

Employee Overtime Exemptions – Know The Laws Of Your Province



Employment standards laws require employers to pay employees who work beyond specific hours thresholds overtime pay at time and a half (150%) of their normal rate of pay. This can be a significant expense. That's why it's crucially important to know the classes of employees who are listed as not covered by overtime entitlements in your province. Specifically, there are 2 sets of exemptions that HR and payroll managers need to check:

- The types of employees listed as not being covered by the employment law at all which, depending on the province, may include lawyers, accountants, doctors, and other professionals, students and public service employees.
- Employees who are otherwise subject to employment standards law but not the provisions relating to overtime.

To make life simpler for you, we've listed all of the exempt employees in both classes. While there's a lot of overlap, there are also significant variations by province.

The most notable distinction is the 2 provinces—New Brunswick and Newfoundland—where overtime pay entitlement is based not on type of employment but pay rate. **Rule:** Employees who work overtime hours get overtime pay of one and a half times the minimum wage, rather than their regular pay. Thus, employees whose regular pay is already at or above that rate don't get a premium for working overtime.

Example: If the current minimum wage is \$16.00 per hour, the overtime pay rate is \$24.00 per hour. Result: Employees regularly earning \$24.00 per hour don't get a bump for the overtime hours they work.

Caveat: Employees who aren't entitled to overtime pay under employment standards laws may still be due overtime pay under collective agreements and industry-specific laws and regulations relating to pay in that particular sector.

Here's a summary of all overtime exemptions in each part of Canada.

FEDERAL

CLC Part III Doesn't Apply to:

1. A person who performs the activities to fulfil the requirements of a program that is offered by a secondary or post-secondary educational institution, vocational school, or equivalent educational institution outside Canada, specified or described in the regulations (*Canada Labour Code*, Sec. 167(1.2)).
2. Employees who are managers or superintendents or exercise management functions (*Canada Labour Code*, Sec. 167(2)(a)).
3. Members of the architectural, dental, engineering, legal, or medical professions (*Canada Labour Standards Regs*, Sec. 3).

CLC Overtime Entitlements Don't Apply to:

4. Commission-paid salespeople (*Banking Industry Commission-paid Salespeople Hours of Work Regs*, Sec. 1).
5. Class of employees known as commission salesmen who are employed in connection with the radio and television broadcasting industry in Canada and paid on the basis of (a) a commission, or (b) a salary plus commission (*Broadcasting Industry Commission Salesmen Hours of Work Regs*, Sec. 3).
6. "Highway motor vehicle operators," defined as a motor vehicle operator who is not a bus operator or city motor vehicle operator (*Motor Vehicle Operators Hours of Work Regs*, 7(2)).
7. Employees employed in any day or any week in not less than two of the following classes of employees: (a) a city motor vehicle operator, (b) a highway motor vehicle operator, and (c) an employee whose hours of work are not described in these Regulations and are not calculated according to the *Canada Labour Standards Regulations* (*Motor Vehicle Operators Hours of Work Regs*, 7(1)).

ALBERTA

ESA Doesn't Apply to:

1. Employees who are members of a municipal police service appointed pursuant to the [Police Act](#) (*Emp Standards Code*, Sec. 2(2)(a)).

ESA Overtime Entitlements Don't Apply to:

2. An employee employed in:
 1. A supervisory capacity.
 2. A managerial capacity.
 3. A capacity concerning matters of a confidential nature and whose duties do not, other than in an incidental way, consist of work similar to that performed by other employees who are not so employed (*Emp Standards Reg*, Sec. 2(1)(a)).
3. A lookout observer stationed at a wildfire lookout site whose primary responsibilities are to provide early detection of smoke and fires, report smoke, fire and lightning observations, and monitor and record observed smoke and fire (*Emp Standards Reg*, Sec. 1.2).
4. An employee who is:
 1. A salesperson, other than a route salesperson, remunerated in whole or in part by commission, who's engaged in soliciting orders, principally outside of the employer's place of business, for goods or services that will subsequently be delivered or provided to the purchaser.

