

## EFFECTIVENESS OF COMPLAINT-DRIVEN REGULATION OF CHILD LABOUR IN ALBERTA\*

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### ABSTRACT

This study further develops our understanding of the employment experiences of children (ages 9-11) and adolescents (ages 12-14) in the Canadian province of Alberta, with particular attention to illegal employment and the effectiveness of complaint-based regulation. Survey data demonstrates there is a significant degree of illegal employment among children and adolescents. Interview data suggests that complaint-driven regulation of child labour is ineffective because parents, children and adolescents cannot identify violations and do not take action to trigger state enforcement.

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### INTRODUCTION

Canadian governments regulate the employment of minors, particularly those under age 15. Initial research in the Canadian province of Alberta identified potentially illegal employment among children (9-11) and adolescents (12-14). When combined with an analysis of enforcement activity, this data suggested complaint-driven enforcement may be ineffective at ensuring compliance with child labour laws (Barnetson, 2009a). This study uses survey and interview data to examine this possibility.

The survey data indicates 6.3% of children (age 9-11) and 19.4% of adolescents (age 12-14) were employed in 2008/09. Seventy-eight percent of employed children worked in prohibited occupations while the legality of the work performed by the remainder was unclear. Over 21% of employed adolescents worked in prohibited occupations, while the legality of work performed by a further 50% of the sample was unclear.

Twenty parent-child interviews with employed minors found most minors and their parents were unable to identify basic substantive employment rights

and the violations of their rights that they experienced. Further, the majority of those interviewed did not identify filing a complaint with government as a possible remedy. These findings suggest that the requirements for effective complaint-driven compliance (knowledge of a violation generating a complaint) are typically absent and thus complaint-driven regulation is not an effective way to enforce child labour laws.

## REGULATION OF CHILD AND ADOLESCENT LABOUR IN CANADA

### CONTEMPORARY PRACTICES

All Canadian provinces regulate the employment of children and adolescents via an amalgam of employment/labour standards, school attendance, child welfare, and occupational health and safety legislation (HRSDC, 2006; England, 2008). The regulatory framework varies between provinces and contains exceptions, such as child and adolescent agricultural employment in Alberta (Barnetson, 2009b). Breslin, Koehoorn and Cole (2008) report adolescent employment in British Columbia at 41.5% in 2005 and in Ontario at 52.9% in 2003. In Alberta, Barnetson (2009a) reported a child employment rate of 8.7% and an adolescent employment rate of 29.4% in 2008. Differences in data collection and the definition of employment are probable explanations for the discrepancy in adolescent employment levels.

Like most North American jurisdictions, Alberta relies heavily on complaints to trigger enforcement of labour laws. Complaint-driven enforcement in Canada has been the subject of some criticism. It tends to address mainly violations affecting former employees (Adams, 1987) and reveals only a minority of actual violations. There is substantial evidence of widespread violations of employment standards in Canada. Ontario's Provincial Auditor (2004) noted that between 40% and 90% of proactive inspections (varying by sector) found violations of minimum standards. Similar rates of non-compliance were found federally, with 25% of federal employers not in compliance with most obligations under Part III of the federal act and 75% not in compliance with at least one provision (Arthurs, 2006).

On the other hand, complaint-driven enforcement does focus regulatory effort on workplaces exhibiting significant non-compliance. The effectiveness of this approach at remedying non-compliance turns on the degree to which workers will complain. Examining complaints under the *US Fair Labor Standards Act* and the *Occupational Health and Safety Act*, Weil and Pyles (2005) found relatively little relationship between complaint and non-compliance levels. That is to say, complaints were not a good predictor of actual levels of violations within industries, with complaint levels often far below violation levels. For example, on average, Weil and Pyles found 130 overtime pay violations for every

complaint filed, with some industries seeing over 800 violations per complaint. And there were, on average, 120 injuries for every health and safety complaint pursued by a regulator.

