

NEW & YOUNG WORKERS: Answers to 8 Frequently Asked Questions



Under the OHS laws, employers have a duty to protect *all* workers. But some workers may need special attention because they may be particularly vulnerable to being injured on the job. The best examples of such workers are those who are new and/or young. In fact, the OHS laws in many jurisdictions have special requirements intended to protect these at-risk workers. And often these requirements overlap as workers who are new to your workplace are often young as well. To ensure that you can successfully navigate and comply with these requirements, here are answers to eight frequently asked questions (FAQs) about protecting new and young workers.

8 FAQs ABOUT NEW & YOUNG WORKERS

Q Who's Considered a 'New' Worker''

A The OHS laws have various definitions of 'new worker.' But they generally define this term to refer to any worker who's:

- New to the workplace, that is, someone who's recently been hired;
- Returning to the workplace where the hazards have changed during the worker's absence. For example, a worker who's returning from an injury or leave may be considered 'new' if the workplace hazards are different now;
- Affected by a change in the workplace's hazards; or
- Relocated to a new workplace if the hazards in that workplace are different from the hazards in the worker's previous workplace.

Q Who's Considered a 'Young' Worker''

A Statistically, workers under the age of 25 are considered to be most at risk. And BC's OHS regulations define 'young' workers as those under 25. But the OHS and employment standards laws in other jurisdictions define 'young' workers based on a lower age cap. For example, Qu bec has protections for workers under 20 and the Yukon has protections for workers under 19. But in general, most jurisdiction provide special legal protections only for workers who are minors, that is, under age 18.

Q Why Are New & Young Workers Considered Especially Vulnerable'

A Ontario's Dean Panel put the spotlight on vulnerable workers in its report on the province's workplace health and safety laws and system, calling for better protections for such workers, including young and new workers. Are these workers more vulnerable' Yes. For example, studies have found that:

- Workers under the age of 25 are 33% more likely to suffer a job-related injury or illness than an older worker;
- New workers who've been on the job for less than a month have four times as many workers' comp claims as those who held their current job for more than a year;
- During their first four weeks on a new job, workers are five to seven times more likely to sustain an injury;
- Workers with less than 6 months' experience are three times more likely to be injured than workers with a year or more of experience;
- 40% of all recordable injuries are sustained by workers on the job less than a year; and
- Male immigrants in their first five years in Canada reported twice the rate of work-related injuries requiring medical attention than Canadian-born male workers.

Why are new and young workers more vulnerable than others' There are various reasons. For example, research has shown that recent immigrants who are new to Canada (been here for less than 10 years) are more likely than Canadian-born workers to be in physically demanding occupations and in small workplaces, i.e., those containing less than 20 employees. And workers whose native language isn't English or French or whose highest educational credential isn't from Canada have a higher probability than other workers of being in a physically demanding job. It's no surprise that working in a physically demanding job puts you at increased risk of suffering an injury.

The higher risk of injury for young workers may be based on factors directly related to youth, such as immaturity and the natural reluctance of younger people to ask questions of supervisors. But it could also be that young workers tend to be employed in riskier jobs, such as those that require heavy lifting. And young workers may also be more prone to injury simply because they're new to the job and its hazards.

Q Which Laws Protect New & Young Workers'

A There are two sets of laws that may provide special protections for new and young workers:

OHS laws. Some OHS laws provide additional protections for new and/or young workers beyond the protections afforded to all workers. The focus of these protections is generally on training. For example, in several jurisdictions, the OHS laws specifically require employers to provide new and/or young workers with safety orientations. In other jurisdictions, the OHS regulations protect young workers by barring workers under certain ages from doing designated kinds of work, usually jobs that are especially hazardous.

Employment standards laws. Young workers are primarily protected under the employment or labour standards laws, which cover the terms of employment, such as wages and hours. (These laws don't generally have special safety protections

for new workers.) Every jurisdiction restricts the employment of workers under 18. These restrictions are generally tiered by age. For example, hiring a person under 14 for any job is often completely barred. Strict limits are typically set for individuals 14-16, while the limits for those 17 and older are less rigid.

Q Are There Limits on the Work Young Workers Can Do'

A As noted above, the OHS and employment standards laws often set limits on work by young workers and the conditions of their employment. For example, these laws limit the kinds of work young workers may do. These limits can be general'such as workers under a certain age can't do work that's likely to be injurious to their health or to endanger their safety'or specific'such as young workers can't do work involving asbestos or in confined spaces.

In addition, the employment standards laws also limit the hours young workers may work, both in terms of the total number of hours they may work and the hours of the day during which they're permitted to work. For example, young workers are generally barred from working during school hours when school is in session

Q Do Young Workers Need Permits or Parental Consent'

A Maybe. In some jurisdictions, you may need to get a permit or the consent of the worker's parents to hire a young worker. And in Saskatchewan, workers who are 14 or 15 years old must take a course and earn a Young Worker Readiness Certificate to be employed in the province. Hiring a young worker without the required permits, certificates or parental consent can be costly.

Example: An Alberta museum hired a 14-year-old boy and assigned him to sandblast a truck box. While doing the work, the box fell, crushing him to death. The museum and its director were charged under the *Alberta Employment Standards Code* with, among other things, hiring a worker under 15-years-old without his parents' consent. The museum was also charged with 10 OHS violations. The museum and director were convicted. The court imposed the maximum penalty'\$500,000 [*R. v. Reynolds Museum Ltd.*, AB Govt. News Release, July 13, 2006].

