Employment Standards across Canada

Written by: Adam King, CLC

Updated July 5, 2022



Table of Contents

Employment and Labour Standards Across Canadian Jurisdictions 6

Wages (Minimum and Sub-Minimums) 6

Federal Jurisdiction 10

British Columbia 10

Alberta 10

Saskatchewan 11

Manitoba 11

Ontario 12

Quebec 12

New Brunswick 13

Nova Scotia 13

Prince Edward Island 14

Newfoundland and Labrador 14

Nunavut 15

Northwest Territories 15

Yukon 15

Working Time (Standard Hours, Overtime, Maximum and Minimum Hours and Breaks) 16

Federal Jurisdiction 21

British Columbia 21

Alberta 22

Saskatchewan 23

Manitoba 24

Ontario 25
Quebec 26
New Brunswick 26
Nova Scotia 27
Prince Edward Island 28
Newfoundland and Labrador 29
Nunavut 29
Northwest Territories 30
Yukon 31
Public Holidays and Holiday Pay 32
Federal Jurisdiction 34
British Columbia 34
Alberta 34
Saskatchewan 35
Manitoba 35
Ontario 35
Quebec 36
New Brunswick 36
Nova Scotia 37
Prince Edward Island 37
Newfoundland and Labrador 38
Nunavut 38
Northwest Territories 39
Yukon 39

Annual Vacation Leave and Pay 40
Federal Jurisdiction 41
British Columbia 41
Alberta 42
Saskatchewan 42
Manitoba 42
Ontario 43
Quebec 43
New Brunswick 43
Nova Scotia 44
Prince Edward Island 44
Newfoundland and Labrador 44
Nunavut 45
Northwest Territories 45
Yukon 45
Termination and Severance 46
Federal Jurisdiction 48
British Columbia 49
Alberta 49
Saskatchewan 50
Manitoba 51
Ontario 52
Quebec 53
New Brunswick 54

Nova Scotia 54
Prince Edward Island 55
Newfoundland and Labrador 56
Nunavut 57
Northwest Territories 57
Yukon 58
Paid Leave (Sick Days, Caregiving, Domestic Violence and Bereavement Leaves) 60
Federal Jurisdiction 62
British Columbia 62
Alberta 62
Saskatchewan 63
Manitoba 63
Ontario 63
Quebec 63
New Brunswick 64
Nova Scotia 64
Prince Edward Island 64
Newfoundland and Labrador 64
Nunavut 65
Northwest Territories 65
Yukon 65
Unpaid, Job-Protected Leaves 66
Federal Jurisdiction 66
British Columbia 67

Alberta 67
Saskatchewan 68
Manitoba 69
Ontario 69
Quebec 70
New Brunswick 71
Nova Scotia 72
Prince Edward Island 72
Newfoundland and Labrador 73
Nunavut 74
Northwest Territories 74
Yukon 75
Links to Full Legislation 76

Employment and Labour Standards Across Canadian Jurisdictions

The following document provides a scan of employment and labour standards legislation across the 14 Canadian jurisdictions. The following core standards are covered in each jurisdiction: minimum wage rates; working time provisions; public holidays and public holiday pay; annual vacation and vacation pay entitlement; termination and severance rules; short-term, paid leaves; and unpaid, job-protected leaves.

The aim of this employment standards scan is to provide a living document, which researchers, unions, labour advocates and activists and policy makers may use in pursuit of employment standards improvements. Below, legislative protections for each core standard in each of the 14 jurisdictions are enumerated. In addition, current best practices are identified and recommendations for reform are made.

In each section hyperlinks to relevant employment standards information from provincial, territorial and federal government agencies are provided. This will allow, in the future, updates to be made as employment standards legislation is revised and reformed. Additionally, links to the full texts of all 14 employment and labour standards acts and codes can be found at the end of the document.

Wages (Minimum and Sub-Minimums)

- In general, minimum wage rates should be high enough to eliminate working poverty and aim for universality. In this sense, the territories, the federal jurisdiction and British Columbia are the furthest along (all are above $15 per hour).

- Saskatchewan, Manitoba and New Brunswick have the lowest minimum wage rates in Canada.
- Eliminating sub-minimum wages wherever possible should also be a priority, although setting higher occupational minimums by regulation, as in New Brunswick and the Yukon, is desirable.
- Although indexation does provide a measure of predictability and protection against the erosion of purchasing power, when combined with a low minimum wage rate (e.g. Saskatchewan), this can become problematic. More input from labour should be sought when negotiating rate increases—in this direction, the Northwest Territories provide an instructive model.

Minimum wage laws provide important protections for low-wage and low-income workers. However, minimum wage rates vary across Canadian jurisdictions. While some jurisdictions have implemented the demand for $15 per hour minimum wage or higher, others have delayed arriving at this rate or are still well below it, without plans to rise to this level. Rates range from a high of $16 per hour in Nunavut, to a low of $11.81 per hour in Saskatchewan. All three territories have implemented minimum wages above $15 per hour, while minimum wage workers in only three provinces and the federal jurisdiction earn this rate or higher.

Additionally, sub-minimum wage rates continue to be an issue in some jurisdictions. Sub-minimum wages carve some workers—usually young workers or those in particular occupations—out of full minimum wage coverage and thus undermine the universality of employment standards policies. Alberta and Ontario still allow employers to pay lower “student minimum wages” to those under 18 years and working fewer than 28 hours per week, while Quebec persists with a lower “tipped minimum wage,” which research shows contributes to sexual harassment on the job. Additional special rates for particular job classifications also continue—sometimes on a monthly basis. In many cases, these special rules harm domestic and agricultural employees, who are disproportionately women and people of colour.

Minimum wage rates are set somewhat differently across jurisdictions. Most jurisdictions use national or provincial/territorial inflation to index their minimum wage, with the exceptions of Alberta, Quebec, Prince Edward Island, the Northwest Territories and Nunavut. The Northwest Territories have a Minimum Wage Commission made up of employer, labour and government representatives, which makes minimum wage recommendations. New Brunswick and Newfoundland and Labrador set overtime minimum wage rates (equal to time-and-a-half) which allow employers to pay this rate to any worker who performs overtime hours. Some provinces also set higher minimums by regulation for particular job classifications (e.g. Nova Scotia and New Brunswick), and update these annually. The Yukon also updates a “fair wage schedule” used to regulate the wages of public contractors, which is a progressive measure that could be implemented elsewhere to use government purchasing power to raise wages.

Figure 1: Minimum Wage Rates

Jurisdiction	**Minimum Wage**	**Sub-Minimum Wage(s)**
Federal Jurisdiction	$15.55/hour	--
British Columbia	$15.65/hour	Live-in camp leaders; live-in caretakers; residential superintendents (see below)
Alberta	$15/hour	Student: $13/hour Domestic employees and other exemptions (see below)
Saskatchewan	$11.81/hour	--
Manitoba	$11.95/hour	--
Ontario	$15/hour	Student: $14.10 Other special rates (see below)
Quebec	$14.25/hour	Tipped wage: $11.40
New Brunswick	$12.75/hour	Special rates (see below)
Nova Scotia	$13.35/hour	Special rates (see below)
Prince Edward Island	$13.70/hour	–
Newfoundland and Labrador	$13.20hour	–
Nunavut	$16/hour	–
Northwest Territories	$15.20/hour	–
Yukon	$15.70/hour	–

Federal Jurisdiction

As of April 1, 2022, the federal minimum wage is **$15.55 per hour**. A federal minimum wage was re-introduced on December 29, 2021. Prior to this reform, workers in the federally regulated private sector were covered by the minimum wage protections of the province in which the majority of their work took place. The federal minimum wage is indexed to inflation annually according to the national Consumer Price Index (previous calendar year) each April.

There are **no sub-minimum wage** rates in the federal jurisdiction.

British Columbia

As of June 1, 2022, the minimum wage in British Columbia is **$15.65 per hour**. All minimum wage and sub-minimum wage rates in B.C. are indexed to inflation annually according to the provincial Consumer Price Index (previous calendar year) each September.

The British Columbia *Employment Standards Act* currently allows three **sub-minimum wage rates.** Live-in camp leaders must be paid $125.06 per day; live-in home support workers must be paid $116.68 per day; and resident caretakers of apartment buildings containing nine to 60 suites must earn $937.82 per month, plus $37.58 for each unit, while resident caretakers of apartment buildings containing more than 60 suites must earn $3,194.43 per month. Prior to June 1, 2021, liquor servers were paid a lower "tipped minimum wage." They must now be paid the standard minimum wage, plus gratuities.

Alberta

Alberta's minimum wage has been **$15 per hour** since October 1, 2018. Alberta's minimum wage is not indexed to inflation.

Alberta's *Employment Standards Code* sets out a separate **student minimum wage** of **$13 per hour** for students under 18 years of age. The student minimum wage can only be applied to the first 28 hours worked in a week.

Additional job classifications have been carved out of hourly minimum wage coverage and are instead covered by the **weekly minimum wage of $598**. These jobs include various salespersons, lawyers, dentists and other professional job classifications. As well, live-in "domestic employees" must receive a **monthly minimum of $2,848**. Domestic employees who do not reside in the home of their employer are covered by the standard minimum wage.

Saskatchewan

Saskatchewan's minimum wage, as of October 1, 2021, is **$11.81 per hour**. The province has announced a plan to raise the minimum wage to $15 per hour by 2024, beginning with an increase to $13 per hour, on October 1, 2022. Saskatchewan uses an indexation formula to set the provincial minimum wage, with increases announced in June of each year.

There are no **sub-minimum wage** rates in Saskatchewan.

Manitoba

Manitoba's minimum wage, as of October 1, 2021, is **$11.95 per hour**. The province is set to raise the minimum wage to $12.35 per hour in October 2022. Manitoba's minimum wage is indexed to inflation annually according to the provincial Consumer Price Index (previous calendar year) each October. However, the *Employment Standards Code* allows the government to "freeze" CPI increases to the minimum wage, which provincial governments have done before.

Manitoba's minimum wage coverage is comparatively broad. All salespersons are covered and there are few industrial exemptions or special rules. However, domestic

workers performing fewer than 12 hours per week of paid employment are not entitled to minimum wage.

There are no **sub-minimum wage** rates in Manitoba.

Ontario

As of January 1, 2022, Ontario's general minimum wage is **$15 per hour**. The province is set to raise the minimum wage to $15.50 per hour on October 1, 2022. Ontario's *Employment Standards Act* also sets out several sub- or special minimum wage rates. The **student minimum wage** is **$14.10 per hour**, as of January 1, 2022 (rising to $14.60 in October 2022). For the purposes of the Act, students are defined as those 18 years of age or younger who work fewer than 28 hours per week during the school year. The sub-minimum wage for liquor servers was eliminated in January 2022. Last, those classified as "homeworkers" must receive a **minimum wage of $16.50 per hour**, as of January 1, 2022 (rising to $17.05 in October 2022). Ontario's minimum wage is indexed annually according to the provincial Consumer Price Index (previous calendar year) each October.

Additionally, hunting, fishing and wilderness guides must be compensated $75 when working fewer than five hours in a day or $150.05 when working five or more hours in a day. These rates will also increase in October 2022.

