

# Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance

in Canada

All Canadian provinces, territories and the federal government have minimum employment standards.

Minimum employment standards protect the rights of employees and ensure that they are being treated fairly and with respect.

Foreign workers, including workers without a valid work permit, are usually covered by employment standards laws in most provinces.

## What is the minimum hourly wage in Canada?

All provinces and territories in Canada have set an hourly minimum wage that must be paid by employers. Minimum wages vary by province. You should call your provincial employment or labour standards office to find out the minimum wage where you are working.

You cannot waive your right to a minimum hourly wage.

- In some cases, your boss may deduct the cost of room and board from your wages.
- Sometimes young or inexperienced workers may earn a lower minimum wage. For more information, contact the employment or labour standards office in the province where you are working.



## Is there a limit on the number of hours my employer can make me work each week?

The federal, provincial and territorial governments all have laws that limit the number of hours your employer can make you work per week at regular pay. Some laws also require employers to give minimum periods of rest to their employees and restrict the amount of overtime that an employee may be required to work.

### What is overtime pay?

After you have worked the maximum allowable hours at regular pay, your employer must normally pay you one and one-half (1.5) times your hourly wage. In some provinces, the overtime rate is one and one-half times the provincial *minimum wage*. In British Columbia, employees can be entitled to two times their wage rate when they work more than 12 hours in a day. This is called overtime pay.



### Must my employer pay me for holidays when I am not working?

You may qualify for a paid holiday on certain days that are designated as “general” or “statutory” holidays. These days include:

- New Year’s Day (January 1);
- Good Friday (the Friday before Easter);
- Canada Day (July 1);
- Labour Day (the first Monday in September 1), and;
- Christmas Day (December 25).

The following holidays are also recognized by a majority of provinces and the federal government:

- Victoria Day (the Monday following the third Sunday in May);
- Thanksgiving Day (the second Monday in October);
- Remembrance Day (November 11).

Most provinces and territories have specific additional paid holidays. Contact your nearest employment or labour standards office for more information.

### Must my employer give me notice before dismissing me from my job?

Usually, your employer must give you notice or give you pay instead of notice, prior to dismissing you from your job. Your employer does not have to give you notice when dismissing you for just cause. If you have a contract for a fixed term or task, your employer does not have to give you notice when your contract ends. Notice of termination provisions vary for each province. Contact your nearest provincial employment standards office for more information.

### Am I entitled to a paid vacation in Canada?

The federal, provincial and territorial governments require employers to provide vacations to employees who have worked for a certain length of time. In most cases, the vacation must be paid. There are some exceptions in some provinces and territories. Call your provincial employment or labour standards office to find out the requirement where you work.

### What happens if I lose my job?

You may be entitled to receive Employment Insurance benefits if you lose your job. Employment Insurance is a federal program that pays benefits if you are out of work and looking for a job. For information about how and where to apply and whether you qualify, call the Employment Insurance Commission at 1-800-206-7218. Foreign workers without a valid work permit cannot collect Employment Insurance benefits.



If you are a guest farm worker in the CCMSAWP, you may not be able to collect Employment Insurance benefits because you must leave Canada after a certain length of time. For more information, see [Guide to the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program \(CCMSAWP\) in Canada](#).

## **I am a farm worker. Do I have the same protections as other workers?**

The law is a bit different for farm workers in many Canadian provinces. Here is a list of important differences in each province.



### **Alberta**

If you work on a farm or ranch and your employment is directly related to the production of eggs, milk, grain, fruit, vegetables, honey, livestock, game-production animals, poultry, bees or cultured fish, then you are excluded from most minimum employment standards in Alberta.

You are excluded from the following standards:

- Minimum wage
- Hours of work
- Overtime
- General holidays with pay
- Vacation
- Vacation pay
- Rest periods
- Restriction on employment of children

Call 1-800-232-7215 for more information.

### **British Columbia**

If you are a farm worker in British Columbia, you are excluded from overtime provisions and general holidays with pay.

B.C. farm workers are entitled to the minimum wage. The province also sets out the piecework rates for farm workers who hand-harvest certain crops.

Contact the employment standards office at 1-800-663-3316 for minimum wage rates with respect to your task.

A farm labour contractor cannot charge you for his or her services.

If your farm labour contractor transports you to an area for work but does not supply you with work, he or she must pay you the minimum hourly wage for the longer of:

- 1) two hours; or
- 2) the time it took to go to and from the job site.

However, this doesn't apply if you cannot work because of bad weather or due to another cause outside the farm labour contractor's control.

Call 1-800-663-3316 for more information.

### **Manitoba**

If you are employed as a farm worker you are excluded from the following minimum standards:

- Minimum wage
- Hours of work
- Overtime
- Paid general holidays
- Vacation
- Vacation allowance
- Rest periods
- Notice of termination
- Maternity leave and parental leave
- Restriction on the employment of children

Your employer must pay you on time for the work you do.

Your employer must pay men and women equally for the same work.

Call 1-800-821-4307 for more information.

### **New Brunswick**

If you work on a farm that has three or fewer employees for a substantial part of the year (not counting close relatives of the employer), then you are excluded from the following minimum standards:

- Minimum wage
- Hours of work
- Overtime
- Paid general holidays
- Vacation
- Vacation pay
- Rest periods
- Notice of termination
- Maternity leave and parental leave

Restrictions apply to the employment of persons under the age of 16.

Call 1-800-4LABOUR (1-800-452-2687) for more information.

