

Skipping Lunch to Leave Early & Other Workplace Myths



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Most employees cling to beliefs about workplace rights they gleaned from media, friends or researching online. But many of these “perceived” rights often do not exist. Here are some of my favourite misconceptions:

Discrimination means unequal treatment. It is not discrimination if you are simply treated unfairly or differently. Discrimination laws only protect differential treatment based on a defined set of personal characteristics, such as age, race, gender or disability. Employees can be treated differently based on any other grounds, without any form of legal protection.

Similarly, there is no legal requirement that promotions or bonuses be assessed fairly. An employer may decide, often arbitrarily, who it wishes to promote and how it will compensate its employees. It is entitled to show favouritism, as long as its decision is not based on personal characteristics, such as race, religion or gender.

An employee is entitled to overtime pay for any additional hours worked. Unless an employment contract states otherwise, overtime pay is only required for hours worked in excess of the statutory standards, which vary among provinces. Many employees do not realize that they can be required to work for longer than 9-5, without an entitlement to overtime pay.

There is a right to sick leave. There is no statutory or legal requirement to provide employees with paid time off from work due to an illness. Although many employers have policies that do provide a few days’ sick leave each year, it is not because they are compelled to do so. Without such a policy, if an employee is off work and sick, she need not be paid for that time.

If I work through lunch, I can leave work early. Employees often believe they can make up lost time or “trade” a break or lunch for an early departure. However, most provincial employment standards laws require that a 30-minute lunch be taken, at least, every five hours. Therefore, even if an employer were to agree to such a “trade” (and few would do so), it would still be illegal.