

Call-In & Reporting Pay Policy



There may be situations where employers summon staff to work but then can't actually assign them any work once they arrive. Maybe there's a blackout, a natural disaster or a regulatory shutdown order or some other unforeseen reason. The point is that employment standards laws require employers to pay employees who report to the premises ready to work at the employer's request or demand minimum "call-in" pay, typically 3 hours' at regular wages regardless of how much work they actually do after reporting and even if they do no work at all. Here's a template policy you can adapt to ensure compliance with call-in pay requirements. Go to the HR Insider website for a call-in pay compliance game plan.

STATEMENT OF POLICY

In the event that ABC Company requires an eligible employee to report to work, it will pay that eligible employee no less than three hours' wages in accordance with the requirements set out in the [province] Employment Standards Act and associated regulations (to be referred to as the "ESA") and this Policy.

PURPOSE

ABC Company has adopted this Policy to ensure compliance with the ESA and other applicable regulatory requirements and ensure consistency of HR administration and payment of on-call reimbursement.

ELIGIBLE EMPLOYEES

Employees are eligible to receive call-in pay if they:

- Are regularly scheduled to work for shifts lasting three hours or longer;
- Report to work at ABC Company's physical facilities;
- Report to work fit for duty, in accordance with the ABC Company Fitness for Duty Policy; and
- Report to work at the request or demand of ABC Company [add if you're in Nova Scotia: outside of their regularly scheduled working hours]; and
- Are not otherwise exempt to ESA call-in pay requirements.

CALL-IN PAY REIMBURSEMENT

4.1 Hours of Call-In Pay

FEDERAL/ALBERTA/MANITOBA/NEW BRUNSWICK/NEWFOUNDLAND/NOVA SCOTIA/ONTARIO/PRINCE EDWARD ISLAND/QUEBEC:

Eligible employees who report for work will receive at least three (3) hours of call-in pay.

NORTHWEST TERRITORIES/NUNAVUT:

Eligible employees who report for work will receive at least four (4) hours of call-in pay.

YUKON:

Eligible employees who report for work will receive two (2) hours of call-in pay.

BRITISH COLUMBIA:

Eligible employees who report for work will receive two (2) hours of call-in pay, unless the employee was scheduled by ABC Company to work more than 8 hours that day, in which case, the employee will receive at least four (4) hours of call-in pay

SASKATCHEWAN :

Eligible employees who report for work will receive call-in pay for each hour or part of an hour in which the employee is required or permitted to work or to be at ABC Company's disposal.

4.2 Rate of Call-In Pay

FEDERAL/BRITISH COLUMBIA/MANITOBA/NORTHWEST TERRITORIES/NUNAVUT /PRINCE EDWARD ISLAND/YUKON:

Hours of call-in pay will be paid at the employee's regular wage rate.

ALBERTA:

ABC Company will pay an employee employed for less than 2 consecutive hours of work for 2 hours of work at no less than the minimum wage to which the employee's entitled if the employee is: (a) employed in a recreation or athletic program on a part time basis by a municipality, Metis settlement or community service organization that's not operated for profit, (b) employed as a school bus driver, or (c) an individual of ages 13, 14 or 15 years employed when the individual is required to attend school.

NEW BRUNSWICK:

Eligible employees will receive call-in pay for: i. at least 3 hours of work at the minimum wage rate, ii. the hours the employee works at the employee's regular wage rate, whichever is greater, provided in each case that the employee: (a) reports for work as required by ABC Company, (b) has a regular wage rate of less than twice the minimum wage rate, and (c) is regularly employed for more than 3 consecutive hours in a shift.

NEWFOUNDLAND:

If an eligible employee who reports for previously scheduled work or is called by ABC Company to report to work, ends up being required to perform less than 3 hours of work, ABC Company will either: (a) let the employee work at least 3 consecutive hours, or (b) pay the employee regular wages for the hours worked at the required minimum wage or overtime wage rate, whichever is appropriate, for the period

unworked.

NOVA SCOTIA:

An employee that ABC Company recalls to work outside the employee's scheduled working hours will receive call-in pay for at least 3 hours at the minimum straight time rate, with all of the time during which the employee waits for work on ABC Company's premises at the Company's request counting as time worked.

ONTARIO:

Eligible employees who report for work will receive call-in pay of 3 hours' wages, equal to the greater of the following: (a) The sum of: i. the amount the employee earned for the time worked, and ii. wages equal to the employee's regular rate for the remainder of the time; (b) 3 hours of work at employee's regular wages.

SASKATCHEWAN:

Eligible employees who report for work will receive call-in pay for each hour or part of an hour in which the employee is required or permitted to work or to be at ABC Company's disposal and at least the prescribed minimum sum when the employee reports for duty.

EXCEPTIONS TO CALL-IN PAY REQUIREMENTS

FEDERAL/MANITOBA/NEW BRUNSWICK/NEWFOUNDLAND/NORTHWEST TERRITORIES/NUNAVUT/PRINCE EDWARD ISLAND:

The foregoing requirements do not apply where ESA exceptions or exemptions apply or call-in pay is not otherwise required under the ESA.

ALBERTA:

Including but not necessarily limited to, where employees are not covered by ESC minimum wage requirements.

BRITISH COLUMBIA:

Including but not necessarily limited to, where: (a) the employee is unfit to work or fails to comply with OHS laws under Part 2 of the *Workers Compensation Act*, or a regulation under that Part; or (b) the work is suspended for reasons completely beyond ABC Company's control, including unsuitable weather conditions.

NOVA SCOTIA:

Including but not necessarily limited to where employees are not entitled to call-in pay under the LSC because they are: i. a firefighter, police officer or hospital employee who is required to work in an emergency; or ii. an employee employed in work on a farm whose employment is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, Christmas trees, Christmas wreaths, maple products, honey, tobacco, pigs, cattle, sheep, poultry or animal furs.

ONTARIO:

Including but not necessarily limited to where ABC Company is unable to provide work for the employee because of fire, lightning, power failure, storms or similar causes beyond ABC Company's control that result in the stopping of work.

QUEBEC :

Including but not necessarily limited to where ABC Company is unable to provide work due to an act of God, government or other superior force beyond its control.

SASKATCHEWAN:

Including but not necessarily limited to where an employee is a care provider or live-in domestic worker and the minimum wage established under the *Sask. Employment Act* applies for the first 8 hours worked in one day by a live-in care provider or live-in domestic worker.