

Tracking Every Minute: The Compliance Pitfalls Of Defining And Recording Hours Worked In Canada



It sounds simple enough. If someone works for your company, you pay them for their time. But as Air Canada flight attendants are currently reminding the nation through the threat of strike action, not every minute at work is counted equally.

Their frustration is focused on a policy that only pays them once the plane door is closed and the aircraft begins to move. That means time spent doing safety checks, helping passengers board, or waiting on tarmacs doesn't count as time worked – at least according to the company. But in the eyes of many employees and labour advocates, those hours absolutely should count. And that discrepancy exposes a bigger issue for Canadian employers: what actually counts as an hour worked?

It's not just airlines facing this problem. From tech startups that expect salaried workers to answer emails on weekends, to restaurants where staff set up before their shifts "start," the question of what constitutes a compensable hour is murky. And murkiness in employment law is a recipe for risk.

Why This Matters More Than Ever

We're in an era of remote work, mobile apps, and flexible scheduling. Employers have more tools than ever to track time, but fewer formal boundaries to define it. That's where the trouble starts.

Ask yourself: Are you confident your time-tracking system captures all compensable time? Are your supervisors trained to recognize when the clock should be running? Are you storing those records in compliance with the law? Because if the answer is no, you could be vulnerable to back pay claims, regulatory fines, or even class action lawsuits.

Let's unpack the compliance minefield around tracking hours worked – and how to avoid stepping on it.

The Legal Definition Of “Hours Worked”

Across Canadian employment standards, a simple idea runs through every statute: if the employer **requires, permits, or benefits from the time**, it’s almost always time that must be paid. Practically, that means pay isn’t limited to the minutes when a cash register is open or, in aviation, when a plane is rolling. Time counts when an employee is performing duties, when they’ve been directed to be on site or on a call, and when they’re “engaged to wait” under the employer’s control. Waiting for a delivery at the shop because a manager asked you to stick around? Paid. Standing by at the airport gate to complete safety and boarding duties? Paid. Sitting at home freely able to go about your life while merely agreeing to answer a call if it comes? That may be different – “waiting to be engaged” – but the more constraints you impose (tight response windows, travel limits, required sobriety), the more that time looks compensable.

Training creates another recurring blind spot. If attendance is mandatory – explicitly or implicitly – it’s work. Orientation days that include safety modules, shadowing, or paperwork are work. So are toolbox talks, compliance briefings, and most team huddles. The same logic extends to remote work: if a designer logs in after dinner to respond to tickets because the team expects same day turnaround, those minutes are hours worked regardless of whether anyone clicked a time clock.

Travel is a perennial source of confusion. The daily commute from home to one’s regular work location generally isn’t paid. But once an employee’s workday begins – whether at a shop, a client site, or a first job location – travel between job sites is compensable. If the employer requires employees to report to a yard to pick up a vehicle or equipment before heading out, the workday starts at the yard. Employees who are required to travel out of town on the employer’s schedule, attend off-site meetings, or transport tools and inventory typically accrue paid time for those segments. Where collective agreements apply, they often codify these rules in greater detail, but the statutory floor still applies.

Donning and doffing (putting on required PPE, uniforms, or specialized gear) is also frequently overlooked. If you require it and it takes time beyond a trivial minute or two – think respirators, fall protection harnesses, cleanroom suits – pay should follow. So too for pre-shift setup and post-shift shutdown: booting systems, loading trucks, counting floats, reconciling cash, securing premises. The moment the task shifts from personal preparation to employer directed activity, the clock should be running.

Breaks and meal periods carry their own rules. Uninterrupted, duty-free meal breaks may be unpaid in many jurisdictions, but if a supervisor routinely asks a worker to “keep an eye on the phone” or serve customers during a meal, the break ceases to be duty-free and becomes paid time. Coffee breaks that are short and controlled by the employer are typically paid. Finally, unauthorized overtime still counts – employers may discipline for bypassing approval processes, but they cannot refuse to pay for time actually worked.

