



2018 SC-NHQ 002679

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MEMORANDUM TO THE MINISTER OF EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

CANADA SUMMER JOBS 2019: QUALITY JOBS FOR YOUTH
CHANGES TO PROGRAM ELIGIBILITY

FOR DECISION AT YOUR EARLIEST CONVENIENCE

SUMMARY

- The purpose of this memorandum is to seek your decision on program eligibility changes for Canada Summer Jobs (CSJ) 2019, as well as to outline further decisions that are being sought under separate cover to support the launch of CSJ 2019.
- In keeping with the renewed policy objectives of the Youth Employment Strategy (YES) to provide youth with quality job placements in safe, inclusive and healthy work environments, the Department has strengthened the policy rationale supporting CSJ funding decisions (Annex A). Linked to this rationale and your statutory authorities, the Department has developed eligibility requirement options to support funding decisions and address stakeholder concerns.
- Your approval is being sought at your earliest convenience regarding:
 - a) Language for the Employer Attestation (Annex B); and,
 - b) Ineligibility Criteria (Annex C).
- The Department has sought your approval of the proposed approach to strengthen the program delivery (2018 SC-NHQ 002722) as well as the program parameters for CSJ 2019 (2018 SC-NHQ 002770) under separate cover.

BACKGROUND

- CSJ is an initiative of the YES, the Government of Canada's commitment to help young people get the information and gain the skills, work experience and abilities they need to make a successful transition into the labour market.
- Cabinet Confidence
[REDACTED]
- In keeping with the renewed YES, the CSJ program will now be open to all youth between 15 and 30 years of age, not only students. The objectives of the program are also being updated to place greater emphasis on the creation of quality work experiences for youth that provide opportunities to develop and improve their skills. Through the application of national and local priorities, CSJ also seeks to improve access to employment opportunities for youth who face unique barriers.
- To achieve the policy objectives and to address feedback from stakeholders, the Department has identified how the program could be strengthened to ensure that jobs funded under CSJ take place in inclusive and non-discriminatory work environments that are in compliance with all applicable laws.

2018 Eligibility Changes

- A new requirement was introduced in CSJ 2018 to help prevent Government of Canada funding from flowing to organizations whose mandates or projects may not respect individual human rights or the values underlying the *Canadian Charter of Rights and Freedoms* (Charter). All applicants were required to attest that both the job and the organization's core mandate respected the following principles:

"attest that both the job and the organization's core mandate respect individual human rights in Canada, including the values underlying the *Canadian Charter of Rights and Freedoms* as well as other rights. These include reproductive rights and the right to be free from discrimination on the basis of sex, race, national or ethnic origin, colour, mental or physical disability, sexual orientation or gender identity or expression."
- The inclusion of this language in the Attestation put the onus on the applicant to self-assess that their organizational mandate and job placement complied with program eligibility requirements. Further to implementing this approach, Supplemental Information was published by the Department to clarify the use

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of the terms "core mandate" and "respect". A total of 1,563 program applicants did not submit a complete application with a signed Attestation.

Feedback from Stakeholders

- Feedback related to the new eligibility requirement focused on the following issues:
 - Concern around the use and meaning of "respect" and "core mandate";
 - Criticism of the linkage between *Charter* rights and reproductive rights;
 - Allegations of infringements on *Charter* rights (particularly freedom of religion, belief, and expression) and/or that the requirement represents compelled speech or a "values test"; and,
 - Claims that faith-based organizations were being denied access to a government program on the basis of their religious beliefs.

Challenges before the Courts

- The language of the 2018 Attestation has been subject to a legal challenge before the Court of Queen's Bench in Alberta. There are also 9 judicial review applications before the Federal Court challenging the decisions regarding funding.

CHANGES FOR CSJ 2019

- **Cabinet Confidence** [REDACTED] the Department has developed a range of changes to clarify and strengthen program requirements to better meet policy objectives for inclusive work environments and quality work placements.
- These changes will improve the Department's ability to ensure that project funding is used for placements that align with the policy objectives, while aiming to address some of the concerns that arose during CSJ 2018.

Policy Rationale (Annex A)

- Funding decisions should be connected to policy objectives and statutory authorities:
 - Section 5 of the *Department of Employment and Social Development Act* (the Departmental Act) provides that the Minister shall exercise her powers and perform the duties and functions relating to human resources and skills development with a view to improving the standard of living and quality of life of all Canadians by promoting a highly skilled and mobile workforce and an efficient and inclusive labour market; and

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relating to social development with a view to promoting social well-being and income security.

- Section 7 provides the Minister with the authority to make grants and contributions in relation to programs that contribute to the development of the human resources and skills of Canadians or that contribute to the social development of Canada.
- In an effort to reinforce the alignment between funding decision, statutory authorities and the renewed policy objectives, the Department has defined “quality work experience” and “respectful and inclusive work environment” and how these concepts relate to your statutory authorities under the Departmental Act.
- Essential to creating a quality work experience is the need to ensure that program participants—including vulnerable or underrepresented youth in particular—are employed in inclusive and non-discriminatory work environments and are contributing to organizations that respect the rights of all Canadians.
- The European Union developed a comprehensive list of indicators of job quality in 2001 at the Laeken summit. The Laeken indicators of job quality include the following criteria as measures to define a quality work experience: socio-economic security (i.e. decent wages and secure transitions); skills and training opportunities; safe and healthy working conditions; the ability to combine work and family life, and promotion of gender equality.
- Quality job placements that provide a positive work experience taking into account the international Laeken indicators and occur in an inclusive work environment include jobs that:
 - Demonstrate that employers are investing in youth (by paying above the wage subsidy);
 - Provide an opportunity for youth to develop skills needed for employment;
 - Provide mentoring and supervision; and,
 - Occur in safe work environments (e.g., work environments with Workplace Hazardous Materials Information Systems certification and inspections; with policies against sexual harassment and violence); and,
 - Occur in inclusive and healthy work environments (as demonstrated through activities such as promoting mental wellness, promoting equal opportunity and respect for employees regardless of sex, age, religion, race, national or ethnic origin, colour, mental or physical ability, sexual orientation, or gender identity or expression).

