

READY TO WORK & KNOWING YOUR RIGHTS  
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# OVERVIEW

- Why work matters
- What are Human Rights?
- The Right to Work, Age & Ability
- Enforcing your right to work in Atlantic Canada

# Why Work Matters

91. Work is one of the most fundamental aspects in a person's life, providing the individual with a means of financial support and, as importantly, a contributory role in society. A person's employment is an essential component of his or her sense of identity, self-worth and emotional well-being. Accordingly, the conditions in which a person works are highly significant in shaping the whole compendium of psychological, emotional and physical elements of a person's dignity and self respect. In exploring the personal meaning of employment, Professor David M. Beatty, in his article "Labour is Not a Commodity", in *Studies in Contract Law* (1980), has described it as follows, at p. 324:

As a vehicle which admits a person to the status of a contributing, productive, member of society, employment is seen as providing recognition of the individual's being engaged in something worthwhile. It gives the individual a sense of significance. By realizing our capabilities and contributing in ways society determines to be useful, employment comes to represent the means by which most members of our community can lay claim to an equal right of respect and of concern from others. It is this institution through which most of us secure much of our self-respect and self-esteem.

Chief Justice Dickson (in dissent), *Reference Re Public Service Employee Relations Act (Alta)*  
[1987]1 SCR 313

# Why Work Matters

- “For I perceived that man's estate is as a citadel: he may throw down the walls to gain what he calls freedom, but then nothing of him remains save a dismantled fortress, open to the stars. And then begins the anguish of not-being. Far better for him were it to achieve his truth in the homely smell of blazing vine shoots, or of the sheep he has to shear. Truth strikes deep, like a well. ... Citadel, I will build you in men's hearts.  
/ Wisdom of the Sands by Antoine de Saint-Exupéry”  
— [Antoine de Saint-Exupéry, Citadelle](#)
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# Why Work Matters

Always you have been told that work is a curse and labour a misfortune.  
But I say to you that when you work you fulfil a part of earth's furthest dream, assigned to you when that dream was born,  
And in keeping yourself with labour you are in truth loving life,  
And to love life through labour is to be intimate with life's inmost secret.

...

Work is love made visible.  
And if you cannot work with love but only with distaste, it is better that you should leave your work and sit at the gate of the temple and take alms of those who work with joy.  
For if you bake bread with indifference, you bake a bitter bread that feeds but half man's hunger.

*Khalil Gibran, The Prophet, "On Work"*

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# What are Human Rights?

## Article 23.

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests

*Universal Declaration of Human Rights, 1948*

<http://www.youthforhumanrights.org/what-are-human-rights.html>

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# What are Human Rights?

- International legal rights to which every human being is entitled: universal and inherent
- Minimum standards – can be exceeded by State Parties in domestic law and policy
- Aspirational, progressive goals (e.g., non-discrimination)



# The Human Rights Framework

- '48: Universal Declaration of Human Rights (UDHR)
  - '66: International Covenant on Civil and Political Rights (ICCPR)
  - '66: International Covenant on Economic, Social and Cultural Rights (ICESCR)
  - '65: International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
  - '79: Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
  - '87: United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
  - **'89: Convention on the Rights of the Child (CRC)**
  - **'06: Convention on the Rights of Persons with Disabilities (CRPD)**
  - '07: Declaration on the Rights of Indigenous Peoples (UNDRIP)
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# Convention on the Rights of Persons with Disabilities

Canada



General Secretariat  
Ban Ki-Moon  
*Acts*  
UNHCHR

**Security Council**  
  
5 permanent members with veto  
10 non-permanent members elected for 2 years  
*Decides*

Peacekeeping Forces

**General Assembly**  
  
192 members  
1 State = 1 vote  
*Recommends*

Programs and Funds  
UNDF  
UNICEF  
UNEP

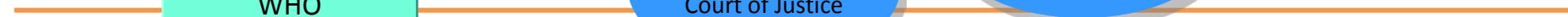
Agencies  
FAO  
UNESCO  
WHO  
WMO

International Court of Justice

International Criminal Court

Economic and Social Council

UN Committee on the Rights of Persons with Disabilities



# The Right to Work, Age and Ability

## **Article 6 International Covenant on Social, Economic and Cultural Rights**

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

## **Article 7**

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

# The Right to Work, Age and Ability

## **Article 8 , International Covenant on Social, Economic and Cultural Rights**

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State. 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

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# The UN Convention on the Rights of the Child

Article 2 – Non Discrimination

Article 3 – Best interests principle

Article 6 – Right to life survival and maximum development

Article 12 – The right to express views and to have them considered

Article 23 – The rights of children with disabilities

Article 32 – The right to be protected from economic exploitation

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# The Convention on The Rights of Persons with Disabilities

**Article 5 – Equality and Non-Discrimination**

**Article 9 – Accessibility**

**Article 27 - Work and employment**

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
  - (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
  - (c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
  - (d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
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# The Convention on The Rights of Persons with Disabilities

## Article 27 - Work and employment (cont'd)

- (e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
  - (f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
  - (g) Employ persons with disabilities in the public sector;
  - (h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
  - (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
  - (j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
  - (k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
  - 2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.
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# Enforcing your right to work in Atlantic Canada

- I. Are these Human Rights enforceable in Canada?
  - II. How can I get help to make sure my rights are respected?
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# Enforcing your right to work in Atlantic Canada

## I. Are these Human Rights enforceable in Canada?

YES!

- Canadian Charter of Rights and Freedoms, section 15
  - Canadian Human Rights Act
  - Provincial Human Rights Acts
  - Child and Youth Advocates Acts, in N.B and Newfoundland
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# Enforcing your right to work in Atlantic Canada

## II. How can I get help to make sure my rights are respected?

For federal sector jobs call:

- the Canadian Human Rights Commission
- the Office of the Integrity Commissioner
- the Public Service Commission of Canada

For Provincial sector jobs (90% of all jobs) call:

- Your provincial Human Rights Commission
  - Your Ombudsman or Child and Youth Advocate
  - Your community legal aid clinic if there is one
  - Your local chapter of the Association for community living
  - Your local disability support networks
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# Enforcing your right to work in Atlantic Canada

*“The world demands the qualities of youth. This is not a time of life, but a state of mind; a temper of the will; a quality of the imagination; the predominance of courage over timidity, of the appetite for adventure over the love of ease.”*

*Robert F. Kennedy, Convocation Address, University of New Brunswick, October 12, 1967*

## Questions?

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