Employees who work on commission must receive pay that is equal to minimum wage for the hours they work.

Quebec

As of May 1, 2022, the minimum wage in Quebec is **$14.25 per hour**. Employees earning commission-based wages or paid on a piece rate must receive wages equivalent to the minimum wage for all hours worked, with the exception of strawberry

and raspberry pickers, whose piece rates are set by regulation and can be lower than the equivalent of the minimum wage.

Quebec's *Act respecting labour standards* sets up a special "tipped minimum wage" of **$11.40 per hour**, as of May 1, 2022. Employees in restaurants, bars, taverns, trains or tourist establishments serving food, who also receive tips of gratuities, may be compensated at this sub-minimum wage level.

Quebec's minimum wage and tipped minimum wage are indexed annually according to the provincial Consumer Price Index (previous calendar year) each October.

New Brunswick

New Brunswick's current minimum wage is **$12.75 per hour**. The province will raise the minimum wage to $13.75 on October 1, 2022. All employees paid by commission or other non-hourly rates must earn at least the minimum wage for all hours worked. New Brunswick's *Employment Standards Act* also sets out overtime minimum wage rates. The current wage is $19.13 per hour, which will increase to $20.63 on October 1, 2022. In New Brunswick, employers may pay the overtime minimum wage to any employee who works overtime hours, regardless of their regular rate of pay (see Working Time section below). New Brunswick's minimum wage is indexed annually according to the provincial Consumer Price Index (previous calendar year) each April.

Additionally, the province sets, by regulation, special minimum wage rates which apply to various job classifications in the construction industry. These are typically set at rates higher than the general minimum wage.

Nova Scotia

As of April 1, 2022, the minimum wage in Nova Scotia is **$13.35 per hour**. The province has set out a schedule to reach $15 per hour by April 2024. The *Labour Standards Code* requires employers to pay all those working for piecework the equivalent of the

minimum wage for all hours worked. Nova Scotia's minimum wage is indexed to inflation annually according to the national Consumer Price Index (January through November of the previous calendar year) each April.

Minimum wage exemptions apply to the following groups of workers: farm employees and fishers, certain apprentices and trainees, real estate and salespersons, insurance agents and those performing domestic or care work for a family member in a private home.

Additionally, special minimum wage rates apply to employees in construction, property maintenance and logging and forestry. The latter rates are set by regulations and updated annually.

Prince Edward Island

As of April 1, 2022, the minimum wage in Prince Edward Island is **$13.70 per hour**. The province does not index the minimum wage to inflation. Instead, the Employment Standards Review Board, made up of government, business and stakeholder representatives, meets and produces an annual report with minimum wage rate recommendations.

There are no **sub-minimum wage** rates in Prince Edward Island.

Newfoundland and Labrador

The minimum wage in Newfoundland and Labrador, as of April 1, 2022, is **$13.20 per hour**, and is set to rise to $13.70 on October 1, 2022. Newfoundland and Labrador's minimum wage is indexed to inflation annually, according to the national Consumer Price Index (previous calendar year) each April. A Minimum Wage Review Committee also produces a yearly report with a rate recommendation. As in New Brunswick, the provincial *Labour Standards Act* in Newfoundland and Labrador specifies overtime minimum wage rates (equal to time-and-a-half) which function as the minimum overtime

wage for all employees. The latter is currently set at $19.80 per hour (see Working Time section below).

There are no **sub-minimum wage** rates in Newfoundland and Labrador.

Nunavut

Nunavut's minimum wage, currently set at **$16 per hour**, is the highest in Canada. Minimum wage coverage is also quite expansive. There are no **sub- or special minimum wage** rates in the territory. Nunavut's minimum wage is not indexed to inflation. The territorial government is required to review the minimum wage annually and make recommendations for adjustment. However, this has not been done since 2019.

Northwest Territories

As of September 1, 2021, the minimum wage in the Northwest Territories is **$15.20 per hour**. The minimum wage is not indexed to inflation in the Northwest Territories, but rather is set by the Minister of Education, Culture and Employment, who must consult with the Minimum Wage Committee made up of labour, employer and non-governmental association representatives. The Minimum Wage Committee meets and makes recommendations to the Minister every two years.

There are no **sub-minimum wage** rates in the Northwest Territories.

Yukon

The current minimum wage in the Yukon is **$15.70 per hour**. The minimum wage is indexed to inflation annually according to the territorial Consumer Price Index (previous calendar year) in April. The Yukon *Employment Standards Act* also sets out a "fair wage schedule," which sets special minimum wage rates for territorial public works contractors. These wages are also tied to inflation.

There are no **sub-minimum wage** rates in the Yukon.

Working Time (Standard Hours, Overtime, Maximum and Minimum Hours and Breaks)

- Nine Canadian jurisdictions have a 40-hour workweek. All others should be encouraged to reduce their standard working hours to 40 or less per week. Nova Scotia and Prince Edward Island, at 48 hours, are laggards.
- Relatedly, calculating overtime pay on a daily basis better protects workers' earnings and discourages excessive daily hours. Here, British Columbia, Nunavut and the Northwest Territories are the model jurisdictions.
- New Brunswick and Newfoundland and Labrador should be pressured to end the practice of paying overtime as 1.5 times the minimum wage rather than 1.5 times regular wages.
- All jurisdictions should establish three-hour pay minimums and potentially look to emulate Nunavut and the Northwest Territories' four-hour pay rule.
- All jurisdictions should establish, at minimum, 24 hours of consecutive weekly rest, or preferably build on British Columbia and Quebec's better 32 hours of weekly rest; those that haven't already should also include eight hours of rest between shifts in their employment or labour standards legislation.

Working time regulations protect workers and the public from the negative consequences of unsocial hours and encourage better work-life balance. The following breakdown covers standard, maximum and minimum hours protections (e.g. "three-hour rules"), overtime compensation, breaks and rest periods across Canadian jurisdictions.

Nine Canadian jurisdictions have 40-hour standard work weeks (BC, SK, MB, QC, NL, NV, NT, YT and the federal jurisdiction), while three set standard hours at 44 (AB, ON and NB), and two allow 48-hour work weeks (NS and PEI). As well, most jurisdictions

also set eight-hour daily standards (BC, AB, SK, MB, ON, NL, NV, NT, YT and the federal jurisdiction). However, most of these jurisdictions calculate overtime on a weekly rather than a daily basis, with the exception of British Columbia and the three territories. With the exceptions of New Brunswick and Newfoundland and Labrador, overtime compensation is paid at 1.5 times an employee's regular wage on hours worked above the standard hours (though, again, how overtime hours are counted—i.e. daily or weekly—shapes the amount of overtime compensation a worker will receive). In the latter two provinces, regulations set a minimum overtime rate of 1.5 times the minimum wage, instead of 1.5 times an employee's regular hourly wage. This is a harmful standard and likely leads to greater use of overtime hours. In British Columbia employees must be paid double their wage for any hours worked above 12 in a day.

Some jurisdictions also set maximum hours. In Saskatchewan maximum hours are 44 in a week; in the federal jurisdiction and Ontario maximum hours are 48 in a week; and in Nunavut and the Northwest Territories maximum hours are 60 in a week and 10 in a day. Alberta also sets a daily maximum of 12 hours. In these jurisdictions, overtime can be earned on hours worked between the standard and the maximum; employers seeking to have their employees work beyond these maximums need a special permit from their respective employment standards authority. Rules governing averaging agreements (spreading overtime hours over a longer period of time) vary somewhat by jurisdiction. In most cases, employers must demonstrate special circumstances requiring excessive hours in order to obtain a permit from an employment standards officer. These permits are usually for a limited duration. Rules governing access to averaging agreements should be strict to both discourage excessive hours and to protect workers' overtime earnings.

With the exceptions of the Yukon and the federal jurisdiction, all others have a "minimum hour" or "reporting for work" pay provision to ensure employees are compensated for shifts that are unexpectedly canceled or shortened. In most cases, this takes the form of a "three-hour rule," wherein workers must be paid a minimum of three

hours at regular wages anytime they report to work for a scheduled shift. Nunavut and the Northwest Territories have set this at four hours' pay, while in British Columbia and Alberta the minimum is two hours' pay. Newfoundland and Labrador allows employers to schedule two-hour shifts but requires three hours' pay for a canceled shift to which the worker has already reported.

All Canadian jurisdictions provide, at minimum, an unpaid 30 minute break for every five hours of work (Newfoundland and Labrador specifies one full hour for every five hours worked), as well as at least 24 hours of consecutive rest each week. British Columbia and Quebec require 32 hours of consecutive weekly rest, while the Yukon mandates two full days. Some jurisdictions further specify rest periods between shifts (BC, AB, ON, YT and the federal jurisdiction).

Figure 2: Working Time Provisions

Jurisdiction	**Standard Hours**	**Max. Hours**	**Min. Hours**	**Overtime**	**Breaks**
Federal Jurisdiction	40/week 8/day	48/week	--	1.5x regular wages	30 min/5 hours (unpaid) 8 hours between shifts
British Columbia	40/week 8/day	--	2/day	1.5x or 2x regular wages	30 min/5 hours (unpaid) 8 hours between shifts/32 hours each week

Jurisdiction	Standard Hours	Max. Hours	Min. Hours	Overtime	Breaks
Alberta	44/week 8/day	12/day	2 or 3/day	1.5 x regular wages	30 min/5 hours (unpaid) 8 hours between shifts/1 day each week
Saskatchewan	40/week 8/day (special rule)	44/week	3/day	1.5 x regular wages	30 min/5 hours (unpaid) 24 hours rest each week
Manitoba	40/week 8/day	--	3/day	1.5 x regular wages	30 min/5 hours (unpaid) 24 hours rest each week
Ontario	44/week 8/day	48/week	3/day	1.5 x regular wages	30 min/5 hours (unpaid) 11/day free from work 8 hours between shifts 24 hours consecutive rest each week
Quebec	40/week	–	3/day	1.5 x regular wages	30 min/5 hours (unpaid) 32 hours consecutive rest each week

Jurisdiction	Standard Hours	Max. Hours	Min. Hours	Overtime	Breaks
New Brunswick	44/week	–	3/day	1.5 x minimum wage	30 min/5 hours (unpaid) 24 hours consecutive rest each week
Nova Scotia	48/week	–	3/day	1.5 x regular wages	30 min/5 hours (unpaid) 24 hours consecutive rest every 7 days
Prince Edward Island	48/week	–	3/day	1.5 x regular wages	30 min/5 hours (unpaid) 24 hours consecutive rest every 7 days
Newfoundland and Labrador	40/week 8/day	–	2/day 3/day in the case of shift cancelation	1.5 x minimum wage	1 hour/5 hours (unpaid) 24 hours consecutive rest every 7 days
Nunavut	40/week 8/day	60/week 10/day	4/day	1.5 x regular wages	30 min/5 hours (unpaid) 24 hours consecutive rest every 7 days

Jurisdiction	Standard Hours	Max. Hours	Min. Hours	Overtime	Breaks
Northwest Territories	40/week 8/day	60/week 10/day	4/day	1.5 x regular wages	30 min/5 hours 24 hours consecutive rest every 7 days
Yukon	40/week 8/day	–	–	1.5 x regular wages	30 min/5 hours 8 hours between shifts 2 days every week

Federal Jurisdiction

Standard hours of work in the federally regulated private sector are **eight hours in a day** and **40 hours in a week**.