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- Applications to the CSJ program will be screened and assessed against these criteria for quality job placements to determine eligibility. This will support the program objective of helping youth develop skills to support their transition to the labour market, which is in keeping with your powers and duties as set out in the Departmental Act related to human resources and skills development in Canada and the social development of Canada. Consistent with the Act's emphasis on an efficient and inclusive labour market, job placements should also be available to any youth between 15 and 30 years old, regardless of sex, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation or gender identity or expression, so they can benefit from the government programming.
- These criteria are especially important for a program that targets youth, some of whom are minors or deemed vulnerable and, therefore, may be more at risk of being significantly influenced by discriminatory behaviour and those practices that do not comply with the law.
- The CSJ Application, Articles of Agreement, and ineligible criteria have been aligned with the strengthened policy rationale.
- This note is seeking your decision on the language for the employer attestation and on options for ineligibility criteria.

DECISION 1: EMPLOYER ATTESTATION

- The Department has developed a proposed Attestation for employers to declare their adherence to the eligibility requirements (Annex B):
- The proposed Attestation retains the structure and approach of the 2018 Attestation and will remain in the Application Form immediately above the Applicant's signature block and ahead of the Articles of Agreement. The Attestation will also form part of the Articles of Agreement.
- The language below will appear in the Attestation:

"On behalf of my organization I declare that:

1. I have read, understood and will comply with the Canada Summer Jobs Articles of Agreement;
2. I have all the necessary authorities, permissions and approvals to submit this application on behalf of myself and my organization;
3. The job would not be created without the financial assistance provided under a potential contribution agreement;
4. Any funding under the Canada Summer Jobs program will not be used to undermine or restrict the exercise of rights legally protected in Canada."

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Considerations

- The proposed language addresses the principal criticisms raised by stakeholders in CSJ 2018:
 - For CSJ 2019, the language of the Attestation has been modified to respond to stakeholders' concerns around the use and meaning of "respect" and "core mandate", criticism of the linkage between *Charter* rights and reproductive rights, as well as allegations of infringements on *Charter* rights (particularly freedom of religion, belief, and expression) and/or that the requirement represents compelled speech or a "values test". As a result, for CSJ 2019, there will be no reference to "core mandate" or the use of the word "respect". Instead, the employer must now attest that the funding will not be used to undermine or restrict the exercise of rights legally protected in Canada. In addition, new lists of ineligible employers, activities or projects will be outlined in the Articles of Agreement and Applicant's Guide.
 - The revised attestation no longer includes a reference to reproductive rights. However, as per the eligibility criteria, employers, activities or projects that seek to restrict a woman's access to sexual and reproductive health services will not be eligible for funding.
- The approach of an Attestation has benefits:
 - It is visible and transparent to have organizations sign the Attestation when applying for funding. The onus remains on organizations to decide whether or not to apply and the application may still elicit criticism from some organizations.
- This approach still requires the proponent to attest as a pre-condition that they will abide by the terms of the funding agreement. This, along with the strengthened terms of the funding agreement, will provide the Department with a basis to terminate the funding agreement with employers who are found to be in breach of the terms of the agreement, subject to there being sufficient and reliable evidence to conclude that there is a breach of the terms of the Agreement.
- However, there will still be greater onus on the Department than in 2018 to screen out ineligible organizations based on the enhanced program eligibility requirements as well as the associated eligibility criteria.

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Articles of Agreement

- The revised Articles of Agreement emphasize that funded organizations will have ongoing responsibility to meet their contractual obligations. The Articles of Agreement also provide for a specific process to terminate the funding agreement when employers do not comply with the Articles themselves or with the terms of the Attestation.

- The strengthened Articles of Agreement will include:
 - o An updated Section 12.0 (Employer Attestation);
 - o Expanded Employer responsibilities related to the policy objective of the program to create quality jobs;
 - o Expanded ineligibility criteria;
 - o Updated items related to the termination of agreements; and,
 - o Language related to new mandatory reporting requirements and the disclosure of information.

Legal Considerations for Decision 1– Attestation and Articles of Agreement

Solicitor/Client Privilege



Solicitor/Client Privilege



DECISION 2: INELIGIBILITY CRITERIA

- In addition to changes to the Attestation and Articles of Agreement, the Department developed two options to provide clear criteria to CSJ applicants when determining their eligibility to apply to the program as well as to support Service Canada program officers when screening the eligibility of applications (Annex C):
 - Option A considers eligibility decisions on the basis of employers and job activities;
 - Option B considers eligibility decisions on the basis of employers, work environments and projects (Recommended).
- The following definitions will guide the screening and assessment of applications for eligibility:

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- Employer: the "Legal Name of the Organization" in the "Canada Summer Jobs - Application/Agreement". It is the entity bound by the terms of the Agreement and who establishes a relationship (Employer-Employee) with the employee, including the hiring, management, and supervision of the employee. The various obligations of the Employer are outlined throughout the Agreement and, in particular, section 9.0 outlines the responsibilities related to the management of the project, which includes the provision of a safe, inclusive and respectful work environment.
- Project: the hiring, administration of, and job activities as described in the Application/Agreement.
- Work environment: includes a quality work experience which takes into account the international Laeken indicators in the environment of the employer in which the job and project occur. Work environments must be safe, respectful, inclusive, free of harassment, abuse and discrimination and in compliance with all applicable laws.

