

Employment Benefits – Know The Laws Of Your Province



Employment standards regulations are essential for protecting workers' rights and ensuring fair workplace practices. These regulations require **employers** to adhere to rules regarding working hours, overtime pay, rest periods, minimum wages, vacations, public holidays, parental leave, and equal pay. Key provisions include limits on daily and weekly working hours, mandatory meal and rest breaks, and overtime compensation at a premium rate. **Employers must** also provide paid vacation, grant public holidays with pay, and accommodate maternity and parental leave. Equal pay provisions prevent wage discrimination based on gender, while termination regulations ensure proper notice or compensation. While general labor protections are consistent across Canada, specific regulations vary by province and territory to address local workforce needs. Compliance with these standards fosters fair employment practices, protects workers' well-being, and promotes equitable treatment in the workplace.

FEDERAL

In Canada, **employers must** comply with labour standards under the [Canada Labour Standards Regulations, Sections 12 to 17, 23.1, and 33.1](#), ensuring fair treatment regarding vacations, holidays, expenses, and medical leave. **Employers must** notify employees about vacation entitlements, obtain an agreement for holiday substitutions, and reimburse reasonable work-related expenses. Employees are entitled to up to 10 days of paid medical leave, with unused days carrying forward under specific conditions. These regulations protect workers' rights and hold **employers** accountable for fair workplace practices.

Annual Vacations

An **employer shall**, at least 30 days prior to determining a year of employment under paragraph (b) of the definition year of employment in section 183 of the Act, notify in writing the affected employees of:

- (a) the dates of commencement and expiry of the year of employment; and
- (b) the method of calculating the length of vacation and the vacation pay for a period of employment of less than 12 consecutive months. **Section 12(a) (b).**

(1) Where an **employer** has determined a year of employment under paragraph (b) of the definition year of employment in section 183 of the Act, the **employer shall**, within ten months after the commencement date or after each subsequent anniversary date, as the case may be, of the determined year of employment, grant a vacation with vacation pay to each employee who has completed less than 12 months of continuous employment at that date.

(2) The vacation granted to an employee pursuant to subsection (1) **shall** be the number of weeks of the employee's vacation entitlement under section 184 of the Act divided by 12 and multiplied by the number of completed months of employment from and including:

(a) the date employment began, for an employee who became an employee after the commencement date of the year of employment referred to in subsection (1); or

(b) the commencement date of the year of employment previously in effect, for all other employees.

(3) Where an employee is entitled to an annual vacation and there is no agreement between the **employer** and employee concerning when the vacation may be taken, the **employer shall** give the employee at least two weeks' notice of the commencement of the employee's annual vacation.

(4) An **employer shall** pay to an employee who is entitled to it the vacation pay referred to in subparagraph 185(b)(i) of the Act or the amount referred to in subparagraph 185(b)(ii) of the Act, as the case may be,

(a) on a day that is within 14 days before the day on which a vacation period begins; or

(b) on the regular pay day during or immediately following a vacation period if it is not practicable to comply with paragraph (a) or if it is an established practice in the industrial establishment in which the employee is employed to pay vacation pay or a proportion of that vacation pay on the regular pay day during or immediately following a vacation period. **Section 13 (1) to (4).**

Previous Version

(1) An employee may, by written agreement with the **employer**, postpone or waive the employee's entitlement to an annual vacation for a specified year of employment.

(2) Where an employee waives an annual vacation in accordance with subsection (1), the **employer shall** pay the vacation pay to the employee within 10 months after the end of the specified year of employment. **Section 14 (1) (2).**

General Holidays

(1) A notice of substitution of a general holiday **required** to be posted pursuant to subsection 195(3) of the Act **shall** contain:

(a) the name of the **employer**;

(b) an identification of the affected employees;

(c) the address or location of the workplace;

(d) the dates of the general holiday and the substituted holiday;

(e) the dates the substitution comes into effect and expires;

(f) the date of posting; and

(g) a statement that at least 70 per cent of the affected employees **must** agree to the substitution of the general holiday for the substitution to come into effect.

(2) The notice referred to in subsection (1) **shall** remain posted for the duration of the substitution. **Section 15 (1) (2).**

If, in accordance with subsection 195(1) of the Act, any other day is substituted for a general holiday in a written agreement between the parties to a collective agreement, the written agreement **shall** contain the information set out in paragraphs 15(1)(a) to (e). **Section 16.**

For the purposes of subsections 206.6(2), 206.7(2.1), 210(2) and 239(1.3) of the Act, the regular rate of wages of an employee whose hours of work differ from day to day or who is paid on a basis other than time **shall** be:

(a) the average of the employee's daily earnings, exclusive of overtime hours, for the 20 days the employee has worked immediately preceding the first day of the period of paid leave; or

(b) an amount calculated by a method agreed on under or pursuant to a collective agreement that is binding on the **employer** and the employee. **Section 17.**

For more information:

- Reimbursement of Reasonable Work-Related Expenses. **Section 23.1 (1) to (3).**
- Medical Leave with Pay – Modification. **Section 33.1 (1), (1.21), (2), (1.4).**

Further details on the Canada Labour Standards Regulations can be found at Justice.Gc.Ca.

ALBERTA

In Alberta, **employers must** comply with the **Employment Standards Code** (Part 2, **Sections 7, 8, 8.1, 16, 21, 22, 25, 26, 34, 35, 45, 50, 56, 57**). They **must** ensure timely wage payments, adhere to work hour limits, compensate overtime at 1.5 times the wage, provide paid holidays, vacation, and parental leave, and give proper termination notice or pay.

Part 2 – Standards

Division 1 – Paying Earnings

Pay Periods

(1) Every **employer must** establish one or more pay periods for the calculation of wages and overtime pay due to an employee.

(2) A pay period **must** not be longer than one work month. **Section 7 (1) (2).**

Payment of Wages, Overtime Pay, and General Holiday Pay

(1) Wages, overtime pay, and general holiday pay earned in a pay period **must** be paid by an **employer** not later than 10 consecutive days after the end of each pay period.

(2) When an employee's employment terminates, the **employer must** pay the employee's

earnings within whichever of the following periods the **employer** chooses:

- (a) 10 consecutive days after the end of the pay period in which the termination of employment occurs;
- (b) 31 consecutive days after the last day of employment. **Section 8 (1) (2).**

Payment of Minimum Wage

An **employer must** pay an employee at a wage rate that is at least the minimum wage established by regulation. **Section 8.1.**

Division 3 – Hours of Work

Hours of Work Confined

(1) An **employer must** confine an employee's hours of work within a period of 12 consecutive hours in any one workday unless an accident occurs, urgent work is necessary to a plant or machinery, or other unforeseeable or unpreventable circumstances occur.

(2) If hours of work have to be extended, they are to be increased only to the extent necessary to avoid serious interference with the ordinary working of a business, undertaking or other activity.

(3) This section does not apply if different hours of work confinement provisions are agreed to under a collective agreement. **Section 16 (1) to (3).**

Division 4 – Overtime and Overtime Pay

Overtime Hours

Overtime hours in respect of a work week are:

(a) the total of an employee's hours of work in excess of 8 on each workday in the workweek, or

(b) an employee's hours of work in excess of 44 hours in the work week, whichever is greater, and, if the hours in clauses (a) and (b) are the same, the overtime hours are those common hours. **Section 21.**

Overtime Pay

(1) An **employer must** pay an employee overtime pay for overtime hours at an overtime rate that is at least 1.5 times the employee's wage rate.

(2) Subsection (1) does not apply to an **employer** or employee who has entered into an overtime agreement. **Section 22 (1) (2).**

General Holidays in Alberta

The following days are general holidays in Alberta:

- (a) New Year's Day,
- (b) Alberta Family Day,
- (c) Good Friday,

- (d) Victoria Day,
- (e) Canada Day,
- (f) Labour Day,
- (g) Thanksgiving Day,
- (h) Remembrance Day,
- (i) Christmas Day,
- (j) any other day designated, by regulation, as a general holiday by the Lieutenant Governor in Council, and
- (k) any other day designated as a general holiday under an agreement between an **employer** and employees or otherwise designated as a general holiday by an **employer**. **Section 25.**

Eligibility for General Holiday Pay

(1) An employee is eligible for general holiday pay if the employee has worked for the same **employer** for 30 workdays or more in the 12 months preceding the general holiday.

(2) An employee is not entitled to general holiday pay if the employee:

(a) does not work on a general holiday when **required** or scheduled to do so, or

(b) is absent from employment without the consent of the **employer** on the employee's last regular workday preceding, or the employee's first regular workday following, a general holiday. **Section 26 (1) (2).**

Division 6 – Vacations and Vacation Pay

Basic Vacation Entitlement

(1) An **employer must** provide an annual vacation to an employee of at least:

(a) 2 weeks after each of the first 4 years of employment, and

(b) 3 weeks after 5 consecutive years of employment and each year of employment after that, unless [section 35](#) applies.

