

Employment Standards in BC

A guide for newcomers to British Columbia



Contents

| | |
|--|----|
| 1. What you can expect working in BC?..... | 2 |
| 2. What are your rights? | 3 |
| 3. Specific Industry exceptions..... | 9 |
| 4. Workplace Safety | 10 |
| 5. Inquiries and Complaints | 10 |
| 6. What else do I need to know? | 11 |

1. What you can expect working in BC?

Introduction

The British Columbia *Employment Standards Act* sets minimum standards of wages and working conditions in most workplaces. A few occupations are covered under the *Canada Labour Code* instead.

Both the B.C. Employment Standards Act and the Canada Labour Code cover issues such as:

- minimum wages & wage deductions
- mandatory payment of overtime
- vacation leave
- sick days
- termination of employment

For more information see:

- **Working in BC - Welcome BC**
<https://www.welcomebc.ca/Work-in-B-C/Working-in-B-C>
- **Employment Standards – Government of BC**
<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards>
- **Federal Labour Standards [Canada Labour Code]**
<https://www.canada.ca/en/services/jobs/workplace/federal-labour-standards.html>

2. What are your rights?

Wages

As an employee in British Columbia, you are legally entitled to the following minimum wage:

- **General minimum wage:** \$17.40/hour

Specific occupations such as live-in home support workers, resident caretakers, and farm workers have their own minimum wage standards.

For more information see:

- **Minimum Wages**

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/wages/minimum-wage>

Paydays and Wage Statements

You must be paid at least 2 times per month. All money earned in a pay period, including overtime and statutory holiday pay, must be paid within eight days after the end of the pay period.

Your employer must provide you with a written or electronic pay statement each payday that shows all details about hours worked, rate(s) of pay, earnings and deductions. Wages must be paid in Canadian currency.

- **Getting Paid for Work**

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/wages>

Working hours

Most working hour rules are based on an 8 hour day and 40 hour work week

Regular Hours of Work Rules

- You are entitled to at least a 30-minute meal break if you work five hours in a row. (Your employer does not have to pay you for meal breaks unless you are required to work or be available for work during this break.)
- Employers are not required to provide coffee breaks.
- If you report for work you must be paid for at least two hours, even if you work less than two hours.
- A split shift must be completed within 12 hours of when the shift started
- You must have at least 32 hours in a row free from work each week. If you work during this period, you must be paid time-and-a-half for all hours worked.
- An employer must not require or allow you to work excessive hours or hours harmful to your health or safety.

Overtime Pay

You are entitled to overtime pay if you work more than:

- **8 hours per day** - You must be paid time-and-a-half for the next four hours worked, and double time for all hours worked in excess of 12 hours in a day.

OR

- **More than 40 hours in a week** - You must be paid time-and-a-half after 40 hours. This applies even if you never work more than eight hours in a day.

For more information see:

- **Hours of Work and Overtime**
<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hours>

Statutory Holidays

There are 11 statutory holidays in British Columbia:

- New Years Day
- Family Day (February)
- Good Friday
- Victoria Day (May)
- Canada Day (July 1)
- B.C. Day (August)
- Labour Day (September)
- National Day for Truth and Reconciliation (September)
- Thanksgiving Day (October)
- Remembrance Day (November 11)
- Christmas Day

Note: Easter Sunday, Easter Monday and Boxing Day are not statutory holidays.

To be eligible for statutory holiday pay you must:

- Have been employed for 30 calendar days before the statutory holiday
- and*
- Have worked or earned wages on 15 of the 30 days immediately before the statutory holiday.

For more information see:

- **Statutory Holidays**
<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/statutory-holidays/qualify-for-statutory-holiday-pay>

Vacation

As an employee, you earn vacation time during the first year you're employed.

You are entitled to:

- at least 2 weeks annual vacation, after 12 months of employment

OR

- at least 3 weeks, after 5 years of employment

Additional information:

- Your annual vacation is in addition to all statutory holidays you are entitled to
- Your employer must allow you to take your vacation in periods of one or more weeks unless you request a shorter period
- Vacation must be taken within 12 months of being earned

Vacation Pay

Your employer must pay you the following amount of vacation pay:

- After 5 calendar days of employment, at least 4% of your total wages during the year of employment entitling you to vacation pay
- After 5 consecutive years of employment, at least 6% of your total wages during the year of employment entitling you to vacation pay

For more information see:

- **Annual Vacation Factsheet**

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/time-off/vacation>

Sick Leave

After 90 days of employment, you can take up to **5 paid days** and **3 unpaid days** of job-protected sick leave per calendar year.