2. An automobile, recreational vehicle, truck, or bus salesperson.
3. A manufactured home salesperson.
4. A farm machinery salesperson.
5. A heavy-duty construction equipment or road construction equipment salesperson.
6. A person employed by a person who builds residential homes to sell those homes.
7. Authorized to trade in real estate as a real estate broker.
8. A person employed by a dealer or adviser as defined in the [Securities Act](#) as a representative for the purposes of making trades in securities or derivatives for the benefit of that dealer or adviser.
9. An individual holding an insurance agent's certificate of authority under the [Insurance Act](#) who's compensated for activities performed under that certificate entirely by way of commission income.
10. An individual who's attained the age of 16 years and who engages in a direct selling business within the meaning of the [Direct Selling Business Licensing Regulation](#) (AR 190/99) under the [Consumer Protection Act](#) on behalf of the holder of a direct selling business licence established by that Regulation.
11. A licensed land agent.
12. An extra in a film or video production.
13. A counsellor or instructor at an educational or recreational camp that is operated on a charitable or not-for-profit basis (A) for children or handicapped individuals, or (B) for religious purposes, or to their respective employers while acting in the capacity of employer (*Emp Standards Regs*, Sec. 2(1)(b)).

[BRITISH COLUMBIA](#)

ESA Doesn't Apply to:

1. Any employee who is:
 1. A member, other than an honorary member, of the Organization of Chartered Professional Accountants of British Columbia under the *Chartered Professional Accountants Act* or a person enrolled as a student under that Act.
 2. A member of the Law Society of British Columbia under the *Legal Profession Act* or a person enrolled as an articled student under that Act.
 3. A person authorized under the *Health Professions Act* to practice the designated health profession of chiropractic.
 4. A registrant of the British Columbia College of Oral Health Professionals who's authorized to use the title "dentist", "dental surgeon", "surgeon", or "doctor".
 5. A professional engineer, professional licensee engineering or engineer in training under the *Professional Governance Act*.
 6. An architect under the *Professional Governance Act*.
 7. A person licensed as an insurance agent or adjuster under the *Financial Institutions Act*.
 8. A practicing land surveyor, land surveyor associate or land surveyor in training as those terms are defined in the *Land Surveyors Act*.
 9. A registrant of the College of Physicians and Surgeons of British Columbia continued under the *Health Professions Act*.
 10. A person authorized under the *Health Professions Act* to practice the designated health profession of naturopathic medicine.
 11. A person who is authorized under the *Health Professions Act* to practice the

- designated health profession of optometry.
12. A person licensed under the *Real Estate Services Act*.
 13. A person registered under section 35 of the *Securities Act*.
 14. A registrant of the College of Veterinarians of British Columbia continued under the *Veterinarians Act*.
 15. A professional forester under the *Professional Governance Act (Emp Standards Regs, 31)*.
2. A student who is employed, by a board as defined in the [School Act](#) or by an authority as defined in the [Independent School Act](#), to work at the secondary school where the student is enrolled (*Emp Standards Regs, 32(1)(a)*).
 3. A student enrolled at a secondary school under the supervision of a board as defined in the [School Act](#) or an authority as defined in the [Independent School Act](#) in a work study, work experience, or occupational study class (*Emp Standards Regs, 32(1)(b)*).
 4. A sitter who works for an employer for an average of 15 hours or less per week in any 4-week period (*Emp Standards Regs, 32(1)(c)*).
 5. A home care worker who works for an employer for an average of 15 hours or less per week in any 4-week period (*Emp Standards Regs, 32(1)(c.1)*).
 6. A person who's a claimant, as defined in the [Employment Insurance Act](#) (Canada), and is:
 1. Attending a course or program of instruction or training referred to in section 25 (1) (a) of that Act.
 2. Participating in any other employment activity referred to in section 25 (1) (b) of that Act (*Emp Standards Regs, 32(1)(f)*).
 7. A person receiving income assistance or supplements under the [Employment and Assistance Act](#), or disability assistance or supplements under the [Employment and Assistance for Persons with Disabilities Act](#), while the person is participating in a time-limited government program that provides on-site training or work experience and is operated under an Act referred to above (*Emp Standards Regs, 32(3)*).

ESA Overtime Entitlements Don't Apply to:

8. A fishing, hunting, or wilderness guide (*Emp Standards Regs, Sec. 34(a)+ (a.1)*).
9. A person, other than a percussion drill or diamond drill operator or a helper of either operator, employed in any of the following activities while exploring for minerals other than oil or gas:
 2. Line cutting.
 3. Geological mapping.
 4. Geochemical sampling and testing.
 5. Geophysical surveying or manual stripping (*Emp Standards Regs, Sec. 34(b)*).
10. A teacher (*Emp Standards Regs, Sec. 34(c)*).
11. A person employed as a noon hour supervisor, teacher's aide, or supervision aide by either a board as defined in the [School Act](#), or an authority as defined in the [Independent School Act](#) (*Emp Standards Regs, Sec. 34(d)*).
12. A person employed part time by an institution that:
 1. Provides training or instruction in a trade, occupation, vocation, recreational activity, or hobby.
 2. Is owned or operated by a municipality, regional district, or the government (*Emp Standards Regs, Sec. 34(e)*).
13. A manager, defined as a person:
 1. Whose principal employment responsibilities consist of supervising or directing, or both supervising and directing, human or other resources.
 2. Employed in an executive capacity (*Emp Standards Regs, Sec. 34(f)*).
14. A tender vessel worker (*Emp Standards Regs, Sec. 34(g)*).
15. A guard, fire warden, or fish camp worker employed in connection with a