Option A: Ineligible Employers and Job Activities

Ineligible Employers

- Members of the House of Commons and the Senate;
- Federal Government Departments and Agencies;
- Provincial and Territorial Departments and Agencies;
- Employers who engage in partisan political activities;
- Employers who:
 - deny access to their programs or services, contrary to applicable laws, on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;
 - discriminate on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;
 - foster intolerance, discrimination and/or prejudice; or,
 - work to undermine or restrict a woman's access to sexual and reproductive health services.

Ineligible Job Activities

- Projects consisting of activities that take place outside of Canada;
- Activities that contribute to the provision of a personal service to the employer;
- Partisan political activities;
- Fundraising activities to cover salary costs for the youth participant
- Job activities that:
 - restrict access to programs or services, contrary to applicable laws, on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;

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- discriminate on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;
- foster intolerance, discrimination and/or prejudice; or,
- work to undermine or restrict a woman's access to sexual and reproductive health services.

Option B: Ineligible Employers, Work Environments and Projects (Recommended)

Ineligible Employers:

- o Members of the House of Commons and the Senate;
- o Federal government departments and agencies;
- o Provincial and Territorial department and agencies; and
- o Organizations that engage in partisan political activities.

Ineligible Projects and Job Activities:

- o Projects consisting of activities that take place outside of Canada;
- o Activities that contribute to the provision of a personal service to the employer;
- o Partisan political activities;
- o Fundraising activities to cover salary costs for the youth participant
- o Projects and job activities that occur in work environments which:
 - restrict access to programs or services, contrary to applicable laws, on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;
 - discriminate, contrary to applicable laws, on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;
 - foster intolerance, discrimination and/or prejudice; or,
 - work to undermine or restrict a woman's access to sexual and reproductive health services.

Considerations

- Both options seek to emphasize the requirement for employers to have in place inclusive work environment policies and for employers to provide equitable access to programs and services in support of the CSJ policy objective to provide quality work placements in safe, healthy, and inclusive work environments.
- Eligibility decisions will be more complex this year for program staff. Applications will also take longer to assess this year in comparison to CSJ 2018. Cabinet Confidence [REDACTED]
- While both options aim to minimize variability and ambiguity, Option A will require more interpretation, fact-finding or follow-up with applicants than in previous years to support eligibility decisions.

- Despite all of the program delivery improvements introduced this year related to screening and assessment, as well as enhanced monitoring and compliance activities, Option A risks identifying and assessing too many organizations as ineligible. In the case of Option A, the Department anticipates that more faith-based employers would be deemed ineligible.
- Option A may tend to render faith-based employers ineligible for two reasons:
 - Ancillary activities:
 - Among the community services they provide, they may also conduct activities (e.g., a sermon, host pro-life group in their premises) that could be seen as undermining a woman's access to sexual and reproductive health services or discriminatory practices.
 - Faith-based organizational governance models:
 - Employers governed by or linked to faith-based organizations would disproportionately be deemed ineligible given potential links made by program staff to broader doctrine adhered to by faith based organizations. These decisions will in particular, affect applicants who, for example, belong to a faith based employer that runs a summer camp, daycare, or homeless shelter.
- Assessments in the case of Option A are more complex than Option B. Eligibility decisions under Option A will require program officers to more frequently find, consider, and examine factors outside of the Application process. Specifically, the Department would assesses the broad connection between information on the organization's mandate found in the public domain and the subsequent connection to concrete activities in making eligibility determinations. This will in some cases require the Department to follow-up with organizations regarding their mandates and activities; moreover, subsequent negative eligibility determinations may be difficult to explain to applicants deemed ineligible.
- While there was a reduction in the number of faith-based employers who applied in 2018 as compared to 2017, the approach outlined in Option A would likely result in similar number of applicants, but an increased number of organizations deemed ineligible. While this would likely garner media attention, it should not have an impact on the department's ability to meet its target of 70,000 jobs.

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- Option B enables the department to meet your policy objectives by focusing on the quality of the work experience, the work environment and job activities. Considering projects instead of employers enables the Department to make more informed eligibility decisions that consider the quality of the work placement in terms of wages offered, skills development opportunities, supervision and mentoring, safety of the workplace, and the inclusiveness and health of the work environment.
- Applications will be assessed for quality against the following criteria to support Departmental efforts to recommend projects that:
 - Provide supervision and mentoring;
 - Declare having implemented the appropriate health and safety measures;
 - Declare having hiring and termination practices as well as a working environment that does not discriminate contrary to applicable laws;
 - Provide employment opportunities consistent with national and/or local priorities; and,
 - Provide skills development, as outlined in the application form.
- In terms of assessment methodology, for Option B, program staff will focus on the quality of the work experience as defined by:
 - Job quality
 - Work and work environment quality
 - Employment quality
- These elements of a quality work experience, the factors considered and the subsequent means to evaluate them are informed by the Laeken indicators and work conducted by the OECD (OECD Guidelines on Measuring the Quality of the Working Environment).

