Examining The Legal Landscape for Street Involved Children and Youth:

Canada 2015

By Pro Bono Volunteers From

Baker & McKenzie

and

Accenture

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International Street Youth Project
Contributors List

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Louise Arsenault
Timothy Bergen
Tegan Carmichael
Thomas DeProphetis
Sharon D. Griffin
Xiaoding Hu
Adrian Ishak
Katerina Kouretas
Cheryl Latesta
Cynthia Lekas
Rio Madan
Ria N. Madan
Andrea G. Manoli
Kelsey G. O’Brien
Joseph Perras
Cynthia Smith
Margaret Smith
Sean Vargas-Barlow
Donna Walwyn
Michiko Yamamoto

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Cherrine Chow
I. Introduction

Canada has a number of laws to protect basic human rights of all individuals, including youth. It has further introduced legislation specific to child welfare, as well as legislation that considers the inherent vulnerability of youth. While street youth continue to face many barriers to rehabilitation and re-integration in communities, the laws provide some ability to assist with such rehabilitation, and often have a focus on preventative measures. This memorandum provides an overview of the laws governing various issues related to street youth in Canada.

A. Canada’s Legal System

Canada has a federal system of government under which power is shared between the federal government and 13 provincial/territorial governments. Under Canada’s Constitution Act, provinces and territories are granted the authority to operate child welfare systems to intervene, when necessary, and to enact legislation governing child welfare systems in order to protect the safety and well-being of children. As such, the provinces and territories are generally responsible for most of the legislation affecting homeless youth, including health and social services, public schooling, and child welfare laws.

B. A Snapshot of The Homeless Youth Population in Canada

It is estimated that, in Canada, there are at least 35,000 young people who are using shelters during the year, and approximately 6,000 young people between the ages of 16-25 nightly. These numbers do not include homeless youth who do not enter the shelter system.¹

Covenant House (Toronto), Canada’s largest youth shelter, estimates that there are at least 10,000 homeless youth in the city of Toronto in any given year, and as many as 2,000 on any given night. Through their experience, Covenant House provides greater insight into homeless youth in Canada:

- It is estimated that the mortality rate of homeless youth is up to 40 times the mortality rate of housed youth with primary causes of death identified as suicide and drug overdose.
- Abuse and neglect are the two major reasons why youth leave home. Studies show that 70% of homeless youth have suffered some form of physical, sexual, or emotional abuse.
- 50% of homeless youth come from middle- and upper-income families.
- 65% of homeless youth have failed to complete high school.
- 77% of homeless youth are unemployed.
- About 43% of homeless youth have been involved in the child welfare system.
- Some 30% of homeless youth have been involved in some form of the sex trade.
- In Toronto, about 50% of street youth surveyed said they had stolen food and eaten food that had been thrown out. 23% of the young women and 11% of the men said they’d resort to trading sex for food.
- In Toronto, one in five homeless youth identify as LGBTQ.

Some additional statistics regarding homeless youth:

- 64% of homeless youth (i.e. youth are under 25) are male. 91% of these men and 72% of females are between the ages of 19 and 25. Studies have shown that these youth generally leave home around the age of 15.

Most are poorly educated: for men, 56% have grade 11 or less, 31% have grade 12, and 12% have university or college or technical school. For women, 60% have grade 11 or less, 33% have grade 12, and 6% have university, college, or technical school.

Of those who attended school and were assessed by counsellors, 25.6% were diagnosed with anger management problems, 19.1% with ADHD, 15.2% with hyperactivity, and 4.5% with dyslexia.

II. Basic Human Rights

A. Canadian Charter of Rights and Freedoms

The Canadian Charter of Rights and Freedoms (the “Charter”) is a bill of rights included in Canada’s Constitution. The Charter guarantees political rights to Canadian citizens and civil rights to everyone resident in Canada, including youth.

The Charter guarantees freedom of conscience, freedom of religion, freedom of thought, freedom of belief, freedom of expression, freedom of the press, freedom of peaceful assembly, and freedom of association. Equality rights, that is, the right to equal treatment before and under the law, as well as equal protection and benefit of the law without discrimination, are also guaranteed by the Charter.