(2) For greater certainty, a period during which an employee is on leave under Divisions 7 to 7.6 is included when calculating the employee's years of employment for the purposes of subsection (1). **Section 34 (1) (2).**

Vacation Pay for Employee Paid Monthly

For each week of vacation, the **employer must** pay an employee paid by the month vacation pay of an amount at least equal to the employee's wages for the employee's normal hours of work in a work month divided by 4 1/3. **Section 34.1.**

Vacation Pay for Employee Paid Other than Monthly

The **employer must** pay an employee who is not paid by the month vacation pay of an amount at least equal to,

(a) for an employee entitled to 2 weeks' vacation or any lesser amount, 4% of the employee's wages for the year of employment for which vacation is given, or

(b) for an employee entitled to 3 weeks' vacation, 6% of the employee's wages for the year of employment for which vacation is given. **Section 34.2.**

For more information:

- Vacation entitlements with a common anniversary date. **Section 35 (1) to (3).**
- Division 7 – Maternity Leave and Parental Leave. **Section 45.**
- Parental leave. **Section 50 (1) to (3).**
- Employer's termination notice. **Section 56.**
- Termination pay. **Section (1) to (3).**

Further details on the Employment Standards Code can be found at CanLii.Org.

BRITISH COLUMBIA

In British Columbia, **employers must** comply with the [Employment Standards Act \(Part 3, Sections 17, 18, 20 to 22, 25, 44, Part 6, Sections 50, 51, 52, 55, Part 7, Sections 57, 58, and Part 8, Sections 63, 64\)](#). They **must** pay wages at least semimonthly, ensure proper termination pay, and make lawful deductions only. **Employers must** provide and maintain special clothing if **required**, observe statutory holiday entitlements, and grant unpaid maternity and parental leave. Annual vacation and vacation pay **must** meet minimum standards, and termination **must** follow proper notice or compensation rules, including for group terminations.

Paydays

(1) At least semimonthly and within 8 days after the end of the pay period, an **employer must** pay to an employee all wages earned by the employee in a pay period.

(2) Subsection (1) does not apply to:

- (a) overtime wages credited to an employee's time bank, or
- (b) vacation pay. **Section 17 (1) (2).**

If Employment is Terminated

(1) An **employer must** pay all wages owing to an employee within 48 hours after the **employer** terminates the employment.

(2) An **employer must** pay all wages owing to an employee within 6 days after the employee terminates the employment. **Section 18 (1) (2).**

How Wages are Paid

An **employer must** pay all wages:

- (a) in Canadian currency,
- (b) by cheque, draft or money order, payable on demand, drawn on a savings institution, or
- (c) by deposit to the credit of an employee's account in a savings institution, if authorized by the employee in writing or by a collective agreement. **Section 20.**

Deductions

(1) Except as permitted or **required** by this Act or any other enactment of British Columbia or Canada, an **employer must** not, directly or indirectly, withhold, deduct or require payment of all or part of an employee's wages for any purpose.

(2) An **employer must** not require an employee to pay any of the **employer's** business costs except as permitted by the regulations.

(3) Money **required** to be paid contrary to subsection (2) is deemed to be wages, whether or not the money is paid out of an employee's gratuities, and this Act applies to the recovery of those wages. **Section 21 (1) to (3)**.

Assignments

(1) An **employer must** honor an employee's written assignment of wages:

(a) to a trade union in accordance with the [Labour Relations Code](#),

(b) to a charitable or other organization, or a pension or superannuation or other plan, if the amounts assigned are deductible for income tax purposes under the [Income Tax Act](#) (Canada),

(c) to a person to whom the employee is **required** under a maintenance order, as defined in the [Family Maintenance Enforcement Act](#), to pay maintenance, and

(d) to an insurance company for insurance or medical or dental coverage.

(3) An **employer must** honor an assignment of wages authorized by a collective agreement.

(4) An **employer** may honor an employee's written assignment of wages to meet any of the following credit obligations:

(a) an advance of wages to the employee from the **employer**, including vacation pay;

(b) an outstanding balance in respect of the purchase of goods or services from the **employer** by the employee;

(c) an outstanding balance in respect of the personal use of real and personal property of the **employer** by the employee. **Section 22 (1) to (4)**.

Part 5 – Statutory Holidays

Entitlement to Statutory Holiday

An **employer must** comply with section 45 or 46 in respect of an employee who has been employed by the **employer** for at least 30 calendar days before the statutory holiday and has:

(a) worked or earned wages for 15 of the 30 calendar days preceding the statutory holiday, or

(b) worked under an averaging agreement under section 37 at any time within that 30 calendar day period. **Section 44 (a) (b)**.

Part 6 – Leaves and Jury Duty

Maternity Leave

(1) A pregnant employee who requests leave under this subsection is entitled to up to 17 consecutive weeks of unpaid leave, which **must** be taken during the period that begins:

(a) no earlier than 13 weeks before the expected birth date, and

(b) no later than the actual birth date and ends no later than 17 weeks after the leave begins.

(1.1) An employee who requests leave under this subsection after giving birth to a child is entitled to up to 17 consecutive weeks of unpaid leave, which **must** be taken during the period that begins on the date of the birth and ends no later than 17 weeks after that date.

(2) An employee who requests leave under this subsection after the termination of the employee's pregnancy is entitled to up to 6 consecutive weeks of unpaid leave, which **must** be taken during the period that begins on the date of the termination of the pregnancy and ends no later than 6 weeks after that date.

(3) An employee who requests leave under this subsection is entitled to up to 6 additional consecutive weeks of unpaid leave if, for reasons related to the birth or the termination of the pregnancy, the employee is unable to return to work when the employee leave ends under subsection (1), (1.1) or (2).

(4) A request for leave **must**:

(a) be given in writing to the **employer**,

(b) if the request is made during the pregnancy, be given to the **employer** at least 4 weeks before the day the employee proposes to begin leave, and

(c) if **required** by the **employer**, be accompanied by a medical practitioner's or nurse practitioner's certificate stating the expected or actual birth date or the date the pregnancy terminated or stating the reasons for requesting additional leave under subsection (3).

(5) If an employee on leave under subsection (1) or (1.1) proposes to return to work earlier than 6 weeks after giving birth to the child, the **employer** may require the employee to give the **employer** a medical practitioner's or nurse practitioner's certificate stating the employee is able to resume work. **Section (1) to (5)**.

For more information:

- Parental leave. **Section 55 (1) to (4)**.
- Family responsibility leave. **Section 52**.
- Jury duty. **Section 55**.

Part 7 – Annual Vacation

- Entitlement to annual vacation. **Section 57 (1) to (3)**.
- Vacation pay. **Section 58 (1) to (3)**.

Part 8 – Termination of Employment

- Liability resulting from length of service. **Section 63 (1) to (6)**.
- Group terminations. **Section 64 (1) to (6)**.

Further details on the Employment Standards Act can be found at gov.bc.ca.

MANITOBA

5. In Manitoba, **employers must** comply with the [Employment Standards Code \(Part 2, Divisions 2-5, 9, and 10 – Sections 5, 5.1, 7, 17, 22, 23, 34, 35, 53, 54, 57, 57.1, 58\)](#). Employment continuity is maintained through business transfers, and temporary help agencies are recognized as **employers**. Minimum wage is adjusted annually, overtime **must** be paid at 1.5 times the regular wage, and employees meeting requirements are entitled to paid general holidays. **Employers must** provide annual vacations, with at least two weeks after the first four years and three weeks after five years. Maternity leave allows up to 17 weeks of unpaid leave, and parental leave grants up to 63 weeks for eligible employees.

Continuity of Employment

For the purpose of Divisions 2 to 5, 9 and 10 of Part 2 (minimum standards) of this Code, when the business of an **employer** or a part of the business is sold, leased, transferred, merged or otherwise disposed of whereby the control, direction or management of the business is given to another person, or the business continues to operate under a receiver, the employment of an employee is deemed to be continuous and uninterrupted.

Interpretation: Employment Relationship Between Temporary Help Agency and Temporary Help Employee

If a temporary help agency and an individual agree that the agency will assign or attempt to assign the individual to perform temporary work for clients or potential clients of the agency, then under this Code,

- (a) the individual is a temporary help employee of the temporary help agency; and
- (b) the temporary help agency is the individual's **employer**.

Employment Relationship Continues

(2) A temporary help employee does not cease to be employed by a temporary help agency because he or she is assigned, or is not assigned, by the agency to perform temporary work for a client. **Section 5.1 (1) (2)**.

PART 2 – MINIMUM STANDARDS

Determination of Minimum Wage

(1) On October 1 of every year starting in 2017, the minimum wage that applied to employees immediately before October 1 is to be adjusted in accordance with the following formula:

$$\text{adjusted wage} = \text{previous wage} \times (\text{CPI 1}/\text{CPI 2})$$

In this formula,

“adjusted wage” is the new minimum wage;

“previous wage” is the minimum wage without rounding that applied immediately before October 1 of the year;

“CPI 1” is the Consumer Price Index for the previous calendar year; and

“CPI 2” is the Consumer Price Index for the calendar year immediately preceding the

calendar year mentioned in the description of “CPI 1”.

Rounding

(2) A minimum wage determined under subsection (1) **must** be rounded up to the nearest \$0.05 increment. But a minimum wage as rounded up **must** not be used as the previous wage for the purpose of determining the adjusted wage under that subsection.

No Decrease

(3) **If** the adjustment otherwise **required** by this section would result in a decrease in the minimum wage, no adjustment **shall** be made.

Publication of Minimum Wage

(4) **Before** April 1 of every year beginning in 2018, the minister **must** publish on a government website the minimum wage that is to apply under this section starting on October 1 of that year.