Table 1: Operationalization of Laeken Indicators

Element of Work Experience	Factors Considered in Evaluation	Assessment Criteria
Job Quality	Skill Development and Training Opportunities	<p>Mentoring and Supervision Plans must be provided. Quality of the plans will be assessed.</p> <p>Narrative required in the Application Form on the skills developed during the placement.</p> <p>Alignment with CSJ 2019 National Priorities.</p>
Work and Work Environment Quality	Physical Working Conditions	Occupational Health and Safety practices collected in the Application
	Health and Injury Variables	Occupational Health and Safety practices collected in the Application
	Gender Equality and Inclusion	<p>Declaration that hiring and termination practices do not discriminate as per applicable laws.</p> <p>Applicants are asked whether they will hire youth who are underrepresented or who have additional barriers to the labour market.</p> <p>Signed Attestation.</p> <p>Alignment with CSJ 2019 national priorities.</p>
Employment Quality	Wage	Wages offered are included in the Application. Must respect minimum wage requirements and higher wages result in higher scores in the assessment process.
	Length of work experience	Information provided in the Application (longer job activities are scored higher).

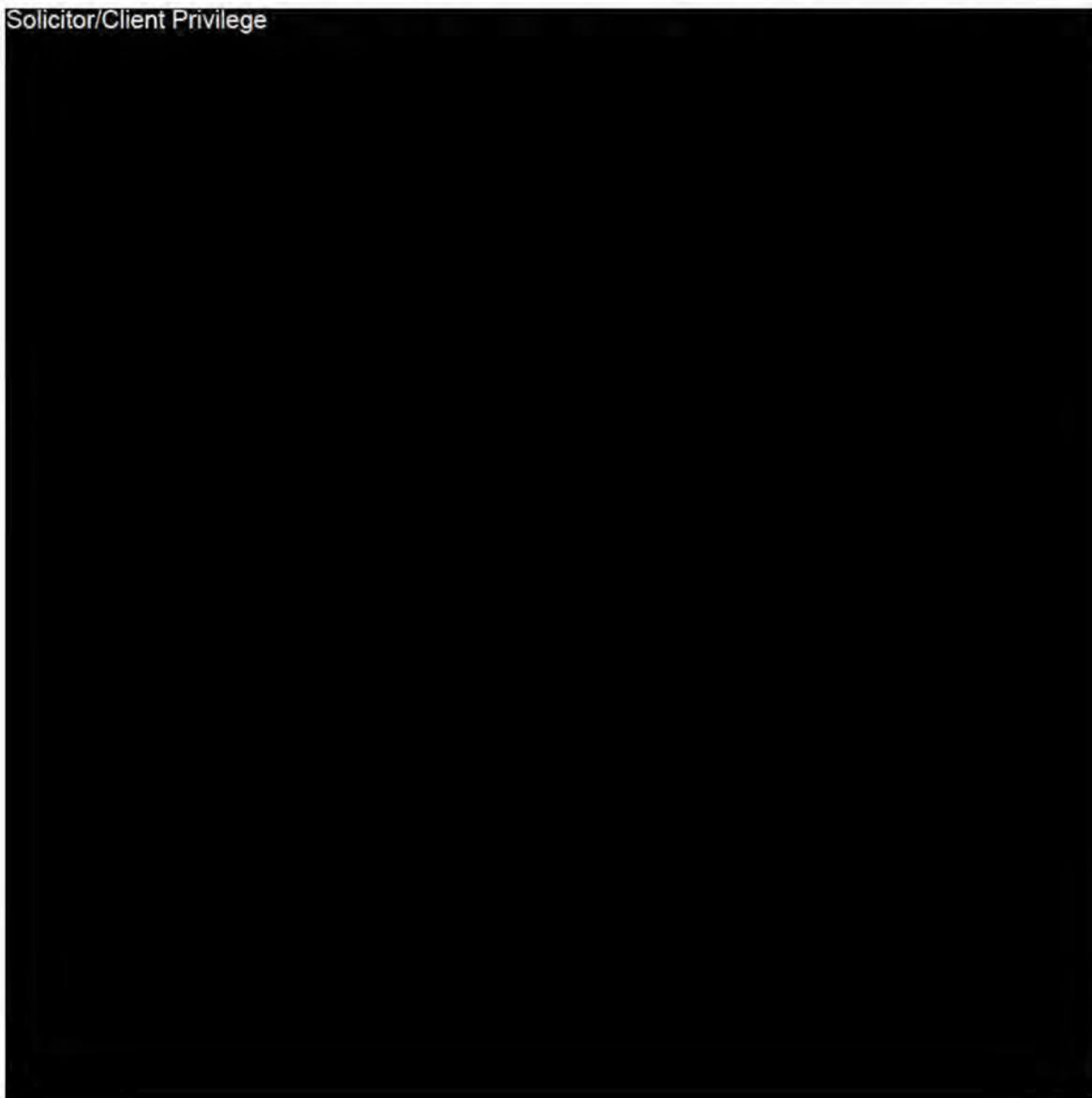
- Considering gender equality, diversity and non-discrimination as elements of a quality work environment contributes to both the recruitment of youth who face unique barriers into the labour market and ensures that their experience has a lasting and positive impact on their future labour market participation so that they are confident about their ability to participate in future employment.
- Eligibility decisions made using the approach in Option B will be easier to operationalize and explain to applicants compared to Option A given they consider specific elements such as quality of the work environment as defined by the Laeken indicators and other research.

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- Assessing projects on the basis of job activity, work environment and work experience, which are informed by the Laeken indicators and other research, (Option B) will facilitate consistency in decision making and aligns more closely with public statements made last year.
- With the focus on the work environment, Option B permits program officers to make eligibility determinations on the basis of the quality of the job and work environment. As a result, employers that share a business number with an ineligible parent organization would not be automatically deemed ineligible.

