

## REGULATION OF CHILD AND ADOLESCENT EMPLOYMENT IN ALBERTA

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### ABSTRACT

As part of a broader assessment of how well the Government of Alberta's labour programming contributes to fair and, to a lesser degree, safe workplaces, this study examines how effectively the government enforces the *Employment Standards Code* provisions regulating child and adolescent employment. Enforcement strategies appear to emphasize softer forms of regulation and thereby create little disincentive for violations. Preliminary research into the employment levels of children (age 9-11) suggests over 11,000 children are employed, some perhaps illegally, and that further inquiry into their employment experiences is warranted.

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### INTRODUCTION

The Canadian province of Alberta has tasked its civil service with ensuring its programs contribute to fair, safe and healthy workplaces. Previous research (Barnetson, 2008) suggests the way the government measures its achievement of these goals is problematic. More specifically, these measures do not provide a meaningful assessment of Alberta's Employment Standards system. This preliminary study examines how Alberta enforces the laws regulating child (9-11 years old) and adolescent (12-14 years old) employment. These groups were chosen because they are subject to restrictive regulations and thought particularly vulnerable to violations of those regulations. The vulnerability of children and adolescents make this study valuable in itself and also provide insight into the overall effectiveness of Employment Standards enforcement.

This study takes no position on the appropriateness of the substantive rights and restrictions contained in the Act (e.g., should 12-year-old be allowed

to perform the same jobs as 14-year-olds? is a blanket prohibition on employment under 12 appropriate?). This study also does not evaluate whether the substantive rights, if perfectly enforced, would result in the public policy objectives that presumably underlie them. Instead, this study examines process and (where visible) outcomes of Alberta's enforcement practices. Further research is presently underway to provide a more fulsome examination of the employment experiences of minors and this is discussed at the end of the article.

## REGULATION OF CHILD AND ADOLESCENT EMPLOYMENT

Historically, Canadian children and adolescents have worked and, in doing so, helped to support their families and developed their own vocational skills (Parr, 1980; Sutherland, 1990; Bullen, 1986; Cunningham, 2000). The work of children around the home (e.g., chores, attending to siblings) is typically differentiated from work undertaken for remuneration or on goods destined for the market (Ashagrie, 1993; Basu, 1999).

The regulation of child and adolescent employment by Canadian governments began with mining laws during the late 19<sup>th</sup> century. These were followed by the development of factory acts that set minimum age limits, restricted hours of work, and prohibited work where there was a significant source of danger, although the enforcement of these acts was uneven. Child protection, temperance, municipal, and shop legislation also regulated child and adolescent employment (Lorentsen and Woolner, 1950; Tucker, 1990; Finkel, 2006).

The employment of minors is currently regulated at the international level. Convention 138 of the International Labour Organization (ILO) seeks to abolish the employment of those under age 15 and excludes those under age 18 from hazardous work. Exceptions in developed countries are for light work (with few negative physical, social or educational consequences) or for work connected to vocational training (Swepston, 1982). Canada is not a signatory to Convention 138 but all provinces have legislation (e.g., employment standards, occupational health and safety, school attendance) regulating child and adolescent employment (HRSDC, 2006; England, 2000).

When considering employment laws, it is useful to think about them as policy instruments—tools that propel organizations and/or individuals to act when otherwise they could not or would not. Policy instruments can be divided into four categories:

1. *Authority-based* instruments grant permission, prohibit or require actions and may include changing the distribution of authority and power in the system.

2. *Incentive-based* instruments use inducements, sanctions, charges or force to encourage actions.
3. *Capacity-building* instruments invest in intellectual, material or human resources to enable activity.
4. *Hortatory* instruments signal priorities and propel actions by appealing to values via symbols (McDonnell, 1994; Pal, 1992; Schneider and Ingram, 1990; McDonnell and Elmore, 1987).

Legislation is normally an authority-based instrument, which authorizes the use incentive-based mechanics to enforce it. Governments departments may also engage in hortatory and capacity-building activities. Although less visible than legislation, the enforcement mechanisms of the law are an important determinant of how well legislation achieves its objectives (Tucker, 1990).

