



Community Legal Information Association of Prince Edward Island, Inc.

Are You Old Enough?

What young people need to know

This booklet contains age-related legal information for young people in PEI. As you get older, you become better able to make your own decisions and be accountable for them. The age of majority in PEI is 18. When you turn 18, you are legally an adult. You can do a legal name change, make a will, vote, marry, sue others, be sued by them, sign a contract and run as a candidate in an election.

As a young person, you have rights and responsibilities. It is important to understand them. This booklet outlines different areas of law you should know.

In this booklet you will learn about:

- Human Rights
- Driving
- Youth Criminal Justice
- Alcohol, Tobacco and Other Drugs
- Working
- Relationships
- School
- Entertainment and Style
- Health and Well Being

In this booklet, the term “parents” also means guardians.

If you have questions about anything you read in this booklet, call Community Legal Information Association (CLIA) at 892-0853 or 1-800-240-9798. You can also visit our website at www.cliapei.ca or email us at clia@cliapei.ca.

If you need support or need to talk to someone, call the Kids Help Phone at 1-800-668-6868.

Human Rights

The *PEI Human Rights Act* protects Islanders from discrimination.



Discrimination exists when someone is treated unequally. This may include a denial of a service or employment, or harassment towards someone who belongs to a certain group.

Discrimination is not always about treating everyone exactly the same. It can also mean failing to treat someone differently by not accommodating their needs.

The *PEI Human Rights Act* protects you against discrimination in certain areas on the basis of a number of prohibited grounds of discrimination.

Here are examples of just a few of the areas that are protected:

- Accommodations
- Employment
- Services and facilities available to the public
- Volunteer work

Here are examples of just a few of the prohibited grounds of discrimination:

- Age
- Colour, race, and ethnic or national origin
- Criminal conviction
- Political belief
- Sex (includes sexual harassment, pregnancy and sexual orientation)

Some PEI laws do discriminate against young people because of their age. This is allowed because the laws protect young persons. For example, you must be 16 to get a driver's license, 19 to buy alcohol or tobacco and 18 to have full rights to sign a contract.

If you are under 18, you may sign a contract for necessities of life, such as an apartment lease, or one that benefits you in other ways, such as an employment contract.

Driving

Most young people can't wait to get their driver's license. It gives a sense of pride and freedom. Drivers have a responsibility to drive with care and caution. A vehicle is a machine that, if used carelessly, can cause injury or death.

Highway Vehicles

PEI has a Graduated Driver Licensing Program. This system gives new drivers the opportunity to get experience in lower risk situations before getting a full driver's license.

Beginner's License

If you are 16 or older, you can get a Beginner's Permit that allows you to practice driving under certain conditions. To drive with a Beginner's License, you must:

- pass a written test and an eye test
- have an adult with you who has held a valid driver's license for at least 4 years
- have only immediate family members of the person giving instruction in the car with you while you practice
- have an L decal on your windshield that the Highway Safety Division will give you



You are eligible to take a driving test after having your Beginner's Permit for 365 days (one year). If you are in a Driver Education Program, the waiting period is 275 days.

If you have not taken a Driver Education Program, you must complete a two-session Novice Driving Course before your driving test.

You must pass a driving test to get your Driver's License.

Once you have your Driver's License, there are rules you must follow for the first two years. These rules include:

- You may have only one passenger who is not immediate family in the car with you during the first year you have your license.
- You cannot use any hand-held electronic devices such as cell phones or MP3 players while you are driving.
- You cannot have any alcohol or drugs in your body.
- You must show a G decal on your windshield that the Highway Safety Division will give you.
- If you are under 21, you cannot drive between the hours of 1 a.m. and 5 a.m. You can apply for an exemption if you need to drive for work between these hours. To get an application form, call PEI Transportation and Public Works at 368-5225.

Alcohol, Other Drugs and Driving

Driving while impaired **or** with alcohol in your blood is a criminal offence. If you are under 19, having any amount of alcohol in your blood is an offence. Having other drugs in your system that impair your ability to drive is also a criminal offence. You may be charged fined, lose your license for a period of time and have a criminal record.

Off-Highway Vehicles

Off-highway vehicles include ATVs, dirt bikes, snowmobiles and farm tractors. You must possess a valid driver's license to cross a highway with any off-highway vehicle.

All-Terrain Vehicles (ATVs)

If you are 14 or 15, you must complete a training course and be supervised by an adult to operate an ATV.

If you are 16 or older, you can drive an ATV unsupervised if you have completed a training course or have had a valid driver's license for at least 2 years. If your license is suspended, you cannot drive an ATV.

Dirt Bikes

If you are under 14, you must be supervised by an adult and be in a competition or be preparing for a competition to operate a dirt bike.

If you are 14 or older, you can operate a dirt bike unsupervised if you have successfully completed a training course approved by the Registrar of Highway Safety.