Weil and Pyles (2005) suggest that worker propensity for triggering enforcement can be explained by workers' assessment of the perceived costs and benefits of triggering enforcement. When a tipping point is reached, complaints commence. The cost-benefit calculus of workers can be affected by several factors. The degree of benefit workers expect from a complaint turns on worker knowledge of what their rights are as well as their perception of what the regulator can and will do to improve their working conditions. Workers may also under-estimate the benefits of a complaint because costs of non-compliance may be inaccurately perceived, particularly with regard to health and safety. The perceived costs associated with complaints can include the cost of acquiring knowledge about rights and remedies, current workplace conditions, and how to enforce one's rights. Workers must also consider potential employer retaliation such as shift rescheduling, being denied overtime and being fired. The perceived costs (high) and benefits (low) of complaints may result in relatively limited complaint activity.

These concerns aside, complaint-driven enforcement is often thought an appropriate enforcement technique because adults are a (notionally) free party to the employment contract. This is consistent with the liberal-voluntarism perspective that has historically underlain Canadian employment standards (Thomas, 2009). It is unclear if this reasoning is equally applicable to minors. While adults and minors hold broadly similar labour market positions, there are significant differences in their social location (Bernstein, Lippel, Tucker and Vosko, 2006). Minors are less likely than adults to know their rights and be able to determine if their treatment is lawful. To file a complaint, minors must face the power the employer wields due to the master-and-servant dynamic as well as the power differential associated with adult-child relationships. This situation raises the possibility that complaint-based enforcement of child labour laws is ineffective. If this approach yields few complaints, violations of child labour law becomes administratively invisible and the slim prospect of enforcement is unlikely to discourage violations.

While state-regulation of child employment is the norm, there are examples of governments devolving responsibility to parents. For example, 2003 changes in British Columbia transferred responsibility for assessing the appropriateness of adolescent employment to parents (Irwin, McBride and Stubin, 2005; Luke and Moore, 2004). Similarly, in 2005, Alberta altered the regulation of adolescent employment in restaurants and food services such that parents are effectively responsible for determining whether such work is permissible and safe (Barnetson, 2009a; Schultz and Taylor, 2006).

Where state-regulation is primarily complaint driven, parents play a pivotal role in triggering enforcement activity. It is unclear if parents have the knowledge necessary to make informed decisions about the appropriateness or safety of employment. It is also unclear how many parents meaningfully consider those questions. These approaches also assume parents can and do act in their children's best interests, thereby ignoring the possibility that economic pressure may negatively influence parental decision-making (Teeple, 2006). These factors are among the reasons that states began regulating child labour over a century ago (Tucker, 1990; Thomas, 2009).

#### POLICY RATIONALE

To understand why governments are shifting responsibility for regulating child labour to parents, it is useful to consider the contradictory demands governments face. On the one hand, Canadian governments must facilitate the capital accumulation process. That is to say, they must act in ways that allow employers to produce goods and services in a profitable manner and thereby encourage private investment. Failing to do so may result in an economic downturn, for which the government may well be held responsible. On the other hand, governments must maintain their own legitimacy with the electorate as well as the legitimacy of the capitalist social formation. The operation of capitalist systems often negatively affects workers (who comprise the majority of the electorate) and thereby imperil both a particular government and the capitalist social formation (Tucker, 1983/84, 1988, 1990; Thomas, 2009).

An attractive policy for governments regarding child labour is to set standards but enforce them only when a consequence of such employment creates the spectre of a legitimation crisis. In this situation, regulation can be complaint-based with prosecution being required only when a child has been seriously injured or killed. For example, Alberta almost never prosecutes those who violate child or adolescent labour laws. In 2009, after years of employment standards violations at Edmonton's Capital Exhibition and the Calgary Stampede, the province did charge one employer with having a 15-year-old (technically a "young person" under the Act) working after midnight. These charges were laid one year after the event occurred (O'Donnell, 2009, Government of Alberta, 2010).

More commonly, the province issues cease-and-desist orders and requires financial restitution. In this way, the risk associated with violation is simply paying what should have been paid in the first place. For example, planned charges against a large restaurant chain (with a record of repeatedly violating the law) in 2007 were not filed after the owner agreed to pay the wages owed. The potential cost savings (in the case of the employer discussed above who intruded

on the interview, two-thirds of wage costs) creates an incentive for employers to violate the law.