- commercial fishing operation (*Emp Standards Regs*, Sec. 34(h)).
16. A person employed on a towboat other than:
 1. A boom boat.
 2. A dozer boat.
 3. A camp tender in connection with a commercial logging operation (*Emp Standards Regs*, Sec. 34(i)).
 17. A police officer employed by a municipal police board established under the [Police Act](#) (*Emp Standards Regs*, Sec. 34(j)).
 18. A fire fighter employed by a paid fire department as defined in the [Fire Department Act](#) (*Emp Standards Regs*, Sec. 34(k)).
 19. A commercial traveler who, while travelling, buys, or sells goods that:
 1. Are selected from samples, catalogues, price lists or other forms of advertising material.
 2. Are to be delivered from a factory or warehouse (*Emp Standards Regs*, Sec. 34(l)).
 20. An operator of a motor vehicle employed exclusively to transport:
 1. Students, teachers, and other persons accompanying them on school related activities that have been approved by a board as defined in the [School Act](#) by an authority as defined in the [Independent School Act](#).
 2. Persons to and from a church (*Emp Standards Regs*, Sec. 34(m)).
 21. The master or crew of a chartered boat (*Emp Standards Regs*, Sec. 34(n)).
 22. Any of the following employees of BC Rail Ltd. or of a subsidiary of that company as defined in the [British Columbia Railway Act](#):
 1. A locomotive engineer or helper.
 2. A train conductor or train baggage handler.
 3. A brake operator (*Emp Standards Regs*, Sec. 34(o)).
 23. A live-in home support worker (*Emp Standards Regs*, Sec. 34(q))
 24. Any of the following who are employed by a charity to assist in a program of therapy, treatment or rehabilitation of physically, mentally, or otherwise disabled persons:
 1. A counsellor.
 2. An instructor.
 3. A therapist.
 4. A childcare worker (*Emp Standards Regs*, Sec. 34(r)).
 25. A faculty member as defined in the [University Act](#) (*Emp Standards Regs*, Sec. 34(s)).
 26. A professor as defined in the [Royal Roads University Act](#) (*Emp Standards Regs*, Sec. 34(t)).
 27. An instructor, counsellor, librarian or administrator employed by an institution as defined in the [College and Institute Act](#) (*Emp Standards Regs*, Sec. 34(u)).
 28. A senior tutor, or tutor, employed by the Open Learning Agency (*Emp Standards Regs*, Sec. 34(v)).
 29. A night attendant (*Emp Standards Regs*, Sec. 34(w)).
 30. A residential care worker (*Emp Standards Regs*, Sec. 34(x)).
 31. A live-in camp leader (*Emp Standards Regs*, Sec. 34(y)).
 32. A farm worker (*Emp Standards Regs*, Sec. 34.1).
 33. A delivery service worker or ride-hail services worker (*Emp Standards Regs*, Sec. 34.3).
 34. A resident caretaker (*Emp Standards Regs*, Sec. 35).
 35. A taxi driver (*Emp Standards Regs*, Sec. 37.1).
 36. A person employed as a logging truck driver who's paid on a compensation system other than an hourly rate and who's working in the interior area (*Emp Standards Regs*, Sec. 37.2).
 37. A long haul or short haul truck driver (*Emp Standards Regs*, Sec. 37.3).
 38. A person employed as a newspaper carrier for 15 hours a week or less (*Emp Standards Regs*, Sec. 37.4).

39. A silviculture worker (*Emp Standards Regs*, Sec. 37.9).
40. An employee at a fin fish farm site who has worked or earned an average of at least 35 hours per week in a 1- to 8-week period which is specified by the employer before the work begins (*Emp Standards Regs*, Sec. 37.12).
41. Certain mining workers (*Emp Standards Regs*, Sec. 37.13).
42. A salesperson paid entirely or partly by commission (*Emp Standards Regs*, Sec. 37.14).

