



Employment of Children, Unfair Employer Action and Equal Pay for Equal Work

1. Are there any age restrictions as to when and where children can work?

Yes, there are restrictions. A person *under the age of 16* may:

- not work in an environment that is or is likely to be unwholesome or harmful to his health, welfare or moral or physical development;
- work no more than six hours in any day;
- work no more than three hours on any school day;
- not spend more than a total of eight hours attending school and working; and
- not work between 10 p.m. and 6 a.m.

Due to safety concerns, a person *under the age of 14* is not allowed to work in the following industries:

- forestry
- construction
- industrial undertaking
- automotive service
- hospitality (hotel or restaurant)
- theatre/dance hall

2. Are there any exceptions to the above-noted restrictions on the number of hours and work locations for the employment of children?

Yes. In spite of these restrictions, upon application by the employer, the Director of Employment Standards may issue a permit to the employer, allowing the employment of a child, where the Director is satisfied that the employment of the child will not :

- be unwholesome, harmful to the child's health, welfare, moral or physical development;
- be in violation of the *Occupational Health and Safety Act*;
- negatively affect the child's attendance at school or capacity to benefit from instruction at school;
- be permitted without the written consent of the parent.

3. How do employers apply for a permit to employ a child under the age of 16 years, when required?

An Application for Authorization to Employ a Child can be obtained from any Employment Standards office. It can also be obtained from the Employment Standards website.

Unfair Employer Action

1. Can an employer dismiss an employee for making a complaint to the Employment Standards Branch?

No, employers cannot dismiss, suspend layoff, penalize, discipline, or discriminate against an employee for making a complaint or giving information against the employer with respect to the *Employment Standards Act*.

2. Can an employer ask an employee to take a lie detector test?

No, employers are not permitted to ask, require or direct an employee or prospective employee to take a lie detector test. In addition, the results of a lie detector test taken in any other jurisdiction shall not be disclosed to an employer.

3. Is the employee entitled to return to work after a workplace injury?

Yes. In the following circumstances when an employee;

- suffers a workplace injury;
- is entitled to compensation under the *Worker's Compensation Act*;
- has been told he is capable of resuming work by Work Safe NB.

This right to return to work is administered by the Employment Standards Branch.

Equal Pay for Equal Work

1. Is an employer required to pay an employee of one gender at the same rate as an employee of the opposite gender where both employees perform alike jobs?

Yes, where employees of opposite gender perform substantially the same jobs, in similar work environments, utilizing the same skill level and responsibility, the employer must pay both employees at the same rate of pay.

Employers may deviate from this requirement where there is:

- a seniority or merit system;
- a system that measures earnings by quantity or quality of production;
- any other system or practice in place that is not otherwise unlawful.

2. Does this law apply to males as well as females?

Yes, both male and female employees are protected as it relates to equal pay for equal work.

3. Where two employees of the same gender do the same work and one is paid less than the other, can that employee make a claim for equal pay?

No, comparisons may only be made between persons of opposite gender.