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Mapping Basic Working Conditions in Employment Standards Laws Across Canada – 2011/2012

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Mapping Basic Working Conditions in Employment Standards Laws Across Canada – 2011/2012

Introduction

While most labour activists, practitioners, and workers have a fairly good understanding of the basic labour laws and employment standards in their jurisdiction, mapping employment standards between jurisdictions is essential to evaluate the basic conditions of workers and the state of Canadian labour laws across Canada. It can also be used to appreciate similarities and variations between jurisdictions, and help identify targets for improvement.

The purpose of this paper is to compare the basic working conditions as set in employment laws across Canada. Often referred to as labour or employment standards, these laws are designed to set a minimum, or a floor, under which no worker's employment conditions should fall below. Details on explicit exclusions are outlined in Appendix B, while details on exclusions by way of definition are outlined in Appendix A.

This mapping of basic labour standards in Canada focuses on the definition of employees and coverage of the laws, working time and overtime, leave provisions and holidays, minimum wage, pay equity and equal pay, and finally, job security and termination.

The employment standards laws could be analyzed in depth, looking at their history, actual coverage and statistical trends, and international standards and comparisons. We could have also looked at enforcement of labour standards or their effectiveness to cover essential needs of workers. However, our goal here is to provide a quick overview of each of the laws that govern employment conditions, and to outline basic similarities and differences between them.

Part 1. Definition of “Employees” and Exclusions

The main purpose of employment standards is to provide basic employment conditions and benefits to employees. Unfortunately, some groups of workers are excluded by definition from these legislations, meaning that they do not get the same level of protection as those who are covered by the Acts.

Some of the workers that are often excluded from all or part of employment standards Acts are managers, unionized employees, persons with disabilities, professionals and information technology staff (IT), extraterritorial workers, training students/interns, domestic and farm workers, taxi drivers, and those in the fishing industry. Exclusion from employment standards can put workers into a vulnerable position.

Table 1: Exclusions from Employment Standards Legislation

	Managers	Unionized Workers	Persons with Disabilities	IT Workers	Professionals	Extraterritorial Workers	Students/Interns
Federal	x	x			x	x	
British Columbia	x	x		x	x	x	x
Alberta	x		x	x	x	x	
Saskatchewan	x		x			x	
Manitoba	x		x		x	x	x
Ontario	x			x	x		x
Québec	x						x
New Brunswick					x		
Nova Scotia	x	x		x	x	x	x
Prince Edward Island		x				x	
Newfoundland and Labrador		x				x	
Yukon	x	x			x	x	x
Northwest Territories	x				x	x	x
Nunavut	x				x	x	x

Managers

The exclusion of managers from employment standards codes is common in Canada. Eleven of the 14 jurisdictions have provisions excluding managers from some or all of the minimum standards (only Prince Edward Island, Newfoundland and Labrador, and New Brunswick do not).

The most common exclusion for managers is from hours of work and overtime provisions. The assumption underlying this exclusion is that managers receive more benefits than other workers, like higher pay, in exchange for more hours at work and more responsibilities.

Unionized Workers

Unionized workers are excluded from labour minimums in the Federal Sector, British Columbia, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, and Yukon. In British Columbia, for example, unionized workers are exempt from a part of the Act if their collective agreement covers a section or topic covered by the Act, even if the collective agreement provides lower standards than the Act. In the federal jurisdiction, unionized workers are excluded except where the collective agreement affords less than the Act.

Some labour standards state that contracting out of minimum labour standards is not permitted. This is the case in Ontario, where if a provision of a contract, like a collective agreement, contains a lesser worker benefit than the Act, the provision becomes void. Prince Edward Island, Newfoundland and Labrador, and Québec all have similar rules.

Persons with Disabilities

Legislation in Alberta, Saskatchewan, and Manitoba allow employers with a permit to pay persons with disabilities less than minimum wage, excluding these workers from important pay protections.

Professionals and IT Workers

Many of the jurisdictions exclude professionals from their labour standards. The Federal Sector, British Columbia, Alberta, Manitoba, Ontario, New Brunswick, Nova Scotia, Nunavut, Northwest Territories, and Yukon exclude some variety of professionals from their respective Acts. Such professionals can include those in the medical profession, law, architecture, and dentistry.

British Columbia, Alberta, Ontario, and Nova Scotia also explicitly exclude information technology workers (IT) from labour standards coverage.

Extraterritorial Work

Normally, all residents of a province working in another province are also excluded from the labour standards applicable in the jurisdictions where they live. However, in Ontario, Québec, and New Brunswick, the labour standards applicable to employees are extended beyond their boundaries for citizens working extraterritorially.

Students/Interns

Academic or vocational programs requiring internships and student work at off-campus locations are increasingly popular. However, students/interns are often excluded from basic employment standards. Students are excluded in some form in British Columbia, Manitoba, Ontario, Québec, Nova Scotia, Nunavut, Northwest Territories, and Yukon legislation.

Other Exclusions

Some other common exclusions from labour standards codes include taxi drivers, construction workers, those in the fishing industry,

and transport workers. Taxi drivers are excluded from some protections in British Columbia, Alberta, Ontario, and Yukon employment standards legislation.

Table 2: Other Exclusions from Parts of Employment Standards Acts

	Taxi Drivers	Construction Workers	Fishing Industry Workers	Transport Industry Workers	Domestic Workers	Farm Workers
Federal				X		
British Columbia	X	X	X	X	X	X
Alberta	X	X		X	X	X
Saskatchewan		X	X	X	X	X
Manitoba		X	X		X	X
Ontario	X	X	X		X	X
Québec		X			X	X
New Brunswick		X				X*
Nova Scotia		X	X		X	X
Prince Edward Island					X	X
Newfoundland and Labrador		X	X		X	X
Yukon	X	X			X	X
Northwest Territories		X		X	X	
Nunavut		X	X			

* Where three or less workers are employed.

Both domestic and farm workers are excluded from some basic provisions in nine jurisdictions (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, and Yukon). Only Nunavut does not exclude either category of workers, with agricultural workers being excluded from some provisions in Québec and New Brunswick laws, and domestic workers being excluded from Northwest Territories legislation.

Exclusions and Coverage: the Champions are...

New Brunswick does not exclude managers from its employment standards laws. Exclusions of managers are far too common in

employment standards laws, meaning most Canadian jurisdictions are guilty of this glaring oversight of workers' rights. Managers do not always receive the highest pay and better benefits at their workplaces. Depending on the workplace, this group of workers can be vulnerable to mistreatment. Low level managers may be making just above minimum wage, but working far above and beyond the weekly maximum without overtime pay. Also, this exclusion allows some employers to designate workers as managers in order to avoid paying overtime.

New Brunswick does, however, exclude IT workers from its laws, as do most jurisdictions. Since the IT industry includes such an enormous amount of different jobs and positions, some IT professions may merely be making minimum wage with very little benefits or job security. As such, excluding these workers from protective legislation could mean they work at a standard far below what Canadians would consider reasonable.

British Columbia's exclusion of unionized workplaces, even if the negotiated rights are lower than the Act's minimums, is problematic. Harry Arthurs has argued that unionized workers should be given flexibility in labour standards legislation, allowing them to take less than the minimum standard in exchange for things that interest them as a particular group. However, excluding unionized workers from employment standards legislation is dangerous, as it allows powerful employers or employer-interested unions to negotiate collective agreements providing less than their non-unionized counterparts.

In Ontario, the exclusion of students/interns from legislation is especially harsh, as the lack of protection depends on the student not being permitted employment at that workplace after the internship is complete. The employer can thus bring on a student or intern, employ them at lower than the minimum conditions for any other worker, and can only do so if they do not eventually offer the student a job. As such,

the student/intern has worked in less than ideal conditions, often unpaid, without the prospect of a job at the end of their hard work.

Recommendations

Unions and workers need a firm legislated floor from which to build upon when negotiating their collective agreements. Opting out of minimum employment standards should not be an option. All minimum standards should be set in stone and represent a floor under which no working conditions can fall. This will guard against questionable employer-sided unions from negotiating terrible collective agreements that favour the employer.

As suggested by Harry Arthurs in his report on Part III of the *Canada Labour Code*, the definition of “manager” should be included in all legislation which excludes these workers, guaranteeing that employers cannot take advantage of the title to give workers less than the minimum standards.

The provisions for less-than-minimum-wage payment to those with disabilities should be removed, as they represent a prejudicial view of these workers' labour value.

Professionals and IT exclusion should be removed. Many are employed as salaried employees, and should get the same protections as all workers.

To improve mobility between provinces, extraterritorial worker protections should be included in all employment standards laws across Canada, allowing employees who are working outside of their home jurisdiction to be protected by familiar laws.

With the increasing level of programs requiring internships in Canada, and the abuse of internship as a cheap form of labour, all paid internships and students-in-training should receive basic protections in

labour standards legislation. Only unpaid students in registered programs working as interns under direct supervision from the education system could be exempt from labour standards legislation.

Finally, clearly vulnerable workers, such as those already excluded from labour relations legislation (farm workers in Alberta), should not be excluded from basic employment standards.

Part 2. Hours of Work and Overtime

The establishment of working time, hours of work, and overtime play an important role by setting the standard of what a reasonable amount of time at work is in Canadian society. It is through these provisions that workers' rights for time paid and time off can be guaranteed, and work-life balance achieved. Further information on hours of work and overtime is provided in Appendix C.

Provisions on hours of work, rest periods, overtime provisions, the right to refuse work, and reporting pay can all help to provide an appropriate balance for an employee between their professional and personal life.

Hours of Work

The most common limit for work hours, known as the “standard work week” in Canadian legislation, is eight hours per day and 40 hours per week. This is the amount stated in seven jurisdictions (Federal Sector, British Columbia, Saskatchewan, Manitoba, Yukon, Northwest Territories, and Nunavut). Both Québec and Newfoundland and Labrador do not specify eight hours per day, but do state that the standard work week is 40 hours. Ontario states that the standard work week is 44 hours, and New Brunswick's maximum work week that can be paid at minimum wage is also set at 44 hours. The longest standard work week in Canada is in Nova Scotia and Prince Edward Island, at 48 hours per week.

Some legislation states a maximum amount of hours that can be worked per day or per week, though these limits can often be overturned by agreement of both the worker and the employer. Both Ontario and the Federal Sector state that this maximum is 48 hours per week, while Saskatchewan has a shorter maximum of 44 hours per week.

Table 3: Standard Work Week

	Hours per Week	Hours per Day	Maximum Hours per Week	Maximum Hours per Day
Federal	40	8	48	
British Columbia	40	8	No excessive hours	
Alberta	44	8		
Saskatchewan	40	8	44	
Manitoba	40	8		
Ontario	44		48	8
Québec	40			
New Brunswick	44*		**	
Nova Scotia	48			
Prince Edward Island	48			
Newfoundland and Labrador	40			14
Yukon	40	8		
Northwest Territories	40	8	60	10
Nunavut	40	8	60	10

* Maximum hours that can be paid at minimum wage.

** Explicitly stated that there is no maximum.

The maximum in Newfoundland and Labrador is 14 hours per day, and Alberta states that hours worked have to be within 12 hours per day, limiting the spacing of split shifts. Nunavut and Northwest Territories both state a limit of 10 hours per day or 60 hours per week.

Uniquely, British Columbia employment standards legislation has a section stating that the hours worked cannot be so excessive so as to cause damage to the worker's health or safety.

Several jurisdictions do not have explicit maximum hours in their legislation, such as Manitoba, Québec, Nova Scotia, Prince Edward Island, and Yukon. New Brunswick, on the other hand, has an explicit section stating that there is *no* maximum limit to hours workable per day, week or month.

Rest Periods

The most common weekly rest period stated in Canadian legislation is for 24 consecutive hours per week (Alberta, Manitoba, Ontario, and Northwest Territories), with some jurisdictions specifying that this day off should ideally be scheduled on Sundays (Federal Sector, Saskatchewan, New Brunswick, Nova Scotia, Newfoundland and Labrador, and Nunavut).

Québec and British Columbia require longer rest periods per week of 32 consecutive hours, but Prince Edward Island and Yukon have the longest required rest period of two days, with Sunday being one of those two days if possible. Saskatchewan also states that two days ought to be given where the business employs over 10 workers.

Split Shifts

The required rest period between shifts is not stated in all jurisdictions. Newfoundland and Labrador, and Saskatchewan state that a worker must have eight hours of rest in any 24-hour period. British Columbia and Alberta state that eight hours must always be given between shifts.

Eight hours are also the required time off in Ontario and Yukon, but with some stipulations. In Ontario, this is only required if the time of successive shifts exceeds 13 hours, allowing short split shifts without eight hours between them. In Yukon, if the eight-hour rest period causes unreasonable hardship on the employer, it can be reduced to six hours.

Meal Breaks

Meal breaks are included in employment standards legislation in all jurisdictions except the Federal Sector. All of the provinces require a 30-minute break when the worker is employed for five continuous hours

(with some conditions in Alberta, Saskatchewan, and Yukon), except Newfoundland and Labrador, which requires a full one hour break.

Overtime

Overtime pay applies in all jurisdictions when an employee works over the standard work hours in a week. In all Canadian jurisdictions, overtime pay is 1.5 times an established rate of pay (either the worker's regular rate or minimum wage). The only exception is in British Columbia, where if an employee works over 12 hours, those additional hours are paid at twice the worker's regular rate of pay.

The Federal Sector, Manitoba, Northwest Territories, and Nunavut all pay overtime rates of 1.5 times the worker's regular rate of pay for all hours over the standard eight-hour day and 40-hour work week.

In Yukon, Saskatchewan, and Alberta, the pay is 1.5 times a worker's regular rate of pay for *either* all hours over eight per day *or* all hours over the standard work week (40 hours in Yukon and Saskatchewan, and 44 in Alberta). Alberta and Saskatchewan specify that the employer should pay according to whichever equals a greater amount.

In British Columbia, for any work over eight hours per day and below 12 or over 40 in a week, the rate is 1.5 times a worker's regular pay.

In Ontario, Québec, and Prince Edward Island, the rate is 1.5 times the worker's regular rate of pay for all hours over the weekly standard amount (44 in Ontario, 40 in Québec, and 48 in Prince Edward Island).

Newfoundland and Labrador, Nova Scotia, and New Brunswick all established that overtime is merely 1.5 times the province's minimum wage, and not the worker's rate of pay. This rate applies for hours over

40 per week in Newfoundland and Labrador, 48 per week in Nova Scotia, and 44 per week in New Brunswick.

Table 4: Overtime Pay

	1.5 regular wages for any time over standard <u>weekly</u> hours	1.5 regular wages for any time over standard <u>daily</u> hours	2x regular wages for any time over 12 hours on a day	1.5 <u>minimum wage</u> for any time over standard <u>weekly</u> hours
Federal	X	X		
British Columbia	X	X	X	
Alberta	X	X		
Saskatchewan	X	X		
Manitoba	X	X		
Ontario	X			
Québec	X			
New Brunswick				X
Nova Scotia				X
Prince Edward Island	X			
Newfoundland and Labrador				X
Yukon	X	X		
Northwest Territories	X	X		
Nunavut	X	X		

Banking of Overtime Hours

Banking is when an employee trades the pay owed to them for overtime work performed in exchange for time off work. Banking of overtime hours is expressly permitted in all but five of the jurisdictions (the Federal Sector, Saskatchewan, New Brunswick, Nova Scotia, and Nunavut). Generally, this arrangement is made by written agreement, and the time off must be taken within a specified amount of time after

the work was performed. In Alberta, this time off must also be taken at a time when the worker would normally be at work and receiving wages.

Right to Refuse Work

There are provisions allowing for a limited right to refuse work in some jurisdictions. In Manitoba, Ontario, New Brunswick, Nova Scotia, and Prince Edward Island, there are some limited rights to refuse to work on Sundays or uniform closing days for certain workers. More general rights to refuse work exist in Saskatchewan, Québec, and Yukon where the worker has the right to refuse overtime without repercussions.

Reporting Pay

Reporting pay is owed when a worker shows up for a scheduled shift or after being called in by their employer, and does not necessarily work part or any of the shift for reasons outside of the worker's control. In these circumstances, the employer must still pay a sum to the worker, the amount of which differs between jurisdictions.

Most jurisdictions require three hours' worth of pay. However, some only require three hours' pay at minimum wage, while others require three hours' pay at the worker's regular rate. The Federal Sector, Manitoba, Québec, and Prince Edward Island all require that the workers be paid for three hours at their regular rate. Alberta, Newfoundland and Labrador, Saskatchewan, and Nova Scotia merely require that the worker be paid for three hours at the province's minimum rate. Ontario and New Brunswick both require that the worker be paid for either three hours of work at minimum wage or for the amount of hours actually worked at their regular rate of pay, whichever is highest.

Only four jurisdictions differ in the amount of hours to be compensated. Yukon requires that two hours be paid at the worker's regular rate, while Nunavut and the Northwest Territories require that

four hours be paid at the worker's regular rate. British Columbia is unique in requiring that four hours be paid at the regular rate if the shift was scheduled to be over eight hours, and two hours at the regular rate if the shift was not scheduled to be that long or if the reason the employee cannot work is outside of the employer's control.

Part-time Limits

Three provinces require a certain amount of hours worked in order to be eligible for rest provisions or reporting pay (Saskatchewan, Ontario, and New Brunswick). To be eligible for reporting pay in Ontario and New Brunswick, the worker must regularly be employed for more than three hours per shift. These short-shift workers also do not have a protected day of rest per week in New Brunswick, and Saskatchewan only extends rest day protections to employees that work over 20 hours per week.

Hours of Work and Overtime: the Champions are...

British Columbia has among the best protections for workers' rights in terms of hours of work and overtime. The specification that hours per week cannot be so excessive as to cause a danger to the worker's health and safety, protects an employee's work-life balance. The 32-hour rest period per week is more generous than most provinces, and a mandatory rest period between shifts is also specified in this jurisdiction, protecting workers from unreasonable demands to work without adequate break times.

Saskatchewan, Québec, and Yukon also have protective legislation, such as the right to refuse work and longer rest periods per week (two days in Yukon).

New Brunswick stands out as a problematic jurisdiction in terms of workers' rights, with no maximum limit for work hours, overtime being compensated only at 1.5 times the minimum wage as opposed to the

employee's regular wage, no specifications on overtime banking, and reporting pay being paid at minimum wage or the worker's regular rate for hours actually worked instead of always at the worker's regular wage.

Furthermore, New Brunswick does not specify any required rest period between work shifts in employment standards legislation and does not extend reporting pay provisions to workers with shorter shifts.

Nova Scotia's employment standards also pose some similar problems and specifies the highest standard hours per week (48), meaning that an acceptable work week is six days per week, as opposed to a norm of five days for 40-hour-per-week jurisdictions.

Recommendations

All provinces ought to have some form of legislation on overtime banking hours, thus regulating this often-used system, and ensuring workers will be fairly compensated for their work. All provinces should also specify a maximum amount of work per week, ensuring that the work-life balance is adequately protected for all Canadians. This means that New Brunswick ought to remove the express lack of limits from their laws.

Rest periods between shifts should be expressly included in all legislation, allowing the average employer to understand that scheduling shifts too close together is not permitted. Meal break provisions should also be included in federal legislation, as this is the only jurisdiction lacking such legislation.

Finally, no limits should exist which alienate part-time workers. Presumably, such workers have a reason for working part-time and not being available for full-time work, which requires that they, of all people, should be protected with hours of work legislation. They may be employed at more than one workplace and, as such, end up with no rest

days whatsoever. This is a situation that should be avoided through legislation which guarantees at least one rest day to all workers. In attempting to write protective laws for part-time workers, jurisdictions should look to Québec, where an employee who regularly works part-time may refuse work that is more than 14 hours long in a 24-hour period. This legislation acknowledges the special circumstances of part-time workers and protects their interests.

Part 3. Leave Provisions

Designated paid holidays, vacations, and other leave provisions such as maternity or compassionate care leave are key elements to work-life balance of workers. These provisions give employees time to address personal issues, as well as their mental and physical health. Those breaks that are paid — such as public holidays, vacation, and some rare leave provisions — also guarantee that workers will not face additional money problems while taking the time off.

Designated Paid Holidays

Designated mandatory days off with pay in the form of holidays vary across the jurisdictions. Details on these variations are provided in Appendix D. Some provinces offer only six days of designated paid holidays in employment standards legislation (Nova Scotia, and Newfoundland and Labrador), some offer seven (Prince Edward Island and New Brunswick), some offer eight (Manitoba, Ontario, and Québec), some offer nine (Federal Sector, British Columbia, Alberta, Yukon, and Nunavut), and finally, some offer ten (Saskatchewan and Northwest Territories).

All jurisdictions celebrate New Year's Day, Good Friday, Labour Day, Christmas Day, and Canada Day (though this last one is called Memorial Day in Newfoundland and Labrador). Often if the holiday falls on a Saturday or Sunday, the holiday will be held on the following Monday.

In all jurisdictions, when a worker does not work on a holiday and this is a regular work day for them, they are still required to be paid for a regular day's work. If the holiday falls on a day that is usually the worker's day off and they do not work on the holiday, four jurisdictions specify that the holiday pay of the worker's daily wage must still be paid

(British Columbia, Saskatchewan, Québec, and Northwest Territories), six specify that the worker must be given a later day off with pay in lieu (Federal Sector, Manitoba, Nova Scotia, Newfoundland and Labrador, Prince Edward Island, and Yukon), and three allow either (Ontario, New Brunswick, and Nunavut).

The only jurisdiction with different provisions for a holiday falling on an employee's regular day off is Alberta. In this province, the employee receives nothing. On the opposite side of the spectrum, the territories (Yukon, Northwest Territories, and Nunavut) require that in this situation an employee must be paid overtime or even double wages if they are required to work on a different regular day off other than the holiday during that holiday week. This means that the worker who had a regular day off during the holiday still gets the same amount of days off as the rest of the population in that week.

When an employee works during a holiday, most jurisdictions require that the employee be paid their holiday pay (one day's regular wages) in addition to 1.5 times their regular wage for hours worked on the holiday. This is the case in the Federal Sector, British Columbia, Saskatchewan, Manitoba, Ontario, New Brunswick, and Nova Scotia. It should be noted, however, that the 1.5 becomes twice the wages in British Columbia after 12 hours of work on the holiday.

Some provinces, namely Alberta, Prince Edward Island, Yukon, Northwest Territories, and Nunavut, give the option of being paid regular wages plus 1.5 times the day's wages or getting paid for the day and receiving another day off later.

In Québec, the worker can receive either regular wages for hours worked on the holiday and either holiday pay or a compensated day off in lieu.

In Newfoundland and Labrador, the worker has the same options as in Québec, with a third option to take an extra day of paid vacation in lieu.

