

Young Employees in Restaurants

Young people working in Manitoba have all of the rights and responsibilities of adult employees. Minimum standards such as general holidays, vacations, minimum wage and termination apply to all workers regardless of age. Many young workers find employment in the restaurant industry. To protect their safety, health and well being Employment Standards has developed a process to allow young workers to begin employment quickly in a safe environment.

This process was developed in consultation with the Manitoba Restaurant and Foodservices Association and the Canadian Restaurant and Foodservices Association.

How old must a person be to work in a restaurant?

People under 16 years old must have a permit from the Employment Standards Branch before they can start to work. Generally, children must be at least 12 years old to work. In a restaurant young people who are 14 or 15 years old can use the restaurant employment permit process, and when submitted to Employment Standards begin to work. Children under 14 years old must wait for a permit to be approved by Employment Standards before they can start to work.

Are there restrictions on where children and young people can work?

Yes, employees under 16 years old cannot work:

- on a construction site
- in industrial or manufacturing processes
- drilling or servicing rigs
- on scaffolds or swing stages
- pruning, repairing, maintaining, or removing trees

Employees under 18 years old cannot work in the following industries:

- forestry
- saw or pulp mills
- confined spaces
- underground in mines or on the face of open pit quarries
- asbestos abatement and removal

Additional restrictions may be put on permits to ensure that the work will not harm the safety or wellbeing of the child.

How much are children allowed to work?

During the school year, employees under 16 years old can work up to 20 hours per week. Additional restrictions may be put on permits to ensure that the work will not harm the safety or wellbeing of the child.

Why do young people need an employment permit?

No one wants a child to be hurt at work. The permit system gives Employment Standards the ability to investigate the work to make sure it is safe and will not harm the health or wellbeing of the child.

How do I apply for an employment permit for a restaurant?

An application form can be found on the web site at www.manitoba.ca/labour/standards/forms.html or by contacting the Employment Standards Branch. The application requires information from the applicant, a parent/guardian, the school principal and the employer. The completed forms can be taken, mailed, or faxed to the nearest Employment Standards Branch office.

When do I apply for an employment permit?

Employees under 16 years old must have approval from the Employment Standards Branch before they begin work. Once the application is filled out and the terms and conditions of the job are decided upon, an approved permit will be issued specifically for each employee and each job.

What kind of information is required to apply for an employment permit?

The following information is required:

- name, age, address and contact information of the applicant
- contact information of the parent/guardian and of the employer
- type of business
- list of duties to be performed
- rate of pay and hours of work
- signatures of the applicant, his/her parent/guardian and the employer

Why is there a Terms and Conditions document for working in a restaurant?

The Terms and Conditions form is an agreement that the employer acknowledges their responsibilities when hiring young workers. Many workers get their start working in a restaurant, using the Terms and Conditions form allows them to start work faster while providing conditions that their employer must follow to protect their safety and well being.

When can a young worker start working?

A young worker can start working in a restaurant once the employment permit application and the Restaurants: Terms and Conditions of Youth Employment form have been fully completed and faxed or mailed to the Employment Standards Branch. Employment Standards will still review the forms and contact the parties if necessary if there are any concerns with the application.

What happens when Employment Standards receives an application for a Child Employment Permit?

Employment Standards reviews the application. An officer will investigate to make sure there are no safety hazards or concerns about the job, and that the hours are suitable for the child's age.

What if the child's job changes?

Each permit names the workplace, child and job duties that are approved for that child. It also lists any special conditions that must be followed. Employment Standards must be notified if there are any changes because the permit may no longer be valid.

If the child wants to work for a different employer, a new application for a Child Employment Permit must be made, even if the job duties and hours stay the same.

Can children and young people work alone?

Employees under 16 years old are not allowed to work alone without specific conditions placed on the permit. Employees under 18 years old cannot work alone between 11:00 p.m. and 6:00 a.m.

All employers must have a safety plan for employees who are working alone. This is required under Workplace Safety and Health laws. Anyone with concerns about a child or young person working alone should contact Employment Standards or Workplace Safety and Health.

Do young people have the same rights as other employees?

Yes, young people have the same rights and the same obligations. They are entitled to vacation pay, overtime, minimum wage, general holiday pay and all other rights under The Employment Standards Code. The website at www.manitoba.ca/labour/standards has information on employee and employer rights and responsibilities.

Why do children and young people need to know their rights and obligations as employees?

All employers and employees need to know their rights and obligations before they agree to an employment arrangement. Children and young people can be vulnerable, and knowing their rights helps protect them in the workplace.

Starting a job is like signing an agreement. Employers have certain responsibilities, but employment agreements also put responsibilities on employees. Coming to work when scheduled, following instructions and safety rules at work and giving proper notice to end a job are all employee obligations.

Where can I get the Permit application form and Terms and Conditions Form?

You can find the "Restaurant Young Worker Permit Application and Terms and Conditions" on our website under [ApplicationForms](#).

For more information contact Employment Standards:

Phone: 204-945-3352; or toll free in Canada 1-800-821-4307

Fax: 204-948-3046

E-mail: employmentstandards@gov.mb.ca

Website: www.manitoba.ca/labour/standards

This is a general overview and the information used is subject to change. For detailed information, please refer to current legislation including *The Employment Standards Code* and *The Worker Recruitment and Protection Act*, or contact Employment Standards to ask for advice.

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