

Are Employees Entitled to Wages for Time Spent in Job Training?



Employment standards laws clearly say that employees must be paid wages for the time they spend performing work for their employer. What they don't expressly say, other than in Québec, is whether time spent in training counts as compensable work time. The good news is that we can determine the rules by interpreting what the employment standards laws do say and from government guidance, tribunal rulings and other indirect sources. **Bottom Line:** [While the rules vary slightly by jurisdiction](#), the basic consensus is that training time is payable for training required to do the job but not for training that employees take voluntarily to advance their careers. Here's a breakdown.

The 3 Situations Where Training Time Counts as Compensable Work Time

Basic Rule: Training time is generally considered compensable work time when the employee must attend the training to perform the job, including in these 3 common situations:

1. Training Is Required by the Employer

Time spent in training constitutes work time and must be paid when it's required by the employer to perform the job duties the employee has been hired to do. Thus, employment standards statutes in 6 jurisdictions (BC, New Brunswick, Ontario, PEI, Saskatchewan, and Yukon) define an "employee" covered by the Act as including a person receiving training for the job or employer's business. Québec uses more direct language by specifying that an employee is deemed to be at work "during any trial period or training required by the employer." This includes training on how to use tools and equipment, follow work procedures, carry out operations or perform other aspects of the job provided not just during but also outside work hours if the employee must attend the training.

2. Training Is Provided During Trial Period Required by the Employer

What's less clear is whether time spent in pre-employment trial periods also constitutes compensable work time. In Ontario and Québec, the employment standards legislation specifically states that it does, as long as the trial period is required by the employer. Federal guidelines say the same thing about the *Canada Labour Code*.

Tribunals in other jurisdictions have also held that employees are entitled to wages for the time they spend in pre-employment training trials.

Example: A waitress sued a restaurant for not paying her for the services she provided during her 4-day trial period. While acknowledging the nonpayment allegation, the restaurant insisted that the waitress wasn't entitled to wages. "We hired her for a job. She did some training and then didn't show up again!" The New Brunswick Board disagreed, find that the 4 days the waitress spent at the restaurant was "work performed only for the advantage of" the restaurant and awarded the waitress \$262.50 in wages [[Carvell v. Scholten's Grand Bay Ltd.](#), 2010 CanLII 52023 (NB LEB)].

By contrast, PEI Guidelines suggest that it may be okay for an employer to ask a new employee to "participate in a short orientation period without pay to become familiar with the organization and learn the techniques of the job. . . provided the individual agrees to the orientation period and. . . does not physically perform work for the employer which would provide financial gain or would otherwise be performed by another employee."

3. Training Is Required by Law

Training time is compensable work time when the training is required by OHS or other laws. Examples:

- Mandatory certification training for workplace joint health and safety committee members in Ontario, Newfoundland, and other jurisdictions.
- Working at heights training for construction workers in Ontario.
- WHMIS training for workers in all parts of Canada.

When Training Time Doesn't Count as Compensable Work Time

Basic Rule: Training is generally not considered compensable work time when it's voluntary and undertaken primarily for the employee's own benefit. That includes training initiated by an employee to gain a new skill making the employee more marketable to other employers, as well as training to obtain or maintain a permit, license, certificate or ticket that enables the employee to seek employment with not just the employer but any number of other companies. Examples of "portable" permits include driver's licenses, food handling certificates and security guard license.