The only example of successful employment standards prosecution since 2000 is Domo Gasoline. In 2002, it pled guilty to some of the charges laid against it in 2001 related to illegal employee deductions (the remaining charges being dropped) and received a \$5750 fine (the maximum corporate fine was \$100,000) (AHRE, 2002). Interestingly, it was charged again in 2003 for the similar offenses and pled guilty to some of the charges (the remainder being dropped). The fine was \$23,000 (AHRE, 2003, 2004). This suggests probable fine levels are not necessarily a significant deterrent, particularly since the province is prepared to negotiate partially dropping charges as well as the fine level.

This approach is not unique to child labour. In 2008, 56% of businesses employing temporary foreign workers that were inspected were found to be violating employment standards regulations. In 2009, that percentage jumped to almost 75%. Alberta's Minister of Employment and Immigration suggests widespread non-compliance is "'a really good news story,' since it means people are reporting workplace problems to the government" (McLean, 2010: 1). In both these cases, non-enforcement of the law opens up a low-cost, secondary labour market to capital. As noted by a reviewer, this may be a part of a broad and intentional erosion of working class living standards. Not regulating child labour also frees children and adolescents to undertake childcare and other domestic duties. This, in turn, releases women from some tasks associated with social reproduction to undertake waged work—again, expanding the labour pool and potentially depressing wages.

## **METHOD**

The study seeks to expand our understanding of the employment experiences of minors in Alberta through both survey data and interviews and thereby get at the effectiveness of complaint-based regulation. Questions were added to the annual Alberta Survey of 1200 homes conducted by the University of Alberta's Population Research Laboratory. This telephone survey has an estimated sampling error of 2.8% at the 95% confidence level and asked adults about the employment of children and adolescents who lived in their home to determine:

1. What were the rates of child (ages 9-11) and adolescent (ages 12-14) employment in Alberta, between May 2008 and May 2009?
2. In what occupation(s) did this employment occur?
3. How many hours per week (on average) were children and adolescents employed during the school year?

The first question sought to replicate results from a 2008 survey (Barnetson, 2009a). The second and third questions sought to gain additional information bearing upon the legality of the employment.

At the same time, 20 non-representative interviews were completed. The thirty-minute, semi-structured joint interviews with a minor (aged 10-15) and one parent/guardian focused on the minor's employment experience(s) in the past year. Subjects were solicited via advertisements and, subsequently, via the snowball technique. The interviews addressed five topics:

1. Do minors and their parents know the rules that typically are of concern in child and adolescent employment?
2. What violations of employment standards did minors experience?
3. Did the minor or the minor's parent(s) identify the violation(s)?
4. If so, (how) did the minor or the minor's parent(s) seek and achieve remedy?
5. Did the parent consider whether employment was safe before work commenced? And how was the assessment made?

The non-random sample and open-ended interview approach suggests that chance and interviewer bias may be significant sources of error. As a constructivist, I accept that bias is an endemic feature of policy analysis, reflecting that data selection and interpretation occurs in the context of researcher experiences, beliefs and expectations (Hawkesworth, 1988). The interview results are not statistically generalizable but they are analytically generalizable: this study's results may be used in conjunction with the results from other studies to develop, confirm or refute a broader theory about the effectiveness of this regulatory approach.

## **SURVEY RESULTS**

### **EMPLOYMENT RATES**

Respondents in 118 households reported a total of 143 children (aged 9-11). Of these, nine children (6.3%) were reported as having worked in the past year. This percentage is lower than 2008 data (8.7%). Assuming the 2009 data is representative, this suggests approximately 8,200 children were employed throughout the province. The difference between 2008 and 2009 results is within the margin of error. Overall, it appears reasonable to assume that between 5 and 10% of children ages 9-11 perform waged work in Alberta outside of the home.