Overtime hours are paid at 1.5 times the rate of regular pay.

Hours may be averaged over two or more weeks. Use of averaging must not exceed three years, unless agreed to in writing.

Maximum hours are **48 hours per week**. These too may be averaged. There is no minimum daily hours requirement in the federal jurisdiction.

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work. Employers must provide at least **eight hours of rest between shifts**.

British Columbia

Standard hours of work in British Columbia are **eight hours in a day** and **40 hours in a week**.

Overtime hours are paid at **1.5 or two times the rate of regular pay**, depending on the number of daily or weekly overtime hours. Employees earn **time-and-a-half** for any time worked over eight hours in a day, up to 12 hours – even if the employee does not work more than 40 hours in a week. Employees earn **double time** for any time worked over 12 hours during a day. Time-and-a-half is earned for hours worked beyond 40, even if no more than eight hours were worked in a single day. Overtime hours may be averaged when agreed to between the employee and employer. Averaging agreements can be from one to four weeks and allow the employee to work up to 12 hours in a day, so long as the weekly hours total under 40.

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work. Employees must have **eight hours of rest between shifts**, as well as **32 consecutive hours of rest each week**.

British Columbia sets out **no maximum weekly hours**, but does require employers to pay **two minimum hours** on any scheduled work day.

The British Columbia *Employment Standards Act* does not require employers to pay for commute and travel time, unless the employee is providing a service to the employer, such as transporting tools, equipment, supplies or other employees.

Alberta

Overtime hours in Alberta are hours worked beyond **eight in a day** or **44 in a week** (whichever is greater). Overtime pay is **1.5 times the rate of regular wages**. Employees and employers may sign overtime agreements allowing employers to bank overtime hours and give employees paid time off in lieu of overtime pay. Importantly, paid time off is compensated hour for hour. Banked overtime must be used within six months.

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work. Employees must have **eight hours of rest between shifts**. Additionally, employees are entitled to a minimum of **one day of rest** per work week.

Alberta has a **daily maximum of 12 hours**, but no weekly maximum hours. The *Employment Standards Code* ensures employees receive a **minimum** of **three hours of pay** for any scheduled work day. Certain job classifications are only entitled to a **two-hour minimum**, including school bus drivers, part-time municipal employees and home care employees.

Until November 1, 2020, Alberta was allowing employers to create overtime averaging agreements ranging from one to 52 weeks. This practice has now been suspended, although smaller averaging agreements can still be entered into.

Alberta's *Employment Standards Code* also exempts a wide range of job classifications from its overtime and hours of work rules, including managers and supervisors, farm and ranch workers, roadbuilding and heavy construction employees, oil and gas continuous operations workers, municipal police, salespersons, domestic employees, as well as a whole range of "professional" employees.

As in British Columbia, employers in Alberta are not required to pay employees for commute and travel time, unless an employee is providing a service to the employer, such as transporting tools, equipment, supplies or other employees. However, employers are permitted to pay travel time at a lower rate of compensation, provided it is not below minimum wage.

Saskatchewan

Standard hours in Saskatchewan are **eight in a day** and **40 in a week**. **Overtime hours** are paid at **1.5 times the rate of regular wages**. However, hours worked above eight per day are only paid at the overtime rate if the employee has worked more than

eight within a 24 hour period. Additionally, maximum hours are typically **44 per week**, unless written consent is obtained from the employee to work more.

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work. Employees who work 20 hours in a week must be provided with at least 24 hours of consecutive rest away from work for every seven days. Retail businesses with ten or more employees must provide two full days off per week, one of which is either Saturday or Sunday.

Employers are permitted to average overtime hours with employee consent for up to four weeks.

The *Saskatchewan Employment Act* establishes a **three hour daily minimum** which it refers to as "reporting for duty pay." Non-post secondary students working during a school term, school bus drivers and those supervising "noon hour" recesses for local school boards are not covered by this provision.

The Act also exempts a range of professions from overtime protections, including those in managerial and supervisory roles, those working in mineral exploration in the northern part of the province, logging industry employees, as well as various salespersons.

Manitoba

Standard hours of work in Manitoba are **eight hours in a day** and **40 hours in a week**.

Overtime hours are paid at **1.5 times the rate of regular pay**. Employers seeking to average overtime hours must apply for an Averaging Permit with Manitoba Employment Standards. Those who perform "management functions" as defined by Employment Standards may be exempt from overtime protections. Additionally, those who are deemed to have "substantial control" over their hours of work and make twice the

Industrial Average Wage can also be exempted from overtime. The *Employment Standards Code* does not set maximum weekly hours.

The Manitoba *Employment Standards Code* establishes a **three hour daily minimum** which it refers to as "wage for reporting for work."

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work and at least 24 hours of consecutive rest each work week.

Ontario

Standard hours in Ontario are **eight hours in a day** and **44 hours in a week**. Maximum hours are set at 48 hours in a week, unless agreed to in writing by the employee and employer.

Overtime hours are paid at **1.5 times the rate of regular pay**. Overtime is calculated on a weekly basis, unless otherwise specified in an agreed-upon averaging agreement. Employees and employers may also agree in writing to bank overtime and receive time off in lieu of overtime pay. However, the paid time off must be equal to the 1.5 rate of overtime pay. Managers and supervisors are exempt from overtime pay protections, as are several other employment classifications, such as many health care professionals and salespersons (as outlined in the Ministry of Labour, Training and Skills Development' Special Rule Tool).

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work, 11 hours free from work each day, eight hours of rest between shifts and at least 24 hours of consecutive rest each work week (or 48 hours bi-weekly).

Employees in Ontario are protected by a "three-hour rule" which requires employers to pay those "who regularly work more than three hours a day" for at least **three hours** whenever they report to work.

Quebec

Standard hours in Quebec are **40 hours in a week**.

Overtime hours are paid at **1.5 times the rate of regular pay**. Overtime is calculated on a weekly basis, unless otherwise specified in an agreed-upon averaging agreement. Employees and employers may also agree in writing to stagger overtime hours over several weeks. Managers and supervisors are exempt from overtime pay protections, as are several other employment classifications, such as farm employees, employees in fishing and fish processing and canning and employees engaged in harvesting or packaging fruits and vegetables.

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work, and at least 32 consecutive hours of rest each week.

Employees in Quebec are protected by a "three-hour rule" which requires employers to pay employees at least **three hours** whenever they report to work.

New Brunswick

Hours of work and rest periods in New Brunswick are stipulated under Occupational Health and Safety, not Employment Standards. The *Occupational Health and Safety Act* does not set maximum hours, but requires overtime pay on weekly hours worked above 44. As in Newfoundland and Labrador, New Brunswick sets a minimum overtime rate of **1.5 times the minimum wage**. This means that an employer is only required to pay 1.5 times the minimum wage to *any* employee who works hours above 44 in a week, rather than paying 1.5 times the employee's *regular hourly wage*, as in all other provinces.

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work and at least 24 hours of consecutive rest each work week. No further rest protections are provided.

Employees in New Brunswick are protected by a "three-hour rule" which requires employers to pay all employees for at least **three hours** whenever they report to work. However, the province restricts eligibility to those earning less than twice the minimum wage.

Nova Scotia

Standard hours in Nova Scotia are **48 hours in a week**. Daily standard hours are not specified in the province's *Labour Standards Code*.

Overtime hours are paid at **1.5 times the rate of regular pay**. Overtime is calculated on a weekly (seven day) basis, unless otherwise specified in a "fixed cycle" and agreed-upon averaging agreement. Employees and employers may also agree in writing to bank overtime and receive time off in lieu of overtime pay. However, the paid time off must be equal to the 1.5 rate of overtime pay.

Nova Scotia's Code refers to "reporting for work" pay or "minimum hours" pay as "call in" pay. Employers are obligated to pay **a minimum of three hours** anytime an employee is called into work outside of regular working hours. However, the Code allows the employer to pay these hours at minimum wage, regardless of the employee's regular rate of pay.

Nova Scotia has many special rules and exemptions, which apply to overtime pay. Several "minimum wage orders" set out that particular groups of employees will receive only 1.5 times the minimum wage for overtime hours, irrespective of their regular wages. These include: oil and gas employees; managers and supervisors; employees in provincially regulated transport; fishing and other aquaculture employees; mechanics

and auto body technicians; IT professionals; and shipbuilders. Some groups of employees have special hours requirements (e.g. provincial road and bridge construction), while others are exempt from overtime protection altogether (e.g. farm employees, live-in caregivers and many apprentices).

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work and 24 hours of consecutive rest in each seven day period. The province allows employers to make special requests for exemptions to this rule (called a variance) to the Director of Labour Standards. The latter makes a determination based on the length of the request, the nature of the project for which the request is being made, alternative rest arrangements and health and safety considerations. Farm employees, employees on fishing boats and salespeople are exempt from this rest provision.

Prince Edward Island

Standard hours in Prince Edward Island are **48 hours in a week**. Daily standard hours are not specified in the province's *Employment Standards Act*.

Overtime hours are paid at **1.5 times the rate of regular pay**. Overtime is calculated on a weekly (seven day) basis, unless otherwise specified in a "fixed cycle" and agreed-upon averaging agreement. Employees and employers may also agree in writing to bank overtime and receive time off in lieu of overtime pay. However, the paid time off must be equal to the 1.5 rate of overtime pay. A Standard Work Week Exemption Order specifies the job classifications exempt from the *Employment Standards Act*'s overtime rules, which includes employees in highway construction and maintenance, seafood processing, provincially regulated trucking and health care.

The Prince Edward Island *Employment Standards Act* establishes a **three hour daily minimum** which it refers to as "reporting pay."

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work and 24 hours of consecutive rest in each seven day period.

Newfoundland and Labrador

Standard hours of work in Newfoundland and Labrador are **eight hours in a day** and **40 hours in a week**.

As in New Brunswick, Newfoundland and Labrador sets a minimum overtime rate of **1.5 times the minimum wage**. This means that an employer is only required to pay 1.5 times the minimum wage to *any* employee who works hours above 40 in a week, rather than paying 1.5 times the employee's *regular hourly wage*, as in all other provinces. Overtime is calculated on a seven day weekly basis. Overtime can be banked when agreed to in writing and can be taken as paid time off within three months of the date the overtime was earned, or paid out within the calendar year. If the employment relationship ends, all banked overtime must be paid within seven days of termination. Agricultural employees are exempt from overtime protection.

If an employee reports for work but their scheduled shift is canceled, they must receive pay equal to **three hours** at regular wages. However, the *Labour Standards Act* allows employers to schedule shifts as low as **two hours** as a daily minimum.

Every employee is entitled to a **one hour break** for every five consecutive hours of work and 24 hours of consecutive rest in each seven day period.

Nunavut

Standard hours of work in Nunavut are **eight hours in a day** and **40 hours in a week**.

Overtime hours are paid at **1.5 times the rate of regular pay**. Overtime pay is earned on all hours beyond the daily and weekly standard, i.e. they are not averaged over one or more weeks.