The democratic rights enshrined in the Charter, including the right to vote, are extended only to Canadian citizens. Mobility rights, that is, the right to enter and leave Canada and to reside in any of the provinces or territories within Canada, are also limited.

Legal rights under the Charter include, among other things, guarantees of the right to life, liberty and security of the person, freedom from unreasonable search and seizure, freedom from arbitrary detention or imprisonment, the right not to be subject to cruel and unusual punishment, and the right to be presumed innocent until proven guilty.

While Charter rights do not have specific application to homeless youth, they do provide a legal framework within which the rights of homeless youth are determined. Unfortunately, despite court challenges by housing advocates, Canadian courts have declined to find that the Charter guarantees a positive right to housing.

B. Human Rights Legislation

In addition to the Charter, Canada has federal human rights legislation, as well as human rights legislation specific to each province and territory.

While each jurisdiction enumerates slightly different grounds for discrimination, age, gender, and sexual orientation are all protected grounds under federal and the various provincial human rights legislation in Canada. However, there are some variances such that the protections are not always equally available to youth as they are to adults.

1. Age as a Protected Ground

Age is a protected ground under all human rights legislation in Canada; however, the definition of age is most typically 18 years or older, with some specific exceptions.

Under the Alberta Human Rights Act, age is defined as 18 years or older and is a protected ground in:

- employment practices;
- employment applications or advertisements;

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2 Covenant House Facts & Stats

3 See, for example, Tanudjaja v. Canada (Attorney General)
• statements, publications, notices, signs, and other representations that are published, issued or displayed to the public; and
• membership in trade unions or occupational associations.

However, age is not a protected ground in following two areas which are critical to youth and which could lead to homelessness:
• goods, services, accommodation or facilities that are customarily available to the public; and
• tenancy.

In British Columbia, protection against age discrimination under the Human Rights Code is limited to those 19 years of age and older. This means that youth under the age of 19 cannot successfully file a human rights complaint solely on the basis of age. Thus, unless there is another protected ground on which they could make a complaint (e.g. colour, race, sex, or sexual orientation), youth under the age of 19 are not protected from discrimination in the areas of employment, services customarily available to the public, or tenancy.

Under the Ontario Human Rights Code, age is defined as 18 years or older, but there is an exception made for 16 and 17 year olds who are protected from discrimination in housing if they have withdrawn from parental control. Protection against discrimination on the basis of age is not extended to individuals under the age of 18 in the areas of services, contracts, or employment.

2. Youth Under the Age of 18 are Protected from Discrimination Based on All Other Protected Grounds, Including Gender, Sex and Sexual Orientation

All human rights legislation in Canada protects youth from the other protected grounds of discrimination except age. Canada’s various human rights legislation therefore protect youth from discrimination on the basis of race, colour, gender, sex, or sexual orientation in the key areas of employment and accommodation. Street youth have equal protection against discrimination on these other protected grounds, subject to specific restrictions under other laws, including employment standards and occupational health and safety laws.

C. Access to Universal Healthcare

Healthcare in Canada is publicly funded and delivered through provincial ministries of health. Access to public universal health care is administered through the issuance and use of health cards. Each person born in Canada will be issued a health card from their province of birth. Individuals who move into a province, whether from inside or outside of Canada, must satisfy residency and other eligibility requirements in order to access health care in that province.

Although Canadian resident youth are entitled to free universal health care, there are a number of individual and systems-level barriers that exist when street youth try to access the public health system. These practical barriers have been described as follows:

Individually, [Street Involved Youth] SIY often lack the money, transportation and knowledge to access appropriate health care. They also have issues with trusting adults or authority figures and worries about confidentiality that prevent them from seeking health care services. Often, youth with child welfare status who have run away from their last placement and individuals with legal problems avoid health care facilities for fear of ‘getting caught’. Concern about confidentiality is compounded by fear of being reported to authorities.

