

SECTION: Interpretation

Effective date: February 21, 2003

SUBJECT: AGE OF MAJORITY – s.14(10)

Purpose:

This policy is intended to assist in the understanding and application of *The Human Rights Code* (“*The Code*”). Where there is any conflict between this policy and *The Code*, *The Code* prevails.

Context:

The Commission will consider complaints of discrimination in employment with respect to persons under the age of majority, provided that Section 14(10) of *The Code* (“Exception for age of majority”) does not apply.

Where the complaint alleges denial of employment, or of the opportunity of employment, to an individual under 16 years of age, that individual must demonstrate that s/he obtained a permit in accordance with Section 83 of *The Employment Standards Code*, or advised the employer of her/his intention to obtain such a permit. If a person is denied employment or an opportunity for employment where compliance with Section 83 is not required for the employment, age alone would not constitute a bona fide and reasonable requirement or qualification for the employment.

In considering complaints of discrimination in employment with respect to persons under the age of majority, the Commission will interpret the application of *The Code* in light of the *Convention on the Rights of the Child*, and in particular, Article 32 of the *Convention*:

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

APPROVED BY:

“Janet Baldwin”
Chairperson

February 26, 2003
Date