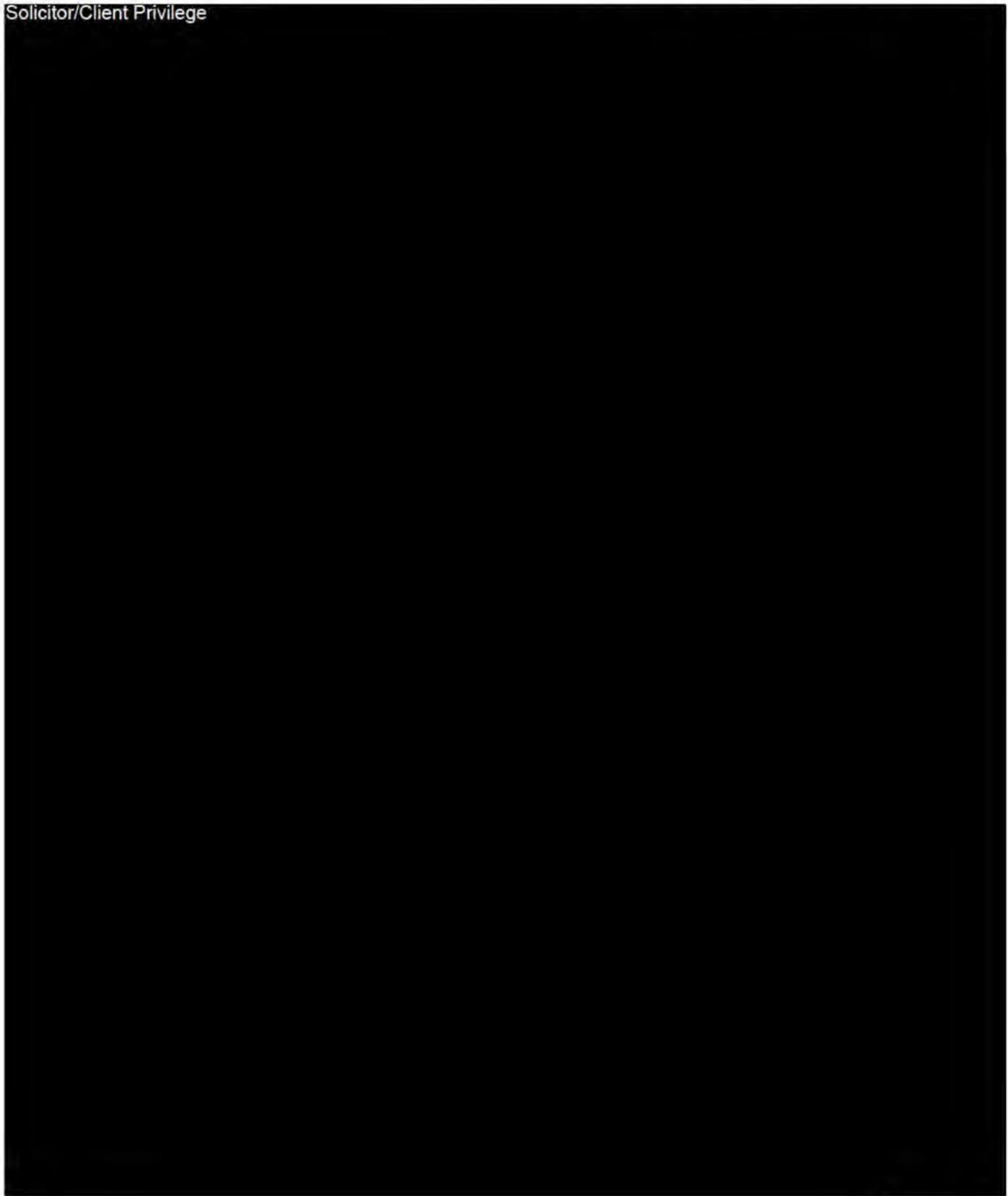
Legal Considerations for Decision 2 – Ineligibility Criteria