While economic analyses of employment standards may assume universal compliance with employment standards, research suggests that compliance is less than complete (Adams, 1987). For example, Ontario's Provincial Auditor (2004) notes 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 law and 75% not in compliance with at least one provision (Arthurs, 2006). When enforcement is complaint-based (and that is most often the case), a significant issue is the willingness of employees to complain about violations unless they have left their employment, for fear of reprisal.

There is general agreement that government must regulate child and adolescent employment, although conflict can arise over the substantive and procedural standards (cf. CFIB, 2006; CFRA, 2007). The rationale for regulation is threefold:

1. **Physical Safety:** Legislation typically limits the range of occupations children and adolescents may engage in and the duties they may perform in order to protect the health and safety of minors. These restrictions also address the safety of other workers who might be affected by a workplace accident caused by a child or adolescent.
2. **Intellectual Development:** Society expects the primary focus of children and adolescents to be their education and this is codified in compulsory school attendance legislation. Consequently, employment legislation typically limits the time and duration of the employment of children and adolescents.
3. **Morale Development:** There are general provisions found in legislation prohibiting employment that is deleterious to the health, welfare, or moral or physical development of children and adolescents. Employment

in occupations and workplaces exposing children and adolescents to alcohol, gambling, and/or sexually explicit entertainment is normally prohibited.

The support for this rationale is mixed. The effect of employment on academic performance and propensity to dropout of school is worrisome, but the causality is unclear. And the exposure of children and adolescents to adult vices in the workplace may be mitigated by their age-stratified employment prospects (Lawton, 1994; Franke, 2003; Bushnik, 2003; Carriere, 2005). A US study found the rate of injury for working children and adolescents to be nearly twice as high as for adults (Institute of Medicine, 1998). Canadian research on young workers (15- to 24-years-old) indicates they are significantly more likely to be injured on the job (WorkSafeBC, 2007; AHRE, 2007g). Inexperience and lack of training, being unwilling to ask questions, and being asked to do dangerous work are among the factors thought to contribute to this heightened injury rate. As Luke and Moore (2004) suggest, these characteristics appear even more likely to be present in those under 15 years of age.

## THE POLITICAL ECONOMY OF REGULATION

Discussion of child and adolescent employment in Canada often focuses on the effects of employment. Less attention is paid to the political economy in which this employment and its regulation exist. This is understandable: it is easier to see the effects of employment than the dynamics of the capitalist system in which we are enmeshed. Effects-centered research is also more palatable to policy communities and decision-makers because the analysis and proposed remedies do not normally threaten the underlying power structure. Yet there is value in understanding the political economy of regulation. For example, offloading of responsibility to parents for monitoring their children's employment by the Government of British Columbia (Luke and Moore, 2004) is premised upon the potentially false assumption that parents' and their children's interests are aligned. Economic and/or ideological pressures exerted on families by advanced capitalism may in fact create a misalignment.

Gary Teeple (2006) provides a useful framework within which to consider the rights of minors. The regulation of child and adolescent employment is an example of how civil, political and social rights (often collectively referred to as human rights) interact to support the dominant mode of production. Civil and political rights, rooted in western constitutions, codify and legitimize capitalist propertied relations. Civil rights emphasize the sanctity of private property and cast humans as economic actors. Granting individuals political rights to select their government legitimizes this arrangement—capitalism is framed as choice (however notional) made by the populace among differing public policies.

Capitalist systems typically struggle with social reproduction. The costs associated with ameliorating these problems are often socialized through government intervention in the operation of the labour market (e.g., employment standards) and the workplace (e.g., health and safety legislation), the reproduction of the labour force (e.g., education, medical care) and supporting “unproductive” members of society (e.g., child and elder income support programs). The social “rights” underlying these programs rarely find constitutional expression, in part because they run contrary to the civil and political rights entrenched in these documents. Instead, these rights are expressed in legislation and international agreements—voluntary acts of the state that manage (and result from) class-based pressure. The enforcement of these agreements depends largely upon the will of individual states.

Minors have few civil and political rights because they are not “persons” in the context of capitalist relations: they are assumed unable to make binding and rational choices. The power of parents over their wards has been limited by the state because (1) the interests of children and their parents are not necessarily aligned and (2) minors face a significant disadvantage within this framework. For example, the participation of minors (voluntary or otherwise) in waged labour requires the state to protect them from the (in)action of parents as well as employers because the family structure does not necessarily have enough integrity to resist the pressures of advanced capitalism.

