



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 50

**An Act to amend the Act respecting
labour standards and other legislative
provisions concerning work performed
by children**

Introduction

**Introduced by
Madam Diane Lemieux
Minister of Labour**

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EXPLANATORY NOTES

This bill amends the Act respecting labour standards to prohibit employers from having children perform work that is disproportionate to their capacity or likely to be detrimental to their education, health or development.

In addition, the bill prohibits employers pursuing activities for profit from having children under the age of 14 perform work without the written consent of the person having parental authority or the tutor.

A prohibition on employing children to work during school hours is also introduced, and employers will be required to schedule the work performed by children to allow them to attend school during school hours.

Employers are prohibited from having children perform work at night, except in certain cases. Employers are required to schedule work performed by children to ensure that they are at home at night, except in certain cases.

Lastly, the bill contains consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Education Act (R.S.Q., chapter I-13.3);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act to again amend the Act respecting labour standards (1997, chapter 72).

Bill 50

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS AND OTHER LEGISLATIVE PROVISIONS CONCERNING WORK PERFORMED BY CHILDREN

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 81.10 of the Act respecting labour standards (R.S.Q., chapter N-1.1), amended by section 2 of chapter 10 of the statutes of 1997, is again amended by replacing, in the French text, “tenu de fréquenter l’école” in the second and third lines of the first paragraph by “assujetti à l’obligation de fréquentation scolaire”.

2. Division VI.2 of the said Act, enacted by section 5 of the Act to again amend the Act respecting labour standards (1997, chapter 72), is replaced by the following division :

“DIVISION VI.2

“WORK PERFORMED BY CHILDREN

“84.2. No employer may have work performed by a child that is disproportionate to the child’s capacity, or that is likely to be detrimental to the child’s education, health or physical or moral development.

“84.3. No employer pursuing activities for profit may have work performed by a child under the age of 14 years without first obtaining the written consent of the holder of parental authority or the tutor.

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

“84.4. No employer may have work performed during school hours by a child subject to compulsory school attendance.

“84.5. An employer who has work performed by a child subject to compulsory school attendance must ensure that the child’s work is scheduled so that the child is able to attend school during school hours.

“84.6. No employer may have work performed by a child between 11 p.m. on any given day and 6 a.m. on the following day, except in the case

of a child no longer subject to compulsory school attendance, in the case of newspaper deliveries, or in any other case determined by regulation of the Government.

“84.7. An employer who has work performed by a child must schedule the work so that, having regard to the location of the child’s family residence, the child may be at the family residence between 11 p.m. on any given day and 6 a.m. on the following day, except in the case of a child no longer subject to compulsory school attendance or in the cases, circumstances or periods or under the conditions determined by regulation of the Government.”

3. Section 89.1 of the said Act, enacted by section 6 of the Act to again amend the Act respecting labour standards (1997, chapter 72), is replaced by the following section :

“89.1. The Government may, by regulation, determine cases in which a prohibition under section 84.6 is not applicable.

It may also, in the same manner, determine cases, circumstances, periods or conditions in or under which the obligation imposed by section 84.7 is not applicable.”

4. Sections 16 and 486 of the Education Act (R.S.Q., chapter I-13.3) are repealed.

5. Section 491 of the said Act is amended by striking out “section 16 or of” in the third line.

6. Sections 5 and 6 of the Act to again amend the Act respecting labour standards (1997, chapter 72) are repealed.

7. This Act comes into force on (*insert here the date of the first day of the third month following the month in which this Act is assented to*), except section 2 where it enacts sections 84.6 and 84.7 of the Act respecting labour standards and section 3, which come into force on the date or dates to be fixed by the Government.