Maximum hours are **10 in a day** and **60 in a week**. Any employer who wishes to have employees work in excess of these maximum hours must submit a special application to the Labour Standards Officer.

Nunavut's *Labour Standards Act* sets out a "four-hour rule," requiring employers to pay employees called to report to work a minimum of **four hours** of pay at their regular wage, even if no work is performed.

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work and 24 hours of consecutive rest in each seven day period.

Northwest Territories

Standard hours of work in the Northwest Territories are **eight hours in a day** and **40 hours in a week**.

Overtime hours are paid at **1.5 times the rate of regular pay**. Overtime pay is earned on all hours beyond the daily and weekly standard, i.e. they are not averaged over one or more weeks.

Maximum hours are **10 in a day** and **60 in a week**. Any employer who wishes to have employees work in excess of these maximum hours must submit a special application to an Employment Standards Officer.

The territorial *Employment Standards Act* sets out a "four-hour rule," requiring employers to pay employees called to report to work a minimum of **four hours** of pay at their regular wage, even if no work is performed.

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work and 24 hours of consecutive rest in each seven day period.

Yukon

Standard hours of work in the Yukon are **eight hours in a day** and **40 hours in a week**.

Overtime hours are paid at **1.5 times the rate of regular pay**. Overtime pay is earned on all hours beyond the daily and weekly standard, i.e. they are not averaged over one or more weeks. However, employers and employees can enter into short-term overtime averaging agreements without contacting an Employment Standards Officer. Several employee classifications are not entitled to overtime pay, including domestic workers, farm employees, employees in geological surveying and mineral exploration and guides and outfitters.

Every employee is entitled to a **30 minute unpaid break** for every five consecutive hours of work, at least eight consecutive hours of rest between shifts and two full days rest in each seven day period, except in cases of emergency (as define in the *Employment Standards Act*). There is **no** minimum hours or "**reporting for work pay**" in the Yukon.

Public Holidays and Holiday Pay

- Although cultural and historical celebrations vary across Canada, all jurisdictions should follow the six jurisdictions which already have 10 paid public holidays.
- Nova Scotia and Newfoundland and Labrador, each with six paid public holidays, are the laggards when it comes to this employment standard.

Public holidays are an important component of the overall effort to reduce total working time. In addition, they increase the amount of paid time off workers enjoy throughout the year.

Again, there is some variation in terms of how many paid public holidays workers across Canada receive. Six jurisdictions provide 10 paid holidays (BC, SK, NV, NT, YT and the federal jurisdiction), two provide nine holidays (AB and ON), four provide eight holidays (MB, QC, NB and PEI) and two provide only six paid holidays (NS and NL).

In all cases, employees covered by general holiday provisions (and who have worked the required amount of time) receive a paid day off. How this holiday pay is calculated varies somewhat, but in most cases amounts to a regular day's pay. In nearly all jurisdictions, workers who work on a public holiday earn 1.5 times their regular wage, plus holiday pay or an additional paid day off. Newfoundland and Labrador is unique in that it requires double regular wages for hours worked on a public holiday (though the province only offers six yearly holidays).

Figure 3: Public Holidays

Jurisdiction	**# General Holidays**
Federal Jurisdiction	10
British Columbia	10
Alberta	9
Saskatchewan	10
Manitoba	8
Ontario	9
Quebec	8
New Brunswick	8
Nova Scotia	6
Prince Edward Island	8
Newfoundland and Labrador	6
Nunavut	10
Northwest Territories	10
Yukon	10

Federal Jurisdiction

There are **10 general holidays** in the federal jurisdiction: New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, National Day for Truth and Reconciliation, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day.

When a general holiday falls on a non-working day, the employee is entitled to a paid day off immediately preceding or following the holiday.

General holiday pay is paid at one-twentieth of the wages earned in the four-week period before the week in which the general holiday occurs. Employees who must work on the holiday earn, in addition to general holiday pay, **1.5 times their regular wage**.

British Columbia

There are **10 general holidays** in British Columbia: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, B.C. Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

General holiday pay is equal to an average day's pay in the 30 calendar days before the holiday. Employees who must work on the holiday earn, in addition to general holiday pay, **1.5 times their regular wage**.

Alberta

There are **nine general holidays** in Alberta: New Year's Day, Alberta Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

General holiday pay is equal to an average day's pay. An employee is entitled to holiday pay if they have worked 30 days in the 12 months prior to the holiday for the same employer. Employees who must work on the holiday earn, in addition to general holiday pay, **1.5 times their regular wage**.

Saskatchewan

There are **10 general holidays** in Saskatchewan: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

General holiday pay is calculated as five percent of the wages earned in the 28 days (four work weeks) before a public holiday. A special rule applying to hourly paid construction workers reduces this amount to four percent of regular wages earned in the calendar year. Employees who must work on the holiday earn, in addition to general holiday pay, **1.5 times their regular wage**.

Manitoba

There are **eight general holidays** in Manitoba: New Year's Day, Louis Riel Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day and Christmas Day.

Employees who are given the day off on Easter Sunday, Terry Fox Day, National Day of Truth and Reconciliation and Boxing Day do not receive general holiday pay for these days.

General holiday pay is equal to an average day's pay for those regularly working 40 hours in a week. For employees with varying hours, general holiday pay is calculated as five percent of gross wages in the four-week period preceding the general holiday. A special rule applying to hourly paid construction workers reduces this amount to four percent of regular wages earned in the calendar year. Employees who must work on the holiday earn, in addition to general holiday pay, **1.5 times their regular wage.**

Ontario

There are **nine general holidays** in Ontario: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.

Most employees are entitled to public holidays off with pay, or public holiday pay plus premium pay (**1.5 times their regular wage**) for all hours worked on the public holiday. Public holiday pay is calculated as all regular wages earned in the four-week period prior to the work in which the holiday occurs (plus all earned vacation pay), divided by 20. Employees must work the last scheduled shift before the holiday and the first scheduled shift after the holiday to qualify for public holiday pay.

Because of various "exempted work" under the *Employment Standards Act*, some employees may be performing some work that entitles them to overtime pay and other work that is exempted. In this case, the employee is entitled to public holiday pay if at least half of the work performed during the week in which holiday occurs is covered.

Quebec

There are **eight general holidays** in Quebec: New Year's Day, Good Friday or Easter Monday (employer's choice), National Patriot's Day (the Monday preceding May 25), Quebec National Holiday, Canada Day, Labour Day, Thanksgiving Day and Christmas Day.

Holiday pay is calculated as one-twentieth of the wages earned during the four-week period preceding the week of the holiday (excluding overtime). Employees who work on the holiday receive regular wages, plus holiday pay or an alternative paid day off.

New Brunswick

There are **eight general holidays** in New Brunswick: New Year's Day, Family Day, Good Friday, Canada Day, New Brunswick Day, Labour Day, Remembrance Day and Christmas Day.

Those who have been employed for 90 days in the 12 months before the public holiday, and have worked the last scheduled day before and the first scheduled day after the holiday, are entitled to the day off with pay, or public holiday pay plus premium pay

(**1.5 times their regular wage**) for all hours worked on the public holiday. Employees who do not qualify for public holiday pay must still receive premium pay if they work on the public holiday.

The New Brunswick *Employment Standards Act* exempts certain employee categories from public holiday pay, including salespersons and some professional employees.

Nova Scotia

There are **six general holidays** in Nova Scotia: New Year's Day, Nova Scotia Heritage Day, Good Friday, Canada Day, Labour Day and Christmas Day.

There is a special rule governing Remembrance Day. Those employees who work on this holiday and are entitled receive an alternative day off with pay, usually taken at the end of a vacation period.

To qualify for holiday pay, an employee must have been entitled to receive wages (but not necessarily have worked) for 15 of the last 30 calendar days before a holiday and work the last scheduled day before and the first scheduled day after the holiday. Holiday pay is an average day's pay; if hours or wages vary, the employer is asked to average the 30 days prior to the holiday. Those who work on a holiday earn holiday pay plus premium pay (**1.5 times their regular wage**) for all hours worked.

Farm employees, most salespeople, fishing boat employees and workers in petrochemical refining do not receive holiday pay.

Prince Edward Island

There are **eight general holidays** in Prince Edward Island: New Year's Day, Islander Day, Good Friday, Canada Day, Labour Day, National Day for Truth and Reconciliation, Remembrance Day and Christmas Day.

To qualify for holiday pay, an employee has to have earned pay for 15 of the last 30 calendar days before a holiday and work the last scheduled day before and the first scheduled day after the holiday. Holiday pay is an average day's pay; if hours or wages vary, the employer is asked to average the 30 days prior to the holiday. Those who work on a holiday earn holiday pay plus premium pay (**1.5 times their regular wage**) for all hours worked.

Newfoundland and Labrador

There are **six general holidays** in Newfoundland and Labrador: New Year's Day, Good Friday, Memorial Day (Canada Day), Labour Day, Remembrance Day and Christmas Day.

To qualify for holiday pay, an employee must be employed for 30 calendar days and work the last scheduled day before and the first scheduled day after the holiday. Holiday pay is an average day's pay. Those who work on a holiday earn **two times their regular wage plus an additional paid day off** within 30 days of the public holiday.

Nunavut

There are **10 general holidays** in Nunavut: New Year's Day, Good Friday, Victoria Day, Canada Day, Nunavut Day, The First Monday in August, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

To qualify for holiday pay, an employee must be employed for 30 calendar days before a holiday and work the last scheduled day before and the first scheduled day after the holiday. Holiday pay is an average day's pay. Those who work on a holiday earn holiday pay plus premium pay (**1.5 times their regular wage**) for all hours worked.

Northwest Territories

There are **10 general holidays** in the Northwest Territories: New Year's Day, Good Friday, Victoria Day, National Aboriginal Day, Canada Day, The First Monday in August, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

To qualify for holiday pay, an employee must be employed for 30 calendar days before a holiday and work the last scheduled day before and the first scheduled day after the holiday. Holiday pay is an average day's pay. Those who work on a holiday earn holiday pay plus premium pay (**1.5 times their regular wage**) for all hours worked.

Yukon

There are **10 general holidays** in the Yukon: New Year's Day, Good Friday, Victoria Day, National Aboriginal Day, Canada Day, Discovery Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

To qualify for holiday pay, an employee must have earned wages in the two week period preceding the holiday and work the last scheduled day before and the first scheduled day after the holiday. Holiday pay is an average day's pay. Those who work on a holiday earn holiday pay plus premium pay (**1.5 times their regular wage**) for all hours worked.

Annual Vacation Leave and Pay

- All jurisdictions should be encouraged to follow those that set five years of employment as the threshold for three weeks of paid vacation (BC, AB, MB, ON, NV, NT and the federal jurisdiction).
- More ambitiously, jurisdictions could emulate Quebec and require only three years of service to receive a third week of paid vacation.
- Several provinces require additional years of employment to receive a third week of paid vacation. New Brunswick, Nova Scotia and Prince Edward Island require eight years of employment, while Newfoundland and Labrador requires 15 years. The Yukon is alone in providing only two weeks of vacation.
- All jurisdictions should follow the federal government and institute a fourth week of paid vacation for employees with 10 years (or some lower threshold) of service.