Exception re: Prescribed Class of Employees

7(5) **This** section does not apply to a prescribed class of employees for whom a minimum wage is prescribed by regulation under. **Section 7 (1) to (5)**.

Division 3 – Overtime

Overtime to be paid at overtime wage rate

(1) Subject to [section 18](#) and the regulations, an **employer must** pay an employee a wage for overtime at an hourly rate that is not less than 150% of the employee’s regular wage rate.

Overtime does not Include Certain Break Time

(2) Overtime does not include time that an **employer** provides an employee as a break if the employee is not **required** to stay on the business premises or be on duty during the break. **Section 17 (1) (2)**.

Division 4 – General Holidays

Eligibility for Holiday Pay

(1) An employee is eligible for holiday pay in relation to a general holiday unless:

(a) the employee is absent on his or her first scheduled workday before or after the holiday without the **employer’s** consent; or

(b) the holiday falls on a day that would normally be a workday for the employee, and the employee:

(i) is **required** or scheduled to work on the holiday, and

(ii) is absent on that day without the **employer’s** consent.

Employer’s Consent to Employee’s Absence

(2) For the purpose of subsection (1), an **employer** is deemed to have consented to the absence of an employee if the employee is absent:

(a) on a leave to which he or she is entitled or which he or she has been given by the **employer**; or

(b) because he or she is ill. **Section 22 (1) (2)**.

Amount of Holiday Pay

(1) An eligible employee's holiday pay in relation to a general holiday **must** not be less than the employee's wage for regular hours of work on a normal workday in the pay period:

(a) in which the employee receives a day off in relation to the holiday; or

(b) in which the holiday occurs, if the employee does not receive a day off. **Section 23 (1)**.

Employee with Varying Wages

(2) Despite subsection (1), an eligible employee's holiday pay in relation to a general holiday is 5% of the employee's total wages, excluding overtime wages, for the four-week period immediately preceding the holiday, if the employee's wage for regular hours of work on a normal workday cannot be determined because:

(a) the number of hours worked in a normal workday varies from day to day; or

(b) the employee's wage for regular hours of work varies from pay period to pay period. **Section 23 (1) (2)**.

For more information:

- Division 5 – Annual Vacations and Vacation Allowances. **Sections 34 (1) (2), 35.**
- Division 9 – Leaves Of Absence – Maternity Leave. **Section 53 to 57.1 (2)**.
- Parental Leave – Employee Entitled to Parental Leave. **Section 58 (1) (2) (3)**.

Further details on the Employment Standards Code can be found at CanLii.Org.

NEW BRUNSWICK

In New Brunswick, **employers must** comply with the [Employment Standards Act \(Part III, Sections 9, 12, 14, 16, 16.1, 22, 24, 30, 31, 42, 43, 44.02\)](#). Minimum wage is regulated, with overtime paid at 1.5 times the minimum wage. Employees are entitled to at least two weeks of vacation after one year and three weeks after eight years. Termination requires written notice of two weeks after six months and four weeks after five years, with exceptions for layoffs and seasonal work. Maternity leave allows up to 17 weeks of unpaid leave, while parental leave grants up to 62 weeks, with a combined maximum of 78 weeks for both.

Iii Employment Standards – Minimum Wage

Minimum Wage Regulations

(1) The Lieutenant-Governor in Council may by regulation:

(a) fix the amount of the minimum wage or specify the manner in which the minimum wage is to be determined for all employees or for any category of employees in any industry, business, trade or occupation;

- (b) fix the minimum wage upon an hourly, daily, weekly, monthly or other basis;
- (c) fix a maximum number of hours of work for which the minimum wage **shall** be paid;
- (d) fix the minimum wage payable for time worked in excess of the maximum number of hours of work established;
- (e) fix a special minimum rate of wages for employees in training or in a learning situation, other than apprentices covered by the Apprenticeship and Occupational Certification Act, and limit the number of such employees to whom the special rate may be payable by any **employer**;
- (f) specify when and under what conditions deductions may be made from the minimum wage, and what notification the employee should be given thereof prior to employment;
- (g) fix the maximum amount, if any, that may be deducted from the minimum wage where the **employer** furnishes to the employee board, lodging, uniforms, laundry or other services, and prescribe the notification **required** to be given to the employee prior to employment;
- (h) prescribe the periods in respect of which wages **shall** be paid, whether daily, weekly, monthly, or for any other period, and fix the day upon which the wages for any period **shall** be paid and the manner in which they **shall** be paid; and
- (i) fix a minimum wage applicable only in the part or parts of the Province designated in the regulation.

(2) A regulation made under subsection (1) may be general or particular in its application.

(3) Every **employer**, unless exempted under this Act or the regulations, **shall** comply with the provisions of a regulation made under subsection (1).

(4) If a special minimum rate of wages for apprentices fixed in a regulation under the Apprenticeship and Occupational Certification Act is higher than a minimum wage fixed in a regulation made under subsection (1), the special minimum rate of wage **shall** apply with respect to those apprentices. **Section 9 (1) (4)**.

Right of Underpaid Employee to Sue Employer

An employee to whom an **employer** has paid wages at a rate less than the minimum rate established by the Lieutenant-Governor in Council in the industry, business, trade or occupation in which the employee is employed is, in addition to any other remedy provided under this Act, entitled to sue for and recover as an ordinary debt from their **employer** the difference between the wages the employee has actually received from their **employer** and the wages the employee would have received from their **employer** if the employee had been paid in accordance with the minimum rate. **Section 12**.

Hours Of Work

No Limitation on Numbers of Hours of Work

Subject to sections 17, 39 and 41 and to any other Act, there is no limit on the number of hours an employee may work during any daily, weekly or monthly period. **Section 14**.

Overtime Rate of Pay

Where a regulation is in effect under subsection 15(1), an employee who works for an **employer** in excess of the prescribed maximum hours of work **shall** be paid by the **employer** at a rate of not less than one and one-half times the minimum wage rate. **Section 16.**

Minimum Reporting Wage

(1) An **employer shall** pay a non-bargaining employee for not less than three hours of work at the minimum wage rate or for the hours the employee works at the employee's regular wage rate, whichever is greater, if the employee:

(a) reports for work as **required** by the **employer**,

(b) has a regular wage rate of less than twice the minimum wage rate, and

(c) is regularly employed for more than three consecutive hours in a shift.

(2) If an employee to whom subsection (1) applies has already worked the maximum hours of work prescribed under paragraph 9(1)(c), the **employer shall** pay the employee for not less than three hours of work at one and one-half times the minimum wage rate or for the hours the employee works at the employee's regular wage rate, whichever is greater.

(3) An employee **shall** be deemed to have worked any hours for which the employee is paid under subsection (1) or (2). **Section 16.1 (1) to (3).**

Vacation and Public Holiday Benefits

(1) An employee is not entitled to a vacation with pay or a public holiday with pay under this Act if under a collective agreement or contract of employment the employee receives vacation and holiday benefits which together equal or exceed the combined vacation and public holiday benefits provided under this Act.

(2) For the purpose of subsection (1) a payment of 4% of wages is equivalent to the public holiday benefits as prescribed by this Act.

(3) Notwithstanding subsection (1), an **employer shall** pay to an employee who works on a public holiday for time worked not less than one and one-half times the employee's regular rate of wages in accordance with subsection 19(1). **Section 22 (1) to (3).**

Vacations

Annual Vacation

(1) An **employer**, not later than four months after the vacation pay year ends, **shall** give to an employee who has less than eight years of continuous employment with the **employer** a vacation that as a minimum is equal to two regular work weeks or one day for each calendar month during the vacation pay year in which the employee worked, whichever is less.

24(1.1) An **employer**, not later than four months after the vacation pay year ends, **shall** give to an employee who has eight or more years of continuous employment with the **employer** a vacation that as a minimum is equal to three regular work weeks or one and one-quarter days for each calendar month during the vacation pay year in which the employee worked, whichever is less.

24(2) For the purposes of this section and sections 25 and 26, "vacation pay year" means the period from the first day of July to the last day of June then following.

Section 24 (1) (2).

For more information:

- Notice of termination or lay off. **Section 30 (1) to (3)**.
- Termination or lay off without notice. **Section 31 (1) to (3)**.
- **Sections 42, 43 (1) to (4)**.
- **Section 44.02 (1) to (13)**.

Further details on the Employment Standards Act can be found at CanLii.Org.

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, **employers must** comply with the [Labour Standards Act](#) – **Sections 8, 9, 22-25, 31, 40, 43.3, 43.8, 43.11, 50**. Employees working 90% of normal hours over 12 months are entitled to at least two weeks of vacation with 4% pay, increasing to three weeks with 6% pay after 15 years. **Employers must** provide a 24-hour rest period each week and at least eight consecutive hours off in a 24-hour period. Overtime is compensated at 1.5 times the wage or with paid time off if agreed. Pregnancy leave is up to 17 weeks, and parental leave allows unpaid time off for new parents. Employees are entitled to seven days of unpaid sick or family leave. Layoffs exceeding the temporary threshold are considered terminations.