Table 5: Options of Pay for Working on a Holiday

	1.5 times daily wage plus holiday pay	Daily wage plus holiday pay	Daily wage with another day off	Daily wage plus another paid vacation day added
Federal	X			
British Columbia	X*			
Alberta	X		X	
Saskatchewan	X			
Manitoba	X			
Ontario	X			
Québec		X	X	
New Brunswick	X			
Nova Scotia	X			
Prince Edward Island	X		X	
Newfoundland and Labrador		X	X	X
Yukon	X		X	
Northwest Territories	X		X	
Nunavut	X		X	

* The 1.5 becomes 2x the wages after 12 hours of work on a holiday.

Nearly all jurisdictions require that the worker has been employed for a minimum amount of time (such as three months in Ontario or one month in Newfoundland and Labrador) to be eligible for holiday pay. The only exceptions are Saskatchewan, Manitoba, and Québec where there is no minimum time requirement.

Vacation

Paid vacation for employees exists in all employment standards legislation in Canada. Appendix E outlines the provisions in detail. Generally (with the exception of Saskatchewan, Ontario, and Yukon), the vacation time starts at two weeks per year for an eligible employee, and grows to three weeks after a mandated amount of years have passed at the job.

The vacation increases to three weeks of vacation per year after five years of work in British Columbia, Alberta, Manitoba, Québec, and Nunavut. This increase does not happen until after six years of work in the Federal Sector and Northwest Territories.

The minimum amount of work required to attain three weeks vacation in New Brunswick, Nova Scotia, and Prince Edward Island is over eight years. Newfoundland and Labrador has the highest requirement, at 15 years.

Saskatchewan legislation allows for longer vacations, giving those with one year's employment at their job, three weeks' vacation, and those with over 10 years' experience, four weeks' vacation.

On the flip side, Ontario and Yukon allow for only two weeks' vacation per year for all employees, and do not extend this vacation to three weeks.

Saskatchewan also stands out by having a different pay percentage for vacation time than other provinces. For those on three weeks of vacation, the pay is 3/52 of the worker's annual wages (5.7%), and for those on four weeks of vacation, the pay is 4/52 (7.6%). In all other jurisdictions, for those who are on vacation for two weeks, the pay is 4% of their annual wages, and for those on three weeks of vacation, the pay is 6%.

Table 6: Vacation Time and Vacation Pay

	2 weeks	2-3 weeks	3-4 weeks	4% of annual pay	4-6% of annual pay	5.7-7.6% of annual pay
Federal		x			x	
British Columbia		x			x	
Alberta		x			x	
Saskatchewan			x			x
Manitoba		x			x	
Ontario	x			x		
Québec		x			x	
New Brunswick		x			x	
Nova Scotia		x			x	
Prince Edward Island		x			x	
Newfoundland and Labrador		x			x	
Yukon	x			x		
Northwest Territories		x			x	
Nunavut		x			x	

Québec is interesting in that it includes specific legislation stating that vacation cannot be reduced for part-time workers simply because they work less.

Other Leave Provisions

Leaves for extended periods of time are generally unpaid, with very few limited exceptions. Common leaves in Canadian jurisdictions include maternity, parental, compassionate care, sick, and bereavement leaves. Some provinces have named these leaves differently, such as in Ontario where compassionate care leave is covered by “family medical leave.” All details on leaves in Canadian legislation are provided in Appendix F.

Maternity leave is given to new mothers based on a delivery date. The highest length of maternity leave is in Québec and Saskatchewan, at 18 weeks. The lowest is in Alberta, at 15 weeks. All other jurisdictions have 17 weeks of maternity leave.

Table 7: Maternity Leave Eligibility

	Due date cannot fall within first 13 weeks of work	Must have worked for 5 months	Must have worked for 6 months	Must have worked for 7 months	Must have worked for 1 year	No employment time requirements
Federal			X			
British Columbia						X
Alberta					X	
Saskatchewan		X*				
Manitoba				X		
Ontario	X					
Québec						X
New Brunswick						X
Nova Scotia					X	
Prince Edward Island		X*				
Newfoundland and Labrador		X				
Yukon					X	
Northwest Territories					X	
Nunavut					X	

* Worker must have been employed for 20 of the 52 weeks leading up to their pregnancy to be eligible for maternity leave.

All jurisdictions also require that a minimum amount of time has been worked by the employee in order to be eligible for maternity leave, with the exceptions of British Columbia, Québec, and New Brunswick, which have no time requirements to qualify for maternity leave. The worker must have been employed for a year in five jurisdictions (Alberta, Nova Scotia, Nunavut, Northwest Territories, and Yukon), for seven

months in Manitoba, and for six months in the Federal Sector. To be eligible for maternity leave, the worker must have been employed for 20 weeks in Newfoundland and Labrador, and for 20 of the 52 weeks leading up to their pregnancy in Prince Edward Island and Saskatchewan. Ontario states that a worker is only eligible for maternity leave if the due date does not fall within their first 13 weeks of employment.

Table 8: Length of Leaves (in weeks)

	Maternity	Parental	Paternity
Federal	17	37	
British Columbia	17	35-37	
Alberta	15	37	
Saskatchewan	18	34-37	
Manitoba	17	37	
Ontario	17	35-37	
Québec	18	52	5
New Brunswick	17	37	
Nova Scotia	17	35-52	
Prince Edward Island	17	35-52	
Newfoundland and Labrador	17	35	
Yukon	17	37	
Northwest Territories	17	37	
Nunavut	17	37	

Extensions for workers whose actual delivery date is later than expected are available in Saskatchewan, Manitoba, Québec, Prince Edward Island, Yukon, Northwest Territories, and Nunavut. Interestingly, Québec also provides short leaves for pregnant workers to go to their scheduled doctors' appointments before taking their maternity leave.

Parental leave is a leave given to care for a newborn or newly adopted child. The leave is 37

weeks long in the Federal Sector, Alberta, Manitoba, New Brunswick, and Yukon. In British Columbia, Ontario, Northwest Territories, and Nunavut, the leave is also 37 weeks long, but only 35 for those workers who have already taken maternity leave. In Saskatchewan, the leave is 37 weeks, and a shorter 34 for those who have taken maternity leave. Nova Scotia allows for 52 weeks, with 35 for those that have taken

maternity leave. The length is 35 weeks in Prince Edward Island, as well as for Newfoundland and Labrador, and 52 for adoptive parents in Prince Edward Island. The longest parental leave is in Québec, at 52 weeks, even for those who have already taken maternity leave.

Compassionate care leave is given to workers who must care for a family member who is very ill and might die within an expected time period. Generally, the length of the leave is eight weeks granted if the worker provides a doctor's note stating that the family member is facing a significant risk of death within the next 26 weeks. This is the case in all jurisdictions except Alberta, Saskatchewan, and Québec. There is no compassionate care leave in Alberta, while in Saskatchewan, the length of the leave is not eight weeks, but rather 12 days or 12 weeks, depending on the closeness of the family member. Québec states specific circumstances under which compassionate care leave can be taken, such as that the family member is a minor child. In that case, the leave is 104 weeks long.

Sick leave is offered in the Federal Sector, Saskatchewan, Ontario, Québec, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, Yukon, and Northwest Territories. The length of leave varies from three days (Nova Scotia) to 26 weeks (Québec). One day of sick leave is paid in Prince Edward Island if the worker has been employed for over five years.

Bereavement leave is time off available to workers who have had a family member die. Four jurisdictions offer a partially paid bereavement leave: Federal Sector, Prince Edward Island, Newfoundland and Labrador, and Québec. Northwest Territories allows for three days off for those with a family member from the local community who has died, and seven days off for those whose family member was from further away. There is no bereavement leave in Alberta or Nunavut.

Reservist leave is offered in all jurisdictions except Northwest Territories and Nunavut, while court/jury duty leave is offered in all but the Federal Sector and Nunavut. Some special leaves include family leave (British Columbia, Manitoba, New Brunswick, Prince Edward Island, and Québec), paternity leave (Québec), organ donation leave (Manitoba and Ontario), and marriage leave (Québec).

Table 9: Offered Leaves

	Sick Leave	Bereavement Leave	Compassionate Care Leave
Federal	x	x	x
British Columbia		x	x
Alberta			
Saskatchewan	x	x	x
Manitoba		x	x
Ontario	x	x	x
Québec	x	x	x
New Brunswick	x	x	x
Nova Scotia	x	x	x
Prince Edward Island	x	x	x
Newfoundland and Labrador	x	x	x
Yukon	x	x	x
Northwest Territories	x	x	x
Nunavut			x

Leave Provisions: the Champions are...

The most worker-friendly province with regard to designated paid holidays is British Columbia. In this province, the worker is paid double their regular rate, plus vacation pay, for any hours over 12 worked on a public holiday. Many jurisdictions specify that holiday work is not to be compensated at the overtime rate, but British Columbia has considered

the need to fairly compensate employees who are working more than the standard hours on a holiday.

Alberta, on the other hand, is not very worker-friendly, mostly due to the provision that when a holiday falls on a worker's usual day off, they will not be paid any holiday pay whatsoever. This means that a worker in this situation is compensated less than their fellow employees, simply because the holiday happened to fall on a particular day of the week. Furthermore, this worker would end up with one less day off that week than other employees.

In terms of vacation, Saskatchewan's three to four weeks of vacation is more generous than other jurisdictions' two to three weeks off. Québec protects part-time workers by explicitly stating that vacation cannot be reduced for these employees simply because they work less time.

In contrast, Yukon's and Ontario's two-week maximum of vacation does not reward workers that stay at their jobs for longer periods of time.

With regard to other leave provisions, some jurisdictions are more admirable in terms of workers' rights than others. Alberta has the fewest leaves, and those it does have are among the shortest, such as the province's 15 weeks of maternity leave and a mandatory one full year of employment in order to even earn this short break. Adversely, the flexible titles of Ontario's leaves mean that those workers that have a death in the family can use 10 days of “personal emergency leave” as their bereavement leave, while those that do not have a death can still access those days off for other serious personal crises.

Québec is by far the most generous when it comes to allowing workers time off in order for a good work-life balance to be reached. This province has the highest maternity leave, at 18 weeks (as does Saskatchewan), the highest parental, at 52 weeks, even for those who

have already taken maternity leave, and the longest sick leave of all jurisdictions. It even has some leaves not offered by any other jurisdiction, such as paternity and marriage leaves, as well as days of paid leave in parental, marriage, and bereavement leaves.

Recommendations

All jurisdictions should have as many public holidays as is feasible, as this encourages a sense of community for workers in that province, as well as allows workers to give adequate attention to their personal affairs. Alberta's problematic provision (that workers whose regular day off coincides with a holiday are not to be paid holiday pay), should be removed and replaced with a provision that a separate day off ought to be given in lieu of the holiday. Alberta should take the example of Yukon, Northwest Territories, and Nunavut, which all state that if a worker loses out on the extra day off due to the holiday falling on their regularly scheduled day, the worker ought to be reimbursed at overtime or double wages. This ensures that a worker is not unfairly treated simply because the holiday has fallen on their day off.

Vacation time should be as long as possible, following the lead of Saskatchewan. Ontario and Yukon should include provisions allowing for a longer vacation if the worker has been employed for a longer time period. This would reward employees that have worked at a job longer and that have established seniority at their workplace.

Alberta should include compassionate care and bereavement leaves in its legislation, and Nunavut should include bereavement leave as well. These leaves have been implemented in all other jurisdictions for the reason that caring for a sick loved one or grieving their death are some of the most stressful and difficult times for a worker. The protections for these workers need to be established in the provinces' laws, as there is no guarantee that an employer will recognize the need for time off in these circumstances. All jurisdictions should also include

sick leave, in order to address the inevitability of workers falling sick,
and keep those sicknesses from spreading throughout the workplace.

Part 4. Minimum Wage

Minimum wages have been around in Canada for decades. The basic idea behind a minimum wage is that there is a bottom amount that can be paid for one's labour, with anything below that amounting to an affront on human dignity. However, some workers are still paid below their jurisdiction's minimum wage, by way of legislated exclusions. Deductions in the form of room and board or uniforms may also mean that an employee ends up with lower than minimum wage. These provisions are detailed in Appendix G.

Wage

The minimum wage in Nunavut is currently the highest, at \$11.00/hour (July 2011). The minimum wage in British Columbia is currently the lowest at \$8.75/hour, but this amount will be going up to \$9.50 in November 2011, and to \$10.25 in 2012. The steep increases are due to the province's recovery from a minimum wage freeze, which had been in place since 2002.

Alberta's current minimum wage comes in second lowest, just above British Columbia, at \$8.80/hour, and will be experiencing a lower increase to \$9.40 in September 2011. After British

Table 10: Minimum Wages

	Current (as of August 2011)	Within the next year
Federal	Based on provincial	
British Columbia	\$8.75	\$9.50, \$10.25
Alberta	\$8.80	\$9.40
Saskatchewan	\$9.25	\$9.50
Manitoba	\$9.50	\$10.00
Ontario	\$10.25	
Québec	\$9.65	
New Brunswick	\$9.50	\$10.00
Nova Scotia	\$9.65	\$10.00
Prince Edward Island	\$9.30	\$9.60, \$10.00
Newfoundland and Labrador	\$10.00	
Yukon	\$9.00	
Northwest Territories	\$10.00	
Nunavut	\$11.00	

Columbia's increase in the fall of 2011, the lowest minimum wage will then be in Yukon, at \$9.00/hour.

The Federal Sector does not have a set minimum wage, but rather mirrors the wages of whichever province the employee is working in.

Lower Wages for Certain Workers

Some jurisdictions allow for less than minimum wage to be paid to certain categories of workers, such as inexperienced workers, young workers, those who serve alcohol, and those who make tips.

While the law designating a separate minimum wage for inexperienced workers has been repealed in British Columbia, a similar law still exists in Nova Scotia. These laws allow for an employer to pay a lower wage to workers without experience in the field, presumably to make them more attractive to potential employers. Perhaps for the same reason, Ontario has a separate, lower wage for young workers.

Those who make tips in Québec may be paid lower than minimum wage, while those in British Columbia, Alberta, and Ontario allow less than minimum wage to be paid to those who serve liquor.

Pay Periods

Most jurisdictions specify maximum intervals for pay periods. Employers thus cannot give their workers their pay at extraordinarily long intervals, and also cannot hold pay for more than is reasonable. Employers in Manitoba, for example, must pay their workers at least twice a month, and no more than 10 days after the pay period has expired.

Some provinces state that the maximum pay interval is 16 days (as in British Columbia, Québec, New Brunswick, and Prince Edward Island), while others specify that it must be semi-monthly (such as

Saskatchewan, Newfoundland and Labrador, Manitoba, and Nova Scotia).

Ontario, however, does not specify a pay period, but rather that the employer can determine their own pay intervals, and must provide pay at that time. This means that an employer could only pay their workers once a month or even longer.

Allowable Deductions

Deductions from wages can be problematic when the wages are already at the legislated minimum. For this reason, some provinces have enacted provisions specifying the most employers can charge for certain common deductions — namely room and board, and uniforms.

The maximum amount that wages can be reduced for a single meal varies across the jurisdictions. From lowest to highest, the maximum charges are \$0.50 per meal (Federal Sector), \$0.65 per meal (Northwest Territories and Nunavut), \$1.00 per meal (Manitoba), \$1.50 per meal (Québec), \$2.55 per meal (Ontario), \$2.89 per meal (Alberta), \$3.45 per meal (Nova Scotia), and \$3.75 per meal (Prince Edward Island). The maximum amount for food for the entire day in the Yukon is \$5.00. Lodging also varies across the jurisdictions, but with more flexibility. For example, Ontario allows more room deductions for private housing than public. Newfoundland and Labrador simply specifies that lodging costs must be reasonable.

Uniforms are another deduction that can bring a worker's actual pay to below minimum wage. Many jurisdictions have disallowed deductions from a worker's pay for required uniforms. Some of these jurisdictions specify that if the uniform holds the company logo or is impractical for use outside of work, the worker cannot be charged for the uniform or its cleaning. This is the case in Manitoba, Newfoundland and Labrador, Québec, and Prince Edward Island, though in Prince Edward

Island the employer can hold a 25% deposit for the uniform from the worker. British Columbia and Saskatchewan specify that uniform charges cannot be deducted in any case. The Northwest Territories, Yukon, and Alberta state that an employer cannot deduct below minimum wage for a uniform. Alberta also specifies that an employer can never charge more than what the actual uniform costs, to their employees, for mandatory uniforms.

Ontario, unfortunately, does not offer any explicit protections for maintaining minimum wage after uniform deductions. In this jurisdiction, employers can deduct from wages simply with written authorization from the employee. New Brunswick also does not have explicit legislation on uniform deductions in their *Employment Standards Act* and regulations.

Another common deduction is for loss of property or theft by a customer. This deduction from a worker's pay has been explicitly outlawed (if certain conditions are met, such as that the cash could be accessed by others) in the Federal Sector, Alberta, Manitoba, Ontario, Nova Scotia, Prince Edward Island, Northwest Territories, and Nunavut. Some jurisdictions have more general wording restricting deductions to only those permitted explicitly by law, meaning that a deduction for loss of property would be illegal. These jurisdictions include: British Columbia, Québec, Newfoundland and Labrador, and Yukon. Both Saskatchewan and New Brunswick do not include any provisions protecting a worker from deductions due to cash shortages or accidental property damage.

Mandatory Reviews of Minimum Wage

Certain jurisdictions require a mandatory review of minimum wage rates in their province. These include Saskatchewan, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, and Nunavut.

Prince Edward Island and New Brunswick require that the review boards consider the social and economic effects of the minimum wage they recommend or implement in their decisions.

Minimum Wages: the Champions are...

As pointed out by Harry Arthurs in his review of the *Canada Labour Code*, the minimum wage in jurisdictions does not necessarily reflect the cost of living in that community. Rather, the wage reflects the philosophical differences of opinion of the various governing parties in Canada. With the fluctuation of political parties in Canada, a minimum wage may be the country's highest in one province, simply to fall to the lowest in that same province not long after. This was the case in British Columbia after the government froze the high minimum wage for a period of nearly eight years, as mentioned above.

The highest minimum wage is currently in Nunavut, making it a front-runner for employment standards in terms of wages. However, the Yukon's use of indexing to determine their minimum wage means that this province is most likely closer to a fair wage than the others. Saskatchewan is also favourable, as it has no category of workers permitted to be paid below the minimum wage. In terms of deductions, this province clearly specifies a maximum charge for both room and board per month (\$250), and that uniforms cannot be deducted from pay.

Perhaps most importantly, a review board is required to meet at least once every two years, giving new governments a fresh chance to overturn outdated minimum wage provisions. A mandatory review demands that wages stay current and guarantees that problematic wage freezes, like that which the workers in British Columbia suffered through, will not be implemented easily. With the economic crash that Canadians are now experiencing, reviews of minimum wages could mean

that workers' rights would remain intact by questioning whether such wages are still reasonable in the current economy.

Ontario's lower wages for young workers and liquor servers is one of several problematic provisions in the province's legislation. With the minimum wage in all jurisdictions in Canada already being quite low when compared internationally, allowing employers to pay less than this base amount is a legislated attack on fair wages. Young and inexperienced workers ought still to be fairly rewarded for their labour. Also, simply because a worker makes gratuities from customers should not mean that their employer doesn't have to pay them as much for their work. It is important to remember that the employer did not supply the tips, and as such, should not be exempt from paying the worker the province's minimum wage.

Ontario also does not set a maximum interval for pay, allowing employers to pay at their discretion, as long as it is regular. Finally, while many provinces have specified that uniforms cannot be deducted from minimum wage, Ontario has yet to include such a provision.

Recommendations

The Federal Sector ought to implement a minimum wage, which would potentially set a national bar for the provinces to meet. In his article on the review of the *Canada Labour Code*, Harry Arthurs suggested that the Federal Sector should implement a minimum wage, as it had prior to 1996. The minimum wage void lacks direction, and a national policy would set a standard for other jurisdictions to refer to.

To move toward truly fair wages, minimum wage ought to be adjusted to increase at the same rate as other wages in Canada. Where wages of workers earning more than minimum wage increase by a certain percentage, so should those earning minimum wage increase by that percentage.

No category of worker ought to fall below the minimum wage. The minimum is exactly that — the absolute lowest an employer may pay. With this wage already being inadequate, it is hardly fair to state that certain positions ought to receive even lower than this. Young, inexperienced, tip-receiving, and liquor-serving workers should not have a separate and lower wage, as they do in Nova Scotia, Ontario, Québec, British Columbia, and Alberta.

A maximum interval between pays should be included in all legislation, guaranteeing that the imbalance of power between payer and payee is regulated. In this sense, employers will not be able to put off paying for their employees' work. Maximum deductions should also be explicitly stated in legislation. However, the deductions should never bring an employee to below minimum wage. If a worker is required to live on the premises, and to eat their meals there, they should not be compensated less than the minimum. In a fair workplace, a requirement for employment (such as room and board or uniforms) cannot be held as punishment against an employee in the form of deductions below the absolute lowest this worker can legally be paid. Once again, a minimum wage is just that: a minimum.

Deductions for cash shortages and accidental damage to property or faulty work should be explicit in every jurisdiction's legislation to ensure that workers will not lose wages for things that are out of their control.

Finally, all jurisdictions should implement legislation requiring regular reviews of their minimum wage provisions, as are required in Newfoundland and Labrador, Prince Edward Island, Saskatchewan, Nova Scotia, and Nunavut. This ensures that the wages stay current, and do not fall behind, as they did in British Columbia for so many years.

Part 5. Pay Equity and Equal Pay

Equal pay legislation and pay equity legislation in Canada are two different subjects, but both are important in enforcing human rights in the workplace. Equal pay legislation relates to equal pay for equal work, demanding that all individuals of both genders be paid equally for the same job. For example, a female housekeeper and a male housekeeper must be paid equally for their jobs in the same enterprise. Pay equity provisions focus on equal pay for work of equal value, demanding that jobs that are typically done by one gender are paid the same as jobs of equal value done by the other gender. For example, under a pay equity provision, housekeepers (a job typically done by females) and janitors (a job typically done by males) may need to be equally paid in the same enterprise. Detailed information on pay equity and equal pay provisions is provided in Appendix H.

Equal Pay for Equal Work

All jurisdictions have some form of equal pay legislation in their statutes. Equal pay provisions are solely gender-focused, and ensure that women will not be paid less than men for equal or similar work. For example, in Saskatchewan, the legislation provides that women cannot be paid differently than men where the work is performed under similar working conditions, and where the performance of that work requires similar skill, effort, and responsibility.

Equal pay provisions are in the employment standards codes of Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia, and Yukon, while all other jurisdictions have the provisions in their human rights codes.