In the workplace, minors form an ideal secondary labour market. They are largely without political and civil rights, poorly educated, intellectually malleable, and physically weak. Their easy availability also creates downward pressure on the wages of other workers. The regulation of child employment provides, therefore, a bulwark (of variable effectiveness) against the broader dynamics of capitalism. Yet governments creating and enforcing such a protective regime find themselves conflicted because their principal role of ensure the reproduction of capital and the social basis of capital accumulation may run contrary to the government’s own need for political legitimacy among its citizens.

An attractive policy for government is to set standards but offload regulatory responsibility to parents (who are already minors’ legal guardians). Legislation is enacted and enforced only when parental controls are ineffective and/or the consequences of such employment has the potential to create a legitimization crisis for government. The viability of this approach is enhanced when procedures retard both the number of complaints filed and the visibility of patterns within those complaints.

## ALBERTA'S CHILD AND ADOLESCENT LABOUR LAWS

In 2006, Alberta had approximately 3.29 million residents, including 631,515 persons under 15 years old (Statistics Canada 2007a, 2007b). The Legislature has enacted the *Employment Standards Code* (ESC) and its attached *Employment Standards Regulation* (ESR) that regulate the employment of minors. Other legislation also addresses child and adolescent employment, including explosive regulations under the *Occupational Health and Safety Act*, radiation regulations under the *Radiation Protection Act*, and the *Gaming and Liquor Act* and its regulation. Denial of educational opportunities may also fall under the prohibitions contained in the *Child Welfare Act* and truancy is addressed under the *School Act*.

The *Employment Standards Code* prohibits the employment of children under 12. Adolescents (12-14 years old) who are required to attend school under the *School Act* may not work during normal school hours, unless the minor is enrolled in an off-campus educational program (e.g., pre-apprenticeship or work experience program). Regulation allows adolescents to be employed outside of school hours (two hours on a school day, eight hours on a non-school day, and never between 9 p.m. and 6 a.m.) in four defined occupations (delivery of small wares for a retail store, clerk or messenger in an office, clerk in a retail store, and delivery of newspapers, flyers and handbills) as well as any occupation approved by the Director of Employment Standards. The defined occupations are often no longer viable employment possibilities for adolescents and employment in the service-sector jobs that are available has been managed through Director approvals. Employment must also not be injurious to the life, health, education or welfare of the adolescent, and the adolescent's parent must consent in writing to the employment.

Employers may apply for a permit from the Director to vary the standards found in the ESC or ESR. The government indicates it does not issue permits allowing adolescents to work in the construction industry or where an adolescent would be required to work around or with heavy equipment or potentially hazardous equipment or without adult supervision (AEII, 2007a). Permit application forms require a detailed explanation of the work the adolescent will be performing and the degree of adult supervision provided as well as information about shifts, rest breaks and tools/products used in employment. There is also a safety checklist required (including a hazard assessment), in which the employer attests that it will meet certain basic safety requirements regarding the identification and mitigation of workplace hazards (AEII, 2007b, 2007d).

The Director of Employment Standards can also designate certain occupations as acceptable for adolescents. Currently, this is limited to certain jobs in the restaurant and food services industry (AEII, 2007c; Schultz and Taylor,

2006). This “safety checklist” approach allows employers to hire adolescents by filling out and filing a safety checklist and a hazard assessment with the government, both of which must be approved by the adolescent’s parent or guardian. The safety checklist is just that: the employer must provide the employees, name, attest it understands the requirements of the Code, and check off that it will perform a hazard assessment and safety orientation hazard before employment commences and adequately supervise the employee thereafter. It is signed by the employer, the employee and the employee’s guardian. This process stands in lieu of a permit application and is an example of regulation shifting from substantive standards to procedural ones (Bernstein, Lippel, Tucker and Vosko, 2006).

Enforcement of employment standards in Alberta is predominantly complaint driven: someone (typically the employee) must complain that there is a violation of the law. Such a complaint normally triggers an investigation by an Employment Standards Officer (ESO). The remedies for a complaint are more remedial than punitive. An ESO may issue officer’s directives to pay unpaid wages, cease activities in contravention of the Act, etc. The ESC also provides for prosecution of offenders contingent upon approval by the Minister responsible for the Act. Few prosecutions are commenced and fewer result in conviction. ESOs have no power to fine violators for non-compliance with either the Act or the ESOs directive. Targeted inspections of specific employers and industries do occur, but the government was unable to provide any criteria to explanation how employers are selected.