Annual Vacation with Pay

(1) Where:

(a) an employee works for an **employer** at least 90% of the normal working hours in a continuous 12 month period, beginning on the date of the start of employment or upon termination of a preceding 12 month period; and

(b) the employment by that employee does not stop before the end of that 12 month period, the **employer shall** permit the employee, within 10 months after the end of the continuous 12 month period, to take an annual vacation of not less than 2 weeks, and **shall** pay to the employee at the time provided in [section 10](#) wages amounting to 4% of the total wages earned by that employee during the 12 month period.

(1.1) Notwithstanding subsection (1), where an employee meets the requirements of subsection (1) and has completed 15 years of continuous employment with the same **employer**, the **employer shall** permit the employee within 10 months after the end of the 15 year period to take an annual vacation of not less than 3 weeks and **shall** pay to the employee at the time provided in [section 10](#) wages amounting to 6% of the total wages earned by that employee during the 12 month period.

(2) Where a public holiday occurs during the period of an annual vacation, the period of the annual vacation **shall** be lengthened by 1 working day for each public holiday.

(2.1) The **employer shall**, unless the **employer** and employee agree upon shorter periods, permit the employee to take the annual vacation:

(a) in one unbroken period of 2 weeks; or

(b) in 2 unbroken periods of one week each, if the employee, not later than the date on which the employee becomes entitled to the annual vacation, gives the **employer** written notice of the intention to take the vacation by either of the methods

specified in paragraphs (a) and (b).

(3) The **employer shall**, unless the **employer** and employee agree upon shorter periods, permit the employee to take the annual vacation:

(a) in one unbroken period of 3 weeks;

(b) in 2 unbroken periods of 2 weeks and one week respectively; or

(c) in 3 unbroken periods of one week each, if the employee, not later than the date on which the employee becomes entitled to the annual vacation, gives the **employer** written notice of the intention to take the vacation by either of the methods specified in paragraph (a), (b) or (c).

(4) Unless the **employer** and employee otherwise agree in writing, the **employer shall** give to the employee not less than 2 weeks written notice of the dates of the annual vacation, and upon the notice being given, the employee **shall** take the annual vacation during the period specified in the notice.

(5) Where an **employer** cancels, or changes the dates of the employee's annual vacation after having given the notice to the employee **required** by subsection (4), the **employer shall** reimburse the employee for reasonable expenses incurred by the employee with respect to the cancelled or changed vacation that are not otherwise recoverable by the employee. **Section 8 (1) to (5).**

Vacation Pay

(1) Where subsection 8(1) or (1.1) does not apply, the employee is not entitled as of right to an annual vacation, but the **employer shall** pay to the employee, on or before the times specified in subsection (2),

(a) to an employee who has completed 15 years of continuous employment with the same **employer**, 6%; or

(b) to an employee who has completed less than 15 years of continuous employment with the same **employer**, 4% of the total wages earned by the employee for the hours worked by the employee within the continuous 12 month period, or until the cessation of employment of the employee within the 12 month period.

(2) The sums **required** to be paid by the **employer** under subsection (1) **shall** be paid within 1 week after the termination of the continuous 12 month period, or the date of cessation of employment.

(3) Payment is not **required** to be made by an **employer** under this section unless the employee has been employed by the **employer** for 5 consecutive workdays or more.

(4) The pay record given by an **employer** to an employee **shall** include the amount of vacation pay that has been paid during the pay period beginning on the day after the last pay day and ending in the current pay day. **Section 9 (1) to (4).**

Part III – Hours of Work

Day of Rest

(1) An **employer shall** grant to every employee a period of rest of not less than 24 consecutive hours during each week of employment.

(2) Without limiting anything contained in a statute of the province relating to specific undertakings, the rest period referred to in subsection (1) **shall** be a

Sunday wherever possible.

(3) Subsection (1) does not apply in respect of:

(b) employees or a class of employees employed in prescribed undertakings or a part of them;

(c) employees of **employers** who have applied for and received from the minister a written exemption from subsection (1); or

(d) employees engaged in work of an emergency nature that necessitates immediate remedial action, and in case of dispute in relation to employees referred to in paragraph (d), the board **shall**, subject to the regulations, determine whether or not an employee is an employee to which that paragraph applies.

(4) An exemption mentioned in paragraph (3)(c) applies only for the period and subject to those conditions, including conditions relating to accumulation of periods of rest, that the minister may set out in the written exemption.

(5) The minister may exempt an **employer** from the application of subsection (1) and may vary or revoke that exemption. **Section 22 (1) to (5)**.

For more information:

- Daily maximum hours. **Section 23**.
- Rest period. **Section 24 (1) (2)**.
- **Section 25 (1) to (3)**.

Part IV – Minimum Wage

- Payment of minimum wage. **Section 31 (1) (2)**.

Part VII – Pregnancy, Adoption, and Parental Leave

- Pregnancy leave. **Sections 40 (1), 43.3, 43.8**.
- Part VII .1 – Bereavement and Sick Leave. **Section 43.11 (1) to (4)**.
- Part X – Notice of Termination. **Section 50**.

Further details on the Labour Standards Act can be found at Canlii.Org.

NOVA SCOTIA

In Nova Scotia, **employers must** comply with the [Labour Standards Code \(Sections 32, 34, 37, 41, 42, 50, 59, 59B, 61, 62, 66B\)](#). Employees working for 12 months are entitled to at least two weeks of vacation with 4% pay, increasing to three weeks with 6% pay after eight years. General holidays **must** be granted with pay, and employees working on holidays receive 1.5 times their regular wage. Minimum wage rates are regulated and enforced. Pregnancy leave allows up to 16 weeks of unpaid leave, while parental leave provides up to 77 weeks, with a combined maximum of 77 weeks for both. Employees **must** receive a rest break after five consecutive work hours.

Vacation Pay

Vacation

(1) Where an employee works for an **employer** at any time during a continuous twelve-

month period, the **employer**:

(a) not later than ten months after the twelve-month period ends, **shall** give the employee an unbroken vacation of at least two weeks or, where the employee has been in the employ of the **employer** for more than eight years, an unbroken vacation of at least three weeks;

(b) at least one week in advance, **shall** notify the employee of the date his vacation begins; and

(c) at least one day before his vacation begins, **shall** pay the employee an amount at least equal to four per cent or, where the employee has been in the employ of the **employer** for more than eight years, an amount at least equal to six per cent, of the employee's wages for the twelve-month period during which the employee established his right to a vacation.

(2) Notwithstanding clause (a) of subsection (1), the **employer** and the employee may by agreement provide for two or more vacation periods if:

(a) the periods are in total equal to at least the length of vacation to which the employee is entitled under that clause; and

(b) include an unbroken period of at least one week prior to which the **employer** gives notice as **required** by clause (b) of subsection (1) and pays the employee the full amount as **required** by clause (c) of subsection (1). **Section 32 (1) (2).**

Vacation Pay on Termination

Where an employee works for an **employer** and is not entitled to a vacation with pay or pay in lieu of a vacation as provided for in Sections 32 and 33, and his employment with that **employer** terminates, the **employer shall** pay to the employee within ten days after his employment terminates an amount at least equal to four per cent or, where the employee has been in the employ of the **employer** for more than eight years, an amount at least equal to six per cent, of the wages of the employee during the time he was employed. **Section 34.**

Holidays With Pay

Employer to Grant General Holiday

(2) Except as provided by Section 39 and Section 41, every **employer shall** grant each of his employees a holiday with pay on each general holiday falling within any period of his employment. **Section 37.**

Holiday Pay at One and One-Half Times Regular Rate

(1) In this Section and Section 42, "employed in a continuous operation" refers to employment in:

(a) any industrial establishment in which in each seven day period, operations once begun normally continue without cessation until the completion of the regularly scheduled operations for that period;

(b) any operations or services concerned with the running of trucks and other vehicles whether in scheduled or non-scheduled operations;

(c) any telephone or other communication operations or services; or

(d) any operation or service normally carried on without regard to Sundays or public

holidays.

(2) Except in the case of an employee employed in a continuous operation, an **employer** of an employee who is **required** to work on a day on which he is entitled under this Act to a holiday with pay **shall** pay that employee an amount equal to the amount he would otherwise have received for that holiday and at a rate at least equal to one and one-half times his regular rate of wages for the time worked by him on that day.

(3) An **employer** of an employee employed in a continuous operation who is **required** to work on a day on which he is entitled under this Act to a holiday with pay:

(a) **shall** pay the employee an amount equal to the amount he would otherwise have received for that holiday and at a rate at least equal to one and one-half times his regular rate of wages for the time worked by him on that day; or

(b) **shall** grant the employee a holiday and pay in accordance with Section 40 on the working day immediately following the annual vacation of the employee or another day agreed upon by the employee and the **employer**. **Section 41 (1) to (3)**.

Entitlement to Holiday Pay

(1) An employee **shall** be entitled to be paid for a general holiday if:

(a) he has received or is entitled to receive pay for at least fifteen days during the thirty calendar days immediately preceding the general holiday; and

(b) he has worked on his scheduled working day immediately preceding and immediately following the holiday.

(2) Clause (b) of subsection (1) **shall** not apply if the **employer** has directed the employee not to report for work on his scheduled working day either immediately prior to or following the holiday.

(3) An employee in a continuous operation is not entitled to be paid for a general holiday on which he did not report for work after having been called upon to work on that day.