Real Stories, Real Risks

The Restaurant Host, revisited. The policy looked harmless on paper: the shift “started” at 5:00 p.m., but managers asked hosts to be on the floor by 4:45 to change, review reservations, and begin seating early walk-ins. Over a year, that quarter hour became more than sixty unpaid hours for a single worker. When she raised it, leadership initially framed the extra time as “team spirit.” The Employment Standards officer called it what it was: time worked. The employer paid back wages

not just to her, but to anyone scheduled similarly over the statutory lookback period. The cost of those fifteen minute “favors” approached the cost of a fulltime hire when multiplied across seasons and staff.

The Warehouse “Culture Day.” New hires in a Lower Mainland warehouse attended an eight hour onboarding that combined safety videos, forklift basics, WHMIS review, and time with supervisors setting expectations. Because lunch was catered and the day was pitched as a “welcome,” it went unpaid – until a musculoskeletal injury later tied to inadequate training led an investigator to the sign in sheets. Mandatory attendance plus substantive job orientation equaled hours worked. The company not only issued back pay for past cohorts but revised its LMS so that any module required before a person could be placed on the floor now triggered paid time from login to logout.

Remote Work After Hours Creep. Jasmine, a salaried designer, prided herself on responsiveness. A client’s brand refresh meant late night Slack pings and weekend proofs. No one told her to track the time; no one told her not to. Six months in, she raised burnout and asked about overtime. The employer was surprised – “we didn’t approve any.” The fix had two parts: pay for what had already happened (because it was clearly expected and benefited the employer), and implement simple capture tools – email footer cues to route afterhours requests to a shared inbox, plus a timekeeping app that nudges employees to log ad hoc work in real time.

Field Techs and the Rolling Job Site. A telecom contractor paid technicians from the moment they departed the yard in a company truck but not for time spent loading ladders, fiber reels, and testing gear. Once crews started logging every step – picking up keys, pre-trip inspection, load securement – the “pre-departure” window regularly stretched to 30 minutes. The employer recognized the pattern, moved loadout into the paid window, and negotiated a flat, paid setup allowance tied to demonstrable tasks to simplify payroll while staying compliant.

Nurses and Charting After Shift. In a community clinic, nurses often finished patient notes after the last appointment to keep the waiting room flowing. Those fifteen to twenty minutes were invisible in the scheduling system and became a flashpoint when vacation pay calculations looked short. The solution blended process and culture: add buffer time to templates, pay the historical shortfall, and make it explicit that if charting extends past scheduled hours, it’s logged and paid – full stop.

Each story shares a moral: when the employer sets the pace or captures the benefit, the time belongs on the clock. Failing to recognize that quickly turns friction into formal claims, audits, and in some cases, class proceedings – especially where the practice is systemic.

Recordkeeping Requirements Vary By Province

The duty to **keep accurate daily records of hours worked** is universal – but how long you must retain those records and what, exactly, must be included varies by jurisdiction. Below is a practical snapshot you can use as a planning baseline. Remember that **tax law (CRA) generally requires payroll records to be kept for six years** from the end of the tax year; many employers align to the longer CRA window even where employment standards set a shorter minimum.