You can take time away from work without warning to deal with unexpected illnesses or life situations. You don't need to give the employer advance notice, but you should notify your employer as soon as you can.

An employer can ask for reasonably sufficient proof (ie: a doctor's note) that you are entitled to this leave.

More information:

- **Illness or Injury Leave**

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/time-off/leaves-of-absence#illness-or-injury>

Termination of Employment

Employers usually like some notice before an employee quits, but this is not required. However, if you quit your job without notice, you are not paid compensation for length of employment.

Employers can end an employee's job by giving written working notice or pay (called compensation for length of service). They can also choose to give a combination of both notice and pay.

Employers can also fire an employee for just cause. If an employer has just cause, they don't have to give notice or pay.

Employment Standards in BC ***A Guide for Newcomers to British Columbia***

If you lose your job and don't get written notice or compensation as agreed, you can contact the Employment Standards Branch (ESB) to file a complaint.

You may be eligible for compensation based on the following formula:

- After three consecutive months of employment – one week's pay
- After 12 consecutive months of employment – two weeks' pay
- After three consecutive years – three weeks' pay, plus one week's pay for each additional year of employment to a maximum of eight weeks.

No compensation is required if:

- You are given advance **written** notice of termination equal to the number of weeks for which you are eligible for compensation
- You have not completed three consecutive months of employment
- You quit or retire
- You are dismissed for just cause
- You work on an on-call basis doing temporary assignments, which you can accept or reject

For more information:

- **Quitting, Getting Fired or Laid Off**
<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/termination>

3. Specific Industry exceptions

A number of industries in British Columbia have specific regulations that only apply to them. These include:

- Farm Workers
- Aquaculture & Fish Farms
- Commission Sales
- Live-in Caregivers (Domestic)
- High Technology
- Loggers Working in Interior
- Oil and Gas
- Resident Caretakers
- Silviculture
- Taxi Drivers
- Truck Drivers
- Young People
- Young People in Entertainment

For more information see:

- **Specific Industries**
<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/specific-industries>

4. Workplace Safety

All workers have a right to a safe and healthy workplace. You also have the right to refuse work that you feel is dangerous. WorkSafe BC is responsible for workplace health and safety in British Columbia. This includes addressing and preventing issues of bullying and harassment in the workplace.

In case of work-related injuries or diseases, WorkSafeBC may offer return-to-work rehabilitation, compensation, healthcare benefits and other services:

For more information see:

- **WorkSafe BC**
<https://www.worksafebc.com/en>
- **Safety Standards - WelcomeBC**
<https://www.welcomebc.ca/Work-in-B-C/Working-in-B-C>

5. Inquiries and Complaints

If you feel like something is not right at work you can get help. For more information see:

- **Get Help With Employment Standards**
<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/contact-us>
- **Avoiding Employment Scams**
<https://www.vpl.ca/siic/guide/job-search-resources/avoiding-employment-scams>

6. What else do I need to know?

- **Employment Insurance**

<https://www.canada.ca/en/services/benefits/ei.html>

Employment Insurance (EI) provides temporary financial assistance to unemployed Canadians if you lose your job through no fault of your own, while you look for work or upgrade your skills.

- **Human Rights Protection**

<https://www2.gov.bc.ca/gov/content/justice/human-rights/human-rights-protection>

The B.C. Human Rights Code is a law that protects workers from unfair treatment. Employers cannot refuse to hire people for reasons that are not related to the work. This includes skin colour, race, marital status, family background, religion, sex, sexual orientation, age, or a disability.

- **Labour Relations Board of BC**

<https://www.lrb.bc.ca/>

The BC Labour Relations Board is responsible for overseeing unionized workplaces in British Columbia.

- **Work Safe BC – Occupational Health and Safety Regulations**

<https://www.worksafebc.com/en/about-us/>

WorkSafeBC is dedicated to promoting workplace health and safety in BC. Complaints of bullying and harassment are also covered by WorkSafe BC.

***Questions? Please ask the Information Staff in the Central Library,
Vancouver Public Library or telephone 604-331-3603.***

Please note that the information in this guide is also available online through the Skilled Immigrant InfoCentre website at <https://www.vpl.ca/siic/>