### **Newfoundland and Labrador**

If you are a farm worker in Newfoundland and Labrador, you are entitled to all employment standards in that province except overtime.

Overtime provisions do apply if you work in a greenhouse or nursery producing fruit or vegetables.

Call 1-877-563-1063 for more information.

### **Nova Scotia**

If you are a farm worker in Nova Scotia whose work is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, maple products, honey, tobacco, pigs, cattle, sheep, poultry or animal furs, you are excluded from the following minimum standards:

- Hours of work
- Overtime
- General holidays with pay

But these standards do apply if you work in a place that produces flowers, fruit, grain, seeds, tobacco or vegetables under cover (like in a greenhouse).

Certain farm workers, notably those paid on a piecework basis to hand-harvest certain crops, are not entitled to the minimum wage.

Call 1-888-315-0110 for more information.

### **Ontario**

If you work on a farm that is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, maple products, honey, tobacco or herbs, or the raising and keeping of pigs, cattle, sheep, goats, poultry, deer, elk, ratites, bison, rabbits, game birds, wild boar or cultured fish, then you are not covered by the following minimum employment standards:

- Minimum wage
- Hours of work
- Overtime
- General holidays with pay
- Vacation
- Vacation pay

If you are harvesting fruit, vegetables or tobacco, you are entitled to the minimum wage (piece rate) and, after 13 weeks of employment, to public holidays and vacation pay.

Sometimes workers do both harvest work and general farm work. In that case, the application of the law depends on what tasks you perform the most during the workweek. If you spend more time doing harvest work, then the rules that apply will be those of a harvest worker.

Call 1-800-531-5551 for more information.

### Prince Edward Island

If you are a farm worker you are excluded from the following minimum employment standards (unless you are employed in a commercial operation):

- Minimum wage
- Hours of work
- Overtime
- General holidays with pay
- Vacation
- Vacation pay
- Rest periods
- Notice of termination

You must be paid on time for the work you perform. You are also entitled to maternity and parental leave, as well as protection from sexual harassment.

A commercial farm is a farm that purchases at least 50 percent of its product from other farms. You are covered by minimum standards if you work on a commercial farm.

Call 1-800-333-4362 for more information.

### Quebec

If you are a farm worker in Quebec you are not entitled to the following labour standards:

- Hours of work
- Overtime

Employees principally involved in the hand-harvesting or processing of vegetables and fruit are not entitled to the minimum wage.

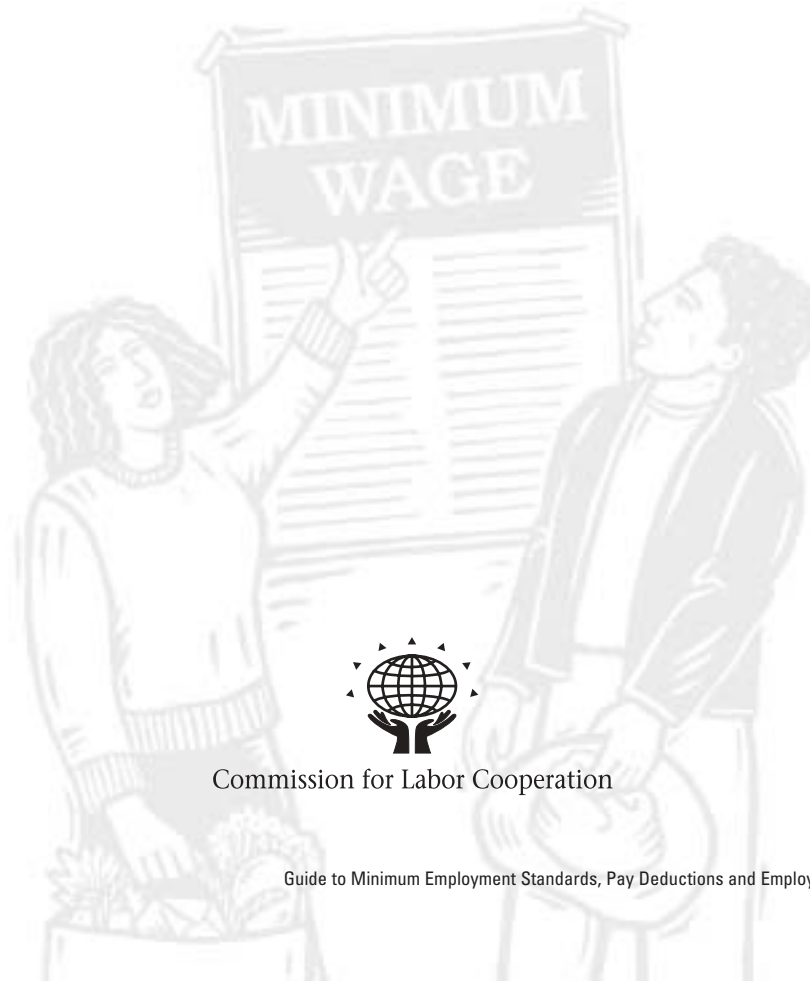
Call 1-800-265-1414 for more information.

### Saskatchewan

If you are employed primarily in farming, ranching or market gardening, then you are not covered by the minimum labour standards law of Saskatchewan, except for provisions concerning the recovery of unpaid wages.

If you are employed in the operation of egg hatcheries, greenhouses or nurseries, bush clearing operations, or commercial hog farms then you are not considered to be employed in “farming, ranching or market gardening” and are covered by the *Saskatchewan Labour Standards Act*.

Call 1-800-667-1783 for more information.



Commission for Labor Cooperation