More formal health care barriers include: the need to present a health card or supply a permanent address; the perceived need for an adult’s consent or involvement; lack of knowledge regarding mature minor protocols; and services that are poorly coordinated or difficult to access. SIY presenting in traditional health care settings may not always reveal that they are homeless, leaving health care practitioners under-aware of risk factors. For example, a
prescription to treat streptococcal pharyngitis may never be purchased by a youth who has no money. However, this problem could be avoided by administering one dose of intramuscular benzathine penicillin, which is equivalent to 10 days of oral penicillin and may be provided at no cost in certain health care settings. This treatment choice illustrates how essential it is for health care practitioners to determine the housing and economic status of each youth they see as part of history-taking. Earlier identification of youth at risk can reduce barriers to care and create opportunities for targeted support through suitable treatment options and connecting individuals with appropriate community resources.4

III. Child Welfare

There is no centralized child welfare system in Canada. Instead, provincial and territorial child welfare agencies operate under the authority of the 13 provincial and territorial governments. However, certain federal legislation do have specific provisions dealing with youth which may affect child welfare and protection, such as the Indian Act, the Youth Criminal Justice Act, and the Criminal Code.

The various child welfare laws in Canada generally provide for a full range of child protection services, other than adoption, which is sometimes dealt with in specific adoption legislation.

A. Federal Legislation

Canada’s Aboriginal peoples have special legal status and rights which are preserved federally under the Constitution Act and the Indian Act, among other legislation. Under the Indian Act, First Nations communities can assert sole jurisdiction over child and family services on reserve lands.

Child welfare legislation in most jurisdictions include special considerations for Aboriginal children. A common consideration is for Aboriginal bands to be notified of court hearings involving Aboriginal children which results in specialized, culturally sensitive and appropriate placements with the input of the Aboriginal band.

B. Provincial Legislation

Each jurisdiction’s child welfare laws are intended to protect the security of children and, ultimately, to remove children from situations of abuse or neglect by a parent or guardian. Each child welfare law defines the term “child” by reference to age and empowers a designated agency to do the following:

- receive and investigate reports of abuse or neglect of children;
- provide services to families who are in crisis and require assistance with the care of children;
- arrange to remove children from unsafe homes and live with relatives, foster families, or licensed residential facilities;
- facilitate permanent adoptions where permitted under the legislation; and
- to a lesser degree, provide for and support independent living for youth leaving foster care.

The definition of child and, by extension, the age of protection under child welfare law is:

- **under 16 years of age** in New Brunswick, Newfoundland and Labrador, Nova Scotia, Nunavut, Ontario, Saskatchewan, and the Northwest Territories;
- **under 18 years of age** in Alberta, Manitoba, Prince Edward Island, and Quebec; and
- **under 19 years of age** in British Columbia and the Yukon.

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4 Elliott, April S; Canadian Paediatric Society Meeting the health care needs of street-involved youth
Although the age of protection varies, there are a number of similarities between all child welfare legislation:

- When a child is found to be in need of protection, the best interests of the child must be considered when decisions are being made;
- There is an underlying acknowledgement that the parent’s primary responsibility for raising the child should be respected and, where possible, preserved. In the same vein, there is also an underlying acknowledgement that continuity of care and stability are important;
- Every jurisdiction’s child welfare legislation mandates that the views of children should be taken into consideration when decisions are being made about their futures; and
- There is a recognition that cultural heritage should be respected, particularly for Aboriginal children.

Generally, and with some variation in each piece of legislation, a child is considered to be in need of services when his/her survival, security, and development are not being adequately protected by his/her parents or guardian. The powers of the agencies described above and the particulars of child welfare legislation across Canada attempt to prevent youth from ending up on the streets, and when they do, provide protection and care to ensure their rights are adhered to and their needs are met. The added recognition of cultural heritage considers the type of environment that can help bring comfort to a child and ideally can reduce the barriers to re-integration of street youth into the community.

Where a Court determines that a child is in need of intervention and is at risk, the Court has the discretion to grant a temporary guardianship order under which the child is temporarily placed in another home, where the Court believes the child will be returned to the parent or guardian in a reasonable period of time or because, based on their age, the child may soon be able to live independently. A temporary guardianship order remains in effect until the earliest of the following:

- the order expires or is terminated by the Court;
- a private guardianship order is made in respect of the child;
- the child ages out under the applicable legislation; or
- the child gets married.