MANITOBA

ESC Doesn't Apply to:

1. An employee who primarily performs management functions (*Emp Standards Code*, Sec. 2(4)(a)).
2. An employee who has substantial control over his or her hours of work and whose annual regular wage is at least two times the Manitoba industrial average wage (*Emp Standards Code*, Sec. 2(4)(b)).
3. An employee who:
 1. Works as a volunteer for a charitable or political organization.
 2. Works as a beneficiary under a rehabilitation or therapeutic plan or project.
 3. Is given training or work experience for a limited period of time through a program implemented or approved by a provincial or federal government authority, or a school board, as defined under *The Public Schools Act* (*Emp Standards Regs*, Sec. 2).
4. A player on a junior ice hockey team who's entitled to receive – pursuant to an agreement with the team or the league of which the team is a member – an annual scholarship for a post-secondary educational program for each of the first 5 seasons that the player plays (*Emp Standards Regs*, Sec. 2.1).

ESC Overtime Entitlements Don't Apply to:

5. An employee employed on a farm to work directly in the primary production of agricultural products on that farm, unless all or substantially all of the person's work is performed in one or more climate-controlled facilities (*Emp Standards Regs*, Sec. 3(1)).
6. An employee employed in fishing (*Emp Standards Regs*, Sec. 3(1.1)(a)).
7. An employee employed on a farm, by a family member of the employee, to work directly in the primary production of agricultural products on that farm (*Emp Standards Regs*, Sec. 3(1.1)(b)).
8. An employee who works as a volunteer camp counsellor at a residential camp operated by a charitable organization (*Emp Standards Regs*, Sec. 3.1).
9. A person employed to work in the employer's private residence if:
 1. The person is employed as a domestic worker for no more than 12 hours per week.
 2. The person is not employed as a domestic worker, but is employed primarily to attend to the needs of a member of the employer's household who is a minor or is aged, infirm, or ill (*Emp Standards Regs*, Sec. 4).
10. An employee who:
 1. Is qualified to practice and is practicing or employed in a profession that is governed under an Act of the Legislature that applies solely to the profession, or *The Regulated Health Professions Act*.
 2. Is registered or enrolled and employed as a student-in-training in such a profession (*Emp Standards Regs*, Sec. 5).
11. An employee who's employed in a business in which only members of the family of

the employer are employed (*Emp Standards Regs*, Sec. 6(1)(a)).

12. A salesperson, other than a route salesperson, who's:
 1. Remunerated in whole or in part by commission.
 2. Engaged in soliciting orders, principally outside the employer's place of business, for goods or services to be later delivered or provided to the purchaser (*Emp Standards Regs*, Sec. 6(1)(b)).
13. Employees of the Crown in the following positions:
 1. A position in a classification in which the maximum salary is more than \$34,497 per year.
 2. A position in the Department of Transportation and Infrastructure for which the hours specified under a collective agreement are similar to the standard hours of work prescribed for a day or week under *The [Construction Industry Wages Act](#)*.
 3. A position in a correctional camp or mental health camp for which a collective agreement provides that an allowance is to be paid in lieu of overtime wages.
 4. Positions that are:
 1. Not covered by a collective agreement.
 2. Not eligible to receive premium or overtime compensation under Part 3 of the *[Public Service Regulation](#)*.
 5. Positions classified as positions for summer students working as temporary employees (*Emp Standards Regs*, Sec. 7).
14. An election worker appointed under *The Elections Act* (*Emp Standards Regs*, Sec. 8(1)).

NEW BRUNSWICK

Overtime rate is 150% of the minimum wage, not the employee's regular rate of pay.

Result: Employees whose regular wages are already higher than 1.5 x the current minimum wage rate don't get overtime premium pay for working beyond standard hours.

NEWFOUNDLAND & LABRADOR

Overtime rate is 150% of the minimum wage, not the employee's regular rate of pay.

Result: Employees whose regular wages are already higher than 1.5 x the current minimum wage rate don't get overtime premium pay for working beyond standard hours.

NOVA SCOTIA

LSC Doesn't Apply to:

1. Persons employed in a private home by the householder to provide domestic service:
 1. For a member of the employee's immediate family.
 2. For no more than 24 hours within a period beginning on a Sunday and ending on the following Saturday, or during such other 7-day period which is the customary pay period of the employer (*General Labour Standards Code Regs*, Sec. 2(1)).
2. Duly qualified practitioners or students while engaged in training for:
 6. Professional engineering.
 7. Public or chartered accounting.
 10. Veterinary science (*General Labour Standards Code Regs*, Sec. 2(2)).

