit as delivery persons, clerks, and in some occupations in the restaurant industry.

Available employment data from Statistics Canada only provides age ranges versus specific years of age information.

In 2004, in Saskatchewan, the retail trade and restaurant and foodservices sectors had the highest number of young (15-24 years old) part-time workers.

The retail trade sector had 10,300 young part-time workers in Saskatchewan and the restaurant sector had 10,100 young part-time workers.

Together, the two sectors employed over 60% of all 15-24 year old part-time workers in 2004.

It is highly probable that the two sectors employed an even higher percentage of part-time workers aged 16, 17, or 18 years old.

The current law maintains that an employer shall provide transportation home to any employee who is required or permitted to finish work between 12:30 a.m. and 7:00 a.m.

occupations and to ensure that education remains the main focus for those of school age. However, there are already other laws that protect young persons from engaging in types of employment that may be less safe (see page 1; sidebar comment). The points to consider include:

- i) Should a minimum age of employment law apply at all in hotels, restaurants, educational institutions, hospitals and nursing homes? If so, what should the age be?
- ii) Should the minimum age law apply to only these kinds of workplaces, or to others, as well? If so, which others?

There is a need to continue to protect young workers from unsafe conditions, being treated unfairly, and from missing school. If it were decided that employers should be permitted to hire persons below age 16:

- i) Should employers of workers under age 16 not be allowed to schedule them for work beyond a certain time; and if so, how late should workers below age 16 be allowed to work?
- ii) Should employers of workers under age 16 not be allowed to schedule them for work more than a certain number of days per week; and if so, how many days per week should workers below age 16 be allowed to work?
- iii) Should employers of workers under age 16 not be allowed to schedule them to work more than a maximum number of hours per day?

Employer-Provided Transportation Home

Any worker employed in hotels, restaurants, educational institutions, hospitals and nursing homes who is required or permitted to finish work between the hours of 12:30 a.m. and 7:00 a.m. local time, is to be provided with transportation home by her or his employer.

This issue is probably more of a concern for workers who work alone late at night and don't have accompaniment to their mode of transport home, or who must walk. Violence is always a concern.

Where the employee's home is a significant distance from the place of work, the costs to the employer of transportation home may be substantial. In most areas there is no bus service after certain hours and even taxi service may be hard to find. If the law were to change, a distinct definition of what constitutes transportation home would need to be provided.

The points to consider include:

As noted under the age of employment above, many employees in the sectors who would be most impacted by this provision have a large number of young workers. Retail trade workers and those in restaurants and foodservices are generally young and may not have their own means of transport.

- i) Are the current hours used to apply this provision the most appropriate? Should the hours be expanded to include the trend towards later closings (e.g. some retailers' decisions to remain open 24 hours a day in some locations)?
- ii) Are the five sectors identified in this provision the most appropriate? Again, some retail operations are remaining open until very late at night. Should the current five sectors be expanded to include others?
- iii) What constitutes free transportation? Should there be a distance limitation or a mode of transport restriction – e.g. a taxi, bus, or employer provided vehicle?

Summary

The modern workplace is evolving rapidly and many new “employment relationships” have been defined or created in recent years. In order to ensure its regulations are appropriate and up to date, the Board is now reviewing two long-standing regulations dealing with the minimum age for employment in certain sectors and the requirement for free transportation home for employees in those sectors at certain times.

In reviewing these regulations, the Board wishes to emphasize that nothing is being taken for granted or ruled out. The two regulations have been in place for many years without a review and the Board takes the view that a full and complete discussion of the issues involved will not only be helpful, but is the best way to ensure Saskatchewan’s Minimum Wage regulations will continue to serve the people of Saskatchewan well in the years ahead.