Pay Equity

Pay equity legislation is not contained in all jurisdictions' legislation. Alberta, British Columbia, Saskatchewan, Newfoundland and Labrador, Yukon, Northwest Territories, and Nunavut do not have such provisions in their laws. Of the remaining seven jurisdictions that do have pay equity provisions, only the Federal Sector, Ontario, and Québec extend the requirement to pay gender-based jobs equally to those in the private sector (in Ontario and Québec, the legislation applies to all

Table 11: Pay Equity and Equal Pay Legislation

	Pay Equity	Equal Pay
Federal	X**	X*
British Columbia		X*
Alberta		X*
Saskatchewan		X
Manitoba	X	X
Ontario	X**	X
Québec	X**	X*
New Brunswick	X	X
Nova Scotia	X	X
Prince Edward Island	X	X*
Newfoundland and Labrador		X*
Yukon		X
Northwest Territories		X*
Nunavut		X*

* Provisions are contained in the jurisdiction's Human Rights Code.
** Legislation extends beyond public sector workers.

private employers with over 10 workers). Manitoba, New Brunswick, Nova Scotia, and Prince Edward Island all only require equal pay for work of equal value, for those who employ civil servants, and those who work for municipalities, health care, and universities.

In Ontario and Québec, the legislation is proactive, meaning that the burden is on the employer to guarantee that pay equity exists in the workplace, without the need for an individual complaint. However, in the Federal Sector, both private and public sector workers must bring forward pay equity complaints as individuals. The legislation for

civil servants is now contained in the *Public Sector Equitable Compensation Act*, which requires individuals to bring complaints to the

Public Service Labour Relations Board. Unionized individuals in the public sector cannot have the help of their union to bring these complaints forward, with significant fines for unions that attempt to help their members with a pay equity complaint.

Extending Pay Equity and Equal Pay Provisions

Part-time work has a very high concentration of women, and as such, it is somewhat surprising that all the jurisdictions focus on equal pay provisions so readily without clearly addressing the employment status of women in general. A guarantee in employment codes that part-time workers must receive the same wage per hour as a full-time worker in the same job would have the effect of protecting women and other vulnerable workers from discrimination in the workplace. It should be noted that Aboriginal, racialized, recent immigrant, single parent, LGBT, women, and those women living with disabilities are especially vulnerable parties, and are also highly concentrated in part-time work. The number of Canadians in these vulnerable employment positions is also growing larger and larger with every passing year. Also, extending pay equity provisions by guaranteeing that jobs filled mainly by one marginalized group (such as jobs filled mainly by persons of a particular race or age bracket) be paid equally to similar jobs filled by others, is a step toward truly equalizing the work of vulnerable persons.

Furthermore, the gap in equal pay provisions caused by a limited focus on gender alone allows employers to refuse certain benefits and higher wages to newly hired employees, causing two-tiered pay systems. This is a significant assault on young workers. With the experienced workers set to retire in large amounts and their jobs being filled by new employees, removing benefits and wages now sets a standard that will be nearly impossible to reverse once it is implemented. New workers will be receiving significantly less than past employees, for the same work, in the same economy, and these new workers will be mostly younger than their co-workers with earlier hiring dates. Discriminating against new

employees based solely on their hiring date thus has the indirect effect of discriminating against a worker based on their age.

Only Québec specifies that lower conditions of employment cannot be imposed on someone solely due to their hiring date, stopping this kind of “orphan clause” from being imposed on new workers. Québec's Human Rights Commission pointed out that these clauses discriminate on the basis of age, as discussed above, but also on the basis of gender and race, since women and recent immigrants are the most affected by the lack of equality in employment conditions that two-tier clauses impose.

Pay Equity and Equal Pay: the Champions are...

Only the Federal Sector, Ontario, and Québec have explicit pay equity legislation extending to all workers — both publicly and privately employed. However, the Federal Sector's requirement that an individual come forward with a pay equity complaint places a significant burden on one worker to shoulder the interests of all employees in the workplace, as well as the costs of a lengthy legal battle. Ontario and Québec specify that the responsibility rests with the employer to ensure that pay equity exists, guaranteeing that all workers and job positions in a workplace are treated equally, and avoiding the delays that can happen with an individual complaint. In terms of equal pay, only Québec has extended equal pay provisions to job status, as mentioned above. This truly seeks equality for not only different genders, but also different ages and races.

Recommendations

With two-tier systems already implemented in many pensions and wage agreements, and the prevalence of part-time workers growing steadily, equal pay legislation needs to be revised. Not only should the legislation cover gender discrimination in pay and benefits, but it also must cover employee status (such as part-time or newly hired) to be truly fair. All jurisdictions in Canada must implement some form of protection

against discrimination based on employment status or hiring date. Unequal treatment to new or part-time workers is actually just another form of discrimination based on age, gender, and race, and a major affront to workers' rights. It is in the best interest of all workers that these employees are not mistreated, as low wages and benefits for them would spread the same to all workers.

As discussed above, equal pay provisions do not fully protect women, as they can still be paid less if they are a part-time worker, without having a basis for a pay equity claim. These provisions are even less equalizing for marginalized women. Pay equity provisions thus shoulder the burden of truly seeking equality for women by guaranteeing that positions that are filled mostly by one gender will be reimbursed equally to those filled mostly by the other gender. These types of provisions ought to be adopted by all provinces, and extended to those beyond just the public sector in Manitoba, New Brunswick, Nova Scotia, and Prince Edward Island. Furthermore, the legislation should be broadened to beyond gender-based discrimination, to cover all forms of discrimination. This legislation ought to be enforced by the employer themselves, and not through individual worker complaints.

In this day and age, the fact that women are still experiencing a significant wage gap in comparison to male workers is something Canada should be ashamed of. Old habits are hard to break, however, and imposing legislation reversing this affront to human rights is the most likely means of achieving true equality for the genders, and for all workers.

Part 6. Job Security and Termination

Termination notice and pay give an employee a small window of relief while they attempt to find another job. The longer the length of notice and financial support, the more chance the worker will be able to dedicate the time necessary to finding an appropriate job to replace the one that he or she lost. A detailed comparison of this legislation is provided in Appendix I.

Termination Notice

Termination notice provisions are contained in all employment standards legislation, with varying amounts of time within which the employer must notify in writing that the worker no longer has a job. All jurisdictions require that the notice be longer if the employee has been employed at the workplace for longer lengths of time, with the exception of the Federal Sector. In this jurisdiction, all workers, no longer how long they have been employed in that position, receive two weeks' notice.

In British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec, Nova Scotia, Prince Edward Island, Yukon, Northwest Territories, and Nunavut, the maximum notice that an employee can receive is eight weeks, with the

Table 12: Termination Notice

	Minimum notice required (in weeks)	Maximum notice (in weeks)
Federal	2	
British Columbia	1	8
Alberta	1	8
Saskatchewan	1	8
Manitoba	1	8
Ontario	1	8
Québec	1	8
New Brunswick	2	4
Nova Scotia	1	8
Prince Edward Island	2	8
Newfoundland and Labrador	1	6
Yukon	1	8
Northwest Territories	2	8
Nunavut	2	8

requirement for such notice being anywhere from eight to 15 years of service. The maximum notice in New Brunswick is four weeks, for those that have been employed over five years. In Newfoundland and Labrador, the maximum notice is six weeks, given to workers who have been employed for 15 years or more.

Termination Pay

Termination pay is given where the employer failed to give the notice as required by law. The termination pay in the Federal Sector, British Columbia, Alberta, Saskatchewan, Manitoba, Québec, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, Yukon, and Nunavut is the amount the worker would have regularly earned had they worked through the notice period. In Saskatchewan and Prince Edward Island, the legislation clarifies that this amount is exclusive of overtime.

In Ontario and Northwest Territories, the legislation explicitly states that the employer is required to provide not only termination pay, but the benefits that the worker would have been entitled to had they worked through the required notice period.

Group Termination

Group termination provisions exist in all jurisdictions, with the exception of Prince Edward Island. Notice must generally be given to employees, their representative union (if applicable), and the minister of labour in that jurisdiction. These provisions apply in the Federal Sector, Alberta, Newfoundland and Labrador, Manitoba, and Ontario, where 50 or more workers are to be laid off within a four-week period.

British Columbia states that the provisions apply where 50 or more workers will be laid off in a two-month period. In Saskatchewan, Nova Scotia, and New Brunswick, where over 10 workers will be laid off in a four-week period, the group termination provisions apply (though in New Brunswick, there is a caveat that the amount of employees to be

Table 13: Group Termination

	Minimum number of workers for provision to apply	Notice (in weeks)	Joint planning committee provisions
Federal	50	16	X
British Columbia	50	8 - 16	X
Alberta	50	4	
Saskatchewan	10	4 - 12	
Manitoba	50	10 - 18	X
Ontario	50	8 - 16	
Québec	10	8 - 16	X
New Brunswick	10*	6	
Nova Scotia	10	8 - 16	
Prince Edward Island			
Newfoundland and Labrador	50	8 - 16	
Yukon	25	4 - 16	
Northwest Territories	25	4 - 16	
Nunavut	25	4 - 16	

* Where the workers represent over 25% of the workforce.

dismissed must be at least 25% of the employer's workforce). Québec states that the provisions apply where over 10 workers will be dismissed in a two-month period, and in Yukon, Northwest Territories, and Nunavut, the group termination legislation applies if over 25 workers will be let go in a four-week period.

Notice of group dismissal is given without cancelling out the need to give adequate notice or pay, as per individual termination provisions. The notice required in British

Columbia, Newfoundland

and Labrador, Ontario, Québec, and Nova Scotia is between eight and 16 weeks, depending on the number of workers to be dismissed. The number of weeks' notice required grows with the number of workers who will lose their jobs. The notice required in Yukon, Northwest Territories, and Nunavut is between four and 16 weeks, again depending on the

number of workers to be dismissed. In Saskatchewan, the notice period is between four and 12 weeks, and in Manitoba, it is between 10 and 18 weeks.

In the Federal Sector, the notice is required to be 16 weeks, no matter the amount of employees being dismissed. In New Brunswick, an employer need only give six weeks notice, no matter the number of workers to be fired. The shortest notice is in Alberta, where the employer need only give four weeks' notice to the labour minister for any number of workers they plan to dismiss.

The Federal Sector, British Columbia, Manitoba, and Québec have provisions relating to joint planning committees, which consist of both employer and worker (or union) representatives. The purpose of these committees are to soften the blow to employees who are losing their jobs, and to minimize the need to fire quite so many workers. These groups must be established in the Federal Sector where notice of group termination is given. In British Columbia, Manitoba, and Québec, the formation of such committees is done at the request of the labour minister of that province.

Exclusions

Most jurisdictions exclude contract or temporary employees, with some even excluding part-time workers from termination notice and pay provisions. For example, in Nunavut, no termination notice is required to be given to part-time, seasonal, or contract workers.

Resignation Notice

Workers do not need to give notice that they will be quitting in the Federal Sector, British Columbia, Saskatchewan, Ontario, New Brunswick, Northwest Territories, or Nunavut. There are no requirements for resignation notice in Québec's employment standards,

but the Civil Code of Québec includes provisions that the worker should give notice. Alberta, Manitoba, Nova Scotia, and Prince Edward Island require that the worker give notice of one to two weeks, depending on their length of employment. Newfoundland and Labrador, and Yukon, require longer notices, with Newfoundland and Labrador requiring one to six weeks notice, and Yukon requiring one to four.

Where a worker does not give the necessary notice in Alberta, Newfoundland and Labrador, or Yukon, the employer can penalize them financially. In Alberta, where a worker was supposed to have given notice of their resignation and failed to do so, the employer can withhold their pay until 10 days after the notice would have ended. In Newfoundland and Labrador, with the consent of the resigning worker, the employer may deduct and retain the wages that the worker would have earned in the required notice period from pay owed. If the worker does not consent, this amount will be transferred to the director of labour standards of the province. Similarly, in Yukon, a week's wages can be deducted where the worker fails to give adequate notice that they are resigning, and either the employer can keep these wages with the consent of the employee or they will be transferred to the director (a provincial employment standards officer).

Severance Pay

Severance pay is given to long-term employees as a reward for their service, as well as compensate them for the loss of benefits that comes with losing one's job. Legislation mandating severance pay is only contained in the employment standards of two jurisdictions: the Federal Sector and Ontario. In the Federal Sector, a worker who has been employed for over a year is eligible for two days wages per year of employment or five days' wages (whichever is greater) when they are dismissed from their position. In Ontario, workers are entitled to severance pay when they have been employed for over five years and are either employed by a company with a payroll of at least \$2.5 million, or

by a company who has laid off over 50 workers in a six-month period due to all or part of the business being closed. Ontario's severance pay can be up to a maximum of 26 weeks' wages.

Termination-related Protections: the Champions are...

Ontario's protection of long-term workers in the form of severance pay demonstrates that this jurisdiction is worker-friendly in terms of termination provisions. Ontario also specifies that termination pay must include the benefits that a worker would have earned during the mandatory notice period (as does Northwest Territories). British Columbia, Manitoba, and Québec's requirements for joint planning committees on the request of the minister of the province's labour standards is also a good protection for workers who lose their jobs.

The Federal Sector also has some worker-friendly provisions, with a required joint planning committee for all group terminations, and severance pay for all workers who have been employed for over a year. However, the Federal Sector also does not adjust termination notice based on the length of time the worker has been employed, meaning that a worker who has been at a job for 20 years would have only two weeks' notice that they will lose their job.

Alberta's short group termination notice means that a business may terminate numerous jobs without giving sufficient time for the labour minister to lighten the blow this termination would have on the economy and the community. Also, the shorter individual notice to workers which applies in lieu of giving them a group notice means that the worker that has lost their job has minimal time to find new employment in an industry which is now inundated with their old co-workers who also lost their jobs. Alberta is also among the jurisdictions that require notice from an employee before they quit, and takes this provision further by stating that the employer can withhold a worker's final pay if the notice was not given. The worker, who has a right to this

pay for the hours that they have given the employer, and who is expecting this income on a certain date, is thus harshly punished for something that may be out of their control. The lack of notice may be due to an unplanned event or situation which makes the required notice and work during the notice period impossible for the employee.

Worse than withholding pay, however, is deducting pay, which is permitted for employers who have not received the required resignation notice from their workers in Newfoundland and Labrador, and Yukon. For the employer to benefit financially from their worker's inability to give notice (or ignorance that it was required), where the worker consents to this deduction, creates a significant power imbalance between the two parties. The employer can simply lean on the worker to get them to consent to the deduction, and pocket hard-earned money that rightfully belongs to the worker.

Recommendations

All jurisdictions ought to include part-time, contract, or temporary workers in termination provisions. A notice does not cost an employer anything, and it would be wrong to assume that termination dates are clear for a worker even in contract employment situations. Often, contract workers are not sure if their contract will be extended, and providing adequate notice can provide them with more time to find replacement work. Furthermore, part-time, temporary, and contract workers are already vulnerable due to their exclusion from many other parts of employment standards legislation. In the least, allowing them access to these termination provisions will provide them with adequate time to job-hunt without necessarily costing an employer anything.

Joint planning committees ought to be required for all group terminations in all jurisdictions. Once again, this requirement does not cost the employer anything, and aids the workers in adjusting to this massive change in their lives with minimal impact. It also gives workers

the chance to provide ideas, such as cost-saving alternatives to termination, which empowers the workers' during their own termination. Joint planning committees also take pressure off of the employer to provide all the solutions to termination-related problems, and encourage all affected parties to work together to come up with the best way to deal with this unfortunate situation.

Provisions related to necessary notice of resignation by the worker, if they must be included in employment standards legislation, ought not to allow employers to deduct or withhold pay from the worker where they fail to give notice. Workers do not quit without reason. People quit their jobs for a variety of reasons, such as that the work is too much of a burden on their personal life or health, or that they found a better job, or perhaps some situation has arisen unexpectedly in their life which means they can no longer work. To punish a worker financially for failing to give notice, when there is a plethora of legitimate reasons for this, is simply unfair.

Mandatory severance pay for workers that have been at a workplace for numerous years would be a benefit to all jurisdictions. Severance pay as a reward to long-term workers is not only advantageous to the workers, but it also encourages employees to remain at the workplace for longer periods of time, which benefits the employer in that they would then have more experienced and loyal workers.

Conclusion

The purpose of this paper was to compare the fundamental set of employment standards laws across Canada. We looked at excluded groups from the legislation, hours of work and overtime provisions, leave provisions, minimum wage provisions, sections on pay equity and equal pay, and finally, at job security and termination provisions.

First, we found that many workers are unfairly excluded from employment standards in some jurisdictions. The most glaring lack of protections result from excluding managers, unionized workers, persons with disabilities, IT workers, extraterritorial workers, and student interns. All of these workers should be included in labour standards. While some are more clearly vulnerable than others, all face the real risk of being taken advantage of by their employers without adequate legal protection. Farm workers, who are excluded from both labour relations and employment standards laws in Alberta, are an especially vulnerable group that ought to be protected.

Second, we found that hours of work and overtime provisions are indispensable in allowing workers to balance their work and personal life. The average work week of 40 hours is the norm in most jurisdictions, but certain provinces such as Nova Scotia and Prince Edward Island demand longer work weeks of their workers. Some jurisdictions focus the legislation on those making minimum wage, meaning that in New Brunswick, for example, overtime pay is calculated based on the province's minimum wage as opposed to the worker's normal wages. This province also calculates reporting pay based on minimum wages, as opposed to the worker's regular wages. Finally, in the area of hours of work and overtime in some jurisdictions, part-time workers are yet again denied the protections that other workers receive.

Third, we found that with regard to leave provisions, Alberta severely lags behind in comparison to the other jurisdictions, by lacking provisions related to compassionate care leave and bereavement leave, and by offering the shortest maternity leave in Canada. Québec, in contrast, offers the longest and most flexible leaves. In terms of vacation, nearly all jurisdictions contain similar provisions. However, Saskatchewan leads the pack with the longest paid vacation times in the country, while Ontario and Yukon offer the shortest vacation times. Finally, we found that the holiday provisions in Alberta are unfair, by denying those that were not scheduled to work on a holiday the right to a day's pay.

Fourth, we found that the minimum wage provisions do not guarantee that workers will actually receive this wage. Deductions in the form of uniform and room and board costs, as well as exclusions of certain workers from employment code protections can mean that workers make significantly less than the legal minimum. That lower wages are permitted for certain workers (such as inexperienced or young workers) is very unacceptable. Regular reviews of minimum wages, and adjustments of these wages in order that they grow in line with the rest of the economy's wages, could be a step in the right direction toward fair wages for all workers.

Fifth, we found that in terms of pay equity and equal pay, the legislation ought to be broadened. For instance, equal pay provisions should cover job status and hiring date as well, which would protect the particular job realities of women who are disproportionately represented in part-time and new work. Similarly, pay equity provisions should be extended to make sure that jobs filled mostly by racialized groups are paid equally to similar work by non-racialized groups. Furthermore, we found that an individual complainant should not bear the full burden of bringing the case forward, as required in the federal jurisdiction. Rather, the burden should rest on the employer to guarantee that no pay

discrimination is taking place, as is the requirement in Ontario and Québec.

Finally, we found that with regard to termination, there exists very unfair provisions allowing for pay deductions if a worker does not give adequate resignation notice in Newfoundland and Labrador, and Yukon. These provisions should be removed. Also, group termination provisions and mandatory joint planning committees should be embraced by all jurisdictions, as they do not necessarily cost the employer anything, but give the workers and the labour minister time to damage-control. Lastly, we found that exclusions of part-time, temporary, and contract workers from termination protections should be removed, as these parties are already vulnerable.