Across Canadian jurisdictions it is standard for employees to be entitled to two weeks of annual vacation paid at four percent of regular wages after they have completed one year of employment and then three weeks of vacation paid at six percent of regular wages after a specified number of years of continuous employment. However, the number of years of employment required before receiving a third week of vacation paid at six percent of regular wages varies considerably across jurisdictions. Seven jurisdictions (BC, AB, MB, ON, NV, NT and the federal jurisdiction) provide a third week of paid vacation after five years of service. Three Atlantic provinces (NB, NS and PEI) require eight years of employment, while Saskatchewan and Newfoundland and Labrador require 10 and 15 years of service, respectively. Quebec has the lowest threshold for a third week of vacation at only three years of employment. The Yukon is the only jurisdiction with no third week of vacation.

The federal jurisdiction is unique in providing for a third tier of vacation entitlement. Federally regulated employees with ten years of employment are entitled to a fourth

week of annual vacation paid at eight percent of regular wages. Although the federal jurisdiction contains a disproportionate number of long-service employees (meaning a greater share of the workforce benefits from this additional vacation entitlement then would be the case should other provinces adopt the same standard), legislating this additional week of vacation across the country would go some distance in providing workers with more paid time off and improving overall work-life balance.

In all cases, vacation pay is calculated from the date of first employment so if an employee is terminated or quits prior to their entitlement to vacation time, they nevertheless receive any accrued vacation pay.

Federal Jurisdiction

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year **after one year** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after five years** of consecutive employment
- **Four weeks** of annual vacation paid at **eight percent** of regular wages earned during the vacation year **after ten years** of consecutive employment

British Columbia

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year **after one year** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after five years** of consecutive employment

Alberta

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year **after one year** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after five years** of consecutive employment

Certain job classifications are exempted from vacation and vacation pay entitlements, such as various salespersons, extras on film and television productions and teachers.

Saskatchewan

Employees are entitled to:

- **Three weeks** of annual vacation paid at **5.77 percent** (calculated as 3/52 weeks) of regular wages during the **first nine years** of employment
- **Four weeks** of annual vacation paid at **7.69 percent** (calculated as 4/52 weeks) of regular wages **after ten years** of employment

Manitoba

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year in the **first four years** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after five years** of consecutive employment

Ontario

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year in the **first four years** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after five years** of consecutive employment

Certain job classifications are exempted from vacation and vacation pay entitlements, such as various salespersons, certain health care providers, farm employees and fishers, as well as accountants, lawyers, architects and some other professionals.

Quebec

Employees are entitled to:

- **One day** of vacation for **each full month** of service in the first year of employment, paid at **four percent** of regular wages
- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year in the **first three years** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after three years** of consecutive employment

New Brunswick

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year in the **first seven years** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after eight years** of consecutive employment

Nova Scotia

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year in the **first seven years** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after eight years** of consecutive employment

Certain job classifications are exempted from vacation and vacation pay entitlements, such as various salespersons, farm employees and fishers.

Prince Edward Island

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year in the **first seven years** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after eight years** of consecutive employment

Certain job classifications are exempted from vacation and vacation pay entitlements, such as various salespersons and farm employees.

Newfoundland and Labrador

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year in the **first 15 years** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after 15 years** of consecutive employment

Nunavut

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year in the **first five years** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after five years** of consecutive employment

Northwest Territories

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year in the **first five years** of employment
- **Three weeks** of annual vacation paid at **six percent** of regular wages earned during the vacation year **after five years** of consecutive employment

Yukon

Employees are entitled to:

- **Two weeks** of annual vacation paid at **four percent** of regular wages earned during the vacation year

The Yukon is unique among Canadian jurisdictions in **not increasing vacation** and vacation pay entitlement with years of service.

Termination and Severance

- Ontario's stronger notice of termination protections should be emulated by other jurisdictions.
- Other jurisdictions should follow Ontario and the federal jurisdiction and legislate severance pay provisions.
- All seven jurisdictions that currently require employees to provide notice when quitting (AB, SK, MB, NS, PEI, NL and YT) should eliminate these rules.
- Stronger unjust dismissal protections, as in the federal jurisdiction, should be encouraged elsewhere.
- As the only jurisdiction without them, Prince Edward Island should establish rules governing group terminations.

Termination notice rules provide employees with a degree of job security and protection against unexpected periods of unemployment. Although employers across Canadian jurisdictions retain quite extensive rights to terminate employment contracts, termination notice and pay in lieu of notice rules ensure workers are given either notice according to length of service or financial compensation.

Notice periods vary across jurisdictions, with some much more generous than others. In most cases, notice periods depend on length of employment. In 10 jurisdictions, the longest notice period is eight weeks, though how many years of service one must have to receive eight weeks of notice varies. Ontario has the strongest notice protections with the lowest years of service requirements (see below). Notice periods top out at six weeks in Newfoundland and Labrador, four weeks in New Brunswick and Nova Scotia and only two weeks in the federal jurisdiction. In all cases, employers can provide pay in lieu of notice.

Only in Ontario and the federal jurisdiction are employers required to also provide severance pay to certain terminated employees. In Ontario, severance pay is only

required for employees with five years or more of service and when an employer has a global payroll of $2.5 million. In the federal jurisdiction, severance pay is more generous: all terminated employees with 12 months of continuous employment must receive two days of regular wages for every year of employment or five days of regular wages, whichever is greater. There is no minimum employer payroll rule.

Seven jurisdictions require employees who are quitting their jobs to provide notice to their employer. Requiring employers to give notice of termination is meant to partially correct for the unequal bargaining relationship between individual workers and employers in the labour market. Consequently, legislation and regulations requiring that employees also provide notice are onerous and often create undue burdens for workers. Alberta requires one week of notice after 90 days of employment and two weeks of notice after two or more years of employment; Saskatchewan requires two weeks of notice after 13 weeks of employment; Manitoba requires one week of notice after 30 days of employment and two weeks of notice after one year of employment; Nova Scotia requires one week of notice after 30 days of employment and two weeks of notice after two years of employment; Prince Edward Island requires one week of notice after six months of employment and two weeks of notice after five years of employment. In the Yukon, employee notice periods have several tiers (one week of notice after six months of employment, two weeks of notice after two years of employment, three weeks of notice after four years of employment and four weeks of notice after six years of employment). Newfoundland and Labrador requires employees quitting their jobs to abide by the same notice requirements as employers, the least worker-friendly approach among jurisdictions.

While other jurisdictions also set out rules against dismissing employees without cause, the federal jurisdiction is unique in providing relatively robust unjust dismissal protections. All jurisdictions allow employees to file limited unjust dismissal complaints in cases where an employer has not given termination notice or pay. By contrast, federally regulated employees are able to seek reinstatement or additional

compensation through the employment standards complaints system, as well as have a hearing before the Canadian Industrial Relations Board if their complaint cannot be resolved by the Labour Program of Employment and Social Development Canada (ESDC). These more extensive dismissal protections provide federally regulated workers with more certainty around their continuity of employment and limit the ability of employers to terminate employees without cause.

All jurisdictions, with the exception of Prince Edward Island, have legislation governing group terminations, which specifies notice periods according to the number of employees being terminated and the rules for notifying workers and the labour inspectorate.

Federal Jurisdiction

The employer must provide **two weeks of notice** when terminating an employee who has worked three continuous months or more. **Two weeks of pay** at regular wages may be provided **in lieu of notice**.

Any employer terminating **50 or more employees** must notify ESDC and the Canada Employment Insurance Commission (including dates, employment classifications of those being terminated and other relevant information) and must establish a **joint committee** of at least **four members** composed of an equal number of worker and management representatives to oversee the termination process.

Non-union employees who have completed twelve continuous months of employment may file **unjust dismissal** complaints against an employer who they believe has terminated their employment without cause. Complaints may be resolved by the Labour Program of ESDC or be referred to the Canadian Industrial Relations Board and can result in reinstatement, compensation, dismissal or any other remedy an arbitrator deems appropriate.

Employees must receive severance pay, except in cases of just cause dismissal, equal to **two days of regular wages** for each completed year of employment or **five days of regular wages**, whichever is greater.

British Columbia

The employer must provide **one week of notice** when terminating an employee who has worked between three months and one year. Once an employee has worked for more than one year, they are entitled to **two weeks of notice** when their job is being terminated. Employees with more than three years of service must receive **three weeks of notice**, plus an additional week of notice or pay for each year of employment up to a **maximum of eight weeks**. Employers may provide pay **in lieu of notice** in all cases. Those hired on a fixed-term contract of less than 12 months are **not** entitled to notice or termination pay.

Employers who are able to demonstrate just cause (i.e. that the employee committed a serious offence or did not meet standards set for the job after employer correction and ample time to improve) may not be required to provide notice or termination pay. However, employees who feel they have been fired without just cause **cannot file complaints** with the Employment Standards Branch; they may only pursue wrongful dismissal suits in court.

If an employer plans to terminate **50 or more employees** at a single location within a two-month period, the employer must give written notice of group termination to each employee affected, the Minister of Labour and any trade union that represents the employees. There are **no mandatory joint committees** during mass termination in British Columbia.

Alberta

The employer must provide **one week of notice** when terminating an employee who has worked more than 90 days but less than two years. When an employee has worked between two years but less than four years, the employer must provide **two weeks of**

notice when terminating the employment relationship. Additional notice periods are as follows: **four years but less than six years = four weeks**; **six years but less than eight years = five weeks**; **eight years but less than 10 years = six weeks**; **more than 10 years = eight weeks**. Pay may be provided **in lieu of notice**. Termination notice or pay is not required for those in seasonal or task specific employment, or when an employee has been terminated with just cause.

Alberta's *Employment Standards Code* also requires that employees provide notice when quitting their jobs. Employees must provide their employer with one week of notice if they have worked for 90 days but less than two years, or two weeks if they have been employed for two years or more.

In Alberta, employees who feel they have been terminated without just cause **can file employment standards complaints**. However, these are largely considered in terms of their human rights merits or to determine if termination notice or pay should have been provided. This right to complain is therefore not of the same order as the unjust dismissal protections enjoyed by federally regulated employees under Part III of the *Canada Labour Code*.

Employers who plan to terminate the employment of **50 or more employees** within a four week period must provide written notice to the Minister of Labour and Immigration. The employer does not need to provide a group termination notice to the workers; only individual termination notices are required. If the termination falls within the rules concerning temporary layoffs, there is no notice requirement. There is also **no mandatory joint committee** outlined in the *Employment Standards Code*.

<u>Saskatchewan</u>

The employer must provide **one week of notice** when terminating an employee who has worked 13 weeks but less than one year. When an employee has worked more than one year but less than three years, the employer must provide **two weeks of**

notice when terminating the employment relationship. Additional notice periods are as follows: **three years but less than five years = four weeks**; **five years but less than 10 years = six weeks**; **more than 10 years = eight weeks**. Pay may be provided **in lieu of notice**.

Saskatchewan also requires employees who have worked a minimum of 13 weeks at an establishment to provide written notice two weeks prior to ending their employment.

