

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 and when young people can work?

Yes, people under 18 years old are not allowed to work alone between the hours of 11:00 p.m. and 6:00 a.m. They are also not allowed to 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

Employees under 16 years old are not allowed to work between the hours of 11:00 p.m. and 6:00 a.m. or work:

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

How often can young people work?

During a school week, employees under 16 years old can only work 20 hours or less. During vacations like Christmas and summer, it may be possible to work more. There may also be restrictions on employment permits about when young people can work.

Why do young people need an employment permit?

The permit system gives parents/guardians, employers and the Employment Standards Branch a chance to investigate if the employment will affect the safety, health or well-being of young people before the employment starts.

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 does Employment Standards do with applications?

The Employment Standards Branch reviews the applications to make sure jobs are not hazardous and that the hours make sense for the age. To do this, branch staff may speak with the potential employer, the parents or the applicant. Once the application has been approved, work may begin, and the employer and employee are each mailed a copy of the permit.

What happens to the permit if the job changes?

The permit specifies the job duties the applicant is approved to do. In some cases, job duties or hours of work may change after the employment begins. Either the worker or the employer must call the Employment Standards Branch to update the information on the permit.

Because permits are approved for a specific job with a specific employer, employees looking for a new job with a new employer; must apply for a new permit, even if the job tasks and hours do not change.

Can young people work alone?

People under 18 years old cannot work alone between 11:00 p.m. and 6:00 a.m. . People under 16 years of age can not work at all between 11:00 p.m. and 6:00 a.m.

Workplace Safety and Health legislation requires all employers who have employees working alone to have a clear plan that ensures employees' safety. This is needed whenever an employee is asked to work alone, not just at night.

People under 16 years of age may be asked to work alone at times. Usually, the employment permit has special instructions about working alone. Anyone with concerns about working alone, or someone they know working alone, should contact both the Employment Standards Branch and the Workplace Safety and Health Branch to discuss the situation.

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 young people need to know their rights and obligations to work?

All employers and employees need to know their rights and obligations before they agree to an employment arrangement. Young people can be vulnerable in a new job and knowing their rights stops them from being taken advantage of in the workplace.

Starting a job is like signing an agreement. Employers have certain responsibilities, but employment agreements also put responsibilities on employees. The legislation does not only protect employees it also protects employers when employees do not meet their obligations. Coming to work when scheduled, following instructions 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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