## **METHODOLOGY**

In Canada, there is little credible study of the scope of child and adolescent employment or the effectiveness of enforcement activity. Governments do not collect data on the employment of minors under 15 or about violations of child and adolescent labour laws. There is no systematic study of enforcement of Canadian child or adolescent labour laws in the academic literature. What research is available has been done by advocacy groups and uses methods that make statistical or analytical generalization difficult (one of the better examples is Irwin, McBride and Strubin, 2005).

Monitoring compliance with child and adolescent labour laws is difficult, even in developed countries. Monitoring compliance is thought labour intensive and subject to a significant observer effect (which may cause temporary compliance). ILO Convention 138 recognizes this and requires ratifying countries only to identify those responsible for enforcement, establish enforcement procedures (including penalties), and keep a register of employed minors (Swepston, 1982).

This study seeks to provide some preliminary insight into the extent of child and adolescent labour and the effectiveness of government regulation of it via a review of government practices as well as a survey of the employment rates of children and adolescents. This approach was developed after considering whether an examination of relevant Employment Standards complaints might provide insight into whether there was an effective short- and long-term intervention. Gaining access to case files was deemed unlikely and the incentive for subjects to provide false reports was expected to impede accurate data collection. This approach also only addresses instances of identified non-compliance and excludes instances where a violation did not trigger a complaint. To develop a picture of government practices, government documents were collected (with the aid of a Freedom of Information request) with seven questions in mind:

1. Does the government educate children, employers and parents about child labour laws? Complaint-driven compliance requires employee knowledge of the rules.
2. Does the government know the employment rate of children and adolescents, the number and types of complaints made regarding their employment, and the number and types of workplace injuries sustained by them? The employment rate of children provides a good high-level indicator of compliance (as most employment of those under 12 is illegal). Compliance data provides a basis for identifying trends in violations and targeting enforcement activity. Injury data can be used to determine whether existing approved occupations for adolescents are appropriate.
3. Does the government systematically identify and target employers of children or adolescents for enforcement to ensure compliance? Targeted enforcement is more likely to result in compliance.
4. Does the government have and follow a policy regarding the examination and validation of permit applications and safety checklists? Permits vary legislation on an *ad hoc* basis so reviews should be rigorous; safety checklists are self-regulation and require oversight.
5. Does the government respond immediately to complaints about child or adolescent employment? Speed of response, particularly where a vulnerable population is concerned, is an indicator of short-term enforcement effectiveness.
6. Does the government systematically follow-up on orders issued by Employment Standards officers when violations are found? The absence of follow-up can lead to perfunctory compliance. This is particularly the case with a vulnerable population, where ineffective enforcement may discourage further complaints.

7. Does the government consistently prosecute violations? Failure to prosecute repeated or egregious non-compliance eliminates the incentive for compliance. The only risk of non-compliance is paying whatever is rightfully owed to employee under statute.

Approximate levels of child and adolescent employment were determined by commissioning a representative survey of 1200 homes between May and June 2008. Respondents provided information on how many children and adolescents resided with them and how many were employed (i.e., exchanging labour for wages) outside of their home during the past year. The definition of child used in the survey (9-11 years old) is narrower than the definition of child implicit in the *Employment Standards Code* (under 12) and was selected to better get at the employment rate of children most likely to be employed.

The main potential source of error in this study is that it largely relies on documentary analysis of government policies. Interviews with managers, employment standards policy staff and officers would have increased the opportunity to validate that practice mirrors policy and inquire about specific enforcement behaviour. Discrete inquiries with various staff members indicated they were reluctant or unwilling to be interviewed because they feared employer reprisal. The potential for respondent bias to undermine the validity of interview data meant this line of inquiry was not pursued.

## **ANALYSIS OF ENFORCEMENT**

The government responds to complaints about the employment of children and adolescents with a same-day investigation by an ESO. The government conducted a single prosecution regarding violations of child or adolescent employment laws between 2004 and 2007. This case involved an under-aged employee who was killed on the job (AEII, 2007h) and the status of the prosecution is unknown. The province does not conduct any special follow-up with employers subject to an order pertaining to a child or adolescent. The government was also unable to provide any evidence that it can identify or does target employers of children or adolescents for special enforcement activity (AEII, 2007h).

