

# Employment Standards

Rights and responsibilities at work

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## Adolescents and Young Persons

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Part 5 of the Employment Standards Regulation (Regulation) places restrictions on employees under 18 years of age.

People under 16 years old are required to attend school and may not be employed during normal school hours, unless they are enrolled in an off-campus education program provided under the *School Act*.

All employers and employees need to know their rights and obligations before they agree to an employment arrangement. Young people can be vulnerable in a new job and knowing their rights can help ensure a positive employment experience. Employers have certain legal responsibilities, but employment agreements also put responsibilities on employees. The *Employment Standards Code (Code)* and Regulation protect employees and they also support employers in addressing situations where employees do not meet their obligations. Coming to work when scheduled, following instructions at work and giving proper notice to end a job are all employee obligations.

### Adolescents

An adolescent is defined as an individual 12, 13 or 14 years old.

Adolescents may work in the following approved jobs:

- Delivery person for flyers, newspapers and handbills,
- Delivery person for small goods and merchandise for a retail store,
- Clerk or messenger in an office,
- Clerk in a retail store, and
- Certain jobs in the restaurant and food services industry (with restrictions).

If a proposed job is not on the approved list, the adolescent must have a permit before they can begin work. The employer, employee and the employee's parent or guardian may jointly apply for a permit from the Director of Employment Standards (Director). For the permit application process including approved jobs list, please see [www.employment.alberta.ca/SFW/12192.html](http://www.employment.alberta.ca/SFW/12192.html).

The employer must obtain the parent or guardian's written consent to the employment before the adolescent may begin work. The employer must make sure the employment is not, or is not likely to be, harmful to the life, health, education or welfare of the adolescent.

Adolescents may not work:

- More than two hours on a school day.
- More than eight hours on a non-school day.
- Between 9:00 p.m. and 6:00 a.m.

### **Restrictions on employing adolescents in the restaurant and food service industry**

Adolescents may only perform the following duties in a restaurant or food service business: host/hostess duties, cashier duties, dish washing, bussing tables, waiting tables, providing customer service, assembling orders or cleaning.

The "Safety Checklist for Adolescent Employees in Restaurant or Food Services" (Safety Checklist), located at <http://employment.alberta.ca/documents/Safety-Checklist-for-Adolescent-Employees-in-Restaurant-and-Food-Services.pdf>, has to be completed and signed by the employer, employee and the parent or guardian before the adolescent commences employment.

The specific restrictions for adolescents are:

- The adolescent is not permitted to perform any duties that involve the use of deep fryers or grills, slicers or other potentially dangerous equipment, or work in areas where deep fryers or grills, slicers or other potentially dangerous equipment are in operation.
- The adolescent must not work in areas where smoking is permitted.
- The adolescent must not sell or serve liquor in licensed premises.
- The employer must ensure that the adolescent employee is in the continuous presence of another individual at least 18 years old.
- The employer must complete the Safety Checklist and ensure compliance with it.
- The employer must ensure the health and safety of the employee as required under section 2 of the *Occupational Health and Safety (OHS) Act*.
- The employer must complete a written hazard assessment, as required by Part 2 of the OHS Code.
  - The employer must control or eliminate all hazards.
  - The employer must warn the adolescent employee about any hazards that may affect him or her.
- The employer must keep originals of the completed Safety Checklist and hazard assessment at the workplace for each adolescent employee and mail or fax a copy of the completed Safety Checklist to the Permit Administrator.

## Young persons

A young person is defined as an individual 15, 16 or 17 years old.

Young persons may work at any type of job, but if they are employed at any:

- retail business selling food or beverages, whether alcoholic or not,
- retail business selling any other commodities, goods, wares or merchandise,
- retail business selling gasoline, diesel fuel, propane or any other product of petroleum or natural gas, or
- hotel, motel or other place that provides overnight accommodation to the public,

they must be in the continuous presence of at least one individual 18 years old or older between 9:00 p.m. and 12:01 a.m. Young people are not allowed to work at all in these businesses between 12:01 a.m. and 6:00 a.m.

If a young person is working in a business that is not listed above, they may only work between 12:01 a.m. and 6:00 a.m. if:

- Their parent/guardian provides written consent to the employment, and
- The young person is in the continuous presence of at least one other individual 18 years old or older.

## Some common questions

### 1. Do employees under age 18 have the same rights as other employees?

Yes, employees under age 18 have the same rights and the same responsibilities as adult employees. They are entitled to vacation pay, overtime, minimum wage, general holiday pay and all other rights under the *Code* and Regulation.

### 2. Why do some jobs require an employment permit?

The permit system gives parents or guardians, employers, and Employment Standards a chance to assess whether the employment could harm the life, health, education or well-being of the adolescent, before the employment starts.

### 3. What types of jobs are usually considered potentially harmful to adolescents?

While each application is assessed individually, permits have historically not been granted for these types of jobs:

- Jobs in the construction industry,
- Jobs requiring heavy lifting,
- Jobs working with or near moving vehicles and equipment (including forklifts), and

- Jobs working with potentially hazardous equipment, such as pneumatic drills, conveyors for bulk materials, hand grinders, welding equipment, hammers, blowtorches, deep fryers, grills, slicers, or sharp knives, etc.

#### **4. How do I apply for a permit to employ an adolescent?**

Complete and submit an “Application for a Permit to Employ an Adolescent” at <http://employment.alberta.ca/documents/Application-for-a-Permit-to-Employ-an-Adolescent.pdf>. The application requires information from the applicant, the parent or guardian, and the employer. The application will be reviewed and a response will be sent to both the employer and the employee. The adolescent may not begin work unless the application is approved and a permit is received. The permit may include conditions such as always working with an adult, or receiving specific training.

#### **5. What happens to the permit if the job changes?**

The permit specifies the job duties the adolescent employee is allowed to do. In some cases, job duties may change after the employment begins. The employer must call Employment Standards to update the information on the permit.

Because permits are approved for a specific worker or group of workers in a specific job with a specific employer, employees looking for a new job with a new employer must apply for a new permit, even if the job tasks and hours will be the same.

#### **6. Can a young person be employed during normal school hours?**

An individual under 16 years of age is required to attend school. Therefore, he or she cannot be employed during normal school hours unless they are enrolled in an off-campus education program provided under the *School Act*.

Examples of such programs are the Work Experience Program, Registered Apprenticeship Program, Green Certificate and vocational training.

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