

Do Employees Sent Home Early for Lack of Work Get Paid?



SITUATION

Mack Donald, the manager of a fast-food restaurant, is expecting a very busy lunch period. So he's asked 5 employees to come in and put in a 4-hour shift during the lunch period. But you know what they say about the best laid plans of mice and men. That day it snows heavily. Most people stay home. The roads are empty and the restaurant is without customers. The 5 employees stand by their burger machines and fryers with nothing to do. After a half hour, Mack realizes that the expected lunch crowd isn't coming. So he tells 2 of the employees to go home. Both employees earn minimum wage.

QUESTION

How much pay are the 2 employees sent home early entitled to receive for the day?

- A) Wages for the half-hour they actually worked.
- B) Wages for one hour since employees can't be paid in half-hour shifts.
- C) The "call-in" pay guaranteed to employees under the ESA law.
- D) Wages for the entire 4-hour shift they were scheduled to work.

ANSWER

C. The employees get the call-in amount under the ESA laws of the province where the restaurant is located.

EXPLANATION

Most employees are entitled to a minimum payment each time they show up for work at their employer's request, even if it turns out that there isn't enough work for them to do. The purpose of this rule is to protect employees in case unforeseen changes occur after they report to work. The minimum amount is either the hours they actually work or a "call-in" or "minimum daily" amount set by provincial law, whichever is higher.

In this case, call-in pay is higher. So C is the right answer. Note: The amount of call-in pay employees are entitled to receive varies by province and territory. (See the list below to determine what your jurisdiction requires.)

WHY WRONG ANSWERS ARE WRONG

A is wrong for the same reason that C is correct. The call-in pay amount in this case will be higher than the wages the employees would receive for the hours they actually worked regardless of which province's law applies. Explanation: The employees are making the minimum wage. They worked just 30 minutes. Three hours of minimum wage is the lowest call-in rate in Canada. Consequently, call-in pay would be higher than pay for 30 minutes.

B is wrong because even an hour of pay at minimum wage would be lower than call-in pay. Moreover, the premise of B is wrong. In other words, there is no restriction against paying employees in half-hour shifts.

D is wrong because in most provinces you don't have to pay employees for the full amount of the expected shift if you tell them to go home early due to a lack of work. Your liability, in other words, is limited to the call-in amount.