LSC Overtime Entitlements Don't Apply to:

3. Persons holding supervisory or management positions, or who are employed in a confidential capacity (*General Labour Standards Code Regs, Sec. 2(2B)*).
4. Persons engaged in work as information technology professionals (*General Labour Standards Code Regs, Sec. 2(2C)*).
5. Persons engaged 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 (*General Labour Standards Code Regs, Sec. 2(3)*).
6. Persons engaged in work:
 1. As real estate salespersons.
 2. As automobile salespersons.
 3. As salespersons, other than route salespersons, who are entitled to receive all or any part of their remuneration as commissions for offers to purchase or sales of goods, wares, merchandise, or services which offers or sales are normally made other than at or in their employer's establishment.
 4. On fishing vessels of all types or in the operation of fishing vessels on water (*General Labour Standards Code Regs, Sec. 2(4)*).
7. Athletes while engaged in activities related to their athletic endeavour (*General Labour Standards Code Regs, Sec. 2(4A)*).
8. Persons who work as:
 1. Employees for whom the Governor in Council has made a special order.
 2. Apprentices under apprenticeship agreements.
 3. Trainees under government-sponsored and government-approved plans.
 4. Employees at a playground or summer camp that is operated on a non-profit basis.
 5. Licensed insurance agents.
 6. Employees to whom the *Minimum Wage Order (Logging and Forestry Operations)* or *Minimum Wage Order (Construction and Property Maintenance)*
 7. Watches, janitors, or building superintendents in buildings that include their place of residence.
 8. Health or personal care providers, if the client is providing a residence as part of the terms of employment.
 9. Employees in the transport industry.
 10. Employees paid on a flat rate basis and work as automobile mechanics or auto body shop technicians.
 11. Employees of enterprises engaged in primary processing or related activities in the agriculture, Christmas tree or fishing industry, but not meat processing (*General Labour Standards Code Regs, Sec. 2(4B)*).
9. Persons engaged in work as employees under a collective agreement (*General Labour Standards Code Regs, Sec. 2(5)*).
10. Persons engaged in work in the manufacturing or refining processes of the petrochemical industry or in work directly related to those processes in or at their employer's manufacturing or refining establishment (*General Labour Standards Code Regs, Sec. 2(8)*).
11. Persons engaged in work in the shipbuilding, ship repair, oil and gas industries, or related activities other than retail (*General Labour Standards Code Regs, Sec. 2(8A)*).

NORTHWEST TERRITORIES

ESA Doesn't Apply to:

1. Any employee as defined in the *Public Service Act (Emp Standards Act, Sec.*

3(2)).

ESA Overtime Entitlements Don't Apply to:

2. An employee employed primarily in a managerial capacity (*Emp Standards Act*, Sec. 3(3)).
3. An employee acting as:
 1. A licensee as defined in the *Dental Profession Act* or person registered in the Student Register under that Act.
 2. A professional engineer or professional geoscientist as defined in the *Engineering and Geoscience Professions Act*.
 3. A member or a student-at-law as defined in the *Legal Profession Act*.
 4. A medical practitioner as defined in the *Medical Profession Act* or person registered in the Education Register under that Act.
 5. A registered midwife as defined in the *Midwifery Profession Act*.
 6. A registered nurse, a temporary certificate holder (registered nurse), a registered nurse authorized prescriber or a temporary certificate holder (registered nurse authorized prescriber), each as defined in the *Nursing Profession Act*.
 7. A nurse practitioner or a temporary certificate holder (nurse practitioner), each as defined in the *Nursing Profession Act*.
 8. A licensed practical nurse or a temporary certificate holder (licensed practical nurse), each as defined in the *Nursing Profession Act*.
 9. A registered psychiatric nurse, a temporary certificate holder (registered psychiatric nurse), a registered psychiatric nurse authorized prescriber, or a temporary certificate holder (registered psychiatric nurse authorized prescriber), each as defined in the *Nursing Profession Act (Emp Standards Regs, Sec. 3.1)*).

NUNAVUT

LSA Doesn't Apply to:

1. Employees who are employed primarily in a managerial capacity (*Labour Standards Act*, Sec. 2(2)).
2. Trappers and persons engaged in commercial fisheries (*Labour Standards Act*, Sec. 2(3)(a)).
3. Members or students of such professions as may be designated by regulation as professions to which this Act doesn't apply (*Labour Standards Act*, Sec. 2(3)(b)).
4. Employment in the public service (*Labour Standards Act*, Sec. 2(5)).