(4) Where the employment of an employee ceases before the day agreed upon by the employee and the **employer** as a holiday for the employee under clause (b) of Section 38 or clause (b) of subsection (3) of Section 41, the **employer shall** pay the employee, in addition to any other payment to which the employee is entitled, at least the equivalent of the wages he would have paid the employee for that day at his regular rate of wages for his normal working day. **Section 42 (1) to (4)**.

For more information:

- Minimum Wages. **Section 50 (1) (2)**.
- Pregnancy Leave and Parental Leave. **Section 59 (1) to (3), 59B**.
- Hours Of Labour – Powers respecting hours of labour, Variation of hours in certain cases, Rest or eating break. **Section 61 (1), 62, 62B**.

Further details on the Labour Standards Code can be found at Nslegislature.ca.

NORTHWEST TERRITORIES

In the Northwest Territories, **employers must** follow the **[Employment Standards Act](#)** (**Sections 6-9, 22-25, 26, 28, 29, 37-39**). Minimum wage **must** be met, with overtime at

1.5 times the regular rate after 8 hours per day or 40 per week. Employees receive 10 paid statutory holidays and at least two weeks of vacation (4% pay), increasing to three weeks (6% pay) after six years. Pregnancy leave is up to 17 weeks, parental leave up to 61 weeks, with a combined maximum of 69 weeks. Sick leave allows at least five unpaid days per year. Termination requires notice of at least two weeks, increasing with tenure, or equivalent pay.

Part 2

Minimum Wage

(1) Subject to this Part, an **employer shall** pay to each employee a wage equal to or greater than the prescribed minimum wage or the minimum wage fixed under subsection (2).

Minimum on Basis Other Than Time

(2) If the wages of an employee, or a class of employees, are not computed and paid solely on the basis of time, the Employment Standards Officer may, by order,

(a) establish how the prescribed minimum wage is to be adapted to the circumstances of the employee, or a class of employees; and

(b) fix a minimum wage that, in the opinion of the Officer, is equivalent to the prescribed minimum wage.

Details of Order

(3) The order made under subsection (2):

(a) may apply to one **employer** or a group of **employers**; and

(b) may contain terms or conditions under which the order is granted. **Section 6 (1) to (3)**.

Hours of Work

Standard Hours of Work in a Day

(1) The standard hours of work in a day for an employee are eight hours.

Standard Hours of Work in a Week

(2) The standard hours of work in a week for an employee are 40 hours.

Overtime

(3) Subject to section 8, an **employer** may require or allow an employee to work more than the standard hours of work. **Section 7 (1) (2)**.

Maximum Hours of Work in a Day

(1) The maximum hours of work in a day for an employee are 10 hours.

Maximum Hours of Work in a Week

(2) The maximum hours of work in a week for an employee are 60 hours.

Prohibition

(3) Subject to this Part, an **employer shall** not require or allow an employee to exceed the maximum hours of work.

Interdiction Exception for Emergency Work

(4) An **employer** may require or allow an employee to exceed the maximum hours of work, if the employee is **required** to continue working because of:

- (a) an accident to machinery, equipment, a plant or a person;
- (b) urgent and essential work **required** to be done to machinery, equipment or a plant; or
- (c) other unforeseen or unavoidable circumstances.

Limitation

(5) An employee may only continue working under subsection(4) to the extent necessary to prevent serious interference with the ordinary working of the industrial establishment. **Section 8 (1) to (5).**

Overtime Pay

(1) An employee is entitled to be paid at an overtime rate of wages equal to at least 1.5 times his or her regular rate for any work the employee performs that exceeds the standard hours of work in a day or a week.

Condition

(2) This section is subject to any provisions in respect of standard hours of work and maximum hours of work contained in an order made under section 11.

Condition

Regular Rate if Basis Other Than Time

(3) If the employee's wages are not computed and paid solely on the basis of time, the regular rate of wages for calculating overtime pay is deemed to be the prescribed minimum wage or the minimum wage fixed by an order made under subsection 6(2) applicable to the employee.

Regular Rate if Combined Basis

(4) If the employee's wages are computed and paid on a combined basis of time and some other basis, the regular rate of wages for calculating overtime pay is deemed to be the greater of:

- (a) the hourly rate applicable to the time component of the wages; and
- (b) the wage deemed under subsection (3).

Exception Where Statutory Holiday in a Week

(5) For the purpose of calculating overtime during a week that contains a statutory holiday for which an employee is entitled to a holiday with pay,

- (a) the standard hours of work in that day are deemed to be eight hours;
- (b) the standard hours of work in that week are deemed to be 32 hours; and

(c) the overtime does not include the standard hours worked by the employee on the statutory holiday. **Section 9 (1) to (5).**

For more information:

- Statutory Holidays. **Sections 22, 23.**
- Vacation pay. **Sections 24, 25.**
- Pregnancy Leave. **Section 26.**
- Parental Leave. **Sections 28, 29.**
- Part 4 – Termination And Layoffs. **Sections 37, 38, 39.**

Further details on the Employment Standards Act can be found at gov.nt.ca.

NUNAVUT

In Nunavut, **employers must** ensure equal access to employment benefits under the **Human Rights Act, Sections 7(1), 10(3), 12**. These sections prohibit discrimination based on personal characteristics such as age, sex, or disability when providing services, contracts, or employment-related benefits, including insurance and pension plans. **Employers** have a duty to accommodate employees' needs unless doing so causes undue hardship, and any benefit distinctions **must** be made in good faith and be reasonable in the circumstances.

PART 2 – PROHIBITIONS

Prohibited Grounds of Discrimination

(1) For the purposes of this Act, the prohibited grounds of discrimination are race, colour, ancestry, ethnic origin, citizenship, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, gender expression, marital status, family status, pregnancy, lawful source of income and a conviction for which a pardon has been granted. **Section 7(1).**

Duty to Accommodate

(3) When a practice referred to in subsection (1) results in discrimination, in order for it to be considered to be based on a justified occupational requirement, it **must** be established that accommodation of the needs of an individual or class of individuals affected would impose undue hardship on a person who would have to accommodate those needs. **Section 10(3).**

Goods, Services, Facilities, or Contracts

(1) No person **shall**, on the basis of a prohibited ground of discrimination, unless done in good faith and with reasonable justification,

(a) deny to any individual or class of individuals any goods, services or facilities that are customarily available to the public;

(b) deny to any individual or class of individuals the ability to enter into any contract that is offered or held out to the public generally;

(c) discriminate against any individual or class of individuals with respect to any goods, services, or facilities that are customarily available to the public;

(d) discriminate against any individual or class of individuals with respect to the ability to enter into any contract that is offered or held out to the public

generally; or

(e) discriminate against any individual or class of individuals with respect to any term or condition of any contract that is offered or held out to the public generally.

Duty to Accommodate

(2) When a practice referred to in subsection (1) results in discrimination, in order for the justification to be considered to be made in good faith and reasonable, it **must** be established that accommodation of the needs of an individual or class of individuals affected would impose undue hardship on a person who would have to accommodate those needs.

Restrictions for Insurance Contracts

(3) Where this section protects an individual from discrimination, subsection (1) does not affect the operation of any:

(a) contract of automobile, life, accident, sickness, or disability insurance;

(b) contract of group insurance between an insurer and an association or person;

(c) life annuity;

(d) pension contract; or

(e) type of contract, other than one referred to in clause (a) to (d), that is prescribed under this Act, that differentiates or makes a distinction, exclusion or preference in good faith that is reasonable in the circumstances because of disability, sex, age, marital status or family status. **Section 12(1) to (3).**

Further details on the Human Rights Act can be found at nunavutlegislation.ca.

ONTARIO

In Ontario, **employers must** comply with the **Employment Standards Act (Sections 17 to 25, 28, 30, 32, 35, 38, 42 and 57)**. Employees cannot work more than 8 hours per day or 48 per week, with overtime paid at 1.5 times the regular rate after 44 hours. **Employers must** provide eating breaks and meet minimum wage requirements. Employees are entitled to at least two weeks of vacation with 4% pay, increasing after five years. Public holidays require paid leave or alternate days off. Pregnancy leave is up to 17 weeks, and parental leave extends up to 61 weeks, with a combined maximum of 78 weeks. Termination requires written notice of up to eight weeks, based on tenure, or equivalent pay.

Part IV – Hours of Work

Maximum Working Hours

Except as otherwise provided in this Part, and subject to any schedule in force under the **Industrial Standards Act**, the hours of work of an employee **shall** not exceed eight in the day and forty-eight in the week. **Section 17.**

Variation of Working Day

An **employer** may, with the approval of the Director, and upon such terms and

conditions as the Director prescribes, adopt a regular day of work in excess of eight hours but not in excess of twelve hours, provided that the total hours of work of each employee **shall** not exceed forty-eight hours in a week. **Section 18.**

Exceeding Maximum in Case of Accident

In case of an accident or in case of work urgently **required** to be done to machinery or plant, the **employer** may require the limit of hours of work prescribed by [section 17](#) or approved under [section 18](#) to be exceeded but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment. **Section 19.**

Permits for Excess Hours

(1) The Director may issue a permit authorizing hours of work in excess of those prescribed by [section 17](#) or approved under [section 18](#), but the excess hours of work **shall** not exceed,

(a) in the case of an engineer, stoker, full-time maintenance worker, receiver, shipper, delivery truck driver or the driver's helper, watchman or watchwoman or other person who, in the opinion of the Director, is engaged in a similar occupation, twelve hours in each week for each employee; and

(b) in the case of all other employees, 100 hours in each year for each employee.