Limitations in the government's Employment Standards Information System mean the government can only generate summary statistics about the number and types of complaints made about child and adolescent employment and the number and types of workplace injuries sustained by them via a laborious hand sorting and counting of paper files. No such statistics were readily available from the government, suggesting it does not specifically monitor violations of child and adolescent employment laws.

The government provides in-person and online workshops and train-the-trainer events to educate Albertans about employment standards, with the majority of these programs being aimed at employers. Between 2004 and 2007, education staffing hovered around three full-time equivalent positions. These programs provide general information about the rules regulating the employment children or adolescents. The province also conducts periodic advertising campaigns aimed at young workers and particular industries, and educational materials are available upon request. Finally, the province makes available a wide variety of fact sheets on its website and through its Employment Standards call centre.

Between 2004 and 2007, the government approved 1080 permits affecting adolescents (see Table 1).

**Table 1:**  
Permits Issued by Age, 2004-2007

	Approved	Denied	Total	Approval Rate
2004	307	18	325	94.5%
2005	355	16	371	95.7%
2006	208	41	249	83.5%
2007	210	36	246	85.4%

Note: A small number of permit applications that were withdrawn or abandoned each year have been excluded from the total. There are some small internal discrepancies in the data provided by the government; this data was derived from a hand-count by the author of permits issued and denied. Source: AEII (2008).

The 2006 decrease in permits issued was caused by the introduction, mid-way through 2005, of safety checklists in the restaurant and food services industry. By combining two data sets, it is possible to identify the growth in both adolescent employment requiring a permit and in the restaurant and food service industry (see Table 2).

**Table 2:**  
Permits and Safety Checklists, 2004-2007

	Permits, Non-Restaurant Work	Permits and Safety Checklists, Restaurant Work
2004	116	277
2005	170	288
2006	209	960
2007	199	806

Note: There are some small internal discrepancies in the permit approval data provided by the government; this data was derived from summary information provided by the government in order to maintain comparability between the permit and checklist numbers in this table. For this reason, there is some variation between Tables 1 and 2. Source: AEII (2008), AEII (2007e).

It is unclear if the increased numbers of safety checklists means more adolescents are being employed in the restaurant and food services industry, more employers are reporting this employment, or some combination of these two explanations.

During this time period, the government assigned 1.5 full-time equivalent professional staff to review both permits and safety checklists. Permits applications are reviewed by professional staff who make a recommendation to the Director of Employment Standards. There is no written policy regarding the steps that must be taken in the investigation of permits. Informal discussions suggest investigation is typically a paper review followed by a phone call to the employer if necessary. The professional staff also review submitted checklists and omissions are brought to the attention of the employer. Once satisfied that the safety checklist is complete, the checklist is filed. Relying on provisions in the *Freedom of Information and Protection of Privacy Act* that limits the disclosure obligation of government to material that can be formulated from electronic records, the government chose not to provide any information about the methods by which it verifies safety checklists or, if any verification takes place, the degree of (non)compliance found by this verification (AEI, 2008).

The picture that emerges of compliance is that, for the most part, the government relies on hortatory, capacity building and soft incentive-based policy instruments to enforce the ESC. This may reflect the lack of harder enforcement mechanisms (e.g., fines, stop-work orders) and limited willingness of the government to prosecute violations. It has also offloaded some regulatory responsibility to employers and parents through the safety checklists system. While many commentators (e.g., AFL, 2006a, 2006b, 2007) focus on the intricacies of the permitting and checklist process, most adolescent employment occurs without any government oversight. The survey results presented below provide useful context in considering the scope of child and adolescent employment.

## **CHILD AND ADOLESCENT EMPLOYMENT LEVELS**

Neither the federal nor provincial governments collect statistics regarding the employment rates of children or adolescents, although statistics for those ages 15 and older are available (Usalcas and Bowlby, 2006). American data suggests that 30.6% of 12-year-olds, 36.9% of 13-year-olds and 35.4% of 14-year-olds are employed during the school year (Institute of Medicine, 1998).