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Appendix A-1 – Federal (Canada Labour Code - Part III)		
Definition of “Employee”	Act Does Not Cover	Notes
None	<p>Managers and professionals with respect to hours of work (s.167(2)). Managers excluded from unjust dismissal provisions (s.167(3)).</p> <p>Professionals with respect to hours of work (s.167(2)). Professionals are architectural, dental, engineering, legal, or medical (Regulations s.3).</p> <p>Unionized excluded except where the collective agreement affords less rights than this Act (s.168(1.1)).</p> <p>Railway, shipping, motor vehicle (truckers) exempt from hours of work. Transport Canada determines hours of work for transportation workers (Arthurs).</p> <p>Commission salesmen with radio or TV broadcasting, and banking industry commission salesmen exempt from hours of work (regulations).</p> <p>Ontario Hydro Nuclear Facility exempted altogether from Part III (regulations).</p>	<p>For <i>Public Service Employment Act</i>, exclusions are made by the decision of the Commission, with approval from the Governor in Council, and after a consultation with the employer (PSEA s.20). Definition of employee is included: “person employed in that part of public service to which the Commission has exclusive authority to make appointments” (s.2). Exclusions also made by way of <i>Office of the Governor General’s Secretary Exclusion Approval Order</i>.</p>

Appendix A-2 – British Columbia		
Definition of “Employee”	Act Does Not Cover	Notes
<p>“Employee” includes a person (a) including a deceased person, receiving or entitled to wages for work performed for another, (b) who an employer allows to perform work normally performed by an employee, (c) being trained, (d) on leave, and (e) who has a right of recall (as per their collective agreement) (s.1(1)).</p>	<p>Unionized employees wherein their collective agreement contains provisions on any of numerous topics (s.3), even if those provisions are below the standards set in the Act. If no provisions in the collective agreement on these items, the Act applies. Some basic rights cannot be negotiated.</p> <p>Farm workers receive a specific minimum wage, and are not entitled to OT pay (regulations s.34.2), but cannot work so much that it is detrimental to their health and safety. They also have specific vacation times, and are excluded from statutory holiday requirements.</p> <p>Managers excluded from hours of work, OT, and statutory holiday pay (regulations s.34, s.36).</p> <p>Resident caretakers and live-in home support workers are excluded from hours of work and OT provisions (regulations s.34). Also have a different minimum wage.</p> <p>Professionals excluded (regulations s.31).</p> <p>Student exclusions: working at their secondary school (regulations s.32(1)(a)), or employed in a work study, experience program, or in an occupational study class (regulations s.32(1)(b)). Also, youths working for financial credit toward post-secondary tuition fees in Youth Community Action program (s.32(1)(g)). Students are excluded from minimum hours requirements (regulations s.34).</p> <p>Babysitters (regulations s.32(c)).</p> <p>Workers under job creation projects with Unemployment Insurance (regulations s.32(1)(f)).</p> <p>Also excluded from hours of work and OT provisions: fishing/hunting guides, those employed to find minerals, police officers, firefighters, commercial traveller, school bus or church bus drivers, towboat employees, some workers in fishing industry, master and crew of a chartered boat, some B.C. Rail employees, charity workers with disabled persons, night attendants, live-in camp leader (regulations s.34).</p> <p>Educator related: exclusions from payday requirements (regulations s.40), teachers and teaching staff, part-time employees of training or instruction facilities, some secondary education staff (including tutors and librarians) are excluded from hours of work and OT provisions (regulations s.34).</p> <p>Students training to be nurses, or other academic training programs for credit are exempt from hiring, hours of work and OT, holiday, leaves, vacation, and termination provisions (regulations s.33).</p> <p>Fishers excluded from some parts of the Act (regulations s.37).</p> <p>Silviculture workers and loggers excluded from some parts of the Act (regulation s.37.9).</p> <p>Taxi drivers excluded from some parts of the Act (regulations s.37.1).</p> <p>Truck drivers and logging truck drivers excluded from some parts of the Act (regulations s.37.2, s.37.3).</p> <p>Oil and gas field workers have special pay, OT and rest period provisions (regulations s.37.5), as well as special.</p> <p>IT exclusions from some parts of the Act (regulations s.37.8).</p> <p>Construction workers excluded from some parts of the Act (regulations s.37.10).</p> <p>Mining excluded from some parts of the Act (regulations s.37.13).</p> <p>Commission salesmen excluded from some parts of the Act (regulations s.37.14).</p> <p>Foster care workers excluded from some parts of the Act (regulations s.37.15).</p> <p>OT pay exclusions: bus operators, truck drivers, miners, and first aid attendants (regulations s.44).</p>	

Appendix A-3 – Alberta		
Definition of “Employee”	Act Does Not Cover	Notes
<p>“Employee” means an individual employed to do work who receives or is entitled to wages and includes a former employee (s.1(1)(k)).</p>	<p style="text-align: center;">Municipal police service excluded (s.2(2)).</p> <p>Farm or ranch workers not protected by hours of work, OT and OT pay, holiday, vacation, child and those under 18 employment restriction, and minimum wage provisions (s.2(4)).</p> <p style="text-align: center;">Persons with disabilities are exempt from minimum wage requirements with approval from minister (s.67(1)(a)).</p> <p>Exempt from hours of work and OT: farm workers, managers, certain salespersons, insurance agent, land agent, film extra (regulations s.2(1)). Certain salespersons also exempt from minimum wage (regulations s.9(b)(ii)).</p> <p>Exempt from holiday and holiday pay provisions: residential home builder, counsellor, or instructor at some charitable or not-for-profit businesses (regulations s.3).</p> <p>Exempt from holiday and holiday pay, vacation, and minimum wage provisions: some salespersons, film extra, insurance or real estate agent (regulations s.4 and s.8).</p> <p>Camp counsellor exempt from hours of work, OT, minimum wage, and holiday provisions (regulations s.8(i) and s.3, and s.2(1)(xiii)).</p> <p style="text-align: center;">Professionals excluded (including IT) (regulations s.2(2)).</p> <p>No notice of termination or termination pay for: construction (including interior decorating), cutting and removal of brush and trees, and most school jobs (regulations s.5 and 5.1).</p> <p>Domestic workers exempt from minimum wage, OT and OT pay, hours of work, and rest periods (regulations s.6 and s.9(c)).</p> <p>Special provisions for: ambulance attendants, field catering, geophysical exploration, surveying, logging and lumbering, road maintenance, highway and railway construction, irrigation, nursery, oil-well servicing, taxi drivers, truckers, caregivers, construction, and adolescent/young persons (regulations s.14-51).</p>	<p>Main controversy surrounds excluding farm and domestic workers.</p>

Appendix A-4 – Saskatchewan		
Definition of “Employee”	Act Does Not Cover	Notes
<p>“Employee” means a person of any age who is in receipt of or entitled to any remuneration for labour or services performed for an employer (s.2(d)).</p>	<p>Managerial work is not protected by hours of work provisions (s.4(2)). Farming, ranching, or market garden employees are exempt (s.4(3)). Teachers are exempt from hours of work, annual holidays, and public holidays provisions (s.4(4)). Handicapped persons can receive lower than minimum wage with special licence from the director (s.16). Employees working for an undertaking where only immediate family are employed are exempt from the Act (s.3(1) of regulations). Sitters exempt (s.3(2) of regulations). Commercial fishers/trappers exempt (s.3(3) of regulations). Those to whom the <i>Fire Department Platoon Act</i> applies (fire employees in cities over 10,000) are exempt from hours of work, OT pay, and rest period provisions (s.4 of regulations). Commercial hog operation workers are exempt from hours of work and OT pay provisions (regulations s.5.1). Oil truck drivers exempt from hours of work and OT pay provisions (regulations s.6). No OT protections or right to refuse work for: rural road construction and maintenance workers, professionals and interns, commission salespersons, logging industry workers, care providers (other than live-in), employed by outfitters, mineral exploration workers (regulations s.7(2)). No hours of work, OT pay, or right to refuse OT for residential service facility workers (regulations s.8). Forest fire fighters not protected by rest provisions (regulations s.11). Employees of city newspapers exempt from hours of work plus OT pay (regulations s.5). Live-in care workers or live-in domestic workers not protected by rest provisions (regulations s.12). Workers with physical or mental disability that work for not-for profit or other institutions for educational, therapeutic, or rehabilitary program are not protected by minimum wage (regulations s.13). Specific provisions on holidays for: construction, workers on well drilling rigs, hospital, educational, nursing home, hotel and restaurant workers (regulations s.18-21). Care providers (other than live-in) exempt from dismissal and dismissal pay provisions (regulations s.21.1).</p>	

Appendix A-5 – Manitoba		
Definition of “Employee”	Act Does Not Cover	Notes
<p>“Employee” means an individual who is employed by an employer to do work, and includes a former employee, but does not include a director of a corporation in relation to that corporation (s.1(1)).</p>	<p>Independent contractors exempt (s.2(3)).</p> <p>Managers not protected by hours of work, day of rest, and OT provisions (s.2(4)(a) and regulations s.9(b)).</p> <p>Worker with substantial control over his work and annual wage is at least two times the MB industrial average wage not subject to hours of work and OT provisions (s.2(4)(b)).</p> <p>Special holiday provisions for construction (s.30). Notice requirements do not apply to construction (s.62(1)(d)).</p> <p>Persons with disabilities can receive less than minimum wage if the director gives permission – if the arrangement is satisfactory for both ‘ee and ‘er (s.85(1)).</p> <p>Volunteer for a charitable or political organization is exempt from the code (regulations s.2(a)).</p> <p>Those working under a beneficiary/rehabilitation/therapeutic project or plan are exempt (regulations s.2(b)).</p> <p>Those in a training or work program approved by government or school board are exempt (regulations s.2(c)).</p> <p>Farm workers exempt from hours of work, overtime, general holidays, and wages for reporting to work (regulations s.3(1)).</p> <p>Farm workers on their family farm are exempt from equal wages, hours of work, and OT provisions (regulations s.3(1.1) and 6(1)).</p> <p>Fishing workers are exempt from equal wages provisions (regulations s.3(1.1)).</p> <p>Camp counsellor for a charitable organization exempt from minimum standards (hours of work, OT, minimum wage, leaves, vacation, right to refuse work, termination, and holiday provisions) (regulations s.3.1).</p> <p>Worker in their employer’s private residence exempt from minimum standards, except unpaid leaves and employment of children (regulations s.4).</p> <p>Student in training for a profession regulated by an Act of Legislature, and those professionals exempt from minimum standards, except vacation, unpaid leaves, equal wages, and termination provisions (regulations s.5).</p> <p>Commission salesmen exempt from hours of work and OT (regulations s.6(1)).</p> <p>Certain Crown employees exempt from hours of work and OT provisions (regulations s.7). Elections staff exempt from minimum wage, hours of work, OT, and general holidays (regulations s.8).</p> <p>Employee in an emergency situation as described in Code s.19(2) exempt from day of rest provisions (regulations s.9(c)).</p> <p>Security, caretaker, and power engineers employed in their place of residence exempt from day of rest provisions (regulations s.9(a)).</p> <p>Paid workers in a government-approved training scheme exempt from minimum wage provisions (regulations s.12).</p> <p>Domestic worker or residential caregiver have special rest provisions (regulations s.10). Residential caregivers have special regular and OT wage provisions (regulations s.16(1)).</p> <p>Landscape workers have special hours of work provisions (regulations s.17(1)).</p>	

Appendix A-6 – Ontario		
Definition of “Employee”	Act Does Not Cover	Notes
<p>“Employee” includes (a) a person, including an officer of a corporation, who performs work for an employer for wages, (b) a person who supplies services to an employer for wages, (c) a person who receives training from a person who is an employer, or (d) a person who is a homemaker, and includes a person who was an employee (s.1).</p> <p>Person in training is an employee unless specific conditions are met (s.1(2)).</p> <p>Workers that perform work outside Ontario that is a continuation of their work in the province are protected by the Act (s.3).</p>	<p>Independent contractor not included in “homemaker” definition, and thus not in “employee” definition (s.1).</p> <p>Employees of embassy or consulate of foreign nations excluded (s.3(3)).</p> <p>Crown employees exempt from most of Act with some exceptions (s.3(4)).</p> <p>Professionals exempt from most of the Act (regulations s.2(1)(a)), as are students in training for these professions (regulations s.2(1)(e)).</p> <p>Teachers exempt from Parts 7-11 of the Act (hours of work, OT, minimum wage, holidays, vacations) (regulations s.2(1)(d)).</p> <p>Workers in commercial fishing industry exempt from 7-11 of the Act (regulations s.2(1)(f)).</p> <p>Real estate broker and salespersons exempt from 7-11 of the Act (regulations s.2(1)(g)), as are commission salespersons (regulations s.2(1)(h)).</p> <p>Farm workers exempt from 7-11 of Act (regulations s.2(2)).</p> <p>Firefighters not subject to hours of work, OT, holidays, and eating periods provisions (regulations s.4(1), s.9 and s.8).</p> <p>Managers not subject to hours of work, OT, eating periods (regulations s.4(1) and s.8).</p> <p>Also not subject to hours of work and eating periods provisions: construction worker, embalmer or funeral director (regulations s.4(1)). Construction workers also exempt from public holiday provisions (regulations s.9).</p> <p>Fishing/hunting guide not subject to OT, hours of work, holidays, and eating periods (regulations s.4(1), s.9 and s.8).</p> <p>Superintendent, janitor or caretaker of the building they reside in exempt from hours of work, holidays, OT, and eating periods (regulations s.4(1), s.9 and s.8).</p> <p>Landscape worker not subject to hours of work provisions, holidays, and OT (regulations s.4(2), s.9 and s.8).</p> <p>Installer and maintainer of pools not subject to hours of work, holidays, and OT (regulations s.4(2), s.9 and s.8).</p> <p>Growers of plants and animals exempt from hours of work, holidays, OT, and eating periods provisions (regulations s.4(3), s.9 and s.8).</p> <p>Those who produce pelts for sale exempt from hours of work, holidays, OT, and eating periods provisions (regulations s.4(3), s.9 and s.8).</p> <p>IT professionals exempt from hours of work, OT, and eating periods (regulations s.4(3) and s.8).</p> <p>Workers in audio-visual entertainment industry exempt from hours of work and eating periods (regulations s.4(3)).</p> <p>Students who instruct/supervise children, work at a camp for children, or work for a recreational program operated by a charitable organization not subject to OT, holiday provisions (regulations s.8 and s.9).</p> <p>Taxi driver excluded from OT, holiday provisions (regulations s.8 and s.9).</p> <p>Ambulance driver not subject to OT provisions (regulations s.8).</p> <p>Seasonal employees in tourist industry who are provided with room and board exempt from holiday provisions (regulation s.9).</p> <p>Road building workers have special provisions for OT (regulations s.13).</p> <p>Hotel, motel, tourist resort, restaurant and tavern workers have special provisions for OT (regulations s.14).</p> <p>Fruit pickers have special provisions for OT, minimum wage, vacation, and holiday (regulations s.15 and s.24).</p> <p>Special OT provisions also for: sewer and water main construction, local cartage, highway transport (regulations s.16-18).</p> <p>Special provisions for domestic workers and residential care givers (regulations s.19 and s.20).</p> <p>Special provisions for homemakers (regulations s.11-12).</p>	<p>Special regulations for certain industries: Ambulance Services Mineral Exploration and Mining Automobile Manufacturing, Automobile Parts Manufacturing, Automobile Parts Warehousing, and Automobile Marshalling</p> <p>Live Performances, Trade Shows, and Conventions</p> <p>Public Transit Services</p> <p>Temporary Help Agency Industry</p> <p>Women's Coat and Suit Industry and Women's Dress and Sportswear Industry</p>

Appendix A-7 – Québec		
Definition of “Employee”	Act Does Not Cover	Notes
<p>“Employee” means a person who works for an employer and who is entitled to a wage; this word also includes a worker who is a party to a contract, under which she (i) undertakes to perform specific work for a person within the scope and in accordance with the methods and means determined by that person; (ii) undertakes to furnish, for the carrying out of the contract, the material, equipment, raw materials or merchandise chosen by that person and to use them in the manner indicated by him or her; and (iii) keeps, as remuneration, the amount remaining to her from the sum she has received in conformity with the contract, after deducting the expenses entailed in the performance of that contract (s.1(10)).</p> <p>Act applies to extraterritorial workers as well, when a Québec resident is working for an employer whose business is in Québec (s.2).</p>	<p style="text-align: center;">Home care workers excluded from Act (s.3(2)).</p> <p style="text-align: center;">Construction workers excluded from most section of the Act (s.3(3)).</p> <p style="text-align: center;">Students who work in a job for a job induction program (s.3(5)).</p> <p style="text-align: center;">Managers excluded from most parts of Act (s.3(6)).</p> <p>Student in a non-profit organization job for social or community purposes is exempt from minimum wage provisions (regulations s.2).</p> <p>Trainee in a vocational training program recognized by law exempt from minimum wage provisions (regulations, s.2).</p> <p>Commission salespersons whose work hours cannot be controlled and who work outside the establishment are exempt from minimum wage (regulations s.2).</p> <p>Fruit and vegetable pickers are exempt from minimum wage provisions (regulations s.2).</p> <p>Specific work weeks for: watchman, forestry worker, sawmill worker, workers in remote areas, workers in James Bay territory (regulations s.9-13).</p> <p>Certain sectors of the clothing industry have specific labour standards provisions (see regulations).</p>	

Appendix A-8 – New Brunswick		
Definition of "Employee"	Act Does Not Cover	Notes
<p>"Employee" means a person who performs work for or supplies services to an employer for wages, but does not include an independent contractor (s.1).</p> <p>All employees bound, even if the work performed is while or in part outside New Brunswick (s.2).</p>	<p>Agricultural workers for farms with three or less employees (excluding farm owner's family working) are not covered by the Act except the minimum age of work provisions (s.5).</p> <p>Professionals excluded from holiday and vacation provisions (regulations s.3(1)).</p> <p>Real estate salesmen excluded from holiday and vacation provisions (regulations s.3(1)), as are automobile and mobile home salesmen.</p> <p>Commission salesmen who are not working in the employer's establishment are exempt from holiday and vacation provisions (regulations s.3(1)).</p> <p>Teachers in school districts and colleges are exempt from annual vacation provisions (regulations s.3(2)).</p> <p>Construction workers have specific minimum wage provisions (see regulation).</p> <p>Counsellors and staff at residential summer camp of a charitable or not-for-profit organization have specific minimum wage provisions (see regulation).</p>	

Appendix A-9 – Nova Scotia		
Definition of “Employee”	Act Does Not Cover	Notes
<p>“Employee” means a person employed to do work and includes a deceased employee, but does not include a public school teacher or employee (s.2(d)).</p>	<p>Domestic workers for family or PT (24 hours or less for a period of days) are exempt (regulations s.2(1)).</p> <p>Professionals and students training in those areas exempt from termination, OT, and hours of labour provisions (regulations s.2(2A)).</p> <p>Managers excluded from OT and hours of work provisions (regulations s.2(2B)).</p> <p>IT workers excluded from OT provisions (regulations s.2(2C)).</p> <p>Farm workers excluded from holidays, OT, and hours of work (regulations s.2(3)). Some also excluded from minimum wage (minimum wage reg s.2(b)).</p> <p>Real estate salesmen excluded from vacation, OT, holidays, minimum wage, hours of work, termination provisions (regulations s.2(4)).</p> <p>Automobile salesmen excluded from vacation, OT, holidays, minimum wage, hours of work, and termination provisions (regulations s.2(4)).</p> <p>Commission salesmen who are not working in the employer’s establishment are exempt from vacation, holiday, OT, minimum wage, hours of labour, and termination (regulations s.2(4)).</p> <p>Workers on fishing vessels are excluded from vacation, OT, holidays, minimum wage, hours of work, and termination provisions (regulations s.2(4)).</p> <p>Apprentices for trades are excluded from OT and minimum wage provisions (regulations s.2(4A), and minimum wage regulations s.2(d)).</p> <p>Trainees are excluded from OT and minimum wage (regulations s.2(4A) and minimum wage regulations s.2(e)).</p> <p>Summer camp workers for non-profit organizations are excluded from OT and minimum wage (regulations s.2(4A) and minimum wage regulations s.2(f)).</p> <p>Insurance agents are excluded from OT and minimum wage (regulations s.2(4A) and minimum wage regulations s.2(j)).</p> <p>Janitors, building superintendents and watches employed at their place of residence exempt from OT provisions (regulations s.2(4A)).</p> <p>Health or personal care providers in private residences exempt from OT (regulations s.2(4A)).</p> <p>Workers in transport industry (regulations s.2(4A)).</p> <p>Auto mechanics and auto shop technicians excluded from OT (regulations s.2(4A)).</p> <p>Agriculture, Christmas tree and fishing industry workers excluded from OT (regulations s.2(4A)).</p> <p>Unionized exempt from holiday and termination provisions (regulations s.2(5)).</p> <p>Salespersons of mobile homes exempt from vacation (regulation s.2(6))</p> <p>Those in an employment training program with NS Youth Training Center exempt from vacation (regulation s.2(7)).</p> <p>Petro-chemical workers excluded from holidays (regulations s.2(8)). Those who drill offshore for petroleum exempt from period of rest (regulations s.2(9A)).</p> <p>Shipbuilding, oil and gas industries or related activities other than retail exempt from OT (regulations s.2(8A)).</p> <p>Unemployment Insurance Job Creation Program workers are exempt (regulations s.2(9)).</p> <p>Processors of herring roe exempt from rules about hiring under 16 years old (regulations s.2(10)).</p> <p>Deputy Minister or other deputy heads exempt from OT, hours of work, and termination provisions (regulations s.2(11)).</p> <p>Certain businesses are exempt from the provisions dealing with working during a uniform closing day (regulations s.7A).</p> <p>Logging and Forestry workers excluded from OT (regulations s.2(4A)), and have own specific minimum wage provisions (see regulation).</p> <p>Construction and property maintenance workers excluded from OT (regulations s.2(4A)), and have own specific minimum wage provisions (see regulation).</p>	

Appendix A-10 – Nunavut		
Definition of “Employee”	Act Does Not Cover	Notes
<p>“Employee” means a person employed to do skilled or unskilled manual, clerical, technical, operational, or administrative work (s.1).</p>	<p>Managers excluded from hours of work and OT (s.2(2)).</p> <p>Trappers and commercial fishers excluded from act (s.2(3)(a)).</p> <p>Students and professionals of excluded professions as may be designated by regulations are excluded from Act (s.2(3)(b)).</p> <p>Construction workers exempt from termination provisions (regulations s.1(a)).</p> <p>Students in work experience programs that are part of school can be exempted from minimum wage provisions (regulations s.2)).</p> <p>Seasonal, contract, and part-time workers exempt from termination provisions (regulations s.1(b,c,d)).</p>	

Appendix A-11 – Prince Edward Island		
Definition of "Employee"	Act Does Not Cover	Notes
<p>"Employee" means a person who performs any work for or supplies any services to an employer for pay, and includes (i) person on leave, (ii) trainee, (iii) person who was an employee (s.1(c)).</p>	<p>Commission salesmen are excluded from all of the Act except payment and pay protection provisions (s.2(2)(a)).</p> <p>Farm labourers are excluded from all of the Act except payment and pay protection provisions (s.2(2)(b)).</p> <p>Home care workers are exempt from wage, OT, and hours of work provisions (s.2(3)(a)).</p> <p>Workers for non-profits that live at the facility are exempt from wage, OT, and hours of work provisions (s.2(3)(b)).</p> <p>Unionized employees are exempt from many parts of the Act (s.2(4)).</p>	<p>A provision less favourable than this Act is void (s.2.1(2)).</p>

Appendix A-12 – Newfoundland and Labrador		
Definition of “Employee”	Act Does Not Cover	Notes
<p>“Employee” means a natural person who works under a contract of service for an employer (s.2(d)).</p>	<p>Unionized workers not subject to day of rest and rest period provisions (regulations s.6(a) and 7(b)).</p> <p>Those employed in remote areas not subject to day of rest provisions (regulations s.6(b)).</p> <p>Ferry boat employees exempt from day of rest and rest period provisions (regulations s.6(c) and s.7(a)).</p> <p>Employee who works alone and where it is impractical to take a rest is exempt from rest period provisions (regulations s.7(c)).</p> <p>Farm workers excluded from OT provisions (regulations s.9(6)(a)).</p> <p>Those who raise livestock exempt from OT (regulations s.9(6)(b)).</p> <p>Live-in housekeepers and babysitters exempt from OT provisions (regulations s.9(6)(c)).</p> <p>Construction exempt from termination and redundancy provisions (regulations s.12 and s.13(f)).</p> <p>Logging and fishing workers exempt from redundancy provisions (regulations s.13(g)).</p> <p>Seasonal workers exempt from redundancy provisions (regulations s.13(h)).</p> <p>Oil well drilling rig workers exempt from redundancy provisions (regulations s.13(k)).</p>	<p>A term or condition of employment less favourable than this Act is void (s.3).</p>

Appendix A-13 – North West Territories		
Definition of "Employee"	Act Does Not Cover	Notes
<p>"Employee" means a person employed to do skilled or unskilled manual, clerical, technical, operational, or administrative work (s.1).</p>	<p>Public service employees exempt from Act (s.3(2)).</p> <p>Managers exempt from hours of work and OT provisions (s.3(3)).</p> <p>Domestic workers exempt from Act (regulations s.2(a)).</p> <p>Students working in a work program as part of school exempt from Act (regulations s.3(a)).</p> <p>Professionals exempt from hours of work and OT provisions of the Act (regulations s.3.1).</p> <p>Driver regulated by Motor Vehicles Act not covered by maximum hours of work provisions (regulations s.4).</p> <p>Construction workers not covered by termination provisions (regulations s.4.1(a)).</p> <p>Part-time and contract workers not included in termination provisions (regulations s.4.1(b,c,d)).</p>	