Jurisdiction	Must keep daily hours?	Minimum retention (employment standards)	Practical notes
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Federal (Canada Labour Code)	Yes	36 months after work is performed; +36 months after termination for employee records	Applies to federally regulated sectors (airlines, banks, telecom). Source rules also require posting statutory notices and keeping detailed overtime/averaging records.
British Columbia	Yes	4 years from record creation	Records must be kept in English at the principal place of business; include breaks, wage statements, averaging agreements, and special clothing reimbursements.
Alberta	Yes	3 years	Provide wage statements each pay period; keep payroll/employment records at least three years and be able to produce on inspection.
Saskatchewan	Yes	5 years during employment + 2 years after termination	Must keep daily time sheets reflecting time when employees are "required or permitted to work."
Manitoba	Yes	3 years	Keep pay and hour records; Employment Standards suggests employees also retain personal records for comparison.
Ontario	Yes	3 years	Daily and weekly hours must be recorded; specific agreements (e.g., excess hours, averaging) also have 3–5 year obligations.
Québec	Yes	3 years (employment standards); many employers align to 6 years to match tax rules	CNESST publications emphasize documenting hours, schedules, and pay slips; certain rest period rules are unique (e.g., 32 consecutive hours of weekly rest).
New Brunswick	Yes	36 months	Payroll records must be maintained within the province and produced on request to Employment Standards Officers.
Nova Scotia	Yes	3 years	Keep employment records readily accessible; limitation periods and other statutes may justify longer retention.
Prince Edward Island	Yes	36 months	Maintain detailed payroll records; some vacation related records may warrant longer retention.
Newfoundland & Labrador	Yes	4 years from last entry	Regulations specify content of wage and leave records.
Yukon	Yes	At least 12 months after work is performed (employment standards); many employers adopt 3 years or CRA's 6 years for consistency	Records must be kept at the employer's principal place of business in Yukon.
Northwest Territories	Yes	2–3 years (check current guidance)	Legislation requires daily hour records and specifies place of records; local guidance varies – aligning to 3 years or CRA's 6 is prudent.

Jurisdiction	Must keep daily hours?	Minimum retention (employment standards)	Practical notes
Nunavut	Yes	At least 2 years after each record is made	Employers must create daily hour records; OHS and tax rules may necessitate longer retention.

Two practical cautions: first, when employment ends, some jurisdictions restart or extend the retention clock for that employee's file; second, collective agreements and sector regulators (aviation, health, construction) often impose **stricter** recordkeeping than the statutory minimum. When in doubt, set your retention policy to the longest applicable requirement and document the rationale.

Jurisdiction	Must keep daily hours?	Minimum retention	Practical notes
Federal	Yes	36 months	Applies to airlines, banks, telecoms
Ontario	Yes	3 years	Must track actual hours worked daily
British Columbia	Yes	4 years	Must include breaks and meal periods
Alberta	Yes	3 years	Daily records required for non-exempt staff
Québec	Yes	3 years	Records may need to be available in French upon request
Nova Scotia	Yes	3 years	Must show hours per day and per week
Manitoba	Yes	3 years	Hours must be recorded within 7 days of work

Failure to retain or produce these records is a violation – even if you did, in fact, pay employees properly. And yes, this includes salaried employees unless they are explicitly exempt from hours tracking under the law.

Gray Areas That Trip Employers Up

On call arrangements live on a spectrum. If a maintenance tech is free to go about their evening and simply agrees to answer a phone if it rings, a tribunal may view most of that standby as non compensable, with pay kicking in only when the person is actually called out. Shift the facts – require a ten minute response time, bar the tech from consuming alcohol, order them to stay within a few kilometres of site – and the freedom evaporates. Courts increasingly treat that constrained window as time under employer control. A sensible policy sets clear response windows, defines geographic limits, and pays a modest standby premium that converts to regular or overtime pay the moment a callout begins.

Travel time is similarly nuanced. A carpenter who commutes from home to the same shop each day isn't paid for the drive. But have that carpenter report first to a yard to load materials and then head to a remote job site, and the day starts at the yard. Ask a nurse to attend a mandatory offsite seminar, and the seminar hours and employer directed travel are payable. Send an IT specialist on a same day flight to troubleshoot a client outage, and everything from airport check in onward is likely compensable – especially if the employer dictates itinerary and tasks during transit. The more the employer scripts the movements, the more the minutes belong on the timesheet.

Short breaks and meals generate quiet risk. A "30minute unpaid lunch" remains unpaid

only if it is truly duty free. If a retail supervisor regularly answers customer questions during a meal or a dispatcher keeps the radio on “just in case,” the break becomes work. Many employers eliminate the guesswork by paying for short breaks across the board and policing meal interruptions – if the phone rings and the break is cut short, the system adds the time back automatically.