A survey of 1211 Alberta homes found 31.2% of homes had minors under 15 years of age in residence. The sampling error at a 95% confidence level is +/- 2.8%. A total of 149 children (aged 9-11) and 170 adolescents (aged 12-14) were identified, with the employment rate outside of the home for children being 8.7% and for adolescents being 29.4% (see Table 3). The majority of the employment in

each group occurs at the upper end of each age bracket. There is also some evidence of employment among those under 9 years old.

**Table 3:**  
Employment Rate of Children and Adolescents in Alberta

	Sample	Employed	Employed Rate	2007 Population
<b>Children (9-11)</b>	149	13	8.7%	129,785
<b>Adolescents (12-14)</b>	170	50	29.4%	134,693

Source: Population Research Laboratory (2008); Statistics Canada (2008)

These results should be viewed cautiously as the sample is small. Further, the dataset does not allow us to disaggregate children's employment by type of work. Consequently, some forms of employment allowed under the *Employment Standards Code* (e.g., agricultural work) and other forms of employment excluded from consideration by Employment Standards without statutory basis (e.g., landscape maintenance, child care of non-siblings) is likely captured. Replication of this study (with occupational data) is underway at the time of publication. Assuming the percentages are valid, this survey suggests that approximately 11,291 children and 39,600 adolescents were employed in Alberta between June of 2007 and June of 2008. The number of children employed (many perhaps illegally) raises significant concerns about the effectiveness of Alberta's enforcement regime.

## DISCUSSION

The government relies significantly on hortatory instruments to enforce child and adolescent labour laws. Complaints are handled with expedition but government relies almost entirely soft incentive-based instruments (e.g., officer orders) to address them. Prosecution and publicity are rare and there are no other enforcement mechanisms available in the legislation other than for recovering unpaid earnings. The government appears to neither systematically track violations of child and adolescent labour laws nor target them.

There are also loopholes and ways around the rules. Children and adolescents performing primary agricultural work are statutorily excluded from rules regulating the employment of minors as well as occupational health and safety requirements. The school attendance patterns of home-schooled adolescents can be manipulated with the collusion of their parents such that the normal limit of 24 hours of weekly employment during the school year can be extended to up to 48 hours per week (6 days x 8 hours). Where this employment entails agricultural work in a (typically) religious/ethnic agricultural community, there is effectively no regulation. No data on the number of home-schooled children whose attendance pattern is manipulated is available,

although the number is thought to be small. This sort of loophole has been commonly found, even in countries that have ratified ILO standards on child employment (Swepston, 1982).

The use of Director permits allows employers to gain exceptions to the rules without having to seek a public change to the ESR. Permits are both faster and more private than regulatory changes. Permits also frame exceptions as technical decisions, rather than political ones, and offload responsibility to the Director of Employment Standards. It also puts the government in the position of “blessing” employment relationships that it may not have meaningfully investigated. Safety checklists, to some degree, extricate the government from this case-by-case approval, by creating procedural requirements for the employer and making parents ultimately responsible for approving the employment relationship. Whether parents can and do take on this responsibility bears further investigation.

The degree of meaningful oversight created by permitting process is open to question. The number of non-restaurant permits applications rose by 71% between 2004 and 2007 while restaurant-related permits/checklists rose by 191%. During this time period, no additional staff resources were devoted to processing these applications. This may indicate the rigor with which permits are assessed has declined. The rate at which permits were granted also appears to have declined, perhaps indicating oversight became more rigorous over time. Yet, when one controls for the presence of restaurant-work permits in 2004 and 2005, the decline in the acceptance rate essentially disappears. Also bearing on the rigor of oversight is the government assertion (Worksite News, 2005) that safety checklists were warranted because restaurant permits were automatically approved when applied for.

The regulation of child employment is particularly concerning. The preliminary data on child employment suggests over 11,000 children are employed outside of their homes. Other than those children to whom the ESC employment prohibition does not apply (e.g., children working in agriculture), these children may well have been employed contrary to the prohibitions outlined in the *Employment Standards Code*. A more nuanced assessment of illegality will be possible once a 2009 replication study has been completed. Enforcement of the ESC and ESR is triggered only when a complaint is filed, a defining characteristic of Alberta’s employment standard system. The effectiveness of complaint-based enforcement turns upon the affected parties knowing the rules, being able to relate these rules to a specific employment situation, and choosing to enforce these rules by filing a complaint. The affected parties (absent an officious bystander) are the employer, the child or adolescent, and the parents.