Appendix A-14 – Yukon		
Definition of “Employee”	Act Does Not Cover	Notes
<p>“Employee” includes (a) a deceased person, receiving or entitled to wages for work performed for another, (b) person being trained, (c) a contract worker, (d) person who was an employee (s.1(1)).</p>	<p>Government employees exempt from the Act (s.2(1)).</p> <p>Workers for their family exempt from hours of work, vacation, and OT provisions (s.4(1)(a) and s.20).</p> <p>Travelling salesperson exempt from hours of work and OT (s.4(1)(b)).</p> <p>Managers excluded from hours of work and OT (s.4(1)(c)).</p> <p>Professionals and students training in those areas exempt from hours of work and OT (s.4(1)(d)).</p> <p>Construction not part of termination provisions (s.49(1)(a)).</p> <p>Seasonal workers not part of termination provisions (s.49(1)(b)).</p> <p>Unionized workers not part of termination, hours of work, and OT provisions (s.49(3) and regulations s.1)).</p> <p>Guides and outfitters exempt from hours of work and OT (regulations s.3(1)(a)), and have a specific minimum wage (regulations s.3).</p> <p>Workers in the exploration of minerals exempt from hours of work and OT (regulations s.3(1)(b)).</p> <p>Watchmen and caretakers, other than security exempt from hours of work and OT (regulations s.3(1)(c)).</p> <p>Farm workers excluded from hours of work and OT (regulations s.3(1)(d)), and have special minimum wage provisions (regulations s.3).</p> <p>Domestic workers exempt from hours of work and OT (regulations s.3(1)(e)), and have special minimum wage provisions (regulations s.3).</p> <p>Sitters exempt from the Act (regulations s.4(1)).</p> <p>Trainees exempt from some parts of Act (regulations s.5).</p> <p>Serving staff in dining rooms who provide meal service to tour bus passengers in a lodge exempt from split shift provisions of the Act (regulation s.1).</p> <p>Piece work workers, and commissioned employees have specific minimum wage provisions (regulations s.4).</p> <p>Taxi drivers have specific minimum wage provisions (regulations s.5).</p>	

Mapping Basic Working Conditions in Employment Standards Laws Across Canada – 2011/2012

Appendix B-1 – Exclusions

	Standard Hours	Maximum Hours	Definition of Week	Definition of Day	Rest Day	Rest Periods Between Shifts	Meals and Breaks	Overtime	Overtime Banking	Right to Refuse	Reporting Pay	Notes
Federal	Eight hours per day, 40 hours per week (s.169).	48 hours per week (s.171).	The period between midnight on Saturday and midnight on the following Saturday (s.166).	Any period of 24 consecutive hours (s.166).	Each 'ee has at least one full day of rest per week, and wherever practicable, Sunday shall be the normal day of rest (s.173).	N/A	N/A	Hours of work in excess of standard hours of work (s.166); pay will be 1.5 times regular wages (s.174).	N/A	N/A	Whether 'ee works or not, if called into work, must be paid regular rate for three hours (s.11.1 regulations).	
British Columbia	Eight hours per day, 40 hours per week (s.35).	'Er cannot require or allow an 'ee to work excessive hours, or hours detrimental to the 'ee's health or safety (s.39).	Seven consecutive days beginning on Sunday (for calculating overtime, averaging agreements, or for compassionate care leave), or on any other day (s.1(1)).	24 hour period ending at midnight, or in relation to an 'ee's shift that continues over midnight, the 24 hour period beginning at the start of the shift (s.1(1))	Must have 32 consecutive hours free from work each week, or must pay 1.5 times the regular wage for time worked during that 32-hour period (s.36(1)).	Must have eight hours free between shifts (s.36(2)).	No more than five consecutive hours without a half hour meal break, unpaid unless the 'ee is required to be available for work (s.32).	For hours over eight per day, must pay 1.5 times the 'ee's regular wage, and double the wage for hours over 12 hours (s.40(1)). Also, for hours over 40 per week, 1.5 times wages are paid (s.40(2)). Only the first eight hours worked are counted, no matter the length of time worked on any day of the week (s.40(3)).	Can bank hours instead of paying overtime with written request by 'ee (s.42(1)).	N/A	'Er must pay for a minimum of 2 hours at worker's regular wage even if don't work, unless 'ee is unfit to work (s.34(1)). If 'er had scheduled the 'ee to work that day for more than 8 hours, must pay for 4 hours, unless the 'ee is unfit to work, or for 2 hours if work can't happen for reasons outside 'er's control (s.34(2)). If 'ee must work longer than 2 (or 4) hours, 'er must pay for the entire period the 'ee is required to work (s.34(4)).	Split shifts must be completed within 12 hours of starting work (s.33).
Alberta	Eight hours per day, 44 hours per week (s.21).	Hours of work must be confined within a period of 12 consecutive hours in a work day (s.16(1)).	Seven consecutive days (s.1(1)(2)). "Work week" means the period between midnight on a Saturday and midnight on the following Saturday, or seven consecutive days as established by the consistent practice of an 'er (s.1(1)(d)).	24-hour period ending at midnight, or a 24-hour period as established by the consistent practice of an 'er (s.1(1)(bb)).	One day of rest in each work week, two consecutive days for two consecutive work weeks, three for three, four for four (s.19(1)). Four consecutive days of rest must be given after each 24 consecutive work days (s.19(2)).	Must have eight hours free between shifts (s.17(2)).	During each shift over five consecutive hours, must have at least 30 minutes of rest, paid or unpaid (s.18), unless it is unreasonable to allow a rest period (s.18C).	The total of an 'ee's hours of work in excess of eight hours per day, or hours in excess of 44 in the week, whichever is greater (s.21). The pay is 1.5 times the 'ee's wage rate (s.22(1)).	Overtime can be banked if 'ee or majority of 'ees enter into overtime agreement (S.23(1)). The time off must be taken within three months of the work, unless another agreement is made (s.23(2)(c)). The time off must be at a time that the 'ee could have worked and received wages (s.23(2)(a)).	N/A	If an 'ee is employed for less than three consecutive hours, 'er must pay for three hours at not less than the minimum wage (s.11(1)).	Can have compressed work week, if scheduled in advance. If so, the maximum hours per day is 12 hours and max per week is 44 hours (s.20(1)).
Saskatchewan	Eight hours per day, 40 hours per week (s.6(1)).	44 hours per week (s.12).	Period between midnight on a Saturday and midnight on the Saturday immediately following (s.2(s)).	Any period of 24 consecutive hours (s.5).	'Er will grant all 'ees who regularly work 20 hours or more in a week a rest period of one day in every seven days (s.13(1)). Where there are more than 10 'ees in a workplace, 'er will grant all those usually working for 20 hours or more, a rest of two consecutive days in every seven days, with Sunday being one if possible (s.13(2)).	'Ee must have a period of eight consecutive hours of rest in any period of 24 hours (s.13.2(1)).	'Ee who works six hours or more gets at least 30 minutes unpaid break within every five consecutive hours. Except where director agrees that the 'ees wish to forgo their meal or take it later, trade union agrees to otherwise, or where it is not reasonable to take a break at that time (s.13.3).	Rate of time and one half for each hour or part of an hour in excess of eight in any day, or 40 hours in any week, where 'ee is at work or at 'er's disposal (whichever is greater) (s.6(2)+(3)).	N/A	No requiring an 'ee to work for more than 44 hours per week unless there is an emergency – 'ee can refuse to work that amount with no discipline (s.12(1)). If 'ee does not have eight hours of rest in a period of 24 hours, 'ee can refuse to work without discipline (s.13.2(2)). In case of dispute, onus is on the 'er to prove an emergency existed, or there was some other good and sufficient reason to require the work (s.12(3)).	Every 'ee who is required to report for duty, other than for overtime, shall be paid a minimum sum of \$27.75, whether or not the employee is required to be on duty for three hours on that occasion (minimum wage regulations s.2(5)).	Can do 10-hour days over the course of a four-day week with authorization from director, or from the union (s.7(1)). Specific hours required to work in order to qualify for rest day: those who are usually employed for 20 hours or more per week (s.13).

Mapping Basic Working Conditions in Employment Standards Laws Across Canada – 2011/2012

Appendix B-2 – Exclusions												
	Standard Hours	Maximum Hours	Definition of Week	Definition of Day	Rest Day	Rest Periods Between Shifts	Meals and Breaks	Overtime	Overtime Banking	Right to Refuse	Reporting Pay	Notes
Manitoba	Eight hours per day, 40 hours per week, unless some other regulation or collective agreement applies (s.10).	Standard hours can be increased with approval from director (s.13).	Seven consecutive days (s.1(1)).	N/A	'Er shall ensure that each employee has one rest period of not less than 24 consecutive hours in each week (s.45).	N/A	'Er shall not require an 'ee to work for more than five consecutive hours without a break (s.50(1)). The break will be minimum 30 minutes (regulations s.20).	Overtime is hours of work in excess of the standard hours of work (s.1(1)). Overtime wages are 150% of regular wages (s.17(1)).	With agreement or collective agreement, can bank time instead of overtime (s.18(1)).	There is no implied right for an 'er to demand overtime (s.19(1)), though may require overtime in an emergency (s.19(2)). Right to refuse work on Sundays for certain 'ees if they give adequate notice (s.81).	Three-hour rule: either must be paid three hours worth, or for hours worked, whichever is more (s.51(1)).	
Ontario	44 hours per week (s.17, s.22).	Eight hours per day, 48 hours per week, can be longer with approval (s.17(1)). At least 11 consecutive hours free from performing work each day (s.18(1)).	Recurring period of seven consecutive days chosen by 'er for scheduling, or if none chosen by 'er, seven consecutive days starting on Sunday and ending on Saturday (s.1).	N/A	At least 24 consecutive hours off every work week, or 48 consecutive hours in every period of two consecutive work weeks (s.18(4)).	Must have at least eight hours between shifts, unless time of successive shift does not exceed 13 hours, or the 'ee agrees to less breaks (s.18(3)).	No more than five consecutive hours without a 30-minute eating period, which is unpaid (s.21).	One and one-half regular rate for each hour over 44 in a work week, or another prescribed limit (s.22(1)).	Can bank if agreement between 'ee and 'er and the time is taken within three months of the work, or with 'ee's agreement within 12 months (s.22(7)).	Some 'ees in retail business may refuse work on Sundays with notice (s.72).	Three hours pay if the 'ee regularly works for more than three hours per day and reports for work, but works less than three hours, except where circumstances outside 'er's control prevent work from happening (regulations s.5(7)).	
Québec	40 hours per week, with some specific work weeks in the regulations (s.52).	N/A	Period of seven consecutive days from midnight at the beginning of a particular day to midnight at the end of the seventh day (s.1(11)).	N/A	Weekly rest of 32 consecutive hours (s.78).	N/A	For period of five consecutive hours of work, must provide 30 minutes of unpaid break (s.79). This break is paid if the 'ee cannot leave the work station.	Any hours over the standard work week get a 50% premium pay (s.55).	Leave instead of overtime can be done, leave must be taken within 12 months of the overtime work done (s.55).	Can refuse work that is more than four hours after daily working hours, that is more than 14 working hours in a 24-hour period, if the 'ee is flexible/non-continuous, and is asked to do more than 12 hours in a 24-hour period, and if the work would bring the 'ee to more than 50 hours in a week (or 60 if work is in a remote location) (s.59.0.1). Cannot refuse if denial would cause risk to life, health or safety of workers or the public, destruction or serious damage to property, or if it would violate a professional code of ethics (s.59.0.1).	Any work for fewer than three hours still gets three hours of pay at the prevailing rate, unless split shift (s.58). Paid as if working when available at workplace and required to wait for work (s.57).	
New Brunswick	Maximum number of hours that a person can be paid minimum wage is 44 hours per week (regulations s.4).	No maximum hours in a day, week, or month, except for children, and as long as 'ee gets their weekly rest period (s.14).	N/A	N/A	'Er shall give to the 'ee a weekly rest period of at least 24 consecutive hours, ideally through Sunday, or if the director approves, to be accumulated and taken later (s.17).	Potentially under <i>Occupational Health and Safety Act</i> .	See <i>Occupational Health and Safety Act</i> .	Overtime pay is 1.5 times minimum wage rather than regular wage – \$15.00 as of September 2011 (s.16, minimum wage regulations s.6)).	N/A	Right to refuse work on Sundays with 14 days notice for certain 'ees in retail industry (s.17.1).	Three hours must be paid if the 'ee reports for work, has regular rate of less than twice minimum wage, and is usually employed more than three hours per shift (s.16.1).	No rest day provisions for those who usually work less than three hours per day (s.17(1)(b)).

Mapping Basic Working Conditions in Employment Standards Laws Across Canada – 2011/2012

Appendix B-3 – Exclusions

	Standard Hours	Maximum Hours	Definition of Week	Definition of Day	Rest Day	Rest Periods Between Shifts	Meals and Breaks	Overtime	Overtime Banking	Right to Refuse	Reporting Pay	Notes
Nova Scotia	48 hours (minimum wage order s.9).	N/A	Period commencing on a Sunday and ending the following Saturday, or any other time designated by 'er as pay period (minimum wage order s.9).	N/A	24 consecutive hours in every seven-day period. If possible, day granted simultaneously to all 'ees and granted on Sunday (s.66(1)).	N/A	Half-hour breaks at intervals so that no 'ee is required to work longer than five hours without a break (s.66B). More than 10 hours consecutively worked must have one 30-minute break, and others totalling another 30 minutes (s.66B).	Over 48 hours, must be paid one and one half over the minimum rate (min wage order s.10).	N/A	Certain retail business workers may refuse to work on uniform closing days (s.66A).	Where an 'ee is called in, must be paid for three hours at the minimum straight time rate even if less than three hours is worked (minimum wage order s.11).	
Prince Edward Island	48 hours per week (s.15(1)).	N/A	"Work week" means a recurring period of seven consecutive days chosen by 'er for scheduling, or a recurring period of seven consecutive days beginning on Sunday and ending on Saturday (s.1(w)).	N/A	Unpaid rest period of at least two consecutive hours every seven days and where possible, period shall include Sunday (s.16(1)).	N/A	Unpaid break of at least one half hour at intervals so that 'ee won't work longer than five consecutive hours without a break (s.16(2)). Cannot be required to remain at workplace.	One and one half times the regular rate of pay for every overtime hour during the work week (s.15.1(1)).	Can use overtime as time off if requested in writing by 'ee, and taken within three months of the overtime work (s.15.1(2)).	If employed on or before March 2007 and notice is given seven days before any Sunday, can refuse to work Sundays (s.16.1). If hired after December 2010, this right does not apply.	If required to report to work, 'ee shall be paid at regular rate for not less than three hours (s.17). Mandatory call-in meetings must be compensated.	
Newfoundland and Labrador	40 hours per week (regulations s.5(2)).	14 in a day (because 'ee must have eight hours rest in 24-hour work day, plus two hours of breaks (see other boxes).	Seven continuous days designated and consistently used by 'er (s.21), or seven days beginning after midnight on a Saturday (regulations s.5(2)).	N/A	Period of not less than 24 consecutive hours during each week, Sunday wherever possible (s.22).	Not less than eight consecutive hours of rest in each unbroken 24-hour period of work (s.23).	One hour unbroken break following each five consecutive hours of work (s.24).	1.5 times minimum wage rather than 'ee's regular wage – no less than \$15.00 per hour, as per July 1, 2010 (regulations s.9(4.4)).	If 'ee and 'er agree, and the time off is taken within three months of the overtime work, or within 12 months by 'ee's agreement (s.25(2)).	N/A	If 'ee works less than three hours, either must be allowed to work for at least three, or must be paid for three at minimum wage, or overtime wage, whichever is appropriate (s.10).	
Yukon	Eight hours per day, 40 hours a week (s.6).	80 hours in two weeks if under short week agreement (s.11(1)).	Seven consecutive days established by the 'er's payroll records, or determined by an employment standards officer (s.1(1)).	Any period of 24 consecutive hours after the start of work (s.1(1)).	At least two full days of rest in a week, and wherever practicable, Sunday shall be one of the normal days of rest in the week (s.12(1)).	Each 'ee has a rest period of at least eight consecutive hours free from work between each shift worked (s.14). If this is unreasonable hardship on 'er, can be temporarily reduced to six (s.14(2)).	One half hour break after not longer than five hours if the shift is 10 hours or less, or six if the shift is more than 10 hours. Unpaid unless required to work (s.13).	Overtime is hours of work in excess of the standard hours of work (s.1(1)). If overtime work is required, 'er must pay either all hours in excess of the eight-hour day OR 40-hour week at a rate of 1.5 times their regular pay (s.8(1)).	By written agreement or collective agreement, 'ee or majority of 'ees can agree to time off instead of overtime pay (s.9).	An employee may refuse to work overtime for just cause, but is required to state the refusal and the cause for refusing to the employer in writing (s.8(5)).	Must be paid for two hours at regular rate or overtime rate if applicable, unless 'ee not capable of working, something out of control of 'er keeps 'ee from working, 'er gave reasonable attempt to contact 'ee to tell them not to come, or where it is a split shift (reporting pay order s.2(2)).	Can agree to shorter work week to a max of 12 hours per day as long as not longer than 80 hours per week (s.11(1)). If an 'ee works a split shift, 'er will limit standard hours to 12 hours following the start of the 'ee's shift (s.15(1)).
Northwest Territories	Eight hours per day, 40 hours per week (s.7).	10 hours per day, 60 hours per week (s.8).	Seven consecutive days (s.1).	Any period of 24 consecutive hours (s.1).	One day of rest for one week, two consecutive in a period of two consecutive weeks of work, and three in three (s.21).	N/A	Cannot require work or presence at work without a meal break for longer than five consecutive hours, for a minimum break of 30 minutes (regulations s.13).	Overtime is hours of work in excess of standard hours of work in a day a week (s.1). Pay is 1.5 times regular pay (s.9).	Yes, with agreement by majority or just individual 'ees, may take time off instead of overtime pay (s.13).	N/A	If the 'ee is called in and was not scheduled to work, must be paid for four hours at their regular rate, whether or not they work (regulations s.6).	
Nunavut	Eight hours per day, 40 hours per week (s.4).	10 hours per day, 60 hours per week (s.5). This can be extended in certain circumstances (s.6).	Seven consecutive days (s.1).	Any period of 24 consecutive hours (s.1).	'Ee has at least one full day of rest in a week and, wherever practicable, Sunday will be that day (s.10).	N/A	30 minutes of break following five continuous hours of work (meal regulations s.1).	OT is hours of work in excess of standard hours of work (s.1). Pay will be 1.5 times regular pay (s.11).	N/A	N/A	If the 'ee is called in and was not scheduled to be called in, must be paid for four hours at regular rate even if they do not work (wage regulation s.1).	

Appendix C-1 — Hours of Work

	Standard Hours	Maximum Hours	Definition of Week	Definition of Day	Rest Day	Rest Periods Between Shifts	Meals and Breaks	Overtime	Overtime Banking	Right to Refuse	Reporting Pay	Notes
Federal	Eight hours per day, 40 hours per week (s.169).	48 hours per week (s.171).	The period between midnight on Saturday and midnight on the following Saturday (s.166).	Any period of 24 consecutive hours (s.166).	Each 'ee has at least one full day of rest per week, and wherever practicable, Sunday shall be the normal day of rest (s.173).	N/A	N/A	Hours of work in excess of standard hours of work (s.166); pay will be 1.5 times regular wages (s.174).	N/A	N/A	Whether 'ee works or not, if called into work, must be paid regular rate for three hours (s.11.1 regulations).	
British Columbia	Eight hours per day, 40 hours per week (s.35).	'Er cannot require or allow an 'ee to work excessive hours, or hours detrimental to the 'ee's health or safety (s.39).	Seven consecutive days beginning on Sunday (for calculating overtime, averaging agreements, or for compassionate care leave), or on any other day (s.1(1)).	24 hour period ending at midnight, or in relation to an 'ee's shift that continues over midnight, the 24 hour period beginning at the start of the shift (s.1(1))	Must have 32 consecutive hours free from work each week, or must pay 1.5 times the regular wage for time worked during that 32-hour period (s.36(1)).	Must have eight hours free between shifts (s.36(2)).	No more than five consecutive hours without a half hour meal break, unpaid unless the 'ee is required to be available for work (s.32).	For hours over eight per day, must pay 1.5 times the 'ee's regular wage, and double the wage for hours over 12 hours (s.40(1)). Also, for hours over 40 per week, 1.5 times wages are paid (s.40(2)). Only the first eight hours worked are counted, no matter the length of time worked on any day of the week (s.40(3)).	Can bank hours instead of paying overtime with written request by 'ee (s.42(1)).	N/A	'Er must pay for a minimum of 2 hours at worker's regular wage even if don't work, unless 'ee is unfit to work (s.34(1)). If 'er had scheduled the 'ee to work that day for more than 8 hours, unless the 'ee is unfit to work, or for 2 hours if work can't happen for reasons outside 'er's control (s.34(2)). If 'ee must work longer than 2 (or 4) hours, 'er must pay for the entire period the 'ee is required to work (s.34(4)).	Split shifts must be completed within 12 hours of starting work (s.33).
Alberta	Eight hours per day, 44 hours per week (s.21).	Hours of work must be confined within a period of 12 consecutive hours in a work day (s.16(1)).	Seven consecutive days (s.1(1) (z)). "Work week" means the period between midnight on a Saturday and midnight on the following Saturday, or seven consecutive days as established by the consistent practice of an 'er (s.1(1) (dd)).	24-hour period ending at midnight, or a 24-hour period as established by the consistent practice of an 'er (s.1(1) (bb)).	One day of rest in each work week, two consecutive days for two consecutive work weeks, three for three, four for four (s.19(1)). Four consecutive days of rest must be given after each 24 consecutive work days (s.19(2)).	Must have eight hours free between shifts (s.17(2)).	During each shift over five consecutive hours, must have at least 30 minutes of rest, paid or unpaid (s.18), unless it is unreasonable to allow a rest period (s.18c).	The total of an 'ee's hours of work in excess of eight hours per day, or hours in excess of 44 in the week, whichever is greater (s.21). The pay is 1.5 times the 'ee's wage rate (s.22(1)).	Overtime can be banked if 'ee or majority of 'ees enter into overtime agreement (s.23(1)). The time off must be taken within three months of the work, unless another agreement is made (s.23(2) (c)). The time off must be at a time that the 'ee could have worked and received wages (s.23(2)(a)).	N/A	If an 'ee is employed for less than three consecutive hours, 'er must pay for three hours at not less than the minimum wage (s.11(1)).	Can have compressed work week, if scheduled in advance. If so, the maximum hours per day is 12 hours, and maximum per week is 44 hours (s.20(1)).