ONTARIO

ESA Doesn't Apply to:

1. A secondary school student who performs work under a work experience program authorized by the school board that operates the school in which the student is enrolled (*Emp Standards Act*, Sec. 3(5)(1)).
2. An individual who performs work under a program approved by a college of applied arts and technology or a university (*Emp Standards Act*, Sec. 3(5)(2)).
3. An individual who performs work under a program approved by a career college registered under the *Ontario Career Colleges Act, 2005* (*Emp Standards Act*, Sec. 3(5)(2.1)).

4. A participant in community participation under the [Ontario Works Act, 1997](#) (*Emp Standards Act*, Sec. 3(5)(3)).
5. An inmate of a correctional institution within the meaning of the [Ministry of Correctional Services Act](#), an inmate of a penitentiary or is being held in a place of temporary detention or youth custody facility under the [Youth Criminal Justice Act](#) (Canada), if the individual participates inside or outside the institution, penitentiary or place in a work project or rehabilitation program (*Emp Standards Act*, Sec. 3(5)(4)).
6. An individual who performs work under an order or sentence of a court or as part of an extrajudicial measure under the [Youth Criminal Justice Act](#) (Canada) (*Emp Standards Act*, Sec. 3(5)(5)).
7. An individual who performs work in a simulated job or working environment if the primary purpose in placing the individual in the job or environment is his or her rehabilitation (*Emp Standards Act*, Sec. 3(5)(6)).
8. A holder of political, religious, or judicial office (*Emp Standards Act*, Sec. 3(5)(7)).
9. A member of a quasi-judicial tribunal (*Emp Standards Act*, Sec. 3(5)(8)).
10. A holder of elected office in an organization, including a trade union (*Emp Standards Act*, Sec. 3(5)(9)).
11. A business consultant or information technology consultant that meets the requirements of Section 3(7) (*Emp Standards Act*, Sec. 3(5)(11.1)).

ESA Overtime Entitlements Don't Apply to:

12. A person employed as a duly qualified practitioner of:
 3. Professional engineering.
 4. Public accounting.
 6. Veterinary science (*ESA, Exemptions, Special Rules and Establishment of Minimum Wage Regs*, Sec. 2(1)(a)).
13. A person employed as a duly registered practitioner of:
 4. Massage therapy.
 9. Psychology (*ESA, Exemptions, Special Rules and Establishment of Minimum Wage Regs*, Sec. 2(1)(b)).
14. A person employed as a duly registered practitioner under the [Naturopathy Act, 2007](#) (*ESA, Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 2(1)(c)).
15. A person employed as a teacher as defined in the [Teaching Profession Act](#) (*ESA, Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 2(1)(d)).
16. A person employed as a student in training for an exempt occupation (*ESA, Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 2(1)(e)).
17. A person employed in commercial fishing (*ESA, Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 2(1)(f)).
18. A person employed as a salesperson or broker, as those terms are defined in the [Trust in Real Estate Services Act, 2002](#) (*ESA, Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 2(1)(g)).
19. A person employed as a salesperson, other than a route salesperson, who's entitled to receive all or any part of his or her remuneration as commissions in respect of offers to purchase or sales that:
 1. Relate to goods or services.
 2. Are normally made away from the employer's place of business (*ESA, Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 2(1)(h)).
20. A person employed on a farm whose employment is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, maple products,