If the Court determines that the security, survival, and development of a child will not be adequately protected, the Court has the discretion to grant a permanent guardianship order if the Court determines that the possibility of the child being returned to their guardian within a reasonable period of time is unlikely. Under a permanent guardianship order, the government effectively becomes the sole guardian of the child. The permanent guardianship order remains in effect until the earliest of the following:

- the order is terminated by the Court;
- a private guardianship order is made in respect of the child;
- an adoption order is made;
- the child ages out of the applicable legislation; or
- the child gets married.

For many youth, homelessness and use of homeless shelters begins with the end of child protective services when an individual “ages out” of care.

In addition to general child welfare legislation, some jurisdictions have additional legislation that deals with child welfare and, different methods of delivering child welfare services, which are intended to help protect youth and prevent or end their life on the streets. We highlight some of the jurisdictional differences in child welfare laws below.
1. Alberta
   a) Child, Youth and Family Enhancement Act ("CYFEA")
      Under the CYFEA, child protective services are provided by regional Child and Family Service Authorities. There are also Delegated First Nations Authorities which provide culturally specific services for Aboriginal youth.
   b) Drug-endangered Children Act (the “DCA”)
      Under this legislation, the police have the power to hold children found living in homes where drugs are sold or produced, such as methamphetamine labs and indoor marijuana grow operations. Under the DCA, a child is defined as any person under the age of 18 years.
      Where a child has been apprehended under the DCA, the child is placed in the custody of the government and the CYFEA applies unless the child has been returned to their parent or guardian within 2 days of being apprehended under the DCA.
   c) Protection of Sexually Exploited Children Act
      This legislation is intended to address child and youth sexual exploitation which includes the luring of a young person via the internet for sexual purposes, prostitution of someone under the age of 18, and distributing, selling or making child pornography. Prostitution for the purposes of this Act is considered to occur when a child under the age of 18 is involved in a sexual act in exchange for money, food, shelter, or any other consideration.
      Under the Act, sexually exploited children and youth involved in prostitution can access community services including medical assistance, drug and alcohol counseling, psychological services, education, placement in a protective safe houses, and life skills support.
      Where a child is found to be engaging in prostitution, but does not want to voluntarily end their involvement, the Act gives police the power to apprehend the child and take him or her to a safe and secure facility, where the child can be confined for up to 5 days.

2. British Columbia
   a) Child, Family and Community Service Regulation ("CFCSR")
      In addition to child protection, the CFCSR provides for specialized youth transitional support services for children under the age of 19. The CFCSR also provides for adoption arrangements and child and youth mental health services. For the purposes of accessing the youth transitional support services, a youth is defined as a person who is under the age of 16 and is married or is a parent or expectant parent. The CFCSR specifically provides that the cultural identity of Aboriginal children should be preserved.
      In British Columbia, the Ministry of Children and Family Development has been designated to provide child welfare services. Child protection services are provided in over 400 ministry offices in five regions. There are also 30 additional agencies that provide services to Aboriginal children.
   b) Adoption Act
      Under the Adoption Act, new and permanent family ties are provided for children who have been taken into protective care if it is in the best interests of the child. Where the child is an Aboriginal child, the importance of preserving the child’s cultural identity must be considered in determining the child’s best interests.
3. **Ontario**
   
   a) **Child and Family Services Act**
   
   In Ontario, over 45 Children’s Aid Societies have been mandated to investigate child abuse and neglect; seven of these are designated to serve Aboriginal children and three serve religious communities.

   Recent amendments to the child welfare legislation are aimed at removing barriers preventing children in care from being adopted and allowing older youth whose care was terminated to return for support until the age of 21.

   b) **Children’s Law Reform Act**

   This Act is used to resolve custody and dispute issues between common law couples who are separated, married couples who have not obtained a divorce, and parents of children who are not in a relationship. The Act prescribes a comprehensive list of factors to be considered when custody and access decisions are being made.

4. **Saskatchewan**

   a) **Emergency Protection for Victims of Child Sexual Abuse and Exploitation Regulations**

   In addition to a child welfare and protection act that is similar to other provinces, Saskatchewan has specific legislation which deals with child sexual abuse. For purposes of this Regulation, a child means someone who is actually or apparently under 18 years of age. A child is subjected to sexual abuse if the child has been, or is likely to be, exposed to harmful interaction for a sexual purpose, including involvement in prostitution and involvement in conduct that may amount to an offence under the Criminal Code.