Respondents in 130 households report a total of 144 adolescents (aged 12-14). Of these, 28 adolescents (19.4%) were reported as having worked in the past year. This percentage is notably below 2008 levels (29.4%). Assuming the 2009

data is representative, this suggests approximately 26,000 adolescents employed throughout the province. The discrepancy in adolescent employment between 2008 and 2009 may be partially explained by the significant change in Alberta's economy between the surveys. In June 2008, overall unemployment was 3.3%. A year later, unemployment was 6.8%. Youth (aged 15-24) traditionally have higher unemployment rates and experienced a near doubling of unemployment during this period (Government of Alberta, 2009).

In a time of contraction, it seems possible that part-time employment for adolescents (who comprise a transient and secondary labour market) would shrink faster than for other groups. The apparent stability in child employment may reflect that the type of employment undertaken by children (e.g., babysitting, yard work, flyer delivery) is less susceptible to economic changes, reflecting a looser relationship between demand for the jobs they perform and overall economic activity. It may also reflect more personal employment relationships between children and their employers.

#### **JOB TYPE AND HOURS OF WORK**

Data about hours of work and job type was collected regarding 35 of the 37 employed children and adolescents. This group worked an average of 5.2 hours per week over the past year (range: 0-20 hours weekly). Respondents also listed the jobs performed. Babysitting (31.2%) and newspaper/flyer delivery (15.6%) were the most common answers. Restaurant work and janitorial work were each performed by 7.8% of the sample, followed by working on a golf course, working in sports, agricultural work, and performing yard work (5.2% each). Chores, construction work, office work and unspecified work were each performed by 2.6% of respondents.

Of the jobs performed by children (9-11), 78% were illegal forms of employment (newspaper delivery, janitorial services) while the legality of the remaining 22% (babysitting, chores) is unclear. Babysitting and chores fall into a legislative lacuna. While children are statutorily precluded from working in Alberta, babysitting and yard work by children and adolescents is excluded by bureaucratic policy from the ambit of the Act. The precise reason for this exclusion is elusive but the answer typically given is these forms of work are not employment because there is no intention to establish an ongoing employment relationship.

This blanket exclusion does not appear to consider the specifics of arrangements. For example, I might hire an adolescent to attend my house weekly for two hours on a Monday to care for my child while my wife and I go to dinner (we call this "date night"). In this arrangement, I direct the performance of the adolescent, provide the tools and equipment, and the adolescent (earning a fixed hourly wage) has no chance of profit or loss. Further,

the adolescent holds no other employment, cannot subcontract the work and the work cannot be easily severed from the operation of my household (i.e., someone has to look after the kids!).

This fairly common arrangement suggests the blanket exclusion is inappropriate. Further, by placing these children in the same labour-market position as, for example, subcontractors in the construction industry, this policy exclusion appears to run contrary to the intent of the legislation. The purpose of the *Employment Standards Code* is to ensure minimum employment standards are met and risks inherent to employment for children and adolescents are minimized through regulation and prohibition. Excluding the most common forms of child employment by policy does not advance these goals.

Of the jobs performed by adolescents, 21.4% are illegal forms of employment (janitorial services, sports teams, working on a golf course). Nevertheless, the ability of employers to gain exceptions via special permits may reduce this percentage marginally. By contrast, 28.6% of jobs appear to be legal types of employment (newspaper delivery, retail sales, restaurants, agriculture). The data does not offer enough detail to determine if job duties comply with permitting limitations (e.g., not working around deep fryers in restaurants), if daily or weekly work duration limits have been exceeded or other legal requirements have been met. The remaining 50% of jobs performed are of unclear legality (babysitting, yard work, and unspecified duties).

## INTERVIEW RESULTS

### VIOLATIONS IDENTIFIED

Twenty 30-minute interviews included 10 children, 10 adolescents and 17 parents (three pairs of siblings were interviewed). The children performed jobs outside of their homes that included babysitting, yard work, flyer delivery, dog walking and clerking. The adolescents performed retail, restaurant, flyer delivery, babysitting, clerking, yard maintenance and coaching jobs. In 19 of the 20 interviews, subjects reported violations of employment standards rules. The violations included:

- Working too many hours, most commonly a four-hour shift on a school day.
- Receiving less than the minimum wage or minimum call-in pay.
- Working under age or in prohibited occupations or performing prohibited tasks.