- honey, tobacco, herbs, pigs, cattle, sheep, goats, poultry, deer, elk, ratites, bison, rabbits, game birds, wild boar, and cultured fish (ESA, *Exemptions, Special Rules and Establishment of Minimum Wage Regs*, Sec. 2(2)).
21. An employee of the Crown, a Crown agency or an authority, board, commission, or corporation all of whose members are appointed by the Crown (ESA, *Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 2(3)).
 22. A person employed as a firefighter as defined in [section 1](#) of the [Fire Protection and Prevention Act, 1997](#) (ESA, *Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 8(a)).
 23. A person whose work is supervisory or managerial in character and who may perform non-supervisory or non-managerial tasks on an irregular or exceptional basis (ESA, *Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 8(b)).
 24. A person employed as a hunting or fishing guide or a wilderness guide (ESA, *Exemptions, Special Rules and Establishment of Minimum Wage Regs*, Sec. 8(c)).
 25. A person employed as a landscape gardener, or to install and maintain swimming pools (ESA, *Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 8(d)).
 26. A person whose employment is directly related to:
 1. The growing of mushrooms.
 2. The growing of flowers for the retail and wholesale trade.
 3. The growing, transporting and laying of sod.
 4. The growing of trees and shrubs for the retail and wholesale trade.
 5. The breeding and boarding of horses on a farm.
 6. The keeping of furbearing mammals, as defined in the [Fish and Wildlife Conservation Act, 1997](#), for propagation or the production of pelts for commercial purposes (ESA, *Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 8(e)).
 27. A person employed as a student to instruct or supervise children (ESA, *Exemptions, Special Rules and Establishment of Minimum Wage Regs*, Sec. 8(f)).
 28. A person employed as a student at a camp for children (ESA, *Exemptions, Special Rules and Establishment of Minimum Wage Regs*, Sec. 8(g)).
 29. A person employed as a student in a recreational program operated by a charitable organization registered under Part I of the [Income Tax Act](#) (Canada) and whose work or duties are directly connected with the recreational program (ESA, *Exemptions, Special Rules and Establishment of Minimum Wage Regs*, Sec. 8(h)).
 30. A person employed as the superintendent, janitor or caretaker of a residential building and resides in the building (ESA, *Exemptions, Special Rules and Establishment of Minimum Wage Regs*, Sec. 8(i)).
 31. A person employed as a taxi cab driver (ESA, *Exemptions, Special Rules and Establishment of Minimum Wage Regs*, Sec. 8(j)).
 32. A person employed as an ambulance driver, ambulance driver's helper or first-aid attendant on an ambulance (ESA, *Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 8(k)).
 33. An information technology professional (ESA, *Exemptions, Special Rules, and Establishment of Minimum Wage Regs*, Sec. 8(l)).

PRINCE EDWARD ISLAND

Overtime Entitlements Don't Apply to:

1. Persons employed for the sole purpose of protecting and caring for children, persons with disabilities, or aged persons in private homes (*Emp Standards Act*, Sec. 2(3)(a)).

2. Employees of a non-profit organization who are required by the terms of their employment to live-in at a facility operated by the organization (*Emp Standards Act*, Sec. 2(3)(b)).
3. Employees whose overtime terms are dictated by a collective agreement (*Emp Standards Act*, Sec. 4).
4. Athletes while engaged in activities related to their athletic endeavours (*Exemptions Regs*, Sec. 2).

QUÉBEC

LSA Doesn't Apply to:

1. An employee whose exclusive duty is to take care of or provide care to a child or a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, if the employee's duty is performed on an occasional basis, unless the work serves to procure profit to the employer, or if the employee's duty is performed solely within the context of assistance to family or community help (*Labour Standards Act*, Sec. 3(2)).
2. An employee governed by the [Act respecting labour relations, vocational training and workforce management in the construction industry](#) (*Labour Standards Act*, Sec. 3(3)).
3. A student who works during the school year in an establishment selected by an educational institution pursuant to an approved job induction program (*Labour Standards Act*, Sec. 3(5)).
4. An athlete whose membership in a sports team is conditional on their continued participation in an academic program (*Labour Standards Act*, Sec. 3(5.1)).
5. Senior managerial personnel (*Labour Standards Act*, Sec. 3(6)).

LSA Overtime Entitlements Don't Apply to:

6. A student employed in a vacation camp or in a social or community non-profit organization such as a recreational organization (*Labour Standards Act*, Sec. 54(2)).
7. The managerial personnel of an undertaking (*Labour Standards Act*, Sec. 54(3)).
8. An employee who works outside an establishment whose working hours cannot be controlled (*Labour Standards Act*, Sec. 54(4)).
9. An employee assigned to canning, packaging and freezing fruit and vegetables during the harvesting period (*Labour Standards Act*, Sec. 54(5)).
10. An employee of a fishing, fish processing, or fish canning industry (*Labour Standards Act*, Sec. 54(6)).
11. A farm worker (*Labour Standards Act*, Sec. 54(7)).

SASKATCHEWAN

Part II of Saskatchewan Employment Act Doesn't Apply to:

1. Employees whose primary duties consist of actively engaging in farming, ranching or market gardening activities (*Sask Employment Act*, Sec. 2-3(1)(a)).
2. Employees in an undertaking in which only members of the employer's immediate family are employed (*Emp Standards Regs*, Sec. 3(1)(a)).
3. Sitters (*Emp Standards Regs*, Sec. 3(1)(b)).
4. Athletes while engaged in activities related to their athletic endeavour (*Emp Standards Regs*, Sec. 3(1)(c)).