Snowmobiles

If you are under 14, you must be supervised by an adult to operate a snowmobile. You must be 14 or older to operate a snowmobile unsupervised.

You must possess a valid driver's license to cross any highway while driving a snowmobile.

For more information about off-highway vehicles call Highway Safety, Motor Vehicle Inspection Office at 368-5219.

Farm Tractors

If you are 14, you can get an Instruction Permit or a Driver's License to operate a farm tractor. You cannot work with pesticides until you are 18.

Youth Justice System

A crime is an act that breaks the law. A young person who breaks the law must be held accountable for his or her actions. He or she is expected to take responsibility for his or her behaviour. The youth justice system has a graduated response to behaviour. This means that the consequences get more severe as the offences become more numerous and more serious.

If you under 12 and you do something that would be a crime if you were 12 or older, you cannot be charged with a crime. Child Protection, Mental Health or other services will get involved to help you and your family change your behaviour.

If you are 12 to 17 and you break the law, you may be charged with an offence in the youth criminal justice system.

If you are 18 or older, you can be charged in the adult criminal justice system.

If you are 14 or older and convicted of a serious offence like murder or manslaughter, you may be given an adult sentence if there is no youth sentence that can hold you accountable for your actions.



Most people think once you turn 18, your criminal record is erased. This is a complex area of law and that may not be true.

If you are charged in the youth justice system, cannot afford a lawyer and your parents won't pay for one, you can apply for a legal aid lawyer.

If you are 18 or older and a Canadian citizen, you can be asked to serve on a jury.

For more information about the Youth Justice System, contact CLIA at 892-0853 or 1-800-240-9798.

Alcohol, Tobacco and Other Drugs

Alcohol

The legal drinking age is 19. If you are under 19, a parent or spouse can give you an alcoholic drink, like a glass of wine with Christmas dinner. If you are under 19, you cannot be sold, served, buy, drink or possess alcohol. You can go into a liquor store if you are with your parent or guardian, but you cannot buy anything.

You cannot go into a bar or lounge unless:

- You are with a parent and it is for a meal.
- It is before 10 p.m.
- There is no live entertainment.

Using a fake ID to get alcohol is illegal and may result in consequences such as losing your driver's license.



Tobacco

The legal age to buy tobacco is 19.

If you are under 19, no one can legally sell or give you tobacco.

You are breaking the law if you use fake ID to buy tobacco.

Other Drugs

Use of illegal drugs does not become legal at any age. Illegal drugs include prescription drugs that were not prescribed for you by a doctor.

If you are 12 or older, and are caught by the police in possession of illegal drugs, you may face consequences.

Working

Working is a great opportunity to get skills and experience.

If you are under 16 and want to work, you must:

- have permission from your parents
- work no more than 3 hours on a school day and 8 hours on a non-school day
- work no more than 40 hours per week
- work between the hours of 7 a.m. and 11 p.m. only
- not work in construction, as a signaler in traffic control or as an apprentice in a designated trade
- not work in an environment that is harmful to your health, safety, moral or physical development

If you are over 16, most of these limits do not apply. If you are over 16, you have rights under the *Employment Standards Act* or the collective agreement between your employer and your union.

The *Employment Standards Act* and *Youth Employment Act* have recently been reviewed so changes are expected soon. Call CLIA at 902-892-0853 or 1-800-240-9798 for up-to-date information.

Income Tax

You can file an income tax return at any age, even if you are not working. You may be eligible for a GST refund at 19 if you qualify financially.

You must file an income tax return if you make enough money to pay taxes. However, if you make less than a specified amount in a year, you do not have to file an income tax return. Check with Revenue Canada for this amount at 1-800-959-8281.

Failing to report taxable income or overstating your deductions can result in penalties.

GST Refund Credit

The GST refund credit is a refund that the federal government sends to eligible people. It is based on your income. If you are under 19, you are eligible only if you are married, in a common law relationship or have a child living with you.

Employment Insurance (EI)

Employment Insurance is a fund that you usually pay into when you are working.

You may be eligible to collect EI benefits if you have worked in the past, but are currently not working. There are requirements you must meet to be eligible.

For more information contact Service Canada at 1-800-622-6232.

Relationships

You may be in a romantic relationship now or in the future. There are laws to protect young people from exploitative relationships.

Marriage

If you under 16, you can get married only if you have a child or if you or your partner is pregnant. You must have a medical certificate confirming the pregnancy. You must have permission from your parents or have a court order saying you can marry.

If you are 16 or 17, you can marry if you have permission from your parents or a court order saying you can marry.

If you are 18 or older, you can marry without permission from your parents or the court. You will need a marriage license.

Sexual Activity

The age of legal consent to sexual activity is 16. It is a criminal offence for an adult to have sexual relations with a person under the age of 16.