The majority of adolescents in the restaurant industry also report illegal levels of deduction for uniforms and failure of employers to obtain parental



permission and provide safety checklists. Half of the subjects reported multiple violations. The subjects were unaware that the behaviours they described were violations excepting in a single case where the employer revealed the violation after Alberta Employment Standards ordered a change in working hours.

#### KNOWLEDGE OF RIGHTS

Children, adolescents and their parents were asked five questions to assess their knowledge of basic employment rights. The first three questions addressed basic substantive rights commonly violated:

1. the minimum age for employment in Alberta (12),
2. the maximum shift length someone aged 12 to 14 can work (2 hours on a school day, 8 hours on a non-school day), and
3. the minimum call-in pay is required for attending at the workplace (2 hours at minimum wage on a school day, 3 hours otherwise).

Answers were scored generously, with partially correct answers being considered “correct”. Overall, six of twenty minors and six of seventeen parents correctly identified the minimum age of employment, although two of the parents volunteered they knew the answer only because their child’s employer had told them. Only three minors and two parents were able to identify maximum shift length, again with one parent volunteering she knew the answer only because her child’s employer had told her. Finally, two minors and nine parents were able to identify required call-in pay, with the majority of parents indicating they knew the answer from personal experience receiving it.

The fourth and fifth questions were more complex, addressing the recurring issue of (il)legal deductions an employer might make for uniforms/equipment or cash shortages:

1. whether employers can deduct money to pay for a uniform (yes, if the employee agrees and the deduction does not reduce hourly wages below the minimum wage), and
2. whether employers can deduct money from a paycheque to cover a cash shortfall (only if the employee had sole access to the till).

Again, scoring was generous. Any answer that touched upon the contingent nature of employers’ right to make these deductions was considered correct. The *only* correct answer was from a parent indicating permission was required for a uniform deduction.

## KNOWLEDGE OF WORKPLACE

Parental knowledge of the workplace was assessed by asking parents and their child a series of questions regarding the minor's condition of employment. Parents generally understood the when and where of their child's work as well as the remuneration provided. That said, parents' ignorance of statutory requirements meant they generally could not identify when their children's rights were being violated by their working conditions. There also appeared to be a disconnection between the requirements parents identified and their children's situation. For example, it was not uncommon for parents to indicate a minimum age for employment higher than their child's present age.

An interesting discrepancy arose when parents were asked if they had considered whether the job was safe before the minor started employment, how they formed their conclusions about the safety, and whether there had been safety training provided. Approximately half of parents indicated they had considered whether the work was safe before the child started. Of these, all formed their opinion on the basis of their own experiences in similar jobs, their perceptions of the workplace as a customer, and/or the general reputation of the company. For example:

*Q: When your daughter was hired, did you explicitly consider how safe the job was before she started and, if so, how did you form you opinion?*

*A: Yes. Feel for the store plus I have heard from friends and people I know that <employer> has a good reputation as an employer, especially with students who were going to school so I was confident she was going into a good environment and that they have rules and regulations set up that they wouldn't abuse there.*

*Q: Did you go in the store..."*

*A: Not that particular store but we shop there...*

In this particular case, the employer routinely violated the hours of work requirement and, while it provided online safety modules, it did not ensure the adolescent completed them (she did not).

No parents indicated they had acquired any specific evidence about workplace risks or used that evidence in their decision-making. In some instances, parents were surprised to learn that their child routinely handled box cutters, worked on ladders, lifted heavy boxes and used fryers and other equipment. Among the injuries reported were burns, cuts and back injuries. This suggests that basing public policy on the assumption that parents meaningfully consider safety and do so in an effective manner may be inappropriate.

Safety orientations occurred in a minority of workplaces. In several instances, parents asserted that safety training had been performed. When children were asked about this, significant discrepancies emerged.

Q: *When your son was hired, did he get any instruction about how to complete the job safety?*

A: Yes, I think they just went over all of his duties. I'm not sure what they told him about safety. But I have an idea in my head that they probably said, eye station is here, don't lift stuff over this amount.

