Hours Worked Rules by Province



ESA time worked recording requirements in each province and federally

FEDERAL: a. Time worked must be tracked on daily basis, except managers or other employees exempt from hours of work requirements; b. Employers must track statutory holiday pay and start and stop days for any annual vacation, maternity, parental and compassionate care leaves taken; c. Record must be kept of each change in rate of pay, by date; and d. Records must be kept for at least 3 years after days they relate to (*Canada Labour Standards Regulations,* Sec. 24).

ALBERTA: a. Employers must track on daily basis actual hours worked by all employees; b. Includes overtime hours, any paid time off taken in lieu of overtime, date of each statutory holiday taken and start and stop of each vacation period; c. Employers must track all changes in the regular and overtime rate of pay, by date; and d. Records must be kept for at least 3 years from date made (*Employment Standards Code*, Secs. 14 and 15).

BRITISH COLUMBIA: a. Employers must track on daily basis actual hours worked by all employees; b. Includes overtime hours, date of each statutory holiday taken and start and stop of each vacation period; c. Records must be kept for at least 2 years after each employee has terminated; and d. Employers exempt from requirements if record keeping is covered by a collective agreement (*Employment Standards Act*, Secs. 3(4), 27 and 28).

MANITOBA: a. For employees whose regular hours vary on daily basis, regular hours must be tracked on daily basis; b. For all employees, overtime on a daily basis, date of any statutory holidays or banked time off taken and start and stop of any annual vacation period must be recorded; c. Employers must track all changes in regular and overtime rate of pay, by date; and d. Such records to be kept for at least 3 years from making (*Employment Standards Code*, Secs. 135(1) and (2)).

NEW BRUNSWICK: a. Employers must track actual hours worked on daily basis for all employees; b. Must track any statutory holiday pay paid to employees and first and last days of each annual vacation or other leaves of absence; c. Wage rate must be recorded for each employee pay period; d. Such records to be kept for 36 months after related work or service; and e. Employers may be exempt from requirements under a collective agreement (*Employment Standards Act,* Secs. 4(2) and 60(1)).

NEWFOUNDLAND/LABRADOR: a. Employers must track actual hours worked by all employees on daily basis; b. Also dates of any annual vacations and date of each 24 hour weekly

rest period required under Sec 22; c. Must track wage rates for reporting on pay statement; and d. Records must be kept for at least 4 years after termination (*Labour Standards Act*, Secs. 35(c), 63(1) and (2)).

NOVA SCOTIA: a. No detailed requirements on what time-related records must be kept by employers; b. Instead, employers must keep sufficient records of wage rates, hours of work, leaves of absence and annual vacations to demonstrate compliance with ESA; and c. Such records must be kept for at least 12 months after related work performed (*Labour Standards Code*, Sec. 15).

ONTARIO: a. Employers must track actual hours worked, except for salaried employees who are either not eligible for overtime or whose actual hours worked in excess of regular are tracked on daily basis; b. Must also track vacation time earned, taken and remaining entitlement at beginning and end of each entitlement year, unless employees agree to receive their vacation pay each period; c. Wage rates for hourly employees and vacation pay must be recorded by pay period; d. These records must be kept for 3 years from date concerned, or in the case of vacation, 3 years after records were made; and e. Rules don't apply to employees exempt from ESA under Sec. 3(4) or (5) *(Employment Standards Act*, Secs. 12, 15, 15.1 and 36(3)).

PRINCE EDWARD ISLAND: a. Daily hours worked must be tracked for all employees, except clerical or administrative staff with a regular working week; b. Must also track any periods of employee paid vacation or pay in lieu of vacation time off; and c. Rules don't apply to commission sales employees (*Employment Standards Act*, Secs. 2(2)(a) and 33).

QUÉBEC: a. Employers must track actual hours worked by day for all employees, with overtime hours tracked by pay period; b. Wage rates must be recorded at least by pay period; c. First day and length of any annual vacations, as well as dates of any statutory holidays must also be tracked, as must tips reported by or allocated to employees; d. Such records must be kept for 3 years from end of year to which they relate; and e. Requirements don't apply to senior managers nor employees, such as in construction industry, regulated outside ESA (*An Act Respecting Labour Standards*, Sec 3, Regulation respecting a registration system or the keeping of a register).

SASKATCHEWAN: a. Employers must track hours worked on daily basis, where hours worked include time that employee is "at the disposal" of employer; b. Must also track first and last days of each annual vacation time taken; and c. Records must be kept for 5 years from termination (*Labour Standards Act*, Sec 70).