There are exceptions for young people who are close in age. These exceptions make sure that consensual sexual activity between young people is not a criminal offence. It is not a criminal offence if:

- a young person aged 14 or 15 consents to sexual activity with someone less than 5 years older
- a young person aged 12 or 13 consents to sexual activity with someone less than 2 years older

These exceptions apply only if:

- the older person is not in a position of trust or authority over the younger person (for example, a coach, a teacher, or an employer),
- the relationship is not exploitative of the younger person.

Someone under 12 cannot give legal consent to sexual activity at all.

If the young person is 16 or 17, the older person could still face charges if he or she is in a position of authority or trust or the relationship is exploitative.

It is a crime for an adult to involve people under the age of 18 in exploitative sexual activity, including prostitution and pornography.

For more information, CLIA has a brochure called *The Age of Consent: Young People, Sex and the Law*. To get a copy, call CLIA at 892-0853 or 1-800-240-9798.

Adoption

You can apply to adopt a child when you are 18 or older. You must be older than the person you are adopting. You must give permission to be adopted if you are 12 or older.

Changing Your Name

If you are 12 to 17 years old, you must give written permission for someone else to change your name. If you are 18 or older, you can do your own name change. For more information, CLIA has a brochure called *Names*. To get a copy, call 892-0853 or 1-800-240-9798.

School

You can leave school after you turn 16. It may be in your best interest to complete grade 12. Employers usually require that you have a high school diploma. Colleges and universities usually require grade 12, unless you apply as a mature student.

If you are between 7 and 16, you must go to school unless you have already graduated from high school or have been excused because of an illness or other cause.

If you are between 6 and 20, you have the right to go to public school free of charge.

If you are under 16, you cannot go to a private training course during regular school hours. If the course is during off-school hours, you may attend.

Home-Schooling

The Department of Education of PEI does not provide credits or graduation certificates to students who have been home-schooled. Post-secondary institutions and employers determine whether the student's documentation meets their requirements for admission or for employment.

If you return to the public school system after being home-schooled, the School Board will determine at what grade level you will be placed.

You can take courses offered by a school board while being home-schooled.

Entertainment and Style

Gambling

You must be 19 or older to buy lottery tickets, play VLTs or engage in any other form of gambling.

Movies

You must be 18 or older to rent or buy films that say "Explicit Material" or "Restricted – Graphic Sexual Content."

Piercings

You must be at least 16 years old to get body piercings without written permission from your parents. You can get these piercings at a younger age if you have your parent's written permission. In both cases, you will have to show photo identification to prove your age.

You must be 18 or older to get *intimate body piercings* without written permission from your parents. Intimate piercings include nipples and the genital area for females and the genital area for males. If you are 16 or 17, you can get these piercings with written permission from your parents. In both cases, you will have to show photo identification to prove your age.

Tattoos

You must be 18 or older to get tattoos without written permission from your

parents. If you are 16 or 17, you can get tattoos with permission from your parents. In both cases, you will have to show photo identification to prove your age.

Health and Well Being

Consent to Medical Treatment

People have the right to consent or refuse to consent to medical treatment. You must be able to understand the information about your condition and treatment. If you are under 16, consent depends on your maturity and circumstances. Your parents may need to give consent for you. If you are 16 or older, you can name a proxy in a health care directive to make decisions for you if you can't make or communicate your wishes at the time.

For more information, call CLIA at 892-0853 or 1-800-240-9798.

Patient Confidentiality

You have the right to confidentiality during a doctor's appointment. For example, if you go to the doctor to get the birth control pill, he or she will not tell your parents.

There are exceptions to what the doctor can keep confidential. Some sexually transmitted infections must be reported to Public Health. Also, some doctors may have an ethical or moral conflict about providing you with the medical service you require and may suggest you go to another doctor.

It is a good idea to check with your doctor about whether or not they can guarantee confidentiality before you confide in him or her. If your family has a family doctor and you are not comfortable sharing information in case it is passed on to your parents, it might be a good idea to go to a walk-in clinic instead.

Your parents' responsibility to you

Your parents must provide you with the necessities of life such as food, clothing, and shelter until you are 16.

Your parents must provide child support until you are 18, or longer if you are still in school or dependent because of a disability.

If you are 16 or older and voluntarily leave home, your parents may not have to support you. Child Protection will not make you return home.

If you are under 16 and you leave home, Child Protection will do an assessment to determine whether you need to be in an alternative living arrangement.

If you are in danger in your home, call Child Protection. They will do an assessment to determine whether you are safe to be in your home or you need to be in an alternative living arrangement.

You can call Child Protection at (902) 368-6868 or 1-800-341-6868.

Disclaimer

This booklet does not contain legal advice. If you have a legal problem, you need to speak with a lawyer. Your specific circumstances, including your age, make a difference and there may be exceptions to some age limits given here.

If you have questions about what you have read in this booklet, call CLIA at 892-0853 or 1-800-240-9798.

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