Solicitor/Client Privilege



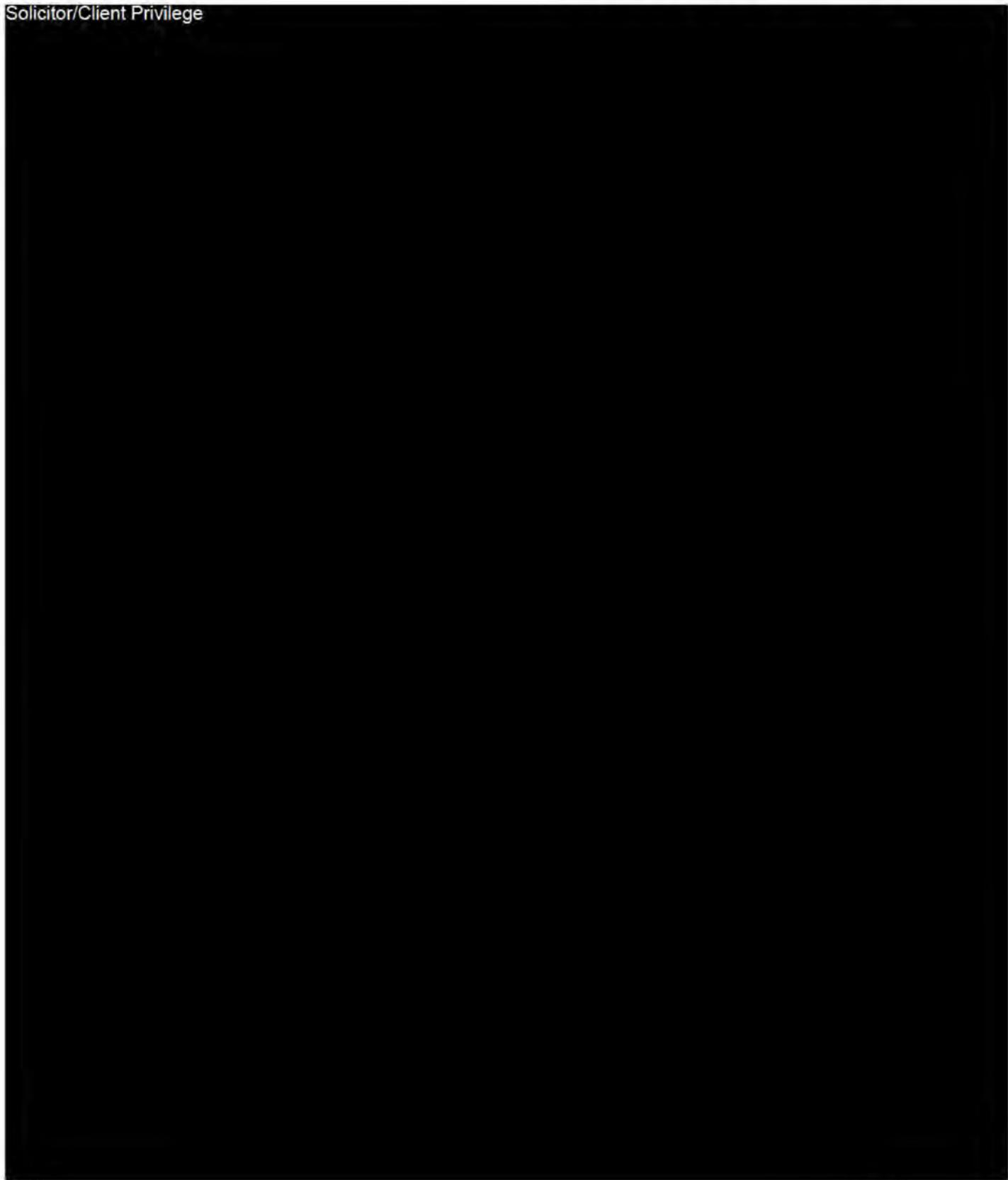
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Solicitor/Client Privilege



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RECOMMENDATION

- **Decision 1: Employer Attestation:** You are requested to indicate your approval of the revised Attestation.
- **Decision 2: Ineligibility Criteria:** It is recommended that you approve Option B (Ineligible Employers, Work Environments and Projects) to further strengthen the eligibility requirements for employers and job activities and provide additional support to the measures in Decision 1.

NEXT STEPS

- Cabinet Confidence
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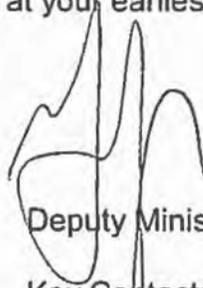
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Cabinet Confidence



- Subject to your decision and to support the launch of CSJ 2019, the Department has sought your approval of the following under separate cover:
 - Proposed program delivery enhancements, notably the proposed approach to enhance the screening and assessment of applications, monitoring of agreements, as well as the process for terminating agreements, up to and including revocation of funding in cases where issues are identified (2018 SC-NHQ 002722).
 - Recommended program parameters for CSJ 2019, including the allocation formula, the national priorities, Applicant Guide and the Information Kit for Members of Parliament (2018 SC-NHQ 002770).

Your decision is requested at your earliest convenience.



Deputy Minister
Key Contact:

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- I would like an oral briefing
- I would like _____ of my staff to be briefed
- No briefing required

I concur:

Decision 1: Employer Attestation

- Revised Employer Attestation
- I would like to see additional options

Decision 2: Ineligibility Criteria

- Option A – Ineligible Employers and Job Activities
- Option B – Ineligible Employers, Work Environments and Projects
- I would like to see additional options

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I concur:

Patty Hajdu

Date

I do not concur:

Patty Hajdu

Date

Attachments: 3

Strengthened Policy Rationale

Overview of the YES Policy Objective

YES is the Government of Canada's commitment to help young people, particularly those facing barriers to employment, get the information and gain the skills, work experience and abilities they need to make a successful transition into the labour market.

The modernization of the broader YES puts more emphasis on measuring meaningful outcomes, such as skills development, and on helping those youth furthest from opportunity or underrepresented in the labour market.

The overarching objective is to provide youth with high quality job placements in safe and inclusive work environments.

Updates to CSJ

CSJ is an initiative of the YES. In keeping with the renewed YES, the program will now be open to all youth, not only students. The objectives of the CSJ program were also updated to place a greater emphasis on the creation of quality work experiences for youth that provide opportunities to develop and improve their skills in inclusive and respectful work environments. Through the application of national and local priorities, CSJ also seeks to improve access to employment opportunities for youth who face unique barriers. These national and local priorities are updated on an annual basis to allow the Government of Canada to address gaps in programming.

The updated program objectives are:

- Providing quality work experiences for youth;
- Responding to national and local priorities to improve access to the labour market for youth who face unique barriers; and,
- Providing opportunities for youth to develop and improve their skills.