Appendix C-2 – Hours of Work												
	Standard Hours	Maximum Hours	Definition of Week	Definition of Day	Rest Day	Rest Periods Between Shifts	Meals and Breaks	Overtime	Overtime Banking	Right to Refuse	Reporting Pay	Notes
Manitoba	Eight hours per day, 40 hours per week, unless some other regulation or collective agreement applies (s.10).	Standard hours can be increased with approval from director (s.13).	Seven consecutive days (s.1(1)).	N/A	'Er shall ensure that each employee has one rest period of not less than 24 consecutive hours in each week (s.45).	N/A	'Er shall not require an 'ee to work for more than five consecutive hours without a break (s.50(1)). The break will be minimum 30 minutes (regulations s.20).	Overtime is hours of work in excess of the standard hours of work (s.1(1)). Overtime wages are 150% of regular wages (s.17(1)).	With agreement or collective agreement, can bank time instead of overtime (s.18(1)).	There is no implied right for an 'er to demand overtime (s.19(1)), though may require overtime in an emergency (s.19(2)). Right to refuse work on Sundays for certain 'ees if they give adequate notice (s.81).	Three-hour rule: either must be paid three hours worth, or for hours worked, whichever is more (s.51(1)).	
Ontario	44 hours per week (s.17, s.22).	Eight hours per day, 48 hours per week, can be longer with approval (s.17(1)). At least 11 consecutive hours free from performing work each day (s.18(1)).	Recurring period of seven consecutive days chosen by 'er for scheduling, or if none chosen by 'er, seven consecutive days starting on Sunday and ending on Saturday (s.1).	N/A	At least 24 consecutive hours off every work week, or 48 consecutive hours in every period of two consecutive work weeks (s.18(4)).	Must have at least eight hours between shifts, unless time of successive shift does not exceed 13 hours, or the 'ee agrees to less breaks (s.18(3)).	No more than five consecutive hours without a 30-minute eating period, which is unpaid (s.21).	One and one-half regular rate for each hour over 44 in a work week, or another prescribed limit (s.22(1)).	Can bank if agreement between 'ee and 'er and the time is taken within three months of the work, or with 'ee's agreement within 12 months (s.22(7)).	Some 'ees in retail business may refuse work on Sundays with notice (s.72).	Three hours pay if the 'ee regularly works for more than three hours per day and reports for work, but works less than three hours, except where circumstances outside 'er's control prevent work from happening (regulations s.5(7)).	
Québec	40 hours per week, with some specific work weeks in the regulations (s.52).	N/A	Period of seven consecutive days from midnight at the beginning of a particular day to midnight at the end of the seventh day (s.1(11)).	N/A	Weekly rest of 32 consecutive hours (s.78).	N/A	For period of five consecutive hours of work, must provide 30 minutes of unpaid break (s.79). This break is paid if the 'ee cannot leave the work station.	Any hours over the standard work week get a 50% premium pay (s.55).	Leave instead of overtime can be done, leave must be taken within 12 months of the overtime work done (s.55).	Can refuse work that is more than four hours after daily working hours, that is more than 14 working hours in a 24-hour period, if the 'ee is flexible/non-continuous, and is asked to do more than 12 hours in a 24-hour period, and if the work would bring the 'ee to more than 50 hours in a week (or 60 if work is in a remote location) (s.59.0.1). Cannot refuse if denial would cause risk to life, health or safety of workers or the public, destruction or serious damage to property, or if it would violate a professional code of ethics (s.59.0.1).	Any work for fewer than three hours still gets three hours of pay at the prevailing rate, unless split shift (s.58). Paid as if working when available at workplace and required to wait for work (s.57).	

Mapping Basic Working Conditions in Employment Standards Laws Across Canada – 2011/2012

Appendix C-3 – Hours of Work

	Standard Hours	Maximum Hours	Definition of Week	Definition of Day	Rest Day	Rest Periods Between Shifts	Meals and Breaks	Overtime	Overtime Banking	Right to Refuse	Reporting Pay	Notes
Nova Scotia	48 hours (minimum wage order s.9).	N/A	Period commencing on a Sunday and ending the following Saturday, or any other time designated by 'er as pay period (minimum wage order s.9).	N/A	24 consecutive hours in every seven-day period. If possible, day granted simultaneously to all 'ees and granted on Sunday (s.66(1)).	N/A	Half-hour breaks at intervals so that no 'ee is required to work longer than five hours without a break (s.66B). More than 10 hours consecutively worked must have one 30-minute break, and others totalling another 30 minutes (s.66B).	Over 48 hours, must be paid one and one half over the minimum rate (min wage order s.10).	N/A	Certain retail business workers may refuse to work on uniform closing days (s.66A).	Where an 'ee is called in, must be paid for three hours at the minimum straight time rate even if less than three hours is worked (minimum wage order s.11).	
Prince Edward Island	48 hours per week (s.15(1)).	N/A	"Work week" means a recurring period of seven consecutive days chosen by 'er for scheduling, or a recurring period of seven consecutive days beginning on Sunday and ending on Saturday (s.1(w)).	N/A	Unpaid rest period of at least two consecutive hours every seven days and where possible, period shall include Sunday (s.16(1)).	N/A	Unpaid break of at least one half hour at intervals so that 'ee won't work longer than five consecutive hours without a break (s.16(2)). Cannot be required to remain at workplace.	One and one half times the regular rate of pay for every overtime hour during the work week (s.15.1(1)).	Can use overtime as time off if requested in writing by 'ee, and taken within three months of the overtime work (s.15.1(2)).	If employed on or before March 2007 and notice is given seven days before any Sunday, can refuse to work Sundays (s.16.1). If hired after December 2010, this right does not apply.	If required to report to work, 'ee shall be paid at regular rate for not less than three hours (s.17). Mandatory call-in meetings must be compensated.	
Newfoundland and Labrador	40 hours per week (regulations s.5(2)).	14 in a day (because 'ee must have eight hours rest in 24-hour work day, plus two hours of breaks (see other boxes)).	Seven consecutive days designated and consistently used by 'er (s.21), or seven days beginning after midnight on a Saturday (regulations s.5(2)).	N/A	Period of not less than 24 consecutive hours during each week, Sunday wherever possible (s.22).	Not less than eight consecutive hours of rest in each unbroken 24-hour period of work (s.23).	One hour unbroken break following each five consecutive hours of work (s.24).	1.5 times minimum wage rather than 'ee's regular wage – no less than \$15.00 per hour, as per July 1, 2010 (regulations s.9(4.4)).	If 'ee and 'er agree, and the time off is taken within three months of the overtime work, or within 12 months by 'ee's agreement (s.25(2)).	N/A	If 'ee works less than three hours, either must be allowed to work for at least three, or must be paid for three at minimum wage, or overtime wage, whichever is appropriate (s.10).	
Yukon	Eight hours per day, 40 hours a week (s.6).	80 hours in two weeks if under short week agreement (s.11(1)).	Seven consecutive days established by the 'er's payroll records, or determined by an employment standards officer (s.1(1)).	Any period of 24 consecutive hours after the start of work (s.1(1)).	At least two full days of rest in a week, and wherever practicable, Sunday shall be one of the normal days of rest in the week (s.12(1)).	Each 'ee has a rest period of at least eight consecutive hours free from work between each shift worked (s.14). If this is unreasonable hardship on 'er, can be temporarily reduced to six (s.14(2)).	One half hour break after not longer than five hours if the shift is 10 hours or less, or six if the shift is more than 10 hours. Unpaid unless required to work (s.13).	Overtime is hours of work in excess of the standard hours of work (s.1(1)). If overtime work is required, 'er must pay either all hours in excess of the eight-hour day OR 40-hour week at a rate of 1.5 times their regular pay (s.8(1)).	By written agreement or collective agreement, 'ee or majority of 'ees can agree to time off instead of overtime pay (s.9).	An employee may refuse to work overtime for just cause, but is required to state the refusal and the cause for refusing to the employer in writing (s.8(5)).	Must be paid for two hours at regular rate or overtime rate if applicable, unless 'ee not capable of working, something out of control of 'er keeps 'ee from working, 'er gave reasonable attempt to contact 'ee to tell them not to come, or where it is a split shift (reporting pay order s.2(2)).	Can agree to shorter work week to a max of 12 hours per day as long as not longer than 80 hours per week (s.11(1)). If an 'ee works a split shift, 'er will limit standard hours to 12 hours following the start of the 'ee's shift (s.15(1)).
Northwest Territories	Eight hours per day, 40 hours per week (s.7).	10 hours per day, 60 hours per week (s.8).	Seven consecutive days (s.1).	Any period of 24 consecutive hours (s.1).	One day of rest for one work week, two consecutive in a period of two consecutive weeks of work, and three in three (s.21).	N/A	Cannot require work or presence at work without a meal break for longer than five consecutive hours, for a minimum break of 30 minutes (regulations s.13).	Overtime is hours of work in excess of standard hours of work in a day or a week (s.1). Pay is 1.5 times regular pay (s.9).	Yes, with agreement by majority or just individual 'ees, may take time off instead of overtime pay (s.13).	N/A	If the 'ee is called in and was not scheduled to work, must be paid for four hours at their regular rate, whether or not they work (regulations s.6).	

Appendix D-1 – Holidays							
	Holidays	Eligibility for Holiday Pay	Works on the holiday when not usual work day	Works on the holiday when usually scheduled that day	Usually does not work on that day, and does not work	Usually works on that day, but does not work	Holiday Special Provisions
Federal	9: New Year's Day; Good Friday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; and Boxing Day (s.166).	A paid day off does not include those who are not entitled to wages for at least 15 days of the 30 days preceding the holiday, or where the worker has a modified work schedule (s.201). Nor is an 'ee eligible for a paid day off if it's their first 30 days of employment, but will be paid 1.5 times their wage if they have to work on the holiday (s.202).	Paid 1.5 times his wages along with his regular rate for that day (s.197).		Holiday with pay at some other time (s.193(1)). If on a Saturday or Sunday, it will be the day immediately following (s.193(2)).	Regular rate for 'ee's normal working hours (s.196).	Managers, etc., who work on holidays will be given a holiday with pay at some other time or in addition to his annual vacation, as will those who were not scheduled to work on the holiday (s.199, 193). A trade union may substitute unionized workers' holiday for another day, and a non-unionized workplace can do so with 70% worker support (s.195).
British Columbia	9: New Year's Day; Good Friday; Victoria Day; Canada Day; British Columbia Day; Labour Day; Thanksgiving Day; Remembrance Day; and Christmas Day (s.1(1)).	If 'ee has been employed for at least 30 calendar days before the holiday and has earned wages for 15 of the 30 days, or worked under an averaging agreement within that 30-day calendar period (s.44).	Average daily wage plus 1.5 times wage for up to 12 hours work, or double for over 12 (s.46).		Average daily wage (s.45).		Can substitute another day for a holiday if majority of 'ees agree (s.48).
Alberta	9: New Year's Day; Alberta Family Day; Good Friday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; Remembrance Day; and Christmas Day (s.25).	Holiday pay if 'ee has worked 30 days or more in the 12 months before the holiday (s.26(1)). No pay if 'ee does not work on the holiday when they were supposed to, or if absent on the day before the holiday without 'er's consent (s.26(2)).	'Er must pay at least 1.5 times the wage rate of 'ee for each hour of work on the holiday (s.30).	Must either pay 'ee at least their daily wage and at least 1.5 times 'ee's wage rate for each hour worked on the holiday, OR pay at least 'ee's wage for each hour worked and one day's paid holiday on a day that would normally be a work day (s.29).	No pay, no other day off.	Must be paid at least the average daily wage (s.28).	Some industries exempt from holiday and holiday pay, or have specific provisions (regulations s.3, s.44).
Saskatchewan	9/10: New Year's Day; Family Day; Good Friday; Victoria Day; Canada Day; Saskatchewan Day; Labour Day; Thanksgiving Day; Remembrance Day and/or Christmas Day (s.38).	No time requirements.	Average wage plus 1.5 times wage for hours worked on that day (s.39(2)).		Average wage (s.39(1)).		Majority of 'ees can choose another day to replace a holiday (s.10). Specific holiday pay for certain industries (regulations s.17). Holidays falling on a Sunday will be celebrated on the following Monday, except where the business is open on Sundays (regulations s.21).
Manitoba	8: New Year's Day; Louis Riel Day; Good Friday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; Christmas Day (s.21).	No time requirements, but no pay if 'ee does not work on the holiday when they were supposed to or if absent on the day before the holiday without 'er's consent (s.22(1))	Daily wage plus overtime wages (1.5 times regular wage) for hours worked (s.25(1)).		'Ee must be given a holiday with pay on another day – if the holiday fell on a Saturday or Sunday, must have a holiday on the following work day (s.26(2)).	Average daily wage (s.23(1)).	Where holiday falls on a Saturday or Sunday, the next work day is the holiday (s.26(2)(b)). 'Ees may substitute another day for a holiday (s.28(1)).
Ontario	8: New Year's Day; Good Friday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; Christmas Day; and December 26 (s.1).	'Ee must be employed for more than three months and have earned wages on at least twelve days in the four weeks preceding the holiday (s.25(1)).	Regular daily wage plus no less than 1.5 times wage for hours worked (s.26).		'Ee must either be paid their regular wages for that day, or be given a holiday with regular pay on another day (s.25(4)).	Regular daily wage (s.25(2)).	Can change holiday with agreement of 'ee or 'ee's agent (s.25(3)). Holiday work is not overtime (s.26(2)). Special holiday provisions for certain industries (s.25(5)).
Québec	8: January 1; Good Friday OR Easter Monday; Monday before May 25; July 1 or 2 where the first falls on a Sunday; first Monday in September; second Monday in October; and December 25 (s.60). Also, June 24 (National Holiday Act, s.1).	No time requirements, but no pay if 'ee does not show up on the day before or day after the holiday (s.65).	Holiday pay (see next box), plus either wages for work done, or a compensatory paid holiday on another day within three weeks of the holiday (s.63).		1/20 th of the wages earned in the four weeks leading up to the holiday, excluding overtime (this equals one day's wages for a full-time 'ee) (s.62).		Code does not apply to those with agreements guaranteeing equal or greater holidays than the code supplies (s.59.1).

Appendix D-2 – Holidays							
	Holidays	Eligibility for Holiday Pay	Works on the holiday when not usual work day	Works on the holiday when usually scheduled that day	Usually does not work on that day, and does not work	Usually works on that day, but does not work	Holiday Special Provisions
New Brunswick	7: New Year's Day; Good Friday; Canada Day; New Brunswick Day; Labour Day; Remembrance Day; and Christmas Day (s.1).	Must have been employed for over 90 days during the previous 12 calendar months before the holiday (s.18). No pay if 'ee does not work on the holiday when they were supposed to, or if absent on the day before the holiday without 'er's consent (s.18).	Paid at 1.5 times regular wage, plus regular wage (s.19(1)).		Either must be paid at regular wage, or must have a paid holiday at another date (s.18(4)).	Regular daily wage (s.18(2)).	Holiday work is not overtime (s.19(2)). Special provisions for certain industries (s.18(5)). Can substitute for another day if holiday falls on a working day (s.18(3)). If 'ee has collective agreement with holiday provisions, and the benefits are greater than the Act, the Act's provisions do not apply (s.22(1)).
Nova Scotia	6: New Year's Day; Good Friday; Canada Day; Labour Day; Christmas Day (s.37); and Remembrance Day (as per the <i>Remembrance Day Act</i>).	'Ee who is entitled to pay for at least 15 days of the 30 days before the holiday, and who worked on their scheduled shift on the day before and after the holiday (s.42).	'Ee will receive both regular daily wage, plus 1.5 times wages for the hours worked on the holiday (s.41(2)).		'Ee will be granted another holiday with pay on the day after the holiday or another day agreed upon by 'er and 'ee (s.38).	Regular daily wage (s.40).	Holiday can be substituted (s.39).
Newfoundland and Labrador	6: New Year's Day; Good Friday; Remembrance Day; Memorial Day; Labour Day; and Christmas Day (s.14).	'Ee cannot have holiday pay when holiday occurs within their 30 first days of employment (s.19(1)(a)). No pay if the 'ee didn't show up to work, without just cause, on the day before or the day after the holiday (s.19(1)(b)).	'Ee may have either (i) twice their wages usually earned, (ii) paid holiday on another day within 30 days of the actual holiday, OR (iii) add a day's paid vacation to their vacation time (s.17).		The 'ee will have a paid holiday on another day, either chosen by both parties or immediately following the actual public holiday (s.16).	Regular daily wage, determined by the average hours worked in the three weeks preceding the holiday (s.15(2)).	Where an 'er requires the 'ee to work a shorter day on a holiday than usual, the 'er will still pay for all the hours worked, plus wages, as though it were a normal work day (s.17(2)). Certain industries, like essential services, must continue through holidays (s.18).
Prince Edward Island	7: New Year's Day; Islander Day; Good Friday; Canada Day; Labour Day; Remembrance Day; and Christmas Day (s.6(1)).	Must be employed for longer than 30 days with that employer, and have been paid for 15 of the 30 calendar days before the holiday (s.7(1)). Will not receive pay if 'ee does not work on the holiday when they were supposed to, or if absent on the day before the holiday without 'er's consent (s.7(1)).	Must pay the 'ee regular rate of wages plus either (i) give a paid holiday on another day, OR (ii) pay 1.5 times regular wages for hours worked on top of regular pay (s.9).		'Ee must be given holiday with pay on day immediately after, or on a day agreed upon by both parties (s.8).	Regular daily wage (s.6(2)).	
Yukon	9: New Year's Day; Good Friday; Victoria Day; Canada Day; Discovery Day; Labour Day; Thanksgiving Day; Remembrance Day; and Christmas Day (s.1(1)).	Cannot get holiday pay if within the first 30 calendar days of employment (s.34(a)). No pay if 'ee does not show up to a scheduled shift on a holiday, does not show up day before or day after holiday, or if holiday falls during an unpaid leave requested by 'ee which is already two weeks in (s.34).	Regular daily wage plus either (i) 1.5 times their regular wages for hours worked on that day, OR (ii) regular pay for hours worked that day and a day off (s.31).		Holiday with pay granted on the following work day (s.29(2)). Cannot be forced to work on another of their non-working days in a holiday week without overtime rate of pay (s.32).	Regular rate of wages for normal hours of work (s.30(1)(b)).	Holiday is not overtime (s.8(2)). Holiday can be on another day specified by 'ees or their agent (s.35(1)).
Northwest Territories	10: New Year's Day; Good Friday; Victoria Day; National Aboriginal Day; Canada Day; the first Monday in August; Labour Day; Thanksgiving Day; Remembrance Day; and Christmas Day (s.22).	Must have worked for the 'er for at least 30 days in the 12 months leading up to the holiday to be paid for the day off (s.23(7)). Nor will the 'ee be eligible if 'ee was supposed to come to work on the holiday and did not, or did not show up the day before or after the holiday (s.23(7)).	'Ee must receive average daily wage, plus either (i) overtime pay for the hours worked, OR (ii) a substitute holiday later (s.23(2)).		Average daily wage (s.23). If the 'er requires the 'ee to work on another non-work day that week, 'ee must be paid at double wages (s.23(3)).	Average daily wage (s.23).	Another day can be substituted in a collective agreement or with consent of majority of 'ees (s.22). Will be paid for holidays off if on sick, bereavement, or short-court leave, but not if on pregnancy, parental, compassionate, or long-court leave (s.23(5)+(6)).
Nunavut	9: New Year's Day, Good Friday, Canada Day, the first Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, and the day fixed by the Governor General for observance of the birthday of the reigning sovereign (s.1).	Must have worked for 30 days in the preceding 12 months (s.27). Will not get paid holiday if 'ee did not show up to work on the holiday, in the day before or after the holiday, or is on pregnancy or paternal leave (s.27).	'Ee must get their regular wages for that day, plus either (i) overtime pay for hours worked, OR (ii) a substitute paid holiday (s.25).		'Ee either gets daily wage, or a paid holiday on another day (s.25). If 'ee has to work on another day off that week, 'ee will be paid double (s.26).	At least wages 'ee would have earned at the regular rate of wages for the normal hours of work (s.24).	Can substitute another day (s.23).