Q: *When you were hired, did you get any instruction about how to complete the job safety?*

A: Yeah, they taught me all of the stuff, but they didn't really teach me where stuff was. It was just left in the staff room. And there were notes and stuff all over the wall. Notes about safety and lifting and ladders. It was left to you to discover.

In half of the cases, neither the employer nor the parent provided safety training to the minor. Where safety information was available in the workplace, minors were often given access to information (e.g., posters on the wall, pamphlets, online training modules) but were not specifically directed to read it and their knowledge was not assessed. Where such passive safety information was provided, the minors universally did not engage with the material. The only two employers that provided proper safety orientations were not-for-profit agencies. No employer belonging to a large chain provided orientations that met requirements under either the *Employment Standards Code* (for restaurants) or the *Occupational Health and Safety Code*.

#### INFORMATIONAL AND REMEDIAL STRATEGIES

Children, adolescents and their parents were asked where they would find information if they had a question about the rules governing employment and how they would resolve a dispute if they thought their employer was not living up to the employer's obligations. Children and adolescents typically indicated the employer would be their main source of information, with parents, the internet and the government as secondary sources. By contrast, parents indicated they would seek information from the government or the internet. Most could not correctly identify the appropriate department and/or level of government from which to get this information.

Children and adolescents typically indicated a two step-approach to resolving disputes. First, they would approach the employer. If that was unsuccessful, half indicated they would quit. Fifteen percent indicated they would raise the issue with their parents while the remainder would take no further action. Parents also exhibited this two-step approach, beginning with the employer. If this was unsuccessful, two thirds indicated they would pursue the matter with the government. Forcing their child to quit was also a common response. One parent indicated she would take no action as this was the child's problem. In the one case where a parent both indicated she would pursue a violation with the government and separately indicated she thought a violation

had occurred, the parent decided not to pursue the matter as it was not worthwhile for her to do so.

## DISCUSSION

The study demonstrates that employers violate Alberta's child labour laws. The survey data indicates there is widespread violation of occupational prohibitions and minimum age limits. While the interview results are highly suggestive that employers violate maximum hours of work limits and minimum wage requirements as well as make illegal deductions. There is also some indication that self-regulation of restaurant employment is not effective. The core policy question this raises is whether complaint-driven enforcement is an effective way to regulate child labour.

To grapple with this, we need first to consider why employers ignore Alberta's child labour laws. Part of the reason, consistent with Weil and Pyles (2005) discussion of complaint-driven enforcement, may be that ignorance of the rules and workplace practices create fundamental impediments to filing complaints. Consequently, employers face little chance of being caught violating the law and, thus, pay it little mind. The interview results provide some tentative support for this assertion. Children, adolescents and parents (the most likely complainants) were largely unaware of basic statutory employment rights. Further, although 95% of the subjects reported one or more violations of basic employment rights, none identified these as violations. This suggests that relying on children, adolescents and parents to trigger law enforcement activity designed to protect children and adolescents in the workplace may be inappropriate due to knowledge gaps.

The study also suggests minors rely heavily on their employers for information about their rights. The degree to which employers can and do accurately convey information is unknown, but it is plausible that employers may (intentionally or unintentionally) mislead workers, particularly as such behaviour is often in the employer's financial interest. During one interview, for example, the adolescent's employer coincidentally walked by during discussion of call-in pay. Overhearing a question, the employer spontaneously and hotly made incorrect assertions about the adolescent's rights in this regard. Whether the employer was intentionally misleading the worker or not is less important than the fact that the employer did mislead the worker in a way that was in the employer's financial interests and did so in a way that clearly intimidated the worker.

Should a child or adolescent become aware of a violation, most appear inclined to return to the employer (i.e., the violator) seeking remedy. If unsuccessful, only 15 percent of children and adolescents indicated they would pursue the issue (i.e., raising it with their parents). If an issue was brought to

parents' attention, only a slim majority indicated they would pursue the matter as far as to make a complaint to the government. Herein, we see (at least implicitly) the cost-benefit analysis posited by Weil and Pyles (2005) limiting the effectiveness of complaint-driven enforcement. These results raise serious questions about the appropriateness of relying upon complaints to protect child workers.