(2) Where the Director is satisfied that the work or the perishable nature of raw material being processed requires hours of work in excess of those permitted under subsection (1), the Director may issue a permit therefor.

Permit does not Obligate Employee

(3) The issuance of a permit under this section does not require an employee to work any hours in excess of those prescribed by [section 17](#) or approved under [section 18](#) without the consent or agreement of the employee or the employee's agent to hours in excess of eight in the day or forty-eight in the week.

Terms and Conditions of Permit

(4) A permit issued under this section **shall** contain such terms, conditions and limitations as the Director prescribes. **Section 20 (1) to (4).**

Agreements Subject to Maximums

Except as otherwise provided in this Part, no **employer** may require or permit any employee to work, and no employee may work or agree to work, any hours that exceed the maximum hours established under this Act. **Section 21.**

Eating Periods

Every **employer shall** provide eating periods of at least one-half hour, or such shorter period as is approved by the Director, at such intervals as will result in no employee working longer than five consecutive hours without an eating period. **Section 22**

Part V – Minimum Wages

Statutory Agreement for Minimum Wage

Every **employer** who permits any employee to perform work or supply any services in

respect of which a minimum wage is established **shall** be deemed to have agreed to pay to the employee at least the minimum wage established under this Act. **Section 23.**

Part VI – Overtime Pay

Overtime Pay

(1) Except as otherwise provided in the regulations, where an employee works for an **employer** in excess of forty-four hours in any week, the employee **shall** be paid for each hour worked in excess of forty-four hours overtime pay at an amount not less than one and one-half times the regular rate of the employee.

(2) In complying with subsection (1), no **employer shall** reduce the regular rate of wages payable to an employee.

Employment Standards Officer may Determine Regular Rate

(3) Where an **employer** has not made and kept complete and accurate records in respect of an employee pursuant to [clause 11 \(1\)](#) (a), an employment standards officer may determine the regular rate of and the number of hours worked by the employee in each day and week. **Section 24 (1) to (3).**

Part VII – Public Holidays

Application

(1) This section does not apply to an employee who,

(a) is employed for less than three months;

(b) has not earned wages on at least twelve days during the four work weeks immediately preceding a public holiday;

(c) fails to work his or her scheduled regular day of work preceding or his or her scheduled regular day of work following a public holiday;

(d) has agreed to work on a public holiday and who, without reasonable cause, fails to report for and perform the work; or

(e) is employed under an arrangement whereby the employee may elect to work or not when requested so to do.

Holiday with Pay

(2) Subject to subsections (3), (4) and (5), an **employer shall** give to an employee a holiday on and pay to the employee his or her regular wages for each public holiday.

Working Day Substituted for Holiday

(3) Where a public holiday falls upon a working day for an employee, an **employer** may with the agreement of the employee or the employee's agent substitute another working day for the public holiday which day **shall** not be later than the next annual vacation of the employee, and the day so substituted **shall** be deemed to be the public holiday.

Holiday that is a Non-Working Day

(4) Where a public holiday falls on a non-working day for an employee or in the employee's vacation, an **employer shall**,

(a) with the agreement of the employee or the employee's agent pay the employee his or her regular wages for the public holiday; or

(b) designate a working day that is not later than the next annual vacation of the employee and the day so designated **shall** be deemed to be the public holiday.

Holiday Pay

(5) Despite subsection (3), where an employee is employed in a hotel, motel, tourist resort, restaurant, tavern, continuous operation or a hospital, and the employee is **required** to work and works on a public holiday, the **employer shall**,

(a) pay the employee in accordance with [subsection 26 \(1\)](#); or

(b) pay the employee for each hour worked on a public holiday an amount not less than the employee's regular wages and give to the employee a holiday on his or her first working day immediately following his or her next annual vacation or on a working day agreed upon and pay the employee his or her regular wages for that day. **Section 25 (1) to (5)**.

Payment for Holiday Where Employment Ceases

Where the employment of an employee ceases before the day that is substituted, designated or given for the public holiday under [subsection 25 \(3\)](#), clause 25 (4) (b) or [clause 25 \(5\)](#) (b), the **employer shall** pay to the employee in addition to any other payment to which the employee is entitled upon the ceasing of employment his or her regular wages for that day. **Section 27**.

For more information:

- Part VIII – Vacation with Pay. **Sections 28, 30**.
- Part IX – Equal Pay for Equal Work. **Section 32 (1) to (4)**.
- Part X – Benefit Plans. **Section 33 (1) to (5)**.
- Part XI – Pregnancy and Parental Leave. **Sections 35 to 42**.
- Part XIV – Termination of Employment. **Sections 57 (1) to (23)**.

Further details on the Employment Standards Act can be found at CanLii.Org.

PRINCE EDWARD ISLAND

In Prince Edward Island, **employers must** comply with the [Employment Standards Act \(Sections 5-11.1, 15-16.1, 19-22.02, 29\)](#) regarding wages, hours of work, public holidays, vacation pay, maternity and parental leave, and termination. **Employers must** pay at least the minimum wage, ensure timely payments, and follow proper deduction rules. Standard work hours are 48 per week, with overtime paid at 1.5 times the regular rate. Employees are entitled to public holidays with pay or a substitute day off. Annual vacation is at least two weeks with 4% vacation pay, increasing to three weeks and 6% after eight years. Maternity leave is up to 17 weeks, and parental leave extends up to 62 weeks, with a combined maximum of 78 weeks. Termination requires written notice based on tenure, up to eight weeks, or equivalent pay.

Wages

Powers of Board to Make Orders

(1) The board, subject to the approval of the Lieutenant Governor in Council, **shall** by order:

- (a) fix one minimum wage for all employees;
- (b) fix the minimum wage upon an hourly, daily, weekly, monthly or other basis;
- (c) specify when and under what conditions deductions may be made from the wages of an employee, and what notification the employee should be given thereof prior to such deduction;
- (d) fix the maximum amount, if any, that may be deducted from the wages of an employee where the **employer** furnishes to the employee, board, lodging, uniforms, laundry or other services, and prescribe the notification **required** to be given to the employee prior to such deduction, and may exempt any employee or group of employees from the operation of any order made under clause (c) or (d).

Review

(2) The board **shall** meet at least once a year to review the Minimum Wage Order and, in conducting a review, **shall** solicit and consider written and in-person submissions from the public.

Criteria, Report

(3) In advising the Lieutenant Governor in Council, the board **shall** issue a report taking into account the social and economic effects of the minimum wage rates in the province and **shall** consider among other matters:

- (a) any cost of living increase since any previous order affecting the cost to an employee of purchasing the necessities of life, including housing, food, clothing, transportation and health care and supplies;
- (b) economic conditions within the province and the concept of reasonable return on private investment; and
- (c) measures of poverty and the ability of an employee to maintain a suitable standard of living and **shall** make this report public on the publication of a Minimum Wage Order in the Royal Gazette.

Posting Orders

(4) An **employer shall** post and keep posted in a conspicuous place in the work establishment, a copy of all applicable minimum wage orders.

Other Notices

(5) Additional notice of any order made under this section **shall** be given by **employers** to employees in such manner as the board may direct.

Publication

(6) Every order of the board **shall** be published in the Gazette and **shall** name a date, at least fourteen days subsequent to the date of publication, on which it comes into force.

Binding Effect of Orders

(7) Every order of the board is binding upon the **employer** and employees effective from the date of its coming into force and no order is subject to variation through individual agreement except with the authorization of the board. **Section 5 (1) to (8).**

Amendment, etc.

(8) Upon the petition of any **employer** or employee or upon its own motion, the board may review, suspend, vary or rescind any order.

Collusion

No employee, by collusion with the **employer** of the employee or otherwise, **shall** work for less than the minimum wage to which the employee is entitled under this Act, or directly or indirectly return to the **employer** any part of the employee's wage by reason of which action the wages actually received and retained by the employee are reduced to an amount less than the minimum wage to which the employee is entitled.

Section 5.1.

Notice of Termination

Termination of Employment by Employer, Notice Period

(1) Except where an **employer** has just cause to terminate an employee, and subject to subsection (2), an **employer shall** not terminate or lay off an employee who has been employed by the **employer** for a continuous period of six months or more without having given the employee at least:

(a) two weeks' notice in writing, where the employee has been employed by the **employer** for a continuous period of six months or more but less than five years;

(b) four weeks' notice in writing, where the employee has been employed by the **employer** for a continuous period of five years or more but less than ten years;

(c) six weeks' notice in writing, where the employee has been employed by the **employer** for a continuous period of 10 years or more but less than 15 years; or

(d) eight weeks' notice in writing, where the employee has been employed by the **employer** for a continuous period of 15 years or more.

