“Manager” Overtime Exemption Rules Across Canada – Know The Laws Of Your Province



Employees aren’t entitled to overtime pay under employment standards laws if they exercise management or supervisory duties. But it’s often hard to figure out which employees are subject to the overtime exemption. One problem is that status as manager isn’t based on mere job title or job description; you also must look at what the person actually does. Adding to the challenge is that the rules governing who’s a manager vary by geography. Here’s a rundown of what each jurisdiction requires.

“Manager” Overtime Requirements by Jurisdiction

FEDERAL: a. Managers, superintendents and employees who carry out management functions exempt from overtime and other Division I Hours of Work requirements; and b. No definition of “manager” or “management functions” (Canada Labour Code, Sec. 167(2)(a)).

ALBERTA: a. Employees “employed” in supervisory or managerial capacity or a capacity “concerning matters of a confidential nature” exempt from overtime and recordkeeping requirements; and b. No definition of “supervisory” or “managerial” (Employment Standards Code Regs., Sec. 2(1)).

BRITISH COLUMBIA: a. Managers exempt from overtime; and b. “Manager” defined as person whose “principal employment responsibilities consist of” supervising and/or directing human or other resources,” or person employed in “executive capacity;” (Employment Standards Reg., Secs. 34(f) and 1(1), respectively).

MANITOBA: Employees exempt from overtime and hours of work requirements if they: a. Perform “management functions primarily” (term not defined); or b. Have: (i) “substantial control” over hours of work; and (ii) annual regular wages of at least twice the Manitoba industrial average wage (Employment Standards Code, Sec. 2(4)).

NEW BRUNSWICK: Employment Standards law doesn’t include express exemption of managers from overtime requirements but achieves same effect by including managers in the definition of “employer” (Employment Standards Act, Sec. 1).

NEWFOUNDLAND/LABRADOR: Labour Standards law doesn’t include an express exemption of managers from overtime. However, the overtime rate is based on current minimum wage multiplied by 1.5 and employees already compensated more than the overtime rate don’t qualify for overtime compensation.

NORTHWEST TERRITORIES: Employees “who are employed primarily in a managerial capacity” exempt from overtime and hours of work requirements; b. No definition of “managerial capacity” (Employment Standards Act, Sec. 3(3)).

NUNAVUT: Employees “who are employed primarily in a managerial capacity” exempt from overtime and hours of work requirements; b. No definition of “managerial capacity” (Employment Standards Act, Sec. 2(2)).

NOVA SCOTIA: a. Employees “holding positions of supervision or management,” or who are “employed in a confidential capacity” exempt from overtime and hours of work requirements; b. No definition of “supervisory or management” (Labour Standards Regulations, Sec. 2(2B).

ONTARIO: a. Person “whose work is supervisory or managerial in character and who may perform non-supervisory or non-managerial tasks on an irregular or exceptional basis” exempt from overtime requirements; and b. Regulations don’t define “supervisory or managerial” (Employment Standards Regs., Sec. 8(b)).

PRINCE EDWARD ISLAND: Employment Standards law doesn’t include express exemption of managers from overtime requirements but achieves same effect by including managers in the definition of “employer” (Employment Standards Act, Sec. 1(d)).

QUÉBEC: a. “Senior managerial personnel” exempt from overtime requirements; and b. No definition of “senior managerial personnel” (Labour Standards Act, Sec. 3(6)).

SASKATCHEWAN: Sask. Employment law doesn’t include express exemption of managers from overtime requirements but achieves same effect by excluding persons who perform services that are “entirely of a managerial character” from definition of “employees” entitled to overtime (and other employment standards benefits) b. No definition of “managerial character” (Saskatchewan Employment Act, Sec. 2-1(f)).

YUKON: a. Employee whose duties are “primarily of a supervisory or managerial character” exempt from overtime and hours of work requirements; and b. No definition of “supervisory or managerial” (Employment Standards Act, Sec. 4(1)(c)).