Saskatchewan Employment Act Overtime Entitlements Don't Apply to:

5. Employees who are commercial fishers or commercial trappers, as defined in *The Fuel Tax Regulations, 2000* (*Emp Standards Regs*, Sec. 3(3)).
6. An employee who performs services that are entirely of a managerial character (*Emp Standards Regs*, Sec. 3(4)).
7. Teachers as defined in section 2 of *The Education Act, 1995* (*Emp Standards Regs*, Sec. 3(5)).
8. Election officials (*Emp Standards Regs*, Sec. 3(6)).
9. Firefighters (*Emp Standards Regs*, Sec. 5).
10. People employed as oil truck drivers (*Emp Standards Regs*, Sec. 13(1)).
11. Employees who are professional practitioners registered or licensed in accordance with any Act or who, while learning their profession, are medical interns, students-at-law, students in accountancy, or other trainees or students (*Emp Standards Regs*, Sec. 14(1)(a)).
12. Employees of a rural municipality who are engaged in road construction or maintenance or any duties in connection with the servicing or repair of road construction or maintenance equipment done on the job, except employees who are engaged in any duties in connection with the storage, servicing, or repair of road construction or maintenance equipment done in the warehouse or repair shop of the rural municipality (*Emp Standards Regs*, Sec. 14(1)(b)).
13. Employees who:
 1. Are employed as salespersons.
 2. Travel regularly in the course of their duties to two or more cities, towns or villages that are at least 20 kilometres apart.
 3. Receive all of their remuneration as commissions with respect to sales of goods or services or offers to purchase that usually are made at a place other than the employer's establishment (*Emp Standards Regs*, Sec. 14(1)(c)).
14. Employees in the logging industry, including employees providing ancillary services such as food services and security services, but not including employees in any occupation carried on in an office, sawmill, or planing mill (*Emp Standards Regs*, Sec. 14(1)(d)).
15. Employees who are care providers, other than live-in care providers (*Emp Standards Regs*, Sec. 14(1)(e)).
16. Employees employed by outfitters, as defined in *The Outfitter and Guide Regulations, 2004*, who are primarily engaged in outfitting (*Emp Standards Regs*, Sec. 14(1)(f)).
17. Employees primarily engaged in mineral exploration in that part of Saskatchewan north of Township 62, but not including any occupation carried on in an office (*Emp Standards Regs*, Sec. 14(1)(g)).
18. Persons employed as salesmen as defined in *The Motor Dealers Act* (*Emp Standards Regs*, Sec. 14(2)).
19. Employees engaged in constructing, repairing, or maintaining a highway, or assisting in those activities, if the work on a highway is being performed:
 1. Outside a city, town, village, or resort village.
 2. From a point or points outside any city, town, village, or resort village into or through that city, town, village or resort village (*Emp Standards Regs*, Sec. 14.1(1)).
20. An operator of a residential-service facility (*Emp Standards Regs*, Sec. 15(2)).

YUKON TERRITORY

ESA Doesn't Apply to:

1. Government employees (*Emp Standards Act*, Sec. 2(2)).
2. Sitters (*Emp Standards General Exemption Reg*, Sec. 4(1)(a)).

ESA Overtime Entitlements Don't Apply to:

3. An employee who's a member of the employer's family (*Emp Standards Act*, Sec. 4(1)(a)).
4. A travelling salesperson (*Emp Standards Act*, Sec. 4(1)(b)).
5. An individual whose duties are primarily of a supervisory or managerial character (*Emp Standards Act*, Sec. 4(1)(c)).
6. A member or student of professions designated by the regulations as professions to which Part 2 doesn't apply (*Emp Standards Act*, Sec. 4(1)(d)).
7. A person engaged as a guide or outfitter (*Emp Standards General Exemption Reg*, Sec. 3(1)(a)).
8. A person, other than a percussion drill or diamond drill operator or drill helper, employed in staking, line cutting, geological mapping, geochemical sampling or testing, geophysical surveying, or manual stripping activities in the course of exploration for minerals (*Emp Standards General Exemption Reg*, Sec. 3(1)(b)).
9. A person employed exclusively as a watchman or caretaker, unless his employer is a private security agency (*Emp Standards General Exemption Reg*, Sec. 3(1)(c)).
10. A farm worker (*Emp Standards General Exemption Reg*, Sec. 3(1)(d)).
11. A domestic (*Emp Standards General Exemption Reg*, Sec. 3(1)(e)).