# Temporary Layoffs



Here are the requirements for temporary layoffs under the employment standards laws of each jurisdiction

| | How Long Temporary Layoff Can Last | Exceptions to Duration Rules | Permanent termination date | Notice |
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| **FedCanada Labour Code, Regs. Sec. 30** | Up to 3 months or less;Up to 12 months if mandatory under collective agreement | Longer than 3 months if: notify employee of layoff in writing and set specific recall date or recall within specific period no greater than 6 months and employee is recalled;Longer than 3 months if: employer makes agreed payments to employee or employer continues pension payments or group insurance plan or employee gets SUB benefits or would get them but is disqualified under EI<br>Longer than 3 months but less than 12 months and employee keeps recall rights during layoff under collective agreement | | Notice required if exceeds 3 months. Notice must tell the employee in writing at that he will be recalled on a set date or within a set period of time that is no more than six months after the date of layoff. |

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| **AB Employment Standards Code, Sec. 62-64** | Up to 60 days | More than 60 days if employer and employee agree to payments from employer during layoffMore than 60 days if employer makes payments to pension or insurance plan<br>More than 60 days according to collective agreement granting recall rights | 60th day after layoff; If employee doesn't return within 7 consecutive days after being requested to do so, employment terminates and employee not entitled to termination pay—unless collective agreement contains recall rights | |
| **BC Employment Standards Act, Sec. 1(1) and 62; Employment Standards Act Regs., Sec 1(1)** | Up to 13 weeks in a 20 consecutive week period (NOTE: Special criteria – any week employee earns less than 50% of regular wages (averaged over 8 week period) is a layoff week)) | Employer and employee can apply to the director for longer period (Sec. 72) | Termination effective first day of layoff | |
| **MB Employment Standards Regulation, Sec 23** | Up to 8 weeks in a 16-week period; or any greater number of weeks in a longer period | Periods can vary if:"Employees are subjected to regular and recurring lay-offs" and the employee was told about this upon hiring; or<br>During the layoff the employer continues payments to the employee or pays pension benefits or group insurance benefits; or<br>Both | If laid off longer than 8 weeks in 1- week period or greater number weeks in longer period it is deemed a termination;Termination date is deemed first day of the layoff and it's a termination without notice;<br>Employer must pay wages in lieu of notice.<br>EXCEPT when a collective agreement determines when a layoff becomes permanent termination | No notice required (guide) |
| **NB Employment Standards Act, Sec. 1, 30-34** | Up to 6 days for any reason; for unspecified time if layoff due to interruption of work because of lack of work due to unforeseen reason | | | Notice required for termination or layoff, unless layoff is only up to 6 days or due to lack of work unforeseen by employer;Notice requirement doesn't apply if collective agreement applies |

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| **NL: Labour Standards Act, Sec. 49-55** | Up to 13 weeks in a 20-week period | | If exceeds temp layoff, permanent termination begins at beginning of temp layoff | Written notice required under code as for any termination unless terminated for no more than 1 week or under contract of collective agreement |
| **NT Employment Standards Act, Sec. 1, 42, 43** | Up to 45 days in 60-day period | Employment standards officer can grant an extension beyond 45 days if there are special circumstances and employee will be recalled | If exceed layoff period termination date is last day of layoff | Written notice required—must specify date expected to recall;If no notice given it's a permanent termination; Notice not required if employee fails to return within 7 days after being recalled to work in writing by employer |
| **NS Labour Standards Code, Sec.72, 75-77** | Up to 6 days without notice) | | If exceed layoff period, termination date is date of layoff | Notice required unless laid off for no more than 6 days |
| **NU Labour Standards Act, Sec. 14.01, 14.05-06** | Up to 45 days in 60-day period | More than 45 days if the employee is recalled by date specified by Labour Standards Officer | If notice not given, it's deemed a termination; if exceeds 45-day period;Deemed terminated on the last date of layoff | Notice of temporary layoff is required unless employee fails to return to work within 7 days after being recalled in writing;Notice must include date employee expected to be recalled |

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| **ON Employment Standards Act, Sec. 56** | Up to 13 weeks in 20-week period;Employee is laid off if receives less than 50% of regular wages; if no regular work week use wages of 12 weeks before layoff period to determine 50% of regular wage) | Less than 35 weeks in 52-week period if – employer continues to make substantial payments to employee or makes payments under pension, retirement or insurance plan, the employee gets SUB or would be entitled to them if not working somewhere else during the layoff; or employee recalled in time set by director or in agreement with employee; longer than 35 weeks if recalled as required in collective agreement | If layoff exceeds temporary layoff period, deemed termination date is first day of layoff | No notice for temporary layoff;If employment contract grants seniority rights allowing laid off employee to displace another, notice of the layoff posted conspicuously is sufficient termination notice to displaced employee |
| **PEI Employment Standards Act, Sec. 29** | No mention of temporary layoff specifically but references layoff and discharge together | | | Notice required for layoff or discharge |
| **Quebec An Act respecting labour Standards, Sec. 82** | Up to 6 months | | | Notice due if layoff for 6 months or more |
| **SK Labour Standards Act, Sec. 2(h), 44** | Up to 6 consecutive days | | | Notice due for discharge or layoff unless layoff doesn't exceed 26 weeks if the employer is executing a group layoff of 10 or more |
| **YK Employment Standards Act, Sec. 48(1)** | Up to 13 weeks in 20-week period | More than 13 weeks if recall employee within period set by director;Can get director approval to extend layoff | If exceeds temporary layoff, deemed termination at start of temporary layoff | |