Exceptions, Termination Without Notice

(2) Subsection (1) does not apply to:

(a) a person who is employed to perform a definite task for a period not exceeding twelve months;

(b) a person who is laid off for a period not exceeding six consecutive days;

(c) a person who has been offered reasonable other employment by his or her **employer**;

(d) a person who is terminated or laid off for any reason beyond the control of the **employer**, including:

(i) the complete or partial destruction of a plant,

(ii) the destruction or breakdown of machinery or equipment,

(iii) the inability to obtain supplies and materials, or

(iv) the cancellation or suspension of, or inability to obtain, orders for the products of the **employer**, if the **employer** has exercised due diligence to foresee and avoid the cause of termination or layoff; or

(e) a person who is terminated or laid off because of labour disputes, weather conditions or actions of any governmental authority that affect directly the operations of the **employer**.

Additional Notice Required Where Employee Continues to Work

(2.1) Where an employee is given a written notice of termination or layoff by the **employer** but continues to work for the **employer** for a period of one month or more beyond the end of the notice period, the notice is extinguished and the **employer shall** only terminate or lay off the employee after giving a new notice in accordance with subsection (1).

Amount of Pay to Which Employee Entitled

(3) Where an **employer** discharges or lays off an employee in accordance with subsection (1), the **employer shall** pay to the employee, in respect of the period of the notice given under that subsection, the wages earned by the employee during that period or a sum equivalent to the employee's normal wages for the number of weeks prescribed by subsection (1) exclusive of overtime, whichever is the greater.

(4) Where an **employer**, contrary to subsection (1) discharges or lays off an employee without having given notice **required** by that subsection, the **employer shall** pay to the employee a sum equivalent to the employee's normal wages for the number of weeks prescribed by subsection (1) exclusive of overtime.

Period of Notice if Employed for More than Six Months

(4.1) Where an employee has been employed continuously for longer than six months, the employee **shall** not terminate the employment without giving the **employer**, in writing, at least:

(a) one weeks' notice where the employee has been employed by the **employer** for a continuous period of six months or more but less than five years; and

(b) two weeks' notice where the employee has been employed by the **employer** for a continuous period of five years or more.

Most Favourable Terms Apply

(5) Nothing in this section affects any provision in a contract of service, or any recognized custom, by virtue of which an employee or **employer** is entitled to more notice of termination of employment or of lay off or to more favourable compensation in respect of the period of any such notice than is provided by this section. **Section 29 (1) to (5)**.

For more information:

- Pay And Protection of Pay. **Sections 5.2 to 5.6.**
- Pay Transparency. **Sections 5.8 to 10.**
- Vacation Pay. **Sections 11, 11.1.**
- Hours Of Work. **Sections 15, 15.1.**
- Rest Periods. **Sections 16, 16.1, 19.22, 22.01, 22.02.**

Further details on the Employment Standards Act can be found at Princedwardisland.ca.

QUÉBEC

In Québec, **employers must** comply with the [Act Respecting Labour Standards](#) regarding wages, hours of work, rest periods, parental leave, and termination (**Sections 50.1 to 53, 55, 67, 68, 78, 79, 81.1, 81.10, 81.14, 81.17, 82, 83**). **Employers** cannot require employees to pay credit card costs or excessive room and board fees. The standard workweek is 40 hours, and overtime is paid at 1.5 times the hourly wage. Employees are entitled to two weeks of annual leave after one year of service and **must** receive a 32-hour weekly rest period and a 30-minute meal break for every five consecutive hours worked. Parental leave of up to 65 weeks is available, with five days off for birth or adoption, the first two of which are paid. Termination requires written notice based on tenure, up to eight weeks, or compensatory indemnity if notice is not given.

Chapter Iv – Labour Standards

Division I – Wages

No **employer** may require an employee to pay credit card costs. **Section 50.1.**

The maximum amount that an **employer** may require for room and board from one of his employees is that which is fixed by regulation of the Government. **Section 51.**

Notwithstanding section 51, an **employer** may not require an amount for room and board from a domestic who is housed or takes meals in the **employer's** residence. **Section 51.0.1.**

Division II – Hours of Work

For the purposes of computing overtime, the regular workweek is 40 hours except in cases where it is fixed by regulation of the Government. **Section 52.**

An **employer** may, with the authorization of the Commission, stagger the working-hours of his employees on a basis other than a weekly basis, provided that the average of the working-hours is equivalent to the standard provided for in the law or the regulations.

A collective agreement or a decree may provide, on the same conditions, without the authorization provided for under the first paragraph being necessary, for the staggering of working hours on a basis other than a weekly basis.

The **employer** and the employee may also agree, on the same conditions, on the staggering of working hours on a basis other than a weekly basis, without the authorization provided for in the first paragraph being necessary. In such a case, the following conditions also apply:

- (1) the agreement **must** be evidenced in writing and provide for the staggering of working hours over a maximum period of four weeks;
- (2) a work week may not exceed the standard provided for in the law or the regulations by more than 10 hours; and
- (3) either the employee or the **employer** may cancel the agreement with notice of at least two weeks before the expected end of the staggering period agreed upon. **Section 53 (1) to (3).**

Any work performed in addition to the regular workweek entails a premium of 50% of

the prevailing hourly wage paid to the employee except premiums computed on an hourly basis.

Notwithstanding the first paragraph, the **employer** may, at the request of the employee or in the cases provided for by a collective agreement or decree, replace the payment of overtime by paid leave equivalent to the overtime worked plus 50%.

Subject to a provision of a collective agreement or decree, the leave **must** be taken during the 12 months following the overtime at a date agreed between the **employer** and the employee; otherwise the overtime **must** be paid. However, where the contract of employment is terminated before the employee is able to benefit from the leave, the overtime **must** be paid at the same time as the last payment of wages. **Section 55.**

An employee who, at the end of a reference year, is credited with less than one year of uninterrupted service with the same **employer** during that period, is entitled to uninterrupted leave for a duration determined at the rate of one working day for each month of uninterrupted service, for a total leave not exceeding two weeks. **Section 67.**

An employee who, at the end of a reference year, is credited with one year of uninterrupted service with the same **employer** during that period is entitled to an annual leave of a minimum duration of two consecutive weeks. **Section 68.**

Division V – Rest Periods

Subject to the application of paragraph 12 of section 39 or of section 53, an employee is entitled to a weekly minimum rest period of 32 consecutive hours.

In the case of a farm worker, that day of rest may be postponed to the following week if the employee consents thereto. **Section 78.**

Unless otherwise provided in a collective agreement or a decree, the **employer must** grant to an employee a rest period of thirty minutes, without pay, for meals, for a period of five consecutive hours of work.

That period **shall** be remunerated if the employee is not authorized to leave their workstation. **Section 79.**

An employee may be absent from work for five days at the birth of the employee's child, including a child born in the context of a surrogacy project, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy. The first two days of absence **shall** be remunerated.

The employee who gave birth to a child in the context of a surrogacy project is entitled to the leave provided for in the first paragraph.

The leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of his father or mother or of one of his parents or, if applicable, after the termination of pregnancy. In the case of a surrogacy project, the 15-day period applies, for the employee who gave birth to the child, from the birth of the child and, for the employee who is a party to the parental project involving surrogacy, from the moment the child was entrusted to the employee.

The employee **must** advise the **employer** of such an absence as soon as possible. **Section 81.1.**

The father and the mother or the parents of a newborn child, including a child born

in the context of a parental project involving surrogacy, and a person who adopts a child, are entitled to parental leave without pay of not more than 65 consecutive weeks. **Section 81.10.**

An employee who does not report to work on the date stated in the notice given to the **employer** is presumed to have resigned. **Section 81.14.**

Sections 79.5 and 79.6 apply to leaves provided for in sections 81.2, 81.4 and 81.10, with the necessary modifications. **Section 81.17.**

For more information:

- Division VI – Notice of Termination of Employment or Layoff, And Work Certificate. **Sections 82, 83.**

Further details on the Act Respecting Labour Standards can be found at Gouv.Qc.ca.

SASKATCHEWAN

In Saskatchewan, **employers must** comply with the [Saskatchewan Employment Act \(Sections 2-11 to 2-18, 2-25, 2-27, 2-30 and 2-31\)](#) regarding work schedules, hours, overtime, rest periods, vacation, public holidays, and termination. **Employers must** provide at least one week's notice for work schedules and any changes. Overtime cannot exceed 44 hours per week without consent, except in emergencies. Employees **must** receive eight consecutive hours of rest per day and at least one day off per week if working 20+ hours. Paid meal breaks apply after five consecutive work hours. **Employers must** pay at least minimum wage and overtime premiums for work beyond standard hours. Vacation pay is based on service length, and **employers must** reimburse losses due to canceled vacations. Public holidays **must** be observed, with options for substitution if approved.

Subdivision 2 – Hours of Work

Work Schedules

(1) An **employer shall** give notice to an employee of a work schedule containing the following:

(a) the time when work begins and ends;

(b) if work is done in shifts, the time when each shift begins and ends; and

(c) the time when a meal break begins and ends. (2) The notice **required** pursuant to subsection (1) **must** cover at least one week. (3) If the days or times when an employee is **required** or permitted to work or to be at the **employer's** disposal change, the **employer shall** provide to the employee written notice of the change. (4) The notice **required** pursuant to subsection (3) **must**: (a) be given in a schedule that contains the information **required** pursuant to subsection (1) covering at least one week; (b) be given at least one week before the start of the schedule;

(d) if the schedule mentioned in clause (a) changes after the schedule is provided as **required** pursuant to clause (b), be given one week before the employee is **required** or permitted to work or to be at the **employer's** disposal; and

(e) be personally given to the employee, posted in the workplace, posted online on a secure website to which the employee has access or provided in any other manner that informs the employee of the schedule.