Appendix E – Vacation			
	Vacation Period	Vacation Pay	Continuous Employment
Federal	At least two weeks with vacation pay. After six consecutive years of employment by one employer, at least three weeks with pay (s.184).	4%, or after six consecutive years of employment by one employer, 6% of the wages of an employee during the year (s.183).	N/A
British Columbia	At least two weeks after 12 consecutive months of employment, or at least three weeks after five consecutive years of employment. Can be taken in periods of one, or more weeks (s.57(1)).	After five calendar days of employment, at least 4% of the employee's total wages during the year and after five consecutive years of employment, at least 6% of the employee's total wages during the year (s.58(1)).	N/A
Alberta	Two weeks after four years of employment, three weeks after five or more (s.34). Must be unbroken unless employee requests in writing for shorter periods (s.37).	For employees paid monthly, must pay 4-1/3 of employee's wages for a normal month each week of vacation (s.39). Otherwise, the pay is 4% of annual wages for those eligible for two weeks of vacation, and 6% for those eligible for three (s.40).	Any break off work of less than three months is deemed to be continuous employment (s.36).
Saskatchewan	Three weeks after one year of employment, four weeks after 10 or more (s.30(1)). Can be unbroken, or in shorter periods with written request from employee (s.31(1)).	Pay is 3/52 of total annual wage for those with three weeks vacation, and 4/52 of total annual wage for those with four weeks vacation (s.33).	26 consecutive weeks off in the 52-week year of employment means that the year was not continuous (s.29.4).
Manitoba	Two weeks after four years of employment, three weeks after five or more (s.34(1)). Employer cannot force employee to take the vacation in periods of less than a week (s.37).	2% of wages for the year each vacation week, and 2% of board and lodging allowance or costs for the year if employer provides board and lodging (s.39(2)).	N/A
Ontario	Two weeks vacation every completed employment year (s.33(1)). Employer determines when vacation will happen, but cannot force less than a week at a time (s.35).	4% of wages earned for the period that the vacation applies to (s.35.2).	Active and inactive employment are considered continuous (s.33(2)).
Québec	Under a year of employment (year is between May 1 to April 30, unless another period is agreed upon), vacation is one day for every month of service to a maximum of two weeks (s.67). Minimum of two consecutive weeks for a year of employment, and can apply for a third unpaid, unbroken week (s.68). Three consecutive weeks for five years of employment (s.69). Can be broken into smaller periods (s.71).	4% of annual wages for under five years employment, 6% for five years or more (s.74). If a leave means that employee has lower vacation pay, employee is entitled to two to three times the weekly average wage for the period of work (s.74).	Cannot reduce vacation for part-time workers simply because they work less time (s.74.1).
New Brunswick	Less than eight years of employment (year being from first of July to end of June) gives two weeks or one day for each month worked in the year of vacation, whichever is less (s.24(1)). Eight years and more gives three weeks or 1-1/4 days for each month worked in the year, whichever is less (s.24(1.1)).	4% of year's wages for those under eight years of employment, 6% for eight years and over (s.25(1)).	N/A
Nova Scotia	At least two weeks unbroken, and three weeks if employed for more than eight years (s.32(1)(a)). Can have the vacation broken up into more periods (s.32(2)(b)).	For under eight years, 4% of wages for the 12-month period during which vacation was established, 6% for more than eight years (s.32(1)(c)). Wages from which 4% to 6% are calculated includes room and board charges (s.35(1)).	Can waive vacation if less than 90% of working hours in a year were actually worked, and take pay instead (s.33(1)).
Prince Edward Island	Unbroken two weeks if employed less than eight years, unbroken three weeks if employed eight or more (s.11(1)(a)).	4% for those employed less than eight years, otherwise 6% (s.11(1)(c)). Calculation of wages for purposes of determining percentages includes room and board charges (s.13).	Sick leave with pay does not count as vacation, or replacement for vacation (s.11(4)). Less than 90% of employee's normal working hours worked in that year, can waive vacation and take the 4% to 6% pay (s.11.1(1)).
Newfoundland and Labrador	Not less than two weeks if employed for less than 15 years and done at least 90% of normal working hours in a continuous 12 months (s.8(1)). Not less than three weeks if employee has completed 15 years of continuous experience along with the 90% requirement (s.8(1.1)). Can do in weekly periods or unbroken (s.8(2.1)+(3)).	4% for those employed less than 15 years, 6% otherwise (s.8(1)+(1.1)).	Less than 90% of normal working hours in a year means that worker will not get time off, but will get vacation pay (s.9(1)).
Yukon	Two weeks for every completed year of employment (s.21(1)).	4% of wages for that year (s.19). Can waive vacation with written agreement, and simply be paid vacation pay (s.23).	Vacation applies to all employees, including part-time, seasonal, and temporary workers (s.20).
Northwest Territories	Two weeks for five or less years of employment, two weeks for six or more (s.24(2)).	4% for five or less years of employment, 6% for six or more (s.25(1)).	In determining if under or over six years of employment for length of vacation, include both continuous and non-continuous work (s.24(4)).
Nunavut	Two weeks for first five years of employment (s.16). Three weeks for more than five, whether the work was continuous or not within 10 years (s.16).	4% of annual pay for two weeks, 6% for three weeks (s.15).	For years over five, no need to consider whether work was continuous (s.16).

Mapping Basic Working Conditions in Employment Standards Laws Across Canada — 2011/2012

	Appendix F-1 – Leaves								Maximum Aggregate Leave (shared between 'ees)
	Maternity	Parental	Compassionate Care	Sick	Bereavement	Reservist	Court or Jury	Other	
Federal	17 weeks, if employed for six continuous months (s.206). Pregnant 'ee can be reassigned, or can receive a leave starting at beginning of pregnancy and ending 24 weeks after birth if unable to work (s.205.1).	37 weeks to care for a newborn child of the 'ee, or an adopted child, after six continuous months of employment (s.206.1).	Eight weeks to provide care or support to a family member with a doctor's note stating that it is a serious medical condition with a significant risk of death within 26 weeks (s.206.3(2)).	12 weeks with doctor's note, cannot punish an 'ee because of absence due to illness or injury if 'ee has completed three consecutive months of work (s.239(1)). No time limit if absence is due to injury or illness at work (s.239.1).	Death of a member of immediate family means a leave on any normal working days during the three days immediately following the death (s.210(1)). Paid if 'ee has worked three consecutive months (s.210(2)).	'Ee who is member of reserve force who has worked for six months must be granted leave (s.247.5).	N/A	N/A	Maximum aggregate parental leave of two 'ees is 37 weeks (s.206.1(3)). Maximum aggregate of maternity and parental for one birth is 52 weeks (s.206.2). Maximum for compassionate care leave for two 'ees caring for one sick person is eight weeks (s.206.3(7)).
British Columbia	17 weeks, unpaid and consecutive, with six weeks beginning after birth or termination of pregnancy. An additional six weeks if 'ee is unable to return to work (s.50). No time requirement for pregnancy leave.	35 weeks, unpaid and consecutive; 37 weeks for birth mother that did not take pregnancy leave, birth father, or adoptive parent (s.51(1)). Additional five weeks , unpaid, if child has physical, psychological, or emotional condition (s.51(2)).	Eight weeks unpaid, with doctor's note stating that a significant risk of death within 26 weeks. Must be taken in blocks of one or more weeks. Can be extended if family member doesn't die, with another doctor's note (s.52.1).	N/A	Three days unpaid on the death of 'ee's immediate family member (s.53).	As long as 'ee is deployed, and this extended to deployment related to the 2010 winter Olympics (s.52.2).	Leaves permitted (s.55).	Family Responsibility Leave: five days per year to attend to care/health or education of child, or care/health of family member (s.52).	N/A
Alberta	15 weeks, unpaid, six of which must be immediately following delivery (s.46). 'Ee has to have worked for 'er for at least 52 consecutive weeks to be eligible (s.45). Full- and part-time workers can get this leave.	37 weeks for maternity leave recipient, parent, or adoptive parent, all of whom must have been employed for at least 52 consecutive weeks (s.50(1)).	N/A	N/A	N/A	Where 'ee has been employed for 26 consecutive weeks, may take leave as long as deployed (s.53.2(1)).	As long as is required (<i>Alberta Jury Act</i> , s.24(1)).	N/A	Parental leave can be taken wholly by one 'ee, or shared by both (s.50(2)). If both are 'ees of same 'er, 'er does not have to grant leave to both at the same time (s.50(3)).
Saskatchewan	18 weeks for 'ees employed at least 20 of the 52 weeks leading up to the leave (s.23(1)+(3)); 14 weeks if 'ee does not give notice and a doctor's note (s.23(5)). Where birth is later than expected, must have six weeks after birth (s.23(6)). Additional six weeks if unable to return to work due to medical condition (s.24). Full- and part-time workers can get this leave.	34 weeks consecutive for those eligible for maternity or adoption leave, 37 weeks otherwise (s.29.1). 'Ee must have been employed for 20 of the 52 weeks leading up to the leave (s.29.1(1)(a)). Full- and part-time workers can get this leave.	Cannot be in trouble for being absent for illness or injury of themselves, or a dependant family member, for up to 12 weeks in a year for serious illness/injury, and 12 days for non-serious, with some exceptions, and not for longer than 16 weeks total (s.44.2). 'Ee must have worked 13 weeks of the year prior to absence. Can be extended to 26 weeks for serious injury if 'ee is receiving workers' compensation (s.44.2(2)).	Five working days, unpaid, for those who have worked for three continuous months (s.29.3).	Unpaid for the period of the service (s.80.1).	Employer may not dismiss 'ee for being summoned to jury duty (<i>Saskatchewan Jury Act</i> , s.36(1)).	Adoption Leave: 18 weeks for those who have worked 20 of the 52 weeks leading up to the start of the leave (s.29.2). Full- and part-time workers can get this leave.	N/A	

	Appendix F-2 — Leaves								Maximum Aggregate Leave (shared between 'ees)
	Maternity	Parental	Compassionate Care	Sick	Bereavement	Reservist	Court or Jury	Other	
Manitoba	17 weeks, or if late delivery, 17 weeks plus additional time off equivalent to the period between estimated delivery date and actual delivery (s.54(1)). Must have been employed for seven continuous months (s.53).	37 weeks continuous and unpaid, must have been employed for seven consecutive months, and in the case of adoption, it must be recognized under Manitoba law (s.58(1)). Maternity and parental leave must be taken continuously (s.59).	Eight weeks to support a seriously ill family member, with a doctor's note stating that there is a significant risk of death within 26 weeks (s.59.2(3)). Can be broken into two periods, maximum (s.59.2(6)). Must have been employed for at least 30 days (s.59.2(2)).	N/A	Three days, unpaid, on the death of a family member, if 'ee has been employed for 30 days (s.59.4(1)).	For period of service, if employed for seven consecutive months (s.59.5(3)).	<i>Manitoba Jury Act</i> (s.24.1(1)).	Family Leave: three unpaid days per year for 'ee's health, or to meet family responsibilities, if 'ee has been employed at least 30 days (s.59.3(1)). Organ Donation Leave: up to 13 weeks, unpaid, as mandated by doctor's note, if employed for 30 days (s.59.6(2)). Citizenship Ceremony Leave: four hours, unpaid, if employed for 30 days (s.59.7(1)).	N/A
Ontario	17 weeks, unpaid — to be eligible, due date cannot be within first 13 weeks of employment (s.46). Additional six weeks given if not eligible for parental leave (s.46).	35 weeks, unpaid, if taken with pregnancy leave, 37 weeks otherwise (s.49). Must be employed at least 13 weeks (s.48). Maternity and parental leave must be taken continuously (s.48(3)).	Family Medical Leave: eight weeks , unpaid, with doctor's note that significant risk of death within 26 weeks (s.49.1). Must be taken in entire week periods.	Could use Family Medical Leave (see Compassionate Care).	Could use Personal Emergency Leave (see Other).	For period of service, if employed for at least six months (s.50.2).	<i>Ontario Juries Act</i> , (s.41).	Personal Emergency Leave: 'ee of 'er with over 50 'ees can take 10 days per year, unpaid, for personal or specific family members' (s.50(2)) illness, injury, or medical emergency, or for urgent matters of those family members (s.50(1)). Organ Donation Leave: up to 13 weeks, unpaid, if employed over 13 weeks (s.49.2). Emergency Leave: those that must perform duties during a state of emergency are entitled to do so for as long as necessary (s.50.1).	For Family Medical Leave (Compassionate Care), two or more 'ees that take it with respect to one individual cannot jointly exceed eight weeks (s.49.1(6)).
Québec	18 weeks, taken as desired (s.81.4). Leaves permitted for doctor's appointments related to pregnancy (s.81.3). If delivery is later than expected, two weeks will be given after the delivery (s.81.4.1). No time requirement for pregnancy leave.	52 weeks, unpaid, in addition to maternity and paternity leave (s.81.10). Five days leave on birth of child, two of which are paid if 'ee has worked 60 days — this five days cannot be taken by someone on maternity leave (s.81.1).	104 weeks if 'ee has minor child who has serious and potentially terminal illness (s.79.8). This can be extended if child is victim of crime and needs care (s.79.9).	26 weeks, unpaid, in a year leave for sickness, organ donation, or an accident (s.79.1). If serious injury due to being a victim of a crime, can have 104 weeks leave (s.79.1). Must have been working for three months uninterrupted (s.79.2). 12 weeks are given over the course of a year to care for a sick family member (s.79.7).	One day, paid, with an additional four days , unpaid, for close family (s.80). One day , unpaid, for extended family (s.80.1).	For as long as necessary (s.81.17.1).	'Er cannot dismiss or otherwise discriminate 'ee because they were summoned to jury duty (<i>Québec Juries Act</i> , s.47).	Marriage Leave: One day, paid, for own civil union, one day, unpaid, for that of close family (s.81). Family Leave: 10 days per year to fulfil family obligations (s.79.7). If 'ee's minor child has disappeared, 'ee has leave of 52 weeks, or if spouse or child commits suicide (s.79.10+79.11). 104 weeks of leave if spouse or child dies due to being victim of crime (s.79.12). Paternity Leave: father receives five consecutive unpaid weeks (s.81.2).	N/A

	Appendix F-3 – Leaves								Maximum Aggregate Leave (shared between 'ees)
	Maternity	Parental	Compassionate Care	Sick	Bereavement	Reservist	Court or Jury	Other	
New Brunswick	17 weeks, unpaid, (s.43(1)). No time requirement for pregnancy leave.	Child Care: 37 weeks , unpaid, for adoptive or natural parents (s.44.02(2)). For those with maternity leave, child care leave must be taken immediately following (s.44.02(10)).	Eight weeks, unpaid, with a doctor's note stating a significant risk of death within 26 weeks (s.44.024). Must be taken in blocks of minimum one week.	Five days per year, unpaid, if employed for more than 90 days (s.44.021).	Five days consecutively on the death of family, beginning not later than the day of the funeral (s.44.03).	18 months, unpaid (s.44.031).	Leave granted during court service (s.44.023). 'Er can demand reimbursement of any money 'ee receives for witness fees, exclusive of travel, meal, or accommodation expenses.	Family Responsibility Leave: three days , unpaid, to meet responsibilities related to health, care, or education of a person in a close family relationship (s.44.022).	If both parents are 'ees, child care leave can be taken by one, or shared by both (s.44.02(12)). Maximum is 37 weeks (s.44.02(12.1)). Aggregate maternity and child care leave is 52 weeks (s.44.02(12.2)).
Nova Scotia	17 weeks, unpaid, where employed for at least one year (s.59).	52 weeks, unpaid, where employed for at least one year (s.59B). For those who already took pregnancy leave, it is 35 weeks equalling a maximum of 52 in total (s.59B(2(b))).	Eight weeks, unpaid, with a doctor's note that there is a significant risk of death within 26 weeks (s.60E). Must have been employed at least three months.	Three days, unpaid, for 'ee or their family. This time can be used for doctor's appointments, etc. (s.60G).	Three days, unpaid, upon death of certain family members, only one day for other family (s.60A).	18 months within three-year period maximum for this unpaid leave (regulations s.7B).	Leave for as long as required (s.60B).	Emergency Leave: as long as 'ee cannot perform duties because of an emergency (such as a public health emergency, etc.) (s.60I).	N/A
Prince Edward Island	17 weeks, unpaid, if 'ee worked 20 of the 52 weeks leading up to the leave (s.19+20). If late delivery, additional six weeks can be granted (s.20(2)).	35 weeks, unpaid, for natural parents if employed for 20 weeks of the 52 preceding the leave (s.22). Maximum 52 weeks for maternity and parental leave (s.22(2.1)). Adoptive leave is for 52 weeks (s.22). Can be extended by five weeks where child has physical, psychological, or emotional condition (s.22.01). Must immediately follow maternity leave (s.22(6)).	Eight weeks, unpaid, with a doctor's note stating a significant risk of death within 26 weeks (s.22.3). Periods of not less than a week (s.22.3(6)).	Three days per year, unpaid, if employed for minimum of six months continuous (s.22.2). One day of these will be <u>paid</u> if 'ee has been employed for at least five years (s.22.2(4)).	Three days (one <u>paid</u>) for immediate family, three days, unpaid, for extended family (s.23). Must begin no later than day of the funeral.	Period necessary to accommodate length of service (s.23.1).	As long as necessary (s.23.2).	Family Leave: three days per year, unpaid, to meet family responsibilities if employed for six months continuously (s.22.1).	For compassionate care, total for two 'ees cannot exceed eight weeks (s.22.3(7)).

	Appendix F-4 – Leaves								Maximum Aggregate Leave (shared between 'ees)
	Maternity	Parental	Compassionate Care	Sick	Bereavement	Reservist	Court or Jury	Other	
Newfoundland and Labrador	17 weeks, unpaid, if employed for 20 consecutive weeks before the expected date of birth (s.40). Same for adoption leave (s.43.2).	35 weeks, unpaid, if employed for 20 consecutive weeks (s.43.3).	Eight weeks, unpaid, with a doctor's note stating a significant risk of death within 26 weeks (s.43.14) if employed for at least 30 days. In exceptional circumstances, three additional unpaid days may be granted if the family member dies (s.43.14(3)). This leave must be taken in periods of minimum one week (s.43.14(6)).	Seven days, unpaid, of sick leave or family responsibility leave per year if employed for at least 30 days (s.43.11).	Three days (1 paid) upon death of certain family members, and two days , unpaid, for other death (s.43.10) if 'ee has been employed for at least 30 days.	As long as 'ee is in service, or treatment after service (s.43.18).	Paid leave for jury duty (<i>Newfoundland and Labrador Jury Act</i> , s.42).	See sick leave.	N/A
Yukon	17 weeks, unpaid, if completed 12 months of employment (s.36). Six weeks must be given after birth, or termination if 'ee is experiencing health problems (s.36(5)).	37 weeks if completed 12 months of employment (s.38). Must be continuous after maternity leave (s.39(1)).	Eight weeks, with a doctor's note stating a significant risk of death within 26 weeks. Must be taken in periods of at least one week (<i>Act to Amend the Employment Standards Act, 2003</i>).	Maximum 12 days calculated as one day for every month of employment, minus the sick days already taken (s.59(2)).	One week, provided the funeral falls within that week (s.60(2)). Those designated by a First Nations member as the one to organize the funeral potlach can also receive this leave (s.60(3)).	With six months of continuous employment (<i>Act to Amend the Employment Standards Act, 2009</i>).	Paid , or unpaid, leave for jury duty (<i>Yukon Jury Act</i> , s.8(1)).	N/A	Where two 'ees are parents, parental leave can either be taken wholly by one, or split by both, at separate times to a maximum of 37 weeks total (s.38(6)). Can be taken at same time where one parent is ill (s.38(7)). Aggregate leave for compassionate care leave is eight weeks for two 'ees (<i>Act to Amend the Employment Standards Act, 2003</i>).
Northwest Territories	17 weeks, unpaid (s.26), if employed for 12 consecutive months before leave (regulations s.11). If delivery is late, may extend to that date, but not to exceed six more weeks (s.26(4)).	37 weeks, unpaid, for adoptive and natural parents (s.28) if employed for 12 consecutive months (regulations s.12). Must start immediately after maternity leave (s.28(7)). Maximum period for maternity and parental leave is 52 weeks (s.34).	Eight weeks with doctor's note proving significant risk of death within 26 weeks (s.30). Cannot be broken up into periods shorter than one week (s.30(4)).	Five days, unpaid, per year (s.29), if employed for at least 30 days (s.29(2)).	Three days, unpaid, if the funeral is in the community that the 'ee resides in, seven days , unpaid, if outside the community (s.31).	N/A	For as long as required (s.32). If granted court leave with pay, 'ee will reimburse 'er for money 'ee receives from witness fees, etc. (s.32(3)).	N/A	Compassionate care split between two 'ees working for the same 'er cannot exceed 8 weeks (s.30(5))
Nunavut	17 weeks (s.31(2)) if employed for 12 consecutive months (regulations s.2). If delivery is late, may extend leave to period between expected date and actual date of delivery, to a maximum of six weeks (s.31(3)).	37 weeks, unpaid (s.34), if employed for 12 consecutive months (regulations s.3). Must start immediately after maternity leave (s.34(6)), and these two leaves together must not exceed 52 weeks (s.35.1).	Eight weeks to care for family with doctor's note stating significant risk of death in 26 weeks (s.39.1(2)).	N/A	N/A	N/A	N/A	N/A	Compassionate care split between two 'ees cannot exceed eight weeks (s.39.5).

Appendix G-1 – Minimum Wage

	Date Effective	Minimum Wage (bold = current)	Inexperienced, Liquor Service, and those who receive Gratuities	Pay Periods	Deductions – Room and Board	Deductions – Uniforms	Till Provisions	Minimum Wage Review	Methods of payment	Notes
Federal	1996/12/18	Based on provinces (s.178).	N/A	'Er must pay on regular payday established by practice, or within 30 days from the day work started (s.247).	Maximum for wage reductions for room and board are \$0.50 for each meal; and for living quarters, \$0.60 per day (s. 21 of regulations).	N/A	Cannot deduct for loss or damage to property, or money if anyone other than 'ee had access to it (254.1(3)).	N/A	N/A	
British Columbia	2011/05/01	\$8.75	The separate minimum wage for inexperienced workers (in regulations s.15) is repealed as of May 2011. Those who serve liquor currently make \$8.50, which will go up to \$8.75, and finally to \$9.00.	Paydays are at least semimonthly and within eight days after the end of the pay period (s.17(1)). Intervals cannot be more than 16 days.	Maximum room and board for domestics is \$325/ month (regulations s.14).	'Er cannot take wages, and cannot charge 'ee for any business costs (s.21). Required uniforms must be provided and cleaned without charge (s.25).	'Er cannot deduct for any reason except as permitted by the Act. 'Er cannot charge 'ee for any business costs (s.21).	N/A	Canadian currency, by cheque, draft, money order, or by deposit if authorized by 'ee in writing, or in collective agreement (s.20).	
	2011/11/01	\$9.50								
	2012/05/01	\$10.25								
Alberta	2009/04/01	\$8.80	Separate wage for those serving liquor will be \$9.40 in September.	Pay periods cannot be longer than one work month (s.7(2)).	Minimum wage can be reduced by \$2.89/meal, and \$3.82/day for a room (regulations s.12).	Cannot deduct below minimum wage for mandatory uniform and its cleaning (regulations s.13). Can never charge 'ee more than what it costs 'er (regulations s.14).	'Er cannot deduct for faulty workmanship, nor for cash shortage, or loss of property if individual other than 'ee had access to it (s.12).	N/A	Canadian currency, by cash, cheque, bill of exchange, money order, or direct deposit (s.11(2)).	
	2011/09/01	\$9.40								
Saskatchewan	2009/05/01	\$9.25	N/A	Majority of 'ees can request to be paid every seven days (s.47). Otherwise, not less than twice a month, or at the end of 14 days must be paid (s.48).	Maximum for room and board is \$250/month (regulations s.14).	Required uniforms cannot be deducted from pay, nor can washing them (minimum wage regulations s.9).	Nothing on protections for loss of property or cash. Only statement is that 'er can make any lawful deduction (s.59).	At least once every two years, the Minimum Wage Review Board reviews and makes recommendations (s.15(4)).	Canadian currency, by cash, cheque, or deposited into a bank account or credit union. All else is void (s.49(1)).	The Review Board recommended in February 2011 that the province not adopt an indexing method for the minimum wage.
	2011/09/01	\$9.50								

