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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 19

**An Act respecting the regulation of  
work by children**

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**Introduction**

**Introduced by  
Mr. Jean Boulet  
Minister of Labour**

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## **EXPLANATORY NOTES**

*This bill proposes measures concerning the regulation of work performed by children. It amends the Act respecting labour standards to prohibit an employer from having work performed by a child under the age of 14 years and the Regulation respecting labour standards to determine the cases in which and conditions on which this prohibition does not apply. In addition, the bill provides that the number of hours of work that an employer may have performed by a child subject to compulsory school attendance may exceed neither 17 hours per week nor 10 hours from Monday to Friday.*

*The bill increases the amounts of fines in cases of the contravention of a provision of the Act respecting labour standards concerning work performed by children.*

*The bill also amends the Act respecting occupational health and safety to specify that the risks that may affect in particular the health or safety of workers who are 16 years of age or under must be identified, analyzed and taken into account, in particular in the prevention programs or action plans that employers must put in place.*

*In addition, the bill enables the Commission des normes, de l'équité, de la santé et de la sécurité du travail to grant financial assistance to support informational, awareness-raising and training initiatives concerning labour standards.*

*Lastly, the bill contains consequential amendments and transitional and final provisions.*

### **LEGISLATION AMENDED BY THIS BILL:**

- Act respecting labour standards (chapter N-1.1);
- Act respecting occupational health and safety (chapter S-2.1).

### **REGULATION AMENDED BY THIS BILL:**

- Regulation respecting labour standards (chapter N-1.1, r. 3).

## Bill 19

### AN ACT RESPECTING THE REGULATION OF WORK BY CHILDREN

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING LABOUR STANDARDS

**1.** Section 39 of the Act respecting labour standards (chapter N-1.1) is amended by adding the following paragraph at the end:

“(18) grant financial assistance to support informational, awareness-raising or training initiatives concerning labour standards.”

**2.** Section 84.3 of the Act is replaced by the following section:

“**84.3.** No employer may have work performed by a child under the age of 14 years, except in the cases and on the conditions determined by regulation of the Government. In such cases, the employer must obtain the written consent of the holder of parental authority over the child or of the child’s tutor using the form established by the Commission.

The form specifies the child’s principal tasks, maximum number of hours of work per week and periods of availability. Any modification made to any of those elements must be the subject of new written consent.

The employer must preserve any consent form as if it were an entry required to be made in the registration system or register referred to in paragraph 3 of section 29.”

**3.** Section 84.4 of the Act is amended by adding the following paragraph at the end:

“In addition, no employer may have work performed by such a child for more than 17 hours per week or for more than 10 hours from Monday to Friday. However, these prohibitions do not apply to any period of more than seven consecutive days during which no educational service is offered to the child.”

**4.** Section 89.1 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Government may, by regulation, after consultation with the Commission, determine the cases in which and conditions on which the prohibitions set out in the first paragraph of section 84.3 and in section 84.6 are not applicable.”

**5.** Section 140 of the Act is amended by inserting “sections 84.2 to 84.7, 92.5, 92.6 and” after “except” in paragraph 6.

**6.** Section 140.1 of the Act is amended by replacing “section 92.5 or 92.6” by “any of sections 84.2 to 84.7, 92.5 and 92.6”.

#### ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**7.** Section 59 of the Act respecting occupational health and safety (chapter S-2.1), amended by section 144 of chapter 27 of the statutes of 2021, is again amended by inserting “, the identification and analysis having to include the risks that may affect in particular the health and safety of workers who are 16 years of age or under” at the end of subparagraph 1 of the second paragraph.

**8.** Section 61.2 of the Act, enacted by section 147 of chapter 27 of the statutes of 2021, is amended by inserting “, the identification having to include the risks that may affect in particular the health and safety of workers who are 16 years of age or under” at the end of subparagraph 1 of the second paragraph.

**9.** Section 78 of the Act, amended by section 154 of chapter 27 of the statutes of 2021, is again amended by inserting “, including risks that may affect in particular workers who are 16 years of age or under,” after “workers” in subparagraph 6 of the first paragraph.

**10.** Section 90 of the Act, amended by section 163 of chapter 27 of the statutes of 2021, is again amended, in the first paragraph,

(1) by inserting “, including situations specific to workers 16 years of age or under” at the end of subparagraph 3;

(2) by inserting “and recommendations concerning tasks that should not be performed by workers 16 years of age or under” after “work” in subparagraph 4.