Quality Job Placements and an Inclusive Work Environment

- Job quality is necessarily a multidimensional concept. The general or overall quality of a job is the sum of multiple aspects affecting both the work environment and the work itself. There are more than 20 recognized frameworks that assess dimensions of job quality. While they have differences, generally they measure issues related to job satisfaction; wages; health and safety/working conditions; skills development and utilization; and work-life balance. These include the:
 - European Job Quality Index;
 - International Labour Organization's Decent Work Indices;
 - Good Jobs Index; and
 - Laeken Indicators of Job Quality

- While each framework has its own strengths and weaknesses they focus on similar dimensions. For the purposes of this assessment the Laeken Indicators of Job Quality are being used. They have been widely used since 2001 and have among their strengths objective variables, inclusion of dynamic variables and because they have been used for a number of years allow for cross country comparison. Under Laeken, indicators are clustered under two dimensions.
 - 1.) Characteristics of the job itself
 - Intrinsic job quality
 - Lifelong learning and career development
 - Gender equality
 - Health and safety at work
 - Flexibility and security
 - Inclusion and access to the labour market
 - 2.) The work and wider labour market context
 - Work organization and work-life balance
 - Social dialogue and workers' involvement
 - Diversity and non-discrimination
 - Overall economic performance and productivity (including wages)

Application of Job Quality to CSJ

- ESDC will therefore consider quality job placements that demonstrate:
 - Employers are investing in youth (by paying above minimum wage or committing to retain the youth beyond the wage subsidy);
 - Provide an opportunity for youth to develop skills needed for employment;
 - Provide mentoring and supervision;
 - Occur in safe work environments (e.g., workplaces with Workplace Hazardous Materials Information Systems certification; inspections; with policies against sexual harassment and violence); and,
 - Occur in inclusive and healthy work environments (as demonstrated through activities such as promoting mental wellness, promoting equal opportunity and respect for employees, regardless of sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation or gender identity or expression).
- Applying these criteria of quality job placements for youth ensures they can develop skills that will support their transition to the work environment, consistent with the Minister's powers and duties as set out in the Departmental Act. Consistent with the Act's emphasis on an efficient and inclusive labour market, job placements should also be available to any youth, regardless of race, gender identity, religious beliefs or disability, can benefit from government programming.
- These quality criteria are especially important for a program that targets youth, many of whom are minors, who may be more at risk of being the victim of discriminatory

behaviour and practices and can be significantly influenced by exposure to negative adult behavior².

- For many youth, summer employment represents a key step in the transition into the labour market. Not only does it provide youth with work experience and the opportunity to earn money during the summer months, it also has a lasting impact on their future labour market participation. Youth who participated in meaningful summer employment where they feel that they learned new skills are more likely to be confident about their ability to participate in future employment and more motivated to find a job following their job placement³.
- At the same time, for youth that have negative experiences in the labour market at an early age, the repercussions can have a scarring impact on the youth both professionally and personally. For many youth, a summer job represents their first work experience. Youth who hold a job for the first time are particularly vulnerable to be at risk of harassment or discrimination, as they are often unfamiliar with the expectations, roles, responsibilities and norms of the workplace, and often receive little or no training⁴.
- Youth workplace harassment is a serious and growing issue and countries are beginning to develop programs to support the high numbers of youth who experience it⁵. Certain sub-groups of youth are more likely to experience workplace harassment: female and male visible minorities, white women and LGBTQ2 youth⁶. Youth have a high risk of experiencing employment harassment for several reasons: 1) their young age; 2) their new occupational status as an employee; and 3) their lack of employment experience and uncertainty of how to respond to the harassment⁷.
- While it is difficult to quantify the number of youth who experience harassment in the workplace due to the tendency of young victims to be unwilling to come forward in the majority of situations, research in the United States indicates that even though sexual harassment complaints are declining among the general population, that they

² <http://www.te-palvelut.fi/te/fi/>; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2752426/>

³ Weaver, Robert D. 2011. "Assessing the Impact of a Summer Jobs Program on Youth's Perceptions of their Employability." *Currents: Scholarship in the Human Services* 10(1): 1-19.

⁴ Drobac, Jennifer Ann. 2007. "I can't to I Kant: the sexual harassment of working adolescents, competing theories, and ethical dilemmas" *Albany Law Review*. 70.2 (Spring): p 675-739; Flahardy, Cathleen. 2005. EEOC Responds To Harassment Complaints From Teens. *Corporate Legal Times*, 75 (1 November), 44-45. Accessed 2 November. Available at: <https://www.law.com/almid/51c9a7eb150ba0411400013a/?sreturn=20181002120239>; Wells, Susan. J. (2005). De-Greening Teens. *HR Magazine*, 4 (1). 1 April. Accessed 2 November 2018. Available at: <https://www.shrm.org/hr-today/news/hr-magazine/Pages/0405wells.aspx>

⁵ U.S. Equal Employment Opportunity Commission "Youth@Work". No date given. Accessed 18 October 2018. Available at: <https://www.eeoc.gov/youth/index.html>

⁶ Welsh, S., Carr, J., Macuarrie, B., & Huntley, A. (2006). "I'm not thinking of it as sexual harassment": Understanding harassment across race and citizenship. *Gender and Society*, 20, 87-107.; Krieger, N., Waterman, P. D., Hartman, C., Bates, L. M., Stoddard, A. M., Quinn, M. M., et al. (2006). Social hazards on the job: Workplace abuse, sexual harassment, and racial discrimination. *International Journal of Health Services*, 36, 51-85.

⁷ Mortimer, J. T. (2003). *Working and growing up in America*. Cambridge, MA: Harvard University Press.

are on the rise among the youngest workers. The proportion of complaints from underage workers between the ages of 14 and 17 increased from under two percent in 2001 to eight percent in 2004. Teens who are sexually harassed at work are likely to experience isolation, helplessness, hopelessness and powerlessness. For young women, the trauma often takes the form of increased alcohol use, high levels of depression and anxiety, while young men may show anger and violence, poor school performance and criminal activity.⁸

- While youth from both high socio-economic backgrounds and low socio-economic backgrounds may occupy similar types of work during adolescence, a youth's socio-economic background significantly impacts how she or he will cope with negative work experiences, such as harassment. For example, youth from higher socio-economic backgrounds who are being harassed at work have more resources to quit their job and seek employment where they will be treated better. Youth from lower socio-economic backgrounds who are being harassed at work cannot necessarily afford to leave the job which may prevent long-term obstacles to upward mobility.⁹

