

Must Employers Pay Employees Wages for Business Travel?



Many employees spend a lot of their workday traveling from one location to another. And that begs an important question: Are employees entitled to be paid for their work travel time? **Basic rules:** Commuting to and from work isn't normally considered compensable work; but travel that employees undertake to carry out work functions after they report to work is. Here's a scenario illustrating how these rules play out in real life.

Situation

Mo Beal is a non-union sales representative who uses his personal car to commute from his home in Mississauga to his office in Toronto every Monday through Friday. His typical workday:

- 8 AM to 9 AM: Drive to the Toronto office.
- 9 AM to 10 AM: Meet with the VP of Sales.
- 10 AM to 10:45 AM: Drive to the company's branch office in Brampton.
- 11 AM to 1 PM: Attend staff meetings and make client calls.
- 1 PM to 4:30 PM: Drive from the Brampton office to clients' offices for personal meetings.
- 4:30 PM to 5 PM: Drive back to the Toronto office.
- 5 PM to 6 PM: Debrief the VP of Sales.
- 6 PM to 7 PM: Drive home.

Question

Mo would be entitled to wages for all of the following EXCEPT:

- A. The time he spends commuting between home and Toronto.
- B. The time he spends driving from the Toronto to the Brampton office.
- C. The time he spends driving to make client visits.
- D. The time he spends driving to the Toronto office after making his last client visit.

Answer

- A. All of the time Mo spends driving during the workday would be considered

compensable work time except the time he spends commuting between Toronto and the Greater Toronto Area.

Explanation

Under employment standards laws, employers must pay employees wages for work time. Commuting to and from work is generally deemed to be personal rather than work time. As a result, it's normally not compensable. Traveling to and from the worksite could be considered work in certain situations, such as where an employer requires an employee to report to a site that's different from the normal worksite. But none of those circumstances apply to this scenario. Mo's driving between home in Mississauga and work in Toronto is just a normal commute for which wages aren't payable. So, A is the correct answer.

Why Mo's Other Work Travel Time Is Compensable

Unlike commuting, the travel employees do at the employer's instructions after reporting to work is compensable work. Accordingly, Mo would be entitled to wages for all of the other travel he does after getting to the Toronto office after 9 AM each day other than his drive back home at the end of the day.

B is wrong because traveling from one place of an employer's business to another is considered work. Thus, the company would have to pay Mo for the time he spends driving from the main office in Toronto to the branch office in Brampton.

C is wrong because traveling to meet clients is one of the services a person employed as a sales rep is required to perform for an employer. Accordingly, Mo is entitled to wages for the time he spends driving to clients' offices after leaving the company's Brampton site.

D is wrong because travel to or from the workplace to another location designated by the employer is considered work. Thus, unlike the morning commute from Mississauga to the Toronto office, Mo's drive back to the Toronto office after his last client visit is work for which wages are due.