(5) An **employer** may provide notice of less than one week of a variation to an employee's schedule if unexpected, unusual or emergency circumstances arise.

(6) The director of employment standards may permit a variation from the requirements of this section if the **employer** has obtained the written consent to the variation from the union that is the bargaining agent for the employees. **Section 2-11 (1) to (5).**

Overtime Hours not to be Required

(1) Subject to subsections (2) and (3), without the consent of an employee, no **employer shall** require the employee to work or to be at the **employer's** disposal for more than:

(a) 44 hours in a week; or

(b) in a week that contains a public holiday, 44 hours reduced by eight hours for each public holiday in that week.

(2) Subject to subsection (3), if an employee is working in accordance with a modified work arrangement or in accordance with an averaging authorization that satisfies the requirements of section 2-20, the **employer shall** not require the employee to work or be at the **employer's** disposal for more than:

(a) 44 hours in a week;

(b) in a week that contains a public holiday, 44 hours reduced by eight hours for each public holiday in that week; or

(c) the hours in a week as set out in the modified work arrangement or averaging authorization.

(3) Subsections (1) and (2) do not apply if unexpected, unusual or emergency circumstances arise. **Section 2-12 (1) to (3).**

Required Period of Rest

(1) Subject to subsection (2), no **employer shall** require or permit an employee to work or to be at the **employer's** disposal for periods that are scheduled so that the employee does not have a period of eight consecutive hours of rest in any day.

(2) Subsection (1) does not apply in emergency circumstances.

(3) Subject to subsections (4) to (6), an **employer shall** grant one day off every week to an employee who usually works or is at the disposal of the **employer** for 20 hours or more in a week.

(4) Subsection (3) does not apply to any prescribed workplace or prescribed category of **employers** or employees.

(5) In prescribed workplaces with more than 10 employees, or for prescribed categories of employees, an **employer shall** grant to employees in the workplace or to the category of employees two consecutive days off every week.

(6) On receipt of a written application from an **employer** and the employees or a representative of the employees, the director of employment standards may:

(a) issue a written authorization exempting the **employer** from subsection (3); and

(b) impose any conditions that the director considers appropriate on the written authorization issued pursuant to clause (a). **Section 2-13 (1) to (6).**

Meal Breaks

(1) Subject to subsections (2) and (4), an **employer shall** provide to an employee an unpaid meal break that is of at least 30 minutes' duration within every five consecutive hours of work.

(2) An **employer** is not **required** to grant a meal break pursuant to subsection (1):

(a) in unexpected, unusual or emergency circumstances; or

(b) if it is not reasonable for an employee to take a meal break.

(3) If the **employer** does not grant the meal break mentioned in subsection (1) and the employee works five or more consecutive hours, the **employer shall** permit an employee to eat while working.

(4) An **employer shall** provide to an employee an unpaid meal break at a time or times necessary for medical reasons. **Section 2-14 (1) to (4).**

For more information:

Subdivision 3 – Obligation to Pay Wages

- Total Wages. **Section 2-15.**
- Minimum wage. **Section 2-16 (1) (2) (3).**
- Overtime pay. **Section 2-17 (1) (2).**
- Overtime pay after eight hours and 40 hours. **Section 2-18 (1) to (5).**
- Manner of taking vacation. **Section 2-25 (1) (2).**
- Vacation pay. **Section 2-27 (1) to (5).**
- Subdivision 7 – Public Holidays. **Section 2-30 (1), 2.31.**

Further details on the Saskatchewan Employment Act can be found at Saskatchewan.ca.

YUKON TERRITORY

In Yukon, **employers must** comply with the [Employment Standards Act \(Sections 6 to 8, 12 to 14, 17, 20, 22, 24, 29, 33, 37, 38, 44, 45, 51\)](#) regarding work hours, overtime, rest periods, minimum wage, vacations, holidays, maternity and parental leave, equal pay, and termination. Standard work hours are limited to 8 hours per day and 40 per week, with overtime paid at 1.5 times the regular rate. Employees **must** have at least two full days of rest per week and meal breaks after five consecutive hours of work. **Employers must** provide vacation with pay within 10 months of earning entitlement and extend vacation if a general holiday falls within the period. Employees are entitled to paid general holidays, and maternity leave may begin six weeks before birth if **required** by the **employer**. Parental leave is up to 63 weeks, with a combined maximum of 71 weeks if both parents take leave. **Employers must** ensure equal pay for similar work, and termination pay **must** be provided if notice is not given.

Part 2 – Hours Of Work

Standard Hours of Work

Subject to this Part, the working hours of an employee **shall** not exceed eight hours in a day and 40 hours in a week. **Section 6.**

Work in Excess of Standard Hours

Subject to this Part, no **employer shall** cause or permit an employee to work in excess of the standard hours of work unless the **employer** complies with section 8 or section 9 or the employee's hours of work are permitted under sections 10 or 11. **Section 7.**

Overtime Pay

(1) If an **employer** requires or permits an employee to work in excess of the standard hours of work, the **employer shall** pay to the employee one and one-half times the employee's regular wages for all hours worked in excess of:

(a) eight in a day; or

(b) 40 in a week, but excluding from this calculation hours worked in excess of eight in a day.

(2) If a week contains a general holiday to which an employee is entitled,

(a) the references to hours in a week in subsection (1) **shall** be reduced by eight hours for each general holiday in the week; and

(b) in calculating the overtime hours worked by an employee in that week, no account **shall** be taken of hours worked by the employee on the general holiday.

(3) Subject to operational requirements an **employer shall** make reasonable efforts to give an employee who is **required** to work overtime reasonable advance notice of this requirement.

(4) Despite subsection (3), when there is an emergency, an **employer** may require an employee to work overtime on shorter notice than would have to be provided under subsection (3).

(5) 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. **Section 8 (1) to (5).**

Days of Rest

(1) Except if otherwise prescribed by regulations, hours of work **shall** wherever practicable be so scheduled and actually worked so that each employee has 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.

(2) Despite subsection (1), if the **employer** requires or permits the employee to work regularly in excess of the daily standard hours of work, the **employer:**

(a) may require the employee to work up to 28 continuous days without a day of rest; and

(b) may require the employee to work up to seven more days continuous with the period of 28 days described in paragraph (a), when the additional work is necessary in order to complete the project on which the employee was employed during those 28 days.

(3) An employee who is **required** or permitted to work a work schedule under subsection (2) is entitled:

(a) to at least one day of rest for each continuous seven days of work; and

(b) to take the employee's accrued days of rest continuously with each other. **Section 12 (1) to (3).**

Eating Periods

(1) An **employer shall** ensure that each employee has an eating period of at least one-half hour at intervals that will ensure that:

(a) if the employee works 10 hours or less on the day in question, then the employee will not work longer than five consecutive hours between eating periods; and

(b) if the employee works more than 10 hours on the day in question, then the employee will not work longer than six consecutive hours between eating periods.

(2) For the purpose of computing the hours worked by an employee, the period allowed the employee for eating **shall** not be counted as hours worked unless the employee is **required** to work during those periods. **Section 13 (1) (2).**

Rest Periods

(1) Except for an emergency and subject to subsection (2), an **employer shall** ensure that each employee has a rest period of at least eight consecutive hours free from work between each shift worked.

(2) If, on the application of an **employer**, the director is satisfied that the rest period of eight consecutive hours referred to in subsection (1) would impose an unreasonable hardship on the **employer** because of the specific circumstances surrounding a specific project or piece of work, the director may order that the rest period be shortened to six consecutive hours for the period of time during which the director considers the specific circumstances will continue to exist. **Section 14 (1) (2).**

Part 3 – Minimum Wages

Rate

Subject to this Part, an **employer shall** pay to each employee a wage at the rate of not less than the rate established by the Employment Standards Board pursuant to section 18 or not less than the equivalent of that rate for the time worked by the employee. **Section 17.**

Part 4 – Annual Vacations

Application of this Part

(1) This Part applies to all employees, including employees who are employed on a part-time, seasonal, or temporary basis.

(2) This Part does not apply to an employee who is a member of the **employer's** family. **Section 20 (1) (2).**

Time for Vacation and Payment

The **employer** of an employee who, under this Part, has become entitled to a vacation with vacation pay:

(a) **shall** grant to the employee the vacation to which the employee is entitled, which **shall** begin not later than 10 months immediately following the completion of the year of employment for which the employee became entitled to the vacation; and

(b) **shall**, at least one day before the beginning of the vacation, or at any earlier time the regulations prescribe, pay to the employee the vacation pay to which the employee is entitled in respect of that vacation. **Section 22.**

Vacation Including General Holiday

If a general holiday occurs during the vacation granted to an employee pursuant to this Part, the vacation to which the employee is entitled under this Part **shall** be extended by one day, and the **employer shall** pay to the employee, in addition to the vacation pay, the wages to which the employee is entitled for that general holiday. **Section 24.**

For more information:

- Part 5 – General Holidays. **Sections 29 (1) (2), 33.**
- Part 6 – Maternity And Parental Leave. **Sections 37, 38.**
- Part 7 – Equal Pay. **Sections 44, 45, 51.**

Further details on the Employment Standards Act can be found at CanLii.Org.