The employer is the most likely to know the rules and whether they are being broken but is unlikely to file or prompt the filing of a complaint; rather,

they would either remedy the situation themselves or let it continue. Parents may (or may not) be knowledgeable enough about the relevant laws and the conditions in their child's or adolescent's workplace to determine if a contravention is occurring. Assuming they know a contravention is occurring, they must then decide to file a complaint, a decision that may be mitigated by their ideological beliefs and/or economic motives.

The party best informed about the treatment of workers in a workplace is the worker. This is the basis that complaint-driven systems for adults are justified. While an adult worker may be reluctant to complain about their employer, that is their choice as a (notionally) free party to the employment contract. But does this reasoning apply to children and adolescents? While adults and children hold broadly similar labour market positions, there are significant differences in their social location (Bernstein et al., 2006). Children and adolescents are less likely know their rights and less able to determine if their treatment is lawful. To file a complaint, children or adolescents must face the greater power the employer wields due to the master-and-servant dynamic as well as the power differential associated with adult-child relationships.

This raises troubling questions about the appropriateness of complaint-based enforcement of child and adolescent labour laws. The limited number of complaints such a system is likely to generate makes employers who violate child and adolescent labour law administratively invisible and thus unlikely to be the subject of targeted inspections of "bad actors." Overall, Alberta's mix of policy instruments seems unlikely to discourage violations of these rules: the only penalty an employer faces is having to pay employee any money they may have been shorted and ceasing illegal employment. That is to say, violation is effectively risk-free for the employer.

## CONCLUSION

This study raises some question about the degree to which Alberta's laws regulating child and adolescent employment are enforced. While the province promptly investigates complaints about the employment of children and adolescents, it otherwise does little to meaningfully enforce laws or deter violations. This seems unlikely to result in the fair, safe and healthy workplaces that the government has established as a goal for this program.

It is unclear why Alberta's enforcement is not proactive and thorough. Alberta has the financial resources to enforce its laws and the standards themselves reflect the moral onus on the government to prevent children from being mistreated, exploited or placed in positions of significant risk. It may be that enforcement practices reflect an adaptive response by the civil service. Few enforcement mechanisms and unwillingness by politicians to prosecute provides ESOs with little prospect for recourse when violations are discovered. Further,

the large number of employers and the relative invisibility of non-compliance make discovering violations difficult. The potential presence of a family relationship between the employer and the child/adolescent may make enforcement politically risky for the civil service.

The limited enforcement options and unwillingness to prosecute may also reflect the ideological position of government. Alberta is often characterized as being guided by neoliberal and/or neoconservative prescriptions regarding the (un)involvement of the state in regulating the market and the family (Harrison, 1995, 2005; Harrison and Laxer, 1995; Taft, 1997, Taft and Steward, 2000; Mansell, 1997; Dyck, 1997; Lisac, 1995). This explanation is also consistent with Teeple's discussion about the political economy of minor's rights. This provides a plausible explanation for the government establishing rules that create the appearance it is protecting children and adolescents, but limiting meaningful enforcement to instances when a significant event (such as the death of a child) threatens this appearance.

This study suggests several lines of further inquiry. Foremost is confirmation of the employment rates of child and adolescents with a more nuanced dataset capable of detailing the type(s) of employment undertaken. In conjunction with this study, parent-child interviews are being undertaken to determine whether minors' employers follow the statutory requirements for employment, whether minors can identify illegal treatment, and how they remedy violations. This research ought to provide insight into whether a complaint-based system results in violations of employment standards that (1) are unreported and (2) are not remedied. As part of this inquiry, it will be determined whether parents can and do monitor the employment of their children and act to prevent and remedy violations.

A second line of inquiry would be a national comparison of legislative requirements, enforcement procedures, and the rates and fields of employment for children and adolescents. This would provide insight into which mix of policy instruments best achieves the enforcement of child and adolescent labour laws. It is, of course, difficult to assess whether workplaces are fair, healthy and safe solely by considering the enforcement of standards. The standards themselves also warrant scrutiny. Among the more egregious regulatory gaps identified by this study is the exclusion of children and adolescents engaged in agricultural work from the protections offered by employment standards and occupational health and safety. Consequently, a third line of inquiry would be to ascertain and evaluate the rationale and narratives that are used to justify the exclusion of farm work by children and adolescents from statutory coverage.

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