Tompa, Trevithick and McLeod (2007), speaking about occupational health and safety requirements, note actually enforcing the law appears to alter employer behaviour while the mere potential for enforcement does not. If Alberta's complaint-driven compliance strategy does not generate many complaints (Barnetson, 2009a), the resulting low-enforcement environment may lead to widespread violation of child labour laws, particularly if there is a financial incentive for employers to do so. In effect, there is little risk of being caught. The effect of this dynamic may be compounded by the low likelihood employers who are caught will face any penalty for the violation.

It is unclear why Alberta relies on worker complaints (versus random inspections) and cajoling employers (versus fines and prosecutions) as its primary enforcement strategy for protecting child labourers. Practically speaking, this may reflect resource limitations. Yet the degree of funding available for enforcement is, in truth, a political decision by a government about what degree of state intervention it desires in the workplace. Alberta is not alone in adopting modest enforcement practices. Speaking about Ontario, Tucker (1988, 1990) and Thomas (2009) note that employment standards have a long history of poor enforcement and loopholes which, they conclude, are designed to regulate class conflict while minimally impeding employer profitability or discretion. Employers have been granted additional latitude through implicit deregulation (i.e., ineffective enforcement and dispute resolution practices) based, at least partly, on the premise that state intervention in the private employment relationships is inappropriate. While no comprehensive analysis of the political economy of Alberta employment standards is presently available, Thomas' (2009) analysis appears broadly applicable in Alberta.

It is, of course, valid to note that child workers and their parents have some responsibility to look out for their own interests. Yet the choice of instrument(s) (hortatory, capacity-building, incentive-based, authority based) by which to achieve public policy objectives (e.g., protecting children from negative consequences of employment) ought to be grounded in a realistic assessment of whether it will work. This study raises significant questions about whether expecting children to enforce their rights and parents to make good decisions in this area is realistic.

## CONCLUSION

In 2008/09, 6.3% of Alberta children (age 9-11) and 19.4% of adolescents (age 12-14) were employed. Survey data found 78% of employed children and 21% of employed adolescents worked in prohibited occupations. Interview data raised further concerns about potentially wide-spread violations of hours of work, minimum wage, call-in pay, minimum age, prohibited occupations or tasks, legal deductions and restaurant industry regulations. This degree of non-compliance suggests that complaint-driven enforcement may not be an effective way to regulate child labour. The inability of potential complainants to recognize violations and their unwillingness to trigger enforcement appear to be key issues. The effect of improbable enforcement may be exacerbated by the financial incentive employers have to not comply as well as the lack of meaningful consequence for violations.

It may be possible to increase compliance with child labour laws by supplementing complaint-driven enforcement with significant numbers of random inspections. This would usefully include ensuring employers are actually complying with the self-regulation requirements in the restaurant and food services industry (Barnetson, 2009a). Over time, such random inspections would provide a fuller picture of industries with high levels of non-compliance, thereby allowing more accurate targeting of enforcement resources. Further, where complaints reveal non-compliance, the province could also look to remedy all instances of non-compliance in the workplace, rather than restricting itself to remediating the solely for the complainant and leaving other instances of violations unaddressed. The government could also increase the visibility of child labour infractions, both through increased prosecution and by publically naming employers who violate child labour laws. Public naming will create pressure on employers to pay attention to the law, much like making restaurant inspections public focuses the attention of restaurateurs on sanitation.

This study also suggests several lines for further investigation. First, at what rate are those whom employ children and adolescents violating employment standards? Second, how is the blanket policy exclusion of yard work and babysitting from the ambit of employment standards related to the place of childcare and manual labour in contemporary society? Third, are parents' opinions about the benefits minors accrue from employment valid? Fourth, to what degree is Thomas' (2009) analysis of the political economy of Ontario's employment standards regime applicable to Alberta?

## NOTES

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