Promoting Equality of Opportunity and Addressing Social Exclusion and Discrimination

- It is also known that certain youth face additional barriers to the labour market, including women in certain fields, visible minorities and new immigrants, Indigenous youth, youth with disabilities, LGBTQ2 youth. Women, especially, still face inequity in the labour market through lower pay for the same job, more part-time work, and being delegated to traditional gender roles and occupations, which are typically at a lower pay level than men's.¹⁰
- The Government has been clear about its commitment to gender equity¹¹, and to policies and programs that support women's reproductive rights¹², LGBTQ2 rights¹³ and to the promotion of human rights within Canada and around the world¹⁴. The Government has also introduced Bill C-65, *An Act to amend the Canada Labour Code (harassment and violence)*, to prevent sexual harassment and violence against women in the work environment.

⁸ Crafts, D. & Thomas, S. (2015). Sexual Harassment: A focus on Youth Employment and Managerial Practice in the Hospitality and Service Industries. *The Electronic Journal of Legal, Safety, and Security Research*. November, 1, Vol. 8

⁹ McLaughlin, H., Uggen, C., & Blackstone, A. (2008). Social class and workplace harassment during the transition to adulthood. In J. T. Mortimer (Ed.), *Social class and transitions to adulthood. New Directions for Child and Adolescent Development*, 119, 85–98.

¹⁰ "Women in Canada: a Gender-Based Statistical Report", <http://www.statcan.gc.ca/pub/89-503-x/2015001/article/14694-eng.pdf>

¹¹ GoC commitments outlined in the report from the Status of Women Canada entitled "Setting the Stage for the Next Century: The Federal Plan for Gender Equality"

¹² Announcement on March 8, 2017: "Canada's commitment to sexual and reproductive health and rights http://international.gc.ca/world-monde/issues_development-enjeux_developpement/global_health-sante_mondiale/reproductive_faq-reproductifs_faq.aspx?lang=eng

¹³ November 15, 2016 news release "Prime Minister announces Special Advisor on LGBTQ2 issues" <https://www.pm.gc.ca/eng/news/2016/11/15/prime-minister-announces-special-advisor-lgbtq2-issues>.

¹⁴ Canada's commitment to the promotion of human rights within Canada and around the world <https://www.canada.ca/en/canadian-heritage/services/canada-united-nations-system.html>.

- Consistent with the Government's position and the advice from the Expert Panel on Youth Employment, the new Youth Employment Strategy, including the CSJ program, will aim to address these barriers faced by certain youth – and encourage greater participation of women in the work environment, and in certain fields that have traditionally been male-dominated (e.g., STEM, trades).

The language below will appear in the Attestation:

"On behalf of my organization I declare that:

1. I have read, understood and will comply with the Canada Summer Jobs Articles of Agreement;
2. I have all the necessary authorities, permissions and approvals to submit this application on behalf of myself and my organization;
3. The job would not be created without the financial assistance provided under a potential contribution agreement;
4. Any funding under the Canada Summer Jobs program will not be used to undermine or restrict the exercise of rights legally protected in Canada."

« Au nom de mon organisation, je déclare que :

1. j'ai lu, compris et je me conformerai aux dispositions de l'Entente d'Emplois d'été Canada;
2. je dispose des pouvoirs, autorisations et approbations nécessaires pour soumettre la demande en mon nom et au nom de l'organisme;
3. l'emploi ne serait pas créé sans l'aide financière fournie en vertu d'une entente de contribution éventuelle;
4. le financement du programme d'Emplois d'été Canada ne sera pas utilisé pour miner ou restreindre l'exercice de droits légalement protégés au Canada.»

Option A: Ineligible Employers and Job Activities

Ineligible Employers

- Members of the House of Commons and the Senate;
- Federal Government Departments and Agencies;
- Provincial and Territorial Departments and Agencies;
- Employers that engage in partisan political activities;
- Employers who:
 - deny access to their programs or services, contrary to applicable laws, on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;
 - discriminate on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;
 - foster intolerance, discrimination and/or prejudice; or,
 - work to undermine or restrict a woman's access to sexual and reproductive health services.

Ineligible Job Activities

- Projects consisting of activities that take place outside of Canada;
- Activities that contribute to the provision of a personal service to the employer;
- Partisan political activities;
- Fundraising activities to cover salary costs for the youth participant
- Job activities that:
 - restrict access to programs or services, contrary to applicable laws, on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;
 - discriminate on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;
 - foster intolerance, discrimination and/or prejudice; or,
 - work to undermine or restrict a woman's access to sexual and reproductive health services.

Option B: Ineligible Employers, Work Environments and Projects

Ineligible Employers:

- Members of the House of Commons and the Senate;
- Federal government departments and agencies;
- Provincial and Territorial department and agencies; and
- Organizations that engage in partisan political activities.

Ineligible Projects and Job Activities:

- Projects consisting of activities that take place outside of Canada;
- Activities that contribute to the provision of a personal service to the employer;
- Partisan political activities;
- Fundraising activities to cover salary costs for the youth participant
- Projects and job activities that occur in work environments which:
 - restrict access to programs or services, contrary to applicable laws, on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;
 - discriminate, contrary to applicable laws, on the basis of prohibited grounds including sex, age, religion, race, national or ethnic origin, colour, mental or physical disability, sexual orientation, or gender identity or expression;

SOLICITOR CLIENT PRIVILEGE

- foster intolerance, discrimination and/or prejudice; or,
- work to undermine or restrict a woman's access to sexual and reproductive health services.