Employers who plan to terminate the employment of **10 or more employees** within a four week period must provide written notice in the forms of both group and individual termination notices. Notices must also be submitted to the Minister of Labour Relations and Workplace Safety. Saskatchewan sets the group termination threshold lower than most other jurisdictions (10 employees). The length of the notice period is determined by the numbers of workers who are affected. An employer terminating between 10 and 49 employees must provide four weeks of notice. An employer terminating between 50 to 99 employees must provide eight weeks of notice, while an employer terminating more than 100 employees must provide twelve weeks of notice. There is, however, **no mandatory joint committee** required.

Manitoba

The employer must provide **one week of notice** when terminating an employee who has worked at least 30 days but less than one year. When an employee has worked more than one year but less than three years, the employer must provide **two weeks of notice** when terminating the employment relationship. Additional notice periods are as follows: **three years but less than five years = four weeks**; **five years but less than 10 years = six weeks**; **more than 10 years = eight weeks**.
Pay may be provided **in lieu of notice**. In Manitoba, construction workers are exempted from termination notice protections.

The employee, as well, must provide one week of notice when they have worked at least 30 days but less than one year. When an employee has worked more than one year, two weeks of notice are required.

Employers who plan to terminate the employment of **50 or more employees** within a four week period must provide additional written notice to affected employees. Notices must also be submitted to the Minister of Finance. An employer terminating between 50 and 100 employees must provide 10 weeks of notice. An employer terminating between 101 and 299 employees must provide 14 weeks of notice, while an employer terminating more than 300 employees must provide 18 weeks of notice. There is, however, **no mandatory joint committee** required.

Ontario

Employees are entitled to notice of termination after three continuous months of employment. The employer must provide **one week of notice** to those who have worked less than one year and **two weeks of notice** to those who have worked for one year but less than three years. Additional notice periods are as follows: **three years but less than four years = three weeks**; **four years but less than five years = four weeks**; **five years but less than six years = five weeks**; **six years but less than seven years = six weeks**; **seven years but less than eight years = seven weeks**; **and eight years or more = eight weeks**. Employees who do not receive the required notice are entitled to pay **in lieu of notice**, including all accrued vacation pay. Those employed in construction and shipbuilding are exempted from termination notice and pay rules under the *Employment Standards Act*.

Some employees in Ontario additionally qualify for severance pay if they have worked for the employer for **five or more years** and the employer has a global payroll of $2.5 million or has severed the employment of 50 or more in a six-month period because all or part of the business has permanently closed. Severance pay is calculated as **one week of regular wages for every year of completed employment**,

plus the number of completed months of employment divided by 12 for a year that is not completed.

Employers who plan to terminate the employment of **50 or more employees** within a four week period must provide additional written notice to affected employees and submit a Form 1, Notice of Mass Termination to the Director of Employment Standards at the Ontario Ministry of Labour. The notice period required during a mass termination is based on the number of employees affected, not the tenure of employment. An employer terminating between 50 and 199 employees must provide eight weeks of notice. An employer terminating between 200 and 499 employees must provide 12 weeks of notice, while an employer terminating more than 500 employees must provide 16 weeks of notice. There is **no mandatory joint committee** requirement in Ontario.

Quebec

Employees are entitled to notice of termination after three continuous months of employment. The employer must provide **one week of notice** to those who have worked three months but less than one year and **two weeks of notice** to those who have worked for one year but less than five years. Additional notice periods are as follows: **five years but less than 10 years = four weeks**; **10 years or more = eight weeks**. Employees who do not receive the required notice are entitled to pay **in lieu of notice**, including all accrued vacation pay.

Employers may terminate an employment relationship for just cause, which in most cases involves demonstrating prior progressive discipline.

A group termination of employment involves the termination of **10 or more employees** in the same establishment within a two month period, or the layoff of 10 or more employees in the same establishment for more than six months. Employers must notify the CNESST (Commission des normes de l'équité de la santé et de la sécurité du travail). There is **no mandatory joint committee** requirement in Quebec.

New Brunswick

Employees are entitled to notice of termination after six continuous months of employment. The employer must provide **two weeks of notice** to those who have worked more than six months but less than five years and **four weeks of notice** to those who have worked for five years or more. The employer may also choose to provide pay **in lieu of notice**.

Temporary employees on a "definitive assignment" of fewer than 12 months are exempt from termination protections. Those employed in construction are also not entitled to termination notice or pay.

Employees are not required to provide notice when terminating an employment relationship.

Employers who plan to terminate the employment of **10 or more employees** within a four week period (and if these employers represent 25 percent or more of the total employees) must provide six weeks of written notice to affected employees and notify the Minister of Post-Secondary Education, Training and Labour. There is **no mandatory joint committee** requirement in New Brunswick.

Nova Scotia

Employees are entitled to notice of termination after three continuous months of employment. The employer must provide **one week of notice** to those who have worked more than three months but less than two years, **two weeks of notice** to those who have worked more than two years but less than five years and **four weeks of notice** to those who have worked for more than five years but less than 10 years. Special, additional rules apply to those with 10 years or more of employment. The employer may also choose to provide pay **in lieu of notice**.

Temporary employees on a “definitive assignment” of fewer than 12 months are exempt from termination protections. Employers may terminate an employment relationship for just cause, which in most cases involves demonstrating prior progressive discipline.

Employees in Nova Scotia must also give their employer notice when quitting. One week of written notice is required from those who have a period of employment of three months or more but less than two years. Two weeks of written notice is required from those with employment of two years or more.

Employers who plan to terminate the employment of **10 or more employees** within a four week period must provide written notice to the affected employees and notify the Minister of Labour and Advanced Education. The notice period varies according to how many employees are being laid off: eight weeks of notice for a group of 10 to 99 employees; 12 weeks of notice for a group of 100 to 299 employees; and 16 weeks of notice for a group of 300 or more employees. There is **no mandatory joint committee** requirement in Nova Scotia.

Prince Edward Island

Employees are entitled to notice of termination after six continuous months of employment. The employer must provide **two weeks of notice** to those who have worked more than six months but less than five years, **four weeks of notice** to those who have worked more than five years but less than 10 years, **six weeks of notice** to those who have worked more than 10 years but less than 15 years and **eight weeks of notice** to those who have worked for more than 15 years. The employer may also choose to provide pay **in lieu of notice**.

Temporary employees on a “definitive assignment” of fewer than six months are exempt from termination protections. Employers may terminate an employment relationship for just cause, which in most cases involves demonstrating prior progressive discipline.

Employees in Prince Edward Island must also give their employer notice when quitting. One week of written notice is required from those who have a period of employment six months or more but less than five years. Two weeks of written notice is required from those with employment of five years or more.

Prince Edward Island is the only Canadian jurisdiction that **does not have legislation governing group termination**.

Newfoundland and Labrador

Employees are entitled to notice of termination after three continuous months of employment. The employer must provide **one week of notice** to those who have worked more than three months but less than two years, **two weeks of notice** to those who have worked more than two years but less than five years, **three weeks of notice** to those who have worked more than five years but less than 10 years, **four weeks of notice** to those who have worked more than 10 years but less than 15 years and **six weeks of notice** to those who have worked for more than 15 years. The employer may also choose to provide pay **in lieu of notice**.

Employees who are quitting their jobs are subject to the same notice period requirements as employers under Newfoundland and Labrador's *Labour Standards Act*.

Employees with fewer than three months of employment are exempt from termination protections. Employers may terminate an employment relationship for just cause, which in most cases involves demonstrating prior progressive discipline.

Some construction employees are not entitled to notice.

Employers who plan to terminate the employment of **50 or more employees** within a four week period must provide written notice to the affected employees and notify the Minister responsible for the *Labour Standards Act*. The notice period varies according to how many employees are being laid off: eight weeks of notice for a group of 50 to

199 employees; 12 weeks of notice for a group of 200 to 499 employees; and 16 weeks of notice for a group of 500 or more employees. There is **no mandatory joint committee** requirement in Newfoundland and Labrador.

Nunavut

Employees are entitled to **two weeks of** notice of termination after 90 days of employment. Employees with three or more years of employment are entitled to an additional week of notice for every year of employment, up to a **maximum of eight weeks of notice**. Employers may also provide pay **in lieu of notice**.

Temporary employees on a "definitive assignment" of fewer than 365 days, as well as employees working fewer than 25 hours per week, are exempt from termination protections. Employers may terminate an employment relationship for just cause, which in most cases involves demonstrating prior progressive discipline.

Some construction employees are not entitled to notice.

Employers who plan to terminate the employment of **25 or more employees** within a four week period must provide written notice to the affected employees and notify the Labour Standards Officer. There is **no mandatory joint committee** requirement in Nunavut.

Northwest Territories

Employees are entitled to **two weeks of** notice of termination after 90 days of employment. Employees with three or more years of employment are entitled to an additional week of notice for every year of employment, up to a **maximum of eight weeks of notice**. Employers may provide pay **in lieu of notice**.

Temporary employees on a "definitive assignment" of fewer than 365 days, as well as employees working fewer than 25 hours per week, are exempt from termination

protections. Employers may terminate an employment relationship for just cause, which in most cases involves demonstrating prior progressive discipline.

Some construction employees are not entitled to notice.

Employees are not required to give notice when exiting an employment relationship.

Employers who plan to terminate the employment of **25 or more employees** within a four week period must provide written notice to the affected employees and notify the Employment Standards Officer. Large groups of employees can require up to 16 weeks of notice. There is **no mandatory joint committee** requirement in the Northwest Territories.

Yukon

Employees are entitled to **one week of** notice of termination after six months of employment, and **two weeks** when employed more than one year but less than three years. Employees with three or more years of employment are entitled to an additional week of notice for every year of employment, up to a **maximum of eight weeks of notice**. Employers may provide pay **in lieu of notice**.

Temporary employees on a contract of less than one year are exempt from termination protections. Employers may terminate an employment relationship for just cause, which in most cases involves demonstrating prior progressive discipline.

The Yukon's *Employment Standards Act* requires employees with more than six months employment who are quitting their job to provide notice. Employees must give one week of notice when employed six months but less than two years, two weeks of notice when employed two years but less than four years, three weeks of notice when employed four years but less than six years and four weeks when employed for six years or more. Employers who plan to terminate the employment of **25 or more employees** within a

four week period must provide written notice to the affected employees and notify the director of Employment Standards. The notice period varies according to how many employees are being laid off: four weeks of notice for a group of 25 to 49 employees; eight weeks of notice for a group of 50 to 99 employees; 12 weeks of notice for a group of 100 to 299 employees; and 16 weeks of notice for a group of 300 or more employees. There is **no mandatory joint committee** requirement in the Yukon.

Paid Leave (Sick Days, Caregiving, Domestic Violence and Bereavement Leaves)

- Following the lead of the federal government, all jurisdictions should provide a minimum of 10 paid sick days.
- Similarly, enacting several days of paid bereavement leave across jurisdictions would be beneficial.
- Alberta and Quebec should be encouraged to join all other jurisdictions in providing paid domestic violence leave. Those currently providing only three paid days of domestic violence leave should bring this number up to five, as most jurisdictions have done.