**11.** Section 97.3 of the Act, enacted by section 167 of chapter 27 of the statutes of 2021, is amended by inserting “, including risks that may affect in particular the health and safety of workers who are 16 years of age or under, and recommendations on tasks that should not be performed by those workers” after “work environment” in the first paragraph.

## REGULATION RESPECTING LABOUR STANDARDS

**12.** The heading of Division VI.1 of the Regulation respecting labour standards (chapter N-1.1, r. 3) is amended by striking out “NIGHT-TIME”.

**13.** The Regulation is amended by inserting the following section before section 35.1:

“**35.0.3.** The prohibition against an employer having work performed by a child under 14 years of age set out in section 84.3 of the Act respecting labour standards (chapter N-1.1) does not apply to the following employees:

(1) a child working as a creator or performer in a field of artistic endeavour referred to in the first paragraph of section 1 of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.1);

(2) a deliverer of newspapers or other publications;

(3) a babysitter;

(4) a child who provides homework assistance or tutoring;

(5) a child working in a family enterprise with fewer than 10 employees if the child is a child of the employer or, where the latter is a legal person or partnership, a child of a director of that legal person or of a partner of that partnership, or if the child is a child of the spouse of one of those persons;

(6) a child working in a non-profit organization having social or community purposes, such as a vacation camp or recreational organization; and

(7) a child working in a non-profit sports organization to assist another person or provide support, such as an assistant instructor, assistant coach or scorekeeper.

The employees referred to in subparagraphs 5 to 7 of the first paragraph must work under the supervision of a person 18 years of age or over at all times.”

**14.** Section 35.1 of the Regulation is amended by replacing “the following fields of artistic endeavour: the performing arts including theatre, opera, music, dance, and variety entertainment, the making of films and records and other sound recordings, dubbing and the recording of commercials” by “a field of artistic endeavour referred to in the first paragraph of section 1 of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.1)”.

**15.** Section 35.2 of the Regulation is amended by replacing “the following fields of artistic endeavour: the performing arts including theatre, opera, music, dance and variety entertainment, the making of films and records and other sound recordings, dubbing and the recording of commercials” in paragraph 1 by “a field of artistic endeavour referred to in the first paragraph of section 1 of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.1)”.

## TRANSITIONAL AND FINAL PROVISIONS

**16.** Not later than (*insert the date that is 30 days after the date of assent to this Act*), an employer who employs a child under 14 years of age performing work to which the prohibition set out in the first paragraph of section 84.3 of the Act respecting labour standards (chapter N-1.1), as replaced by section 2 of this Act, applies must send the child a written notice of termination of employment.

The notice must be of one week if the child is credited with three months to less than one year of uninterrupted service, two weeks if the child is credited with one year to two years of uninterrupted service and three weeks if the child is credited with two years or more of uninterrupted service.

The employer may have the child perform work during the period of notice to which the child is entitled or pay the child a compensatory indemnity equal to the child’s regular wage, excluding overtime, for a period equal to the period or remaining period of notice to which the child was entitled. The indemnity must be paid at the time the employment is terminated.

The indemnity to be paid to a child who is remunerated in whole or in part by commission is established from the average of the child’s weekly wage, calculated from the complete periods of pay in the three months preceding the termination of employment.

The provisions of section 84 and those of Division I of Chapter V of the Act respecting labour standards apply.

**17.** An employer who has a child under 14 years of age perform work in accordance with section 35.0.3 of the Regulation respecting labour standards (chapter N-1.1, r. 3), as enacted by section 13 of this Act, must obtain the consent provided for in the first paragraph of section 84.3 of the Act respecting labour standards, as replaced by section 2 of this Act, not later than (*insert the date that is 30 days after the date of assent to this Act*).

**18.** For the purposes of sections 288 to 290 of the Act to modernize the occupational health and safety regime (2021, chapter 27), the identification of risks and, if applicable, their analysis include the risks that may affect in particular the health and safety of workers 16 years of age or under.

For the purposes of sections 291 and 292 of the Act, the recommendations include those concerning risks that may affect in particular the health and safety of workers 16 years of age or under and those concerning the tasks that should not be performed by such workers.

**19.** A regulation made under section 300 of the Act to modernize the occupational health and safety regime must take into account the realities specific to workers 16 years of age or under.

**20.** This Act comes into force on (*insert the date of assent to this Act*), except

(1) section 3, which comes into force on 1 September 2023;

(2) the provisions of sections 7, 8, 9, 10 and 11, which come into force, respectively, on the same date or dates as paragraph 2 of section 144 and sections 147, 154, 163 and 167 of the Act to modernize the occupational health and safety regime.