Appendix G-2 – Minimum Wage

	Date Effective	Minimum Wage (bold = current)	Inexperienced, Liquor Service, and those who receive Gratuities	Pay Periods	Deductions – Room and Board	Deductions – Uniforms	Till Provisions	Minimum Wage Review	Methods of payment	Notes
Manitoba	2010/10/01	\$9.50	N/A	Paydays at least twice a month, and within 10 days after the end of the pay period (s.86).	Maximum deductions from minimum wage are \$1/meal and \$7/week for room (regulations s.19).	Can deduct for something beneficial to the worker, with their consent. Cannot deduct a uniform unique to the 'er (with a logo or name), or that is not practically usable other than for the job. No deductions for faulty work or damage, or for cash shortages (regulations s.19(2)).	Cannot deduct for faulty work or damage, nor for cash shortages due to failing to collect all or part of the purchase price from the customer (regulations s.5, 6).	N/A	Canadian currency, by cheque, bill of exchange, deposit into financial institution (s.88).	
	2011/10/01	\$10.00								
Québec	2011/05/01	\$9.65	Those who receive tips make a lower wage – \$8.35 (general regulations s.4).	Intervals of not more than 16 days, or one month in certain cases. First pay must be within one month of start date (s.43).	'Er cannot charge more than \$1.50/meal, or \$20/week for food, and not more than \$20/week for room. Maximum of \$40/week for both room and meals (gen regulations s.6).	Uniform must be supplied free for those who work for minimum wage. Any upkeep or charges for those who make more cannot end up bringing their pay to below minimum wage (s.85). Where uniform has company logo, etc., cannot be charged for it, nor can be charged for items in the 'er's trade (s.85).	No 'er can make a deduction unless he is required to do so by law (s.49).	N/A	Cash in a sealed envelope, or by cheque. Can also be bank transfer with written agreement. Must be cashable within two working days of receiving it (s.42). Payment must be made at work on a working day (s.44)	Cannot pay different for same work just because the 'ee is part-time (s.41.1). Piece worker cannot end up making less than minimum wage (general regulation s.4.1).
New Brunswick	2011/04/01	\$9.50	N/A	Maximum interval between pays is 16 days (s.35(1)).	No room and board deductions for that which was not furnished by the 'er (minimum wage regulations s.7).	N/A	N/A	N/A	Canadian currency, by cheque, bill of exchange, or direct deposit (s.36(2)).	Seems to be provision saying tip-sharing up to 'ees and not 'er (s.13(2)). Pieceworkers cannot be paid less than the number of hours they worked (minimum wage regulation s.5(2)).
	2011/09/01	\$10.00								
	2011/10/01	\$10.00								

Appendix G-3 – Minimum Wage

	Date Effective	Minimum Wage (bold = current)	Inexperienced, Liquor Service, and those who receive Gratuities	Pay Periods	Deductions – Room and Board	Deductions – Uniforms	Till Provisions	Minimum Wage Review	Methods of payment	Notes
Prince Edward Island	2011/06/01	\$9.30	N/A	Maximum of 16 days between pays (s.5.2(3)).	Board and lodging maximum \$56/week. Board only, maximum \$45/week, lodging only, maximum \$25/week, single meals, maximum \$3.75/meal (minimum wage regulations s.2).	No deducting for use of required uniform, or footwear that is supplied by 'er and is unique to 'er's business (s.5.5(6)), but can require a maximum 25% deposit (s.5.5(7)).	Cannot deduct from 'ees pay for cash shortage that was due to a customer leaving without paying, if the 'ee was sharing the till with another 'ee, or the 'ee was required to leave the cash unattended (s.5.5(10)). Also cannot charge 'ee for faulty work or damage to property (s.5.5(5)).	Review of minimum wage annually (s.5(2)).	Canadian currency, by cheque, or direct deposit (s.5.2).	Tip-pooling protections – that 'er can't take any (s.17(10)).
	2011/10/01	\$9.60								
	2012/04/01	\$10.00								
Newfoundland and Labrador	2010/07/01	\$10.00	N/A	At least twice monthly and within seven days after the end of the pay period (s.33(1)).	If 'ee is required to live on the 'er's property, 'er can only charge reasonable rental charges (s.36(2)).	Cannot charge 'ee for a mandatory uniform that is unique to the business, with identifier of the business on it, and cannot be practically used after employment (s.36.1).	Section specifying which deductions are permitted – does not include deductions for loss (s.36). 'Er cannot deduct for cash shortages.	Review every two years (s.30).	Canadian currency, by cheque or money order, or by direct deposit (s.34(2)).	Protections for tips (s.38).
Yukon	2011/04/01	\$9.00	N/A	Maximum 10 days after the end of a pay period (s.65(1)).	Cannot deduct more than \$5 per day below minimum wage for board or living quarters, or both (minimum wage regulations s.6).	Except as permitted by an enactment, cannot deduct from wages for any purpose (s.64).	Section stating that no deductions can be made legally unless permitted by an enactment (s.64(1)).	N/A	Canadian currency, by cheque, bill of exchange, money order, or by deposit (s.67).	Wages adjusted for Consumer Price Index for Whitehorse maintained by Statistics Canada (minimum wage order regulations s.2). Protection for piecework that they cannot receive less than minimum (minimum wage regulations s.4).
Northwest Territories	2011/04/01	\$10.00	N/A	Maximum of 10 days when end of pay period up (s.13(2)).	Maximum deductions from minimum wage for each meal is \$0.65, and \$0.80 for each day of living (general regulations s.7).	Cannot deduct below minimum for uniform or cleaning, nor for accidental breakages (general regulations s.7(4)).	Cannot deduct below minimum wage for accidental breakage of property (regulations s.7(4)(b)).	N/A	Canadian currency, by cash, cheque, bill of exchange, or direct deposit (s.13(6)).	
Nunavut	2011/01/01	\$11.00	N/A	Within 10 days after expiration of pay period (s.50(2)).	Cannot deduct more below minimum wage than \$0.65/meal, and \$0.80/day for lodging (wages regulations s.2).	Cannot deduct below minimum wage for uniform or cleaning, or for accidental breakages (wages regulations s.3).	Cannot deduct below minimum wage for accidental breakage of property (regulations s.3(b)).	Review annually (s.12.1).	Canadian currency, by cheque, bill of exchange, or by deposit to a bank (s.50(6)).	

Appendix H-1 – Pay Equity

	EQUAL PAY (similar WORK)	PAY EQUITY (similar VALUE)	NOTES
Federal	Cannot maintain or establish difference in wages between male and female 'ees employed in the same establishment who do work of equal value, assessed by considering the skill, effort, and responsibility required to perform the work, and working conditions (<i>Canadian Human Rights Act</i> , s.11(1), and the Equal Wages Guidelines). Cannot treat 'ees differently based on prohibited grounds of discrimination (<i>Canadian Human Rights Act</i> , s.7).		
British Columbia	Cannot employ one 'ee at a lesser rate of pay than that of an 'ee of the other sex when employed by the 'er for similar or substantially similar work (<i>Human Rights Code</i> , s.12(1)).	N/A	
Alberta	'Er must pay 'ees of both sexes the same rate of pay for the same or substantially similar work in an establishment (<i>Alberta Human Rights Act</i> , s.6(1)).	N/A	
Saskatchewan	No paying less to one sex than the other where they are employed in the same establishment for similar work performed under similar working conditions where the performance of this work requires similar skill, effort, and responsibility (<i>Labour Standards Act</i> , s.17(1)).	N/A	
Manitoba	If the kind or quality and amount of work is the same, or substantially the same, cannot discriminate in pay to different sexes (<i>Employment Standards Code</i> , s.82(1)).	Pay equity provisions apply to public and crown employees (<i>Pay Equity Act</i> , s.3).	
Ontario	No paying different wages to different sexes when work is substantially the same, requires substantially the same skill, effort, and responsibility, and is performed under similar working conditions (<i>Employment Standards Act</i> , s.42(1)).	Pay equity provisions apply to public 'ees or those working in the private sector with over 10 'ees, as well as both part-time and full-time workers (<i>Pay Equity Act</i> , s.3(1)). Pay equity is the responsibility of the 'er.	
Québec	All 'ers must grant equal pay to his 'ees who perform equivalent work at the same place (<i>Charter of Human Rights and Freedoms</i> , s.19).	Pay equity provisions apply to all 'ers with over 10 'ees, including public sector (<i>Pay Equity Act</i> , s.4), with a mandatory implementation of a pay equity plan for 'ers with over 50 'ees, and the requirement to pay equally for work of equal value to 'ees in predominantly female jobs for those with under 50 'ees (<i>Pay Equity Act</i> , s.34). Pay equity is the responsibility of the 'er.	Provisions for equal pay for new workers: cannot impose a lesser condition of employment on an 'ee solely on the basis of their hiring date, where they perform the same task in the same establishment (<i>Act respecting Labour Standards</i> , s.87.1).

Appendix H-2 – Pay Equity

	EQUAL PAY (similar WORK)	PAY EQUITY (similar VALUE)	NOTES
New Brunswick	No difference in wages for different sexes where work is in the same establishment, is substantially the same in nature, requires substantially the same skill, effort, and responsibility, and is performed under similar working conditions (<i>Employment Standards Act</i> , s.37.1(1)).	Pay equity provisions apply to public service 'ees and those in some public service positions where over ten 'ees are employed (<i>Pay Equity Act</i> , s.4(1)+(2)).	
Nova Scotia	Cannot pay a female 'ee less than a male 'ee (or vice versa) when they are employed in substantially the same work performed in the same establishment, where this work requires substantially equal skill, effort, and responsibility, and is done under similar working conditions (<i>Labour Standards Code</i> , s.57(1)).	Pay equity provisions apply to those in the public service, namely: civil service, corrections, highway, hospital, school board, university, Crown corporation, municipality, public sector corporation 'ees (<i>Pay Equity Act</i> , s.4(1)).	
Prince Edward Island	'Er may not pay differently to 'ees who perform substantially the same work, which requires equal education, skill, experience, effort, and responsibility, and which is performed under similar working conditions (<i>Human Rights Act</i> , s.7(1)).	Pay equity provisions apply to public sector 'ees (<i>Pay Equity Act</i> , s.3).	
Newfoundland	'Er cannot establish or maintain difference in pay for 'ees employed in the same establishment for any discriminatory reason, where they perform the same or similar work under the same or similar working conditions, which require the same or similar skill, effort, and responsibility (<i>Human Rights Act</i> , s.16).	N/A	
Yukon	No paying female 'ees less than the rate of pay paid to a male 'ee, or vice versa, when employed for similar work in the same establishment under similar working conditions, where work requires similar skill, effort, and responsibility (<i>Employment Standards Act</i> , s.44).	N/A	
Northwest Territories	Must not pay 'ees employed in the same establishment less pay than to other 'ees who perform same or substantially similar work based on a prohibited ground of discrimination (<i>Human Rights Act</i> , s.9(1)).	N/A	
Nunavut	N/A – no specific provisions other than general anti-discrimination provisions relating to employment conditions in the province's <i>Human Rights Act</i> (s.9).	N/A	

Appendix I-1 – Termination

	Quitting	Firing		Group Termination		Planning Committees for Group Terminations	Severance Pay	Notes
		Pay	Notice	Pay	Notice			
Federal	N/A	Pay must be for two weeks regular wages if no notice is given (s.230(1)(b)).	If 'ee has been employed for over three months, must receive notice of two weeks (s.230(1)(a)).	N/A	If 'ee is going to layoff 50+ 'ees in a period of four weeks, must give notice of 16 weeks (s.212(1)).	Joint planning committee to be established upon notice of group termination (s.214). Must include both 'er and 'ee representatives (s.214(3)).	Where 'ee has worked for at least 12 consecutive months, is eligible for severance pay of two days wages per year of employment, or five days wages, whichever is greater (s.235(1)).	
British Columbia	N/A	Pay for amount 'ee would have made during notice: one weeks' wages after three months of service, two weeks after a year, three weeks after three years, and an additional weeks' pay for every year worked over three to a maximum of eight (s.63(1)+(2)). Where notice does not cover full-time, it ought to, must give pay that 'ee would have received in that time (s.63(3)(b)). Do not need to pay if 'ee has been employed less than three months.	One weeks' notice after three months of service, two weeks after a year, three weeks after three years, and an additional week's notice for every year worked over three, to a maximum of eight (s.63(3)(a)).	As required for individual termination (s.64(5)).	If an 'er is going to terminate 50+ 'ees in a two-month period, must give notice (in addition to the individual requirements stated in previous boxes) of eight weeks if 50-100 'ees will be affected, 12 weeks if 101-300 'ees affected, and 16 weeks if 301+ 'ees affected (s.64(3)).	Minister may require adjustment committee for group terminations (s.71).	N/A	
Alberta	One week if employed for three months to two years, two weeks for any longer period of employment (s.58). If 'er decides not to have 'ee come in after receiving the 'ee's notice, 'er must pay the 'ee termination pay according to the firing pay provisions (s.59(2)).	Pay instead of notice – wages being that which the 'ee would have made during the length of the notice (s.57(1)). Where notice does not cover full-time, it ought to, must give pay that 'ee would have received in that time (s.57(2)+59(1)). Do not need to pay if 'ee has been employed less than three months (s.55(2)(b)).	One week after three months of employment, two after two years, four after four years, five after six years, six after eight years, and eight weeks after 10 years of service (s.56).	N/A	Where 'er intends to lay off 50+ 'ees in a four-week period, must give the minister four weeks notice (s.137).	N/A	N/A	Where 'ee does not give notice of their intent to quit, 'er may withhold pay for 10 days after notice period would have expired (s.10(3)).

Appendix I-1 – Termination

	Quitting	Firing		Group Termination		Planning Committees for Group Terminations	Severance Pay	Notes
		Pay	Notice	Pay	Notice			
Saskatchewan	N/A	Pay for the time 'ee would have worked during that notice period, or for time actually worked, whichever is greater (s.44(1)). Where no notice is given, 'er will pay for the wages 'ee would have earned in that notice period (s.44(2)).	One week after three months of service and up to a year, two weeks for one year up to three years, four weeks for three years up to five years, six weeks for five years up to 10, and eight weeks for 10 and over years of employment (s.43).	As required for individual termination.	In addition to requirements for individual firing, 'er who is going to layoff over 10 people in a four-week period must also give notice to minister, each 'ee affected, and to union (s.44.1). Notice must be four weeks for firing of 10-49 'ees, eight weeks for 50-99 'ees, and 12 weeks for 100+ (regulations s.22(1)).	N/A	N/A	
Manitoba	One week if employed for under a year, two weeks if employed for a year or more (s.62.1(1)). Notice is not necessary in certain cases (s.62.1(2)). If 'er decides to end this period sooner, must comply with the individual firing requirements, with the end date being when 'ee wanted their last day to be (s.77.1(1)). If 'ee wants to terminate employment before the time set by the 'er's notice, may do so by following the quitting notice provisions (s.62.1).	Pay in lieu of notice must equal what the worker would have earned during the mandatory notice period (s.77). Where notice does not cover the full-time, it should, pay must be given for what the 'ee would have earned during the rest of the appropriate notice period (s.77(b)).	One week's notice for up to a year of employment, two weeks for one year and up to three years, four weeks for three years and up to five years, six weeks for five years and up to 10 years, and eight weeks for 10 and over (s.61(2)).	If no notice, must pay wages as would have been earned during group notice period (s.77).	Where 'er is going to fire over 50 'ees in a four-week period, must give notice of 10 weeks for up to 100 'ees, 14 weeks for 100 'ees up to 300 'ees, and 18 weeks for 300 and over 'ees (s.67(1)).	Minister may appoint a joint planning committee of 'er and 'ee representatives to develop an adjustment program for the 'ees (s.71(1)).	N/A	
Ontario	N/A – no general quitting requirements. Where 'ee has received notice of group termination and decides to quit before end of notice, must give one week's notice if employed less than two years, and two weeks notice for more than two years (s.58(6)).	If no notice, must pay wages and provide benefits as would have been earned and applicable during the notice period (s.61). Where notice does not cover full-time that it was supposed to, 'er must pay and provide benefits for remainder (s.61).	Where 'ee has been employed for over three months, gets notice of one week if employed less than a year, two weeks if one year and less than three years, three weeks if three years up to four years, four weeks if four years up to five years, five weeks if five years up to six years, six weeks if six years up to seven years, seven weeks if seven years up to eight years, and eight weeks if eight years or more (s.57).	If no notice, must pay wages as would have been earned during group notice period (s.61).	Where 50+ 'ees are to be terminated in a four-week period (s.58), must give notice of eight weeks for 50-199 'ees, 12 weeks for 200-499 'ees, 16 weeks for 500 and over 'ees (regulations s.3).	N/A	For 'ees with five years service or more, payable in both group and individual termination, to a maximum of 26 weeks' pay (s.64+65).	

Appendix I-3 – Termination

	Quitting	Firing		Group Termination		Planning Committees for Group Terminations	Severance Pay	Notes
		Pay	Notice	Pay	Notice			
Québec	None in the <i>Act respecting Labour Standards</i> , but article 2091 of the <i>Civil Code of Québec</i> states notice must be given by an 'ee who quits.	If no notice, must pay the amount 'ee would have made regularly for the notice period (s.83).	If employed more than three months, one week where employed for less than one year of service, two weeks for one to five years, four weeks for five to 10 years, and eight weeks for 10+ years of service (s.82).	If no notice, must pay wages as would have been earned during group notice period (s.84.0.13).	If employed for more than three months, in addition to notice required individually, where 10+'ees will be dismissed over a period of two months, 'er will give notice of eight weeks for 10-99 'ees to be dismissed, 12 weeks for 100-299 'ees, 16 weeks for 300+ (s.84.04).	At the request of the minister, employer and employee representatives are required to participate in a joint planning committee (s.84.0.9).	N/A	
New Brunswick	N/A	Where no notice, must pay an amount equal to what 'ee would have earned during notice period (s.34(1)).	Two weeks for those employed over six months and up to five years, four weeks for five years and more (s.30(1)).	Where no notice, must pay an amount equal to what 'ee would have earned during notice period (s.34(1)).	Where over 10 'ees, who are 25% of the 'er's workforce, will be terminated in any four-week period, must give six weeks' notice (s.32(1)).	N/A	N/A	
Nova Scotia	Where 'ee has been employed for over three months, must give notice of one week if employed for less than two years, and two weeks for any time more (s.73).	Can give notice of immediate termination, with pay for wages the 'ee would have earned during the regular notice period (s.72(4)).	If employed over three months, must receive notice of one week where employed less than two years, two weeks for two years up to five years, four weeks for five years up to 10 years, eight weeks for 10 years and more (s.72(1)).	Can give notice of immediate termination, with pay for wages the 'ee would have earned during the regular notice period (s.72(4)).	If employed over three months, and 10+ 'ees are to be laid off in a period of four weeks, must give notice of eight weeks if 10-99 'ees will be terminated, 12 weeks if 100-299 'ees, 16 weeks if 300+ are terminated (s.72(2)).	N/A	N/A	
Prince Edward Island	Where 'ee has been employed for over six months, must give notice of one week if employed for up to five years, and two weeks if employed for five years or more (s.29(4.1)).	Where 'ee is given notice, must be paid either his/her regular wages for that time, exclusive of overtime, or wages for hours actually worked during the notice period, whichever is greater (s.29(3)). Where 'ee is not given notice, must be paid normal wages for that amount of time, exclusive of overtime (s.29(4)).	Where 'ee has been employed for over six months, must be given notice of two weeks for six months employment and up to five years, four weeks for five years and up to 10 years, six weeks for 10 years and up to 15, and eight weeks for 15+ years of employment (s.29(1)).	N/A		N/A	N/A	

Appendix I-4 – Termination

	Quitting	Firing		Group Termination		Planning Committees for Group Terminations	Severance Pay	Notes
		Pay	Notice	Pay	Notice			
Newfoundland and Labrador	Notice required by 'ee is identical to notice required by 'er (s.52(1)).	Where no notice, must be paid the wages 'ee would have received if had worked through the notice period (s.53(1)(b)).	One week for three months employment and up to two years, two weeks for two years up to five years, three weeks for five years up to 10 years, four weeks for 10 years up to 15, and six weeks for 15 years and more (s.55).	If does not keep 'ee working during notice period, must pay wages that 'ee would have earned during notice period (s.57(2)(b)). 'Ee must have been employed for over a month to be eligible (s.57(7)).	Where 50+ 'ees will be terminated in a period of four weeks, must give notice of eight weeks for 50-199 'ees, 12 weeks for 200-499 'ees, 16 weeks for 500+ 'ees (s.57(3)). 'Ee must have been employed for over a month to be eligible (s.57(7)).	N/A	N/A	Where 'ee does not give notice of their intention to quit, 'er can deduct from unpaid wages the money 'ee would have made during the notice period, and either keep it if they have received 'ee's consent, or give it to the director to hold until they decide on the matter (s.54(2)).
Yukon	If 'ee has worked six consecutive months, must give notice of one week if employed for less than a year, two weeks for two years up to four years, three weeks for four years up to six years, four weeks for six or more (s.50(2)).	If no notice, must pay the amount 'ee would have made regularly for the notice period (s.51).	If 'ee has worked six consecutive months, must be given notice of one week if employed for less than a year, two weeks for one year up to three years, three weeks for three years up to four years, four weeks for four years up to five years, five weeks for five years up to six years, six weeks for six years up to seven years, seven weeks for seven years up to eight years, eight weeks for eight years or more (s.50(1)).	See individual firing provisions (s.58(1)).	In addition to termination provisions required individually, where 25+ 'ees will be terminated in a period of four weeks, must give notice of four weeks if 25-49 'ees, eight weeks if 50-99 'ees, 12 weeks if 100-299 'ees, 16 weeks if 300+ 'ees are to be terminated (s.58(1)).	N/A	N/A	Where 'ee does not give notice of their intent to quit, 'er may deduct one week's wages from 'ee's pay, and either keep it (if 'ee consented to the deduction), or pay it to the minister (if 'ee did not consent) (s.52(3)).
Northwest Territories	N/A	'Er will pay regular wages and benefits during notice period, whether or not work is performed (s.38(6)).	If 'ee has worked for 90 days or more, must give notice of two weeks plus one additional week for each year of employment over two years, to a maximum of eight weeks (s.38(2)).	See individual firing provisions (s.38(1)).	If 'ee is going to lay off 25+ 'ees at one time or within a period of four weeks, must give notice of four weeks if up to 49 'ees to be terminated, eight weeks if 50-99 'ees, 12 weeks if 100-299 'ees, and 16 weeks if 300+ (s.41(2)).		N/A	
Nunavut	N/A	If 'er wishes to end employment immediately without notice, must pay regular wages for the notice period (s.14.03(4)).	Where 'ee has been employed for 90+ days, must give notice of two weeks if employed less than three years, and an additional week for every additional year of employment, to a maximum of eight weeks (s.14.03(2)).	See individual firing provisions (s.14.07(1)).	In addition to individual notices, where 'er wishes to fire 25+ 'ees within a four-week period, must give notice of four weeks for up to 49 'ees, eight weeks for 50-99 'ees, 12 weeks for 100-299 'ees, and 16 weeks for 300+ 'ees (s.14.07(1)).	N/A	N/A	No termination notice required for part-time, seasonal, contract workers (<i>Notice of Termination Exemption Regulations</i> s.1).