Q Do New & Young Workers Require Special Training'

A As mentioned above, when the OHS laws provide special protections for new and young workers, those protections usually address training, which is considered critical to workplace safety. But in a study on the prevalence of OHS training reported by workers in their first 12 months of employment, over 75% indicated that they hadn't received safety training.

Whether your jurisdiction specifically requires you to provide a safety orientation to new and/or young workers, it's likely a best practice to do so for both groups. Such training ensures that these workers have a solid safety foundation *before* they start work in your workplace. That's why even the jurisdictions that don't require safety orientations in their OHS laws often recommend them. For example, Prince Edward Island's WCB published a guide for employers of young workers that recommends giving them a safety orientation, while the Ontario Ministry of Labour issued a fact sheet for employers that recommends an orientation for new workers.

Give new and young workers at least an overview of key safety issues and information on their first day and a general safety orientation within their

first day or two on the job. As workers are trained on how to perform their new jobs, provide additional safety training when they first encounter each new hazard.

A general safety orientation should provide basic information about safety issues common to all workers, such as fundamental safety rules and the location of first aid kits. New and young workers should also get an orientation on the specific hazards of the jobs they'll be doing. The OHS laws may spell out the topics a safety orientation should cover, such as:

- The company's OHS program and policy and the consequences for violating that policy;
- Workers' rights and responsibilities under the law, such as the right to refuse unsafe work and the duty to comply with the safety rules;
- Employer's rights and responsibilities under the law, such as the duty to provide a safe workplace;
- Workplace health and safety rules;
- Communication of safety information, such as the location of safety bulletin boards and MSDSs/SDSs;
- Procedures for reporting safety incidents, injuries and illnesses;
- Hazards specific to the workplace, such as confined space hazards and the dangers of working alone;
- General hazards, including workplace violence;
- Use and maintenance of PPE;
- Location of prohibited or restricted areas;
- Location of first aid facilities and how to summon first aid and report injuries and illnesses;
- Emergency procedures;
- Instruction and demonstration of workers' specific tasks or processes;
- WHMIS information requirements;
- Supervisor's name and contact information; and
- The JHSC (or health and safety representative), including who the members are and how to contact them.

Q Are There Other Ways to Protect New & Young Workers'

A At a minimum, you should comply with the requirements in the OHS and related laws that provide special protections for new and young workers. But merely complying with these requirements may not be enough to adequately protect this vulnerable segment of your workforce. Instead, consider going the extra mile with these additional safety measures:

Implement a safety mentor program. A safety mentor program involves experienced workers who are assigned to look after and guide new and young workers. For instance, mentors can serve as a resource when such workers have safety-related questions. You can implement a safety mentor program by taking these five steps:

1. Develop a mentor program policy;
2. Recruit appropriate mentors;
3. Train mentors;
4. Assign mentees to mentors; and
5. Monitor the program.

Insider Says: For more information on mentor programs and links to related tools, see 'New & Young Workers: Use Safety Mentor Program to Protect Vulnerable

Address language barriers. For many workers who are immigrants and thus new to Canada, English or French isn't their first language or a language in which they're capable of communicating at a conversational or technical level. And even if these workers can speak English or French, they may not necessarily understand safety training and information in those languages. For example, workers with a working knowledge of conversational English may have a limited ability to *read* English. So although they may be able to understand safety information presented to them orally, they may not be able to read the written safety materials they get from their employers. In addition, a language barrier can impact new workers' understanding of their rights, such as their ability to refuse unsafe work.

If workers can't understand the safety training and information they receive from their employers, they're at greater risk of getting injured or of injuring their co-workers. So take steps to address any language barriers impacting new workers, such as providing safety materials in a variety of languages, using pictograms when possible and having translators available.

Train supervisors. Your frontline supervisors will likely have the most contact with new and young workers. Training them on how to handle such workers and any issues they pose can help keep these workers safe. For example, Yukon's Young and New Worker Code of Practice addresses the role of supervisors directly and provides good guidance for employers across Canada.

The Code says that supervisors of new and young workers must provide a level of supervision to these workers that takes into account the inexperience, possible reluctance to ask questions and other factors that contribute to a higher risk of injury for them. Supervision must also take into account the actual and potential hazards associated with new and young workers' work. The Code requires supervisors to:

- Encourage new and young workers to ask questions about safety;
- Be readily available to answer questions and provide safety advice; and
- Check regularly to ensure that new and young workers are following appropriate safe work practices and procedures, including the use of PPE if required.

BOTTOM LINE

It's always sad when a worker gets injured or killed at work. But there's something especially tragic when the worker is, say, just a teenager or young adult or has only been on the job for a few weeks. Many studies have confirmed that new and young workers are especially vulnerable in the workplace. The laws are starting to address this vulnerability directly. But even if your jurisdiction's OHS or employment standards laws don't have specific protections for new and young workers, as a best practice, you should still take additional steps to safeguard these workers.

New & Young Workers Compliance Centre

The OHS Insider has a New & Young Workers Compliance Centre that's filled with insight, tools and guidance on how to protect this vulnerable segment of your workplace, including:

- How to determine if your young worker training is effective
- A recorded webinar on providing effective safety training to Generation Y employees