   If a child is being subjected to sexual abuse, then an emergency protective order can be issued, under which the child is immediately taken into protective care.

C. **Human Trafficking**

Section 279.011 of the *Criminal Code* specifically addresses human trafficking of persons under the age of 18 and makes it an offence which carries a penalty of 14 years’ imprisonment and a mandatory minimum penalty of 5 years’ imprisonment. Where the trafficking involves kidnapping, aggravated assault, aggravated sexual assault, or death, the maximum penalty is life imprisonment and minimum penalty is six years’ imprisonment.

For the purposes of identifying a trafficking offence, section 279.04 of the *Criminal Code* does not require movement of the victim. The Criminal Code is expansive and provides that an individual can be found guilty of trafficking if s/he causes someone to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that his/her safety or the safety of a person known to them would be threatened if s/he failed to provide, or offer to provide, the labour or service.

IV. **Youth Crime & Criminalization of Homelessness**

A. **Youth Criminal Justice Act (“YCJA”)**

The *Youth Criminal Justice Act* is federal legislation which applies across Canada. The YCJA has been in effect since April 1, 2003 and governs the prosecution of youth and children for criminal offences. The YCJA recognizes that youth must be considered separately from adults in the criminal justice system by virtue of their age and maturity. This is important for street youth with criminal charges as a criminal record will further inhibit their ability to rehabilitate and re-integrate. The YCJA specifically recognizes that youth have protected rights

1. Youth Defined as ages 12 to 17

The YCJA defines youth as 12 years or older but under the age of 18 at the time of committing an offence. Youth who are between the ages of 14 to 17 can be given adult custodial sentences for serious crimes such as murder, attempted murder, manslaughter and aggravated assault. The YCJA Begins with a Declaration of Principle

The YCJA specifically provides that “the criminal justice system for young persons must be separate from that of adults, must be based on the principle of diminished moral blameworthiness or culpability,” and must emphasize the following:

- rehabilitation and re-integration;
- fair and proportionate accountability that is consistent with the greater dependency of young persons and their reduced level of maturity;
- enhanced procedural protection to ensure that young persons are treated fairly and that their rights, including their right to privacy, are protected;
- timely intervention that reinforces the link between the offending behaviour and its consequences; and
- the promptness and speed with which persons responsible for enforcing this Act must act, given young persons’ perception of time.

2. Emphasis on Differing Needs of Groups Within the Youth Population

The YCJA specifically provides for extrajudicial measures and extrajudicial consequences as alternatives to custodial sentences. In addition to setting guiding sentencing principles, the YCJA also requires that the consequences and sentences handed down to youth should:

- be meaningful for the individual young person given his or her needs and level of development and, where appropriate, involve the parents, the extended family, the community and social or other agencies in the young person’s rehabilitation and reintegration;
- respect gender, ethnic, cultural and linguistic differences and respond to the needs of aboriginal young persons and of young persons with special requirements.

B. Legislation that Has the Effect of Criminalizing Youth Homelessness

Unfortunately, there is legislation that has the impact of contributing to the criminalization of youth homelessness in particular.

Although it does not mention homelessness specifically, the legislation clearly targets homeless persons and youth in particular, in Ontario, for example, the Safe Streets Act, which came into effect in January 2000, was specifically aimed at reducing the visibility of homelessness in major cities within the province. The Safe Streets Act banned aggressive panhandling as well as “squeegee kids” who cleaned the windshields of cars stopped in traffic and then solicited money for the service. Enforcement of the Safe Streets Act has the effect of getting panhandlers and street youth off the streets and out of sight through the issuance of tickets and fines.

The Province of British Columbia also has a Safe Streets Act which is substantially the same in content and application.
C. The Criminal Code

Although not specific to youth, the provisions of the Criminal Code are sometimes used to reduce the visibility of homelessness through the aggressive enforcement of minor offences and increased stop, search, seizure and arrest. This can also have the effect of criminalizing youth homelessness.

V. Cross Borders and Conflict

Canada’s Immigration and Refugee Protection Act targets cross-border trafficking by making it an offense to knowingly organize entry into Canada of one or more persons by means of abduction, fraud, deception, or use of threat or force or coercion. This offence is punishable by a maximum penalty of life imprisonment and a fine of up to $1,000,000.00.

