



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 50
(1999, chapter 52)

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

**Introduced 13 May 1999
Passage in principle 25 May 1999
Passage 2 November 1999
Assented to 5 November 1999**

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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).

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 10.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing “a vice-chairman” in the first line by “two vice-chairmen”.

2. Section 10.2 of the said Act is replaced by the following section :

“10.2. The vice-chairmen are appointed for not more than five years by the Government. They hold office on a full-time basis.

The chairman or, failing the chairman, the Minister shall appoint one of the vice-chairmen to replace the chairman in the performance of all of the chairman’s duties where the latter is absent or unable to act.”

3. Section 12 of the said Act is amended by replacing “the” before “vice-chairman” in the first line by “a”.

4. Section 13 of the said Act is amended by replacing “the” before “vice-chairman” in the first line by “a”.

5. Section 18 of the said Act is amended by replacing “the” before “vice-chairman” in the second line by “a”.

6. Section 19 of the said Act is amended by replacing “the vice-chairman” in the third and fourth lines by “the vice-chairmen”.

7. Section 21 of the said Act is amended by replacing “of the vice-chairman” in the second line by “of the vice-chairmen”.

8. Section 22 of the said Act is amended

(1) by replacing “the vice-chairman” in the first line of the first paragraph by “a vice-chairman”;

(2) by replacing “the vice-chairman” in the fourth line of the second paragraph by “a vice-chairman”.

9. Section 24 of the said Act is amended by replacing “the vice-chairman” in the first line of the first paragraph by “the vice-chairmen”.

10. Section 81.10 of the said Act, 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”.

11. Division VI.2 of the said Act 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 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.”

12. Section 89.1 of the said Act 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.”

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 Sections 16 and 486 of the Education Act (R.S.Q., chapter I-13.3) are repealed.

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

15. This Act comes into force on 1 February 2000, except section 11 where it enacts sections 84.6 and 84.7 of the Act respecting labour standards and section 12, which come into force on the date or dates to be fixed by the Government.