Donning and doffing time often hides in plain sight. In food processing, cleanroom manufacturing, and heavy industry, required gear takes real time to apply, inspect, and remove. Treating that time as personal preparation rather than as integral to the job invites claims. The cleanest approach is to map each task in the pre and post-shift sequence, pay for the aggregate, and build it into schedules so you aren’t perpetually “chasing” five and ten minute increments.

Remote work blurs boundaries most. Email and messaging tools create a sense of perpetual availability. The solution isn’t to ban afterhours work; it’s to define when it is expected, how it is logged, who can authorize it, and how it is compensated. Many employers now route off hour client requests to shared queues and require a short, paid “afterhours” entry for any response outside scheduled time. It’s simple, transparent, and respects both the employee’s time and the client’s needs.

Finally, remember that “unauthorized” overtime is still payable. You can direct employees not to work past their schedule. You can coach or discipline if they ignore that direction. What you can’t do is refuse to pay for time already worked. The compliance fix lies upstream: staffing levels, workload planning, and approval workflows – not in withholding wages later.

The Case Of Air Canada: A National Wake Up Call

The public focus on flight attendants’ compensation shines a light on a broader principle: paying only for the moments when a vehicle moves – “gate to gate” in aviation, “wheels rolling” in trucking – ignores the substantial work that makes the movement safe and possible. Crew briefings, safety and equipment checks, boarding, managing carry-ons, handling special assistance passengers, deplaning, and delays on the apron are all employer directed tasks. In an industry built on safety regulation, those tasks are not optional, and they are squarely within employer control.

Whatever outcome emerges from the labour dispute, the takeaway for every employer is straightforward. If your business model relies on a block of time in which employees are unquestionably working but your pay practices exclude it, you are living with latent risk. Even if your sector has long “done it that way,” tribunals and arbitrators look at what actually happens on the ground: who directs the time, who benefits from it, and whether the worker is free to use it for their own purposes. If your answers point to the employer, your payroll should too.

What Employers Should Do Now

Start with a plain language audit. Walk through a typical day in each role, including the edges – arrivals, setup, handovers, shutdowns, travel between sites, and afterhours communications. Sit with frontline staff and supervisors and ask, “When does your day really start? When does it truly end?” Capture the differences between what policy says and what actually happens. The gaps you uncover are your roadmap.

Next, teach your managers what counts. Most disputes begin with informal expectations: “just hop on a quick call,” “come early so we can set up,” “stay till the last customer leaves.” Managers rarely intend to underpay; they’re trying to hit

service targets. Give them concrete examples of compensable time and the budget to schedule accordingly. If you must ask for work outside posted hours, make it explicit how to log it and who will approve it.

Then, make your systems do the heavy lifting. A modern timekeeping tool should capture pre and post-shift tasks, travel between sites, interrupted meals, and afterhours responses without forcing employees to become accountants. If your workforce is mobile, choose a solution that records task based time from a phone with geofencing that respects privacy. If you operate in safety sensitive settings, integrate donning/doffing allowances so compliance is automatic rather than discretionary.

Formalize the rules in policy – but write like a human. Define start and stop triggers for paid time, explain on call tiers and related pay, spell out travel scenarios, and address remote work explicitly: when it's expected, how it's recorded, and how it's compensated. Pair the policy with short job specific guides: "How we track time in the warehouse," "How we track time on installs," "How we track time in clinics."

Finally, set your retention clock to the longest rule that applies to you. Employment standards in many provinces require three years; federally regulated workplaces require thirty six months; B.C. requires four years; Saskatchewan keeps five plus two after termination; CRA expects six years for tax records. Choose a single, conservative retention period – often six years – that satisfies every regime you face, and document why. When an officer asks for records, speed and completeness are your best compliance message.

Final Thoughts

Work has changed – where we do it, when we do it, and how we track it. The law's core test, however, hasn't: if you require or benefit from the time, you pay for it and you keep the records to prove it. Employers that treat time capture as an operational discipline – not as a grudging legal chore – avoid disputes, build trust, and uncover real productivity. The Air Canada moment is a reminder that the minutes that make work safe and effective are not "extra." They are the work. Paying for them isn't a concession; it's compliance – and smart management.