In addition, Canada is signatory to a number of treaties that require the Canadian government to take steps to address human trafficking, including:

- The UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children;
- The ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst forms of Child Labor; and
- The Rome Statute of the International Criminal Court

VI. Education and Employment

Primary and secondary school attendance in Canada is compulsory in all provinces and territories. Attendance is compulsory to the age of 16 in most jurisdictions and to the age of 18 in the provinces of New Brunswick, Manitoba, and Ontario.

In some jurisdictions, such as the Northwest Territories, Nunavut, and Quebec, there is an additional graduation requirement which effectively permits a student to leave school earlier than the compulsory age set out in the legislation if he or she has graduated and obtained a high school diploma.

Despite the fact that school attendance is compulsory, many street youth have their education interrupted because they are unable to enroll without proper identification or, due to the daily challenges of survival on the street.

A. Laws Affecting Youth Employment

All Canadian jurisdictions set a minimum age to work in the particular province or territory. Most jurisdictions impose hours of work restrictions on children age 16 and under, most of which are tied to ensuring attendance at school. There are also restrictions on the type of work children may perform. Restrictions are set under employment standards legislation, occupational health and safety legislation, or a combination of both.

The school and education legislation of most provinces generally restrict work during school hours, while alcohol and gaming laws impose age restrictions on sale, handling or serving of alcohol, both of which restrict the work children may perform.

1. Employment Standards and Occupational Health & Safety Laws

Employment laws in most jurisdictions impose restrictions on the age and hours of child and youth workers, but there is great variance between the rules.
a) **Alberta**

Children **under the age of 12** are prohibited from being employed at any time in any occupation.

Children who are **12 to 14 years of age** require a permit from the government agency responsible for enforcing employment standards in order to be employed. These children cannot be employed:

- during normal school hours;
- for more than 8 hours on a non-school day; and
- between 9:00pm and 6:00am.

Children who are **15 to 17 years of age** are only permitted to work in restaurants, bars, retail stores, gas stations, hotels, and motels if they are in the presence of someone 18 or older.

b) **British Columbia**

Children who are **12 to 14 years of age** cannot be employed without the written permission of a parent or guardian. If the child does not have written consent, the employer must be able to prove that the employee is 15 years of age or older. Street youth who are under the age of 15 therefore face an additional struggle in finding employment due to the difficulty of obtaining written parental permission. Children cannot be employed for more than 4 hours on a school day, 7 hours on a non-school day, 20 hours in a week that has five school dates, and 35 hours in any other week.

While children **under the age of 12** are permitted to work, the employer must have written permission from the Director of Employment Standards, which is the governmental entity charged with enforcing the act.

c) **Manitoba**

All employees **under the age of 16** must have a permit from Employment Standards and cannot work in certain circumstances and industries. Children **under the age of 16** cannot work alone or at all between 11:00pm and 6:00am, and children **under the age of 18** cannot work alone between 11:00pm and 6:00 am.

d) **Newfoundland and Labrador**

Employing children **under the age of 14** is generally prohibited unless the work is prescribed by legislation.

Employers are also prohibited from employing a child **under the age of 16** in employment that is likely to be unwholesome or harmful to the child’s health or normal development, or if it is going to hamper the child’s attendance at school.

Children **under the age of 16** cannot be employed:

- for more than 8 hours a day, for more than 3 hours on a school day, or on a day for a period that, when added to the time required for attendance at school that day, totals more than 8 hours;
- between 10:00pm of one day and 7:00am of the following day;
- in circumstances that would prevent the child from obtaining a rest period of at least 12 consecutive hours a day; and
- in prescribed hazardous occupations.
Before employing a person under the age of 16, an employer must obtain the written consent of the parent or guardian. This requirement is a further barrier for street youth as they often are not in contact with a parent or have left their guardian.

e) New Brunswick

An employer must get authorization of the Director of the Employment Standards Branch to employ a child **under the age of 16**.

Employers are also prohibited from employing a person **under the age of 16** in employment that is or is likely to be unwholesome or harmful to the child’s health, welfare, or moral or physical development.