Perhaps no other employment standard provision has received as much attention lately as access to paid sick days. In this section, provisions for paid sick days, as well as paid bereavement and paid domestic violence leaves are covered. These are the only three short-term leaves with pay across Canadian jurisdictions. However, as demonstrated below, access to them remains limited – with the partial exception of paid domestic violence leave, which outside of Alberta and Quebec is now nearly universal.

First, paid sick days: The federal government recently enacted a bill providing federally regulated employees with 10 paid sick days (federal workers were previously entitled to three paid sick days). Although employees earn these days on a monthly basis (see below), which limits the effectiveness of this provision, it nevertheless remains the most robust paid sick leave policy in the country. As of January 1, 2022, British Columbia also grants five paid sick days. Quebec provides for two paid leave days, which can be used for a number of reasons, while Prince Edward Island allows one paid sick day only to those with five years of continuous employment. Employees in the federal jurisdiction with three months of continuous employment are entitled to three paid days for bereavement. Prince Edward Island and Newfoundland and Labrador each provide one

paid bereavement day. In all other jurisdictions, short-term bereavement leaves are unpaid. Some portion of domestic violence leave (sometimes called family violence leave or family abuse leave) is paid in 12 jurisdictions (unpaid in Alberta and Quebec). In nine jurisdictions (BC, SK, MB, ON, NB, NV, NT, YT and the federal jurisdiction), employees are entitled to five paid days, while in three jurisdictions (NS, PEI and NL), they are entitled to three paid days.

Figure 4: Paid Sick Days, Bereavement Days and Domestic Violence Leave (DVL)

Jurisdiction	**Paid Sick Days**	**Paid DVL**	**Paid Bereavement**	**Total**
Federal Jurisdiction	10	5	3	18
British Columbia	5	5	0	10
Alberta	0	0	0	0
Saskatchewan	0	5	0	5
Manitoba	0	5	0	5
Ontario	0	5	0	5
Quebec	2	0	0	2
New Brunswick	0	5	0	5
Nova Scotia	0	3	0	3
Prince Edward Island	1	3	1	5
Newfoundland and Labrador	0	3	1	4
Nunavut	0	5	0	5
Northwest Territories	0	5	0	5
Yukon	0	5	0	5

Federal Jurisdiction

Employees in the federal jurisdiction are now entitled to **10 days of paid** sick leave after three months of continuous employment. However, paid sick leave is based on an accrual model where employees earn one day for every month of continuous employment (beginning with three days after three months of employment). Unused days roll over to the next calendar year (up to a maximum of 10). Leave days can be taken as a block or separately. Employers may request documentation within 15 days of the leave.

Employees who are victims of domestic violence or are the parents of children who are victims of domestic violence are entitled to 10 days of leave with the first **five days paid** by the employer after three months of continuous employment.

Employees are entitled to 10 days of bereavement leave with the first **three days paid** by the employer after three months of continuous employment. Leave days can be taken any time between the date of death of a family member and six weeks from that date.

British Columbia

British Columbia provides **five** paid sick days, in addition to three unpaid sick days.

Employees who are victims of domestic violence or are the parents of children who are victims of domestic violence are entitled to 10 days of leave with the first **five days paid** by the employer. An additional 15 weeks of job-protected leave may also be taken.

Alberta

Alberta does not currently provide any paid sick days. The *Employment Standards Code* also does not require employers to provide paid days during short-term leaves related to domestic violence or bereavement.

Saskatchewan

Saskatchewan does not currently provide any paid sick days, paid family leave or paid bereavement leave. Domestic violence leave (called interpersonal violence leave in Saskatchewan) provides 10 days of job-protected leave with the first **five days paid** by the employer.

Manitoba

Manitoba does not currently provide any paid sick days, paid family leave or paid bereavement leave. Interpersonal Violence Leave allows employees to take up to 10 days consecutively or on an intermittent basis in a 52 week period, or up to 17 weeks in a 52 week period in one continuous period. Employers **pay** the first **five days**.

Ontario

Ontario does not currently provide any paid sick days, paid family leave or paid bereavement leave. Domestic or sexual violence leave allows employees with 13 weeks of consecutive employment to take up to 10 days or 15 weeks when an employee or an employee's child has experienced or been threatened with domestic or sexual violence. Employers **pay** the first **five days**. There is no pro-rating of this leave; entitlement is based on the calendar year, regardless of the start date of employment.

*On April 29, 2021, the Ontario government instituted the COVID-19 Worker Income Protection Benefit, which requires employers to provide up to **three paid days off** as "infectious disease emergency leave." Under this amendment to the *Employment Standards Act*, employers could submit reimbursement claims to the Workplace Safety and Insurance Board within 120 days of the date on which the sickness benefit was paid to the employee.

Quebec

Quebec's family or caregiver leave entitles employees to **two paid days off** after three months of continuous employment. This leave can be used as sick days or for a range

of family obligations. Pay is calculated in the same way as holiday pay (i.e. as 1/20 of wages earned in the four week period prior to the day off).

New Brunswick

New Brunswick does not currently grant paid sick days or bereavement leave to employees. Employees in New Brunswick are entitled to 10 days or up to 16 weeks of leave related to domestic violence. The employer pays the **first five days**. Employees must have 90 days of continuous employment to access domestic violence leave.

Nova Scotia

Employees in Nova Scotia are not currently entitled to paid sick days or paid bereavement leave. The *Labour Standards Code* provides for 10 days or up to 16 weeks of leave related to domestic violence. The employer pays the **first three days**. Employees must have three months of continuous employment to access domestic violence leave.

Prince Edward Island

Prince Edward Island currently has a very limited paid sick leave entitlement. Employees with **five years of employment** are entitled to **one paid sick day per year**. All employees receive three days of unpaid sick leave annually. Employees are also entitled to **one day of paid bereavement leave** and two unpaid days per year. In November 2021, this bereavement leave was extended to those who experience a pregnancy loss or stillbirth. Domestic Violence, Intimate Partner or Sexual Violence Leave provides **three paid** and seven unpaid days of leave per year.

Newfoundland and Labrador

Newfoundland and Labrador does not provide paid sick days. Employees are entitled to **one day of paid bereavement leave** and two unpaid days per year. Family Violence Leave provides **three paid** and seven unpaid days of leave per year.

Nunavut

Nunavut does not currently grant paid sick days or bereavement leave to employees (bereavement leave of seven unpaid days can be taken annually). Family Abuse Leave provides **five paid** and five unpaid days of leave per year. Longer leaves of up to 15 weeks are also available for issues related to family abuse.

Northwest Territories

The Northwest Territories do not currently grant paid sick days or bereavement leave to employees (bereavement leave of seven unpaid days can be taken annually). Family Violence Leave provides **five paid** and five unpaid days of leave per year. Longer leaves of up to 15 weeks are also available for issues related to family abuse.

Yukon

The Yukon does not provide paid sick days or paid bereavement leave. Domestic and Sexualized Violence Leave provides **five paid** and five unpaid days of leave per year. The five unpaid days can be accessed at any time after the date of hire. The five paid days become available after three months of continuous employment. Longer leaves of up to 15 weeks are also available for issues related to domestic abuse.

Unpaid, Job-Protected Leaves

- Ontario and the federal jurisdiction should be used as models when updating job-protected, long-term leave provisions in other jurisdictions.

This section covers long-term, unpaid but job-protected leaves across Canadian jurisdictions. In some cases, Employment Insurance benefits cover all or a portion of these job-protected leaves (notably, in the cases of maternity and parental benefits). Most jurisdictions provide robust maternity and parental leaves, though some are slightly longer than others. In general, long-term leave provisions are quite similar across jurisdictions (in fact, this is the area of employment standards with the greatest uniformity). The federal jurisdiction and Ontario have the most extensive list of job-protected leaves, while the three territories have been somewhat late in adopting long-term leave provisions into their employment standards legislation.

Federal Jurisdiction

Employees are entitled to **17 weeks** of job-protected **maternity leave**, which may begin no earlier than 13 weeks prior to the expected birth and **63 weeks** (or **71 weeks** between two partners) of **parental leave**. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Additionally, the federal jurisdiction provides for job-protected leaves for **compassionate care**, **critical illness**, **death or disappearance of a child**, **jury duty** as well as leave for **members of the reserve force**. These leaves can range in length from 17 to 104 weeks and require some length of continuous employment to qualify (usually three months).

The federal jurisdiction is unique in legislating **five days** per year of job-protected leave for **Aboriginal workers** to use for **traditional or ceremonial practices**. Leave can be

taken in one or more periods. Employees must have three months of continuous employment to qualify.

British Columbia

British Columbia's **personal illness and injury leave** is currently three unpaid days per year. **Family responsibility leave** is separate from illness leave in British Columbia, providing for five unpaid days per year. **Bereavement leave** is also unpaid. Employees must have worked at least 90 calendar days to qualify for each leave.

Employees in British Columbia are entitled to **17 weeks** of job-protected **maternity leave**, which may begin no earlier than 13 weeks prior to the expected birth and **61 weeks** of **parental leave**. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

British Columbia's *Employment Standards Act* also provides for various unpaid, job-protected leaves: **Critical illness and injury leave** can be up to 36 weeks. **Compassionate care leave** can be up to 27 weeks. **Leave respecting the disappearance of a child** can be up to 52 weeks and **leave respecting the death of a child** can be up to 104 weeks.

Alberta

All job-protected leaves outlined in Alberta's *Employment Standards Code* are unpaid. **Personal and family responsibility leave** (which encompasses short-term sick days) includes only five unpaid days. Under other short-term leaves, the *Employment Standards Code* provides three unpaid days for **bereavement** and 10 unpaid days for **victims of domestic violence**.

Employees in Alberta are entitled to **16 weeks** of job-protected **maternity leave**, which may begin no earlier than 13 weeks prior to the expected birth and **62 weeks** of

parental leave. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Long-term illness and injury leave provides for up to 16 weeks of job-protected leave. **Compassionate care leave** (for those caring for a gravely ill family member) may be taken for up to 27 weeks, while **critical illness leave** (for those caring for an ill family member) may be taken for up to 36 weeks. Leave may be taken for 52 weeks in the case of a **child's disappearance** or 104 weeks when a **child has died** as a probable result of a crime.

Saskatchewan

All job-protected leaves in Saskatchewan, with the exception of interpersonal violence leave, are unpaid. Many job-protected leaves in Saskatchewan, including **maternity**, **parental**, **adoption and some service leaves**, require that an employee has worked for the employer for a minimum of 13 consecutive weeks to access leaves and provides the employer with four weeks of notice before taking a leave. Notice is waived for other leaves, including bereavement, compassionate care, critically ill child and interpersonal violence leave.

Employees with the requisite employment record are entitled to five days of unpaid **bereavement leave**.

Employees in Saskatchewan are entitled to **19 weeks** of job-protected **maternity leave** (or 15 weeks without four weeks of notice), which may begin no earlier than 13 weeks prior to the expected birth and **59 weeks** of **parental leave**. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Employees may take up to 26 weeks of leave for **organ donation**, 17 weeks to care for a **critically ill adult**, 37 weeks to care for a **critically ill child** and 28 weeks of

compassionate care leave. Leave may be taken for up to 104 weeks in the case of the disappearance **or death of a child**.