Additionally, persons **under the age of 16** cannot be employed for more than six hours in any day, more than 3 hours in a school day, or on any day for a period which, when added to the time required for attendance at school that day, would require the person to spend more than a total of 8 hours attending school and working. Finally, persons **under the age of 16** may not work between the hours of 10:00pm of any day and 6:00am of the following day.

Children **under the age of 14** cannot be employed in any industrial undertaking, in the forestry industry, the construction industry, in a garage or automotive service station, in a hotel or restaurant, in a theatre, in a dance hall, in a shooting gallery, or as an elevator operator.

f) Northwest Territories

Youths less than **17 years of age** require authorization from the Employment Standards Officer to work in the construction industry and are not permitted to work between the hours of 11:00pm and 6:00am or when they are required to be at school.

g) Nova Scotia

Children **under the age of 14** cannot be paid wages to do work that is likely to be unwholesome or harmful to the child’s health or moral development, or that is likely to keep the child out of school or make it hard for the child to learn at school.

Children **under the age of 14** also cannot work for more than 8 hours a day or more than 3 hours on a school day, on any day for a period which, when that time plus the time the child is in school adds up to more than 8 hours, or between the hours of 10:00pm of any day and 6:00am of the next day.

Children **under the age of 16** cannot be employed in mining, manufacturing, construction, forestry, or work in garages and automobile service stations, hotels, billiard rooms, pool room, bowling alleys, or theatres.

14 and 15 year olds working in restaurants are prohibited from operating cooking equipment, must be provided with safety training, and must be adequately supervised.

h) Ontario

Persons **under the age of 18** are prohibited from working in underground mines and window cleaning.

Persons **under the age of 16** are prohibited from working in mining, construction and logging operations.; must be at least **15 years of age** for factory operations and repair shops, and at least **14 years of age** for all other industrial establishments.

i) Prince Edward Island

Persons **under the age of 16** are prohibited from working in employment that is likely to be harmful to their health, safety, or moral or physical development. They also cannot be employed
in construction, cannot work between 11:00pm and 7:00am or during normal school hours, or for more than 3 hours on a school day and 8 hours on any other day, or 40 hours in any week.

j) Quebec

Persons under the age of 16 are generally prohibited from working during school hours unless the person is exempt from compulsory school attendance. Persons under the age of 14 are prohibited from working without written authorization from a parent or tutor. This requirement is a further barrier for street youth as they often are not in contact with a parent or tutor.

Persons under the age of 18 cannot be employed in work that compromises their education or adversely affects his/her health or physical or moral development.

No one under the age of 18 can work between 11:00pm and 6:00am the next day unless it is no longer compulsory to attend school or he/she is delivering papers or creating or performing in the theatre, lyric theatre, music, dance and varieties, films, records, and other methods of sound recording, dubbing and recording of commercials.

k) Saskatchewan

Generally, youth are prohibited from working before 16 years of age.

14 and 15 year olds must have the written permission of parent or guardian (which results in the same barrier for street youth as mentioned above), and a certificate from the Young Worker Readiness Certificate Course, which street youth are unlikely to be aware of and have completed. They cannot work after 10:00 pm on a day before a school day, before the start of school the following day, and for more than 16 hours during a week that school is in session.

In addition, youth must be at least 16 years of age to work in construction, pulp mills, sawmills or woodworking, a confined space, meat, fish or poultry processing, forestry or logging, oil drilling or servicing rigs, as an operator of powered mobile equipment, crane, or hoist, where exposure to a chemical or biological substance is likely to endanger health or safety, power line construction, or maintenance.

Youth must be at least 18 years of age to work in mining, as a radiation worker, in an asbestos process, in a silica process, or in any job requiring an atmosphere-supplying respirator.

l) Yukon

There are no general age restrictions on work, although youth must be at least 16 years of age to work at a surface mine, and at least 18 years of age to work at an underground mine.

The only hour restriction is in the Education Act, which prohibits working during school hours for youth under the age of 16.

VII. Minority Populations

While there are no specific laws that mandate the creation of shelter spaces set aside specifically for LGBTQ or other race or cultural sub-groups of homeless youth, there is greater recognition of the need for such spaces across Canada. In 2015, the Toronto City Budget included a provision for specialized shelter spaces for LGBTQ youth who face increased vulnerability to violence in non-specialized shelters.