Manitoba

All job-protected leaves in Manitoba, with the exception of Interpersonal Violence Leave, are unpaid. The qualifying periods required to access different job-protected leaves vary. An employee must have worked for seven months to take Maternity and Parental Leave, while 30 days of continuous employment are required for Family Leave, Bereavement Leave, Leave for Citizenship, Leave Related to the Death or Disappearance of a Child and Leave Related to Critical Illness. Ninety days of employment are required to access Interpersonal Violence Leave and Long-term Leave for Serious Injury or Illness.

Employees who meet the above employment qualifications are entitled to: three days of **family leave**, three days of **Bereavement Leave**, 13 weeks of **Leave for Organ Donation**, 17 weeks of **Long-term Leave for Serious Injury or Illness**, **17 weeks** of **Maternity Leave** and **63 weeks** of **Parental Leave**, 28 weeks of **Compassionate Care Leave**, 37 weeks of **Leave Related to Critical Illness**, 52 weeks of **Leave Related to the Disappearance of a Child** and 104 weeks of **Leave Related to the Death of Child**. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Ontario

All job-protected leaves in Ontario, with the exception of domestic or sexual violence leave, are unpaid. Ontario does not currently provide permanent paid sick days, outside of the temporary COVID-19 related amendments to the *Employment Standards Act*. Employees are entitled to two days of unpaid bereavement leave, three days of unpaid sick leave and three days of unpaid family responsibility leave because of illness, injury or a medical or other emergency related to certain relatives. Employees must have completed two consecutive weeks of employment to qualify for the latter three leaves.

Employees are entitled to **17 weeks** of pregnancy leave and **61 weeks** of **parental leave** (63 weeks for those who do not have pregnancy leave). Pregnancy leave can be taken if the employee began employment 13 weeks prior to the expected due date of the child; parental leave can be taken after 13 consecutive weeks of employment. The employee must provide the employer two weeks of written notice of the intention to take pregnancy or parental leave. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Employees are entitled to the following unpaid, job-protected leaves:

Eight weeks of family caregiver leave to care for family members with a serious medical condition and 28 weeks of family medical leave in a 52 week period to care for family members or "people who consider the employee to be like a family member" with a serious medical condition with a risk of death occurring within a 26 week period. There is no length of employment requirement to access these leaves.

Critical illness leave of 17 weeks in the case of a critically ill adult and 37 weeks in the case of a critically ill minor child; child death leave of up to 104 weeks in the event of a death of a minor child family member; and crime-related child disappearance leave of up to 104 weeks. Employees must have six months of continuous employment to access these leaves.

Organ donor leave of up to 13 weeks, accessible after 13 weeks of continuous employment.

Quebec

With the exception of the two days of paid leave, all other leaves in Quebec are unpaid. Additional days of unpaid short-term leave are available for **deaths, funerals and other obligations**, the lengths of which vary according to the family member in question.

Employees with three months of service are entitled to 17 weeks in the case of a **critically ill adult**, 36 weeks in the case of an **ill child** and up to 104 weeks in the case of a **critically ill minor child**. **Crime-related child disappearance leave** provides up to 104 weeks of unpaid leave. **Sick leave or organ donor leave** provide up to 26 weeks.

Employees are entitled to **18 weeks** of **maternity leave**, along with **five weeks** of **paternity leave**. **Parental leave** ends **up to 78 weeks** after the birth or adoption of the child. Employees must provide three weeks of notice when they intend to take child care leave. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

New Brunswick

With the exception of the first five days of domestic violence leave, all leaves in New Brunswick are unpaid. The provincial *Employment Standards Act* provides up to three days of unpaid **family responsibility leave** and five days of unpaid **sick leave** in a calendar year. Sick leave requires 90 days of continuous employment, but family responsibility leave does not. **Compassionate care leave** provides up to 28 weeks to care for a person "in a close family relationship" who is critically ill and has a significant risk of dying. **Bereavement leave** may be taken as five unpaid consecutive days. **Death or disappearance leave (child)**, in relation to a crime, allows for 37 weeks off in the case of disappearance and an additional 37 weeks if death results. Employees may take up to 37 weeks of leave to care for a **critically ill child** or 16 weeks in the case of a **critically ill adult** family member. The Act also provides for **court leave** and **leave for reservists' military service**, without specific time limits.

Employees are entitled to **17 weeks** of maternity leave and **62 weeks** of **parental leave** (called child care leave in New Brunswick). Maternity leave can begin no earlier than 13 weeks from the expected due date. Employees wishing to take maternity leave must provide four months of notice to the employer. Employees must provide four weeks of

notice when they intend to take child care leave. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Nova Scotia

All job-protected leaves in Nova Scotia, with the exception of domestic violence leave, are unpaid. With the exception of pregnancy and parental leaves, all leaves require 90 days of continuous employment.

The provincial *Labour Standards Code* provides up to three days of unpaid **sick leave** in a calendar year. **Compassionate care leave** provides up to 28 weeks to care for "a person like family" who is critically ill and has a risk of dying. **Bereavement leave** may be taken as five unpaid consecutive days. **Crime-related child death or disappearance leave** allows for 52 weeks off in the case of disappearance and 104 weeks if death results. Employees may take up to 37 weeks of leave to care for a **critically ill child** or 16 weeks in the case of a **critically ill adult** family member. The Code also provides for **court leave** and **reservists leave**, without specific time limits.

Employees are entitled to **16 weeks** of **pregnancy leave** and **61 weeks** of **parental leave** (or a total of **77 weeks** of **parental leave**, if no pregnancy leave is taken). Employees wishing to take leave must provide four weeks of notice to the employer. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Prince Edward Island

All job-protected leaves in Prince Edward Island, with the exception of the domestic violence leave and the one day each of bereavement and sick leave (after five years of employment), are unpaid.

The provincial *Employment Standards Act* provides up to three days of unpaid sick leave in a calendar year to all employees. Family leave allows employees to take three unpaid days per year to meet immediate and extended family responsibilities. Compassionate care leave provides up to 28 weeks to care for a member of the employee's family who is critically ill and has a risk of dying. Leave for crime related disappearance or death of a child allows for 52 weeks off in the case of disappearance and 104 weeks if death results. Employees may take up to 37 weeks of leave to care for a critically ill child or 16 weeks in the case of a **critically ill adult** family member. The Act also provides for **court leave** and **leave for** reservists, without specific time limits. Access to leaves in Prince Edward Island vary between three and six months of continuous employment.

Employees who have worked for an employer for 20 weeks are entitled to **17 weeks** of maternity leave and **up to 62 weeks** of **parental leave** (or a total of **78 weeks** of **parental leave**, if no maternity leave is taken). Employees wishing to take leave must provide four weeks of notice to the employer. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Newfoundland and Labrador

All job-protected leaves in Newfoundland and Labrador, with the exception of the family violence leave and one day of bereavement leave annually, are unpaid. Most leaves require 30 days of continuous employment.

The provincial *Labour Standards Act* provides up to seven days of unpaid sick/family responsibility leave in a calendar year to all employees. **Compassionate care leave** provides up to 28 weeks to care for a member of the employee's family who is critically ill and has a risk of dying. **Crime-related child death or disappearance leave** allows for 52 weeks off in the case of disappearance and 104 weeks if death results. Employees may take up to 37 weeks of leave to care for a **critically ill child** or

17 weeks in the case of a **critically ill adult** family member. The Act also provides for **court leave** and **leave for reservists**, without specific time limits.

Employees who have worked for an employer for 20 weeks are entitled to **17 weeks** of **pregnancy leave** and up to **61 weeks** of **parental leave**. Employees wishing to take leave must provide two weeks of notice to the employer. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Nunavut

With the exception of the first five days of family abuse leave, all leaves in Nunavut are unpaid.

The *Labour Standards Act* provides up to eight weeks of unpaid **compassionate care leave** to care for a member of the employee's family who is critically ill and has a risk of dying. The Act also provides for **court leave** and **leave for reservists**, without specific time limits. Nunavut's employment standards regulation does not outline additional job-protected leaves comparable to those available in other provinces.

Employees who have worked for an employer for 12 months are entitled to **17 weeks** of **pregnancy leave** and up to **37 weeks** of **parental leave** (combined pregnancy and parental leave cannot exceed 52 weeks). Employees wishing to take leave must provide four weeks of notice to the employer. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Northwest Territories

With the exception of the first five days of family abuse leave, all leaves in the Northwest Territories are unpaid.

The *Employment Standards Act* provides up to five days of unpaid **sick leave** annually. Compassionate care leave provides up to 27 weeks to care for a member of the employee's family who is critically ill and has a risk of dying. Employees may take up to 37 weeks of **family caregiver leave** to care for a critically ill child or 17 weeks in the case of a critically ill adult family member.

Employees who have worked for an employer for 12 months are entitled to **17 weeks** of pregnancy leave and up to **61 weeks** of **parental leave**. Employees wishing to take leave must provide four weeks of notice to the employer. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Yukon

With the exception of domestic and sexualized violence leave, all job-protected leaves in the Yukon are unpaid.

Employees are entitled to one day of unpaid **sick leave** for each month they work in a calendar year, up to a maximum of 12, as well as one week of **bereavement leave** annually. **Compassionate care leave** provides up to 28 weeks to care for a member of the employee's family who is critically ill and has a risk of dying. Employees may take up to 37 weeks of **family caregiver leave** to care for a critically ill child or 17 weeks in the case of a critically ill adult family member. **Leave related to the death or disappearance of a child** allows for 52 weeks off in the case of disappearance and 104 weeks if death results.

Employees who have worked for an employer for 12 months are entitled to **17 weeks** of maternity leave and up to **63 weeks** of **parental leave**. Employees wishing to take leave must provide four weeks of notice to the employer. *Note that weeks of job-protected leave do not necessarily correspond to the number of weeks of Employment Insurance benefit entitlement.*

Links to Full Legislation

Federal Jurisdiction

https://laws-lois.justice.gc.ca/eng/acts/l-2/

British Columbia

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96113_01

Alberta

https://www.qp.alberta.ca/documents/Acts/E09.pdf

Saskatchewan

https://www.worksafesask.ca/wp-content/uploads/2019/06/OHS-Legislation-190611.pdf

Manitoba

https://web2.gov.mb.ca/laws/statutes/ccsm/e110e.php

Ontario

https://www.ontario.ca/laws/statute/00e41/v66

Quebec

http://www.legisquebec.gouv.qc.ca/en/document/cs/n-1.1

New Brunswick

https://www.canlii.org/en/nb/laws/stat/snb-1982-c-e-7.2/latest/snb-1982-c-e-7.2.html

Nova Scotia

https://www.nslegislature.ca/sites/default/files/legc/statutes/labour%20standards%20code.pdf

Prince Edward Island
https://www.princeedwardisland.ca/sites/default/files/legislation/E-06-2-Employment%20Standards%20Act.pdf

Newfoundland and Labrador
https://assembly.nl.ca/legislation/sr/statutes/l02.htm

Nunavut
https://nu-lsco.ca/phocadownloadpap/Labour%20Standards%20Act%20Consolidation.pdf

Northwest Territories
https://www.justice.gov.nt.ca/en/files/legislation/employment-standards/employment-standards.a.pdf

Yukon
https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0072/2002-0072.pdf

hbb:cope*225