

December 2007 / décembre 2007



**Workers' Rights in Canada
Employment Standards, Workplace Health and Safety, and Human Rights**

EMPLOYMENT STANDARDS**What are employment standards?**

Employment standards are the minimum standards established by law that define and guarantee rights in the workplace. Each province and territory has its own legislation.

Most workers in Canada (about 90 percent) are protected by the employment laws of their province or territory. The remainder are in jobs covered by federal laws.

What employment rights are protected by employment standards legislation?

Employment standards legislation covers rights in areas such as hours of work and overtime pay, minimum wage, pay, vacation time and vacation pay, public holidays, coffee and meal breaks, pregnancy leave and parental leave, personal emergency leave, family medical leave, termination notice and termination pay. Here are some key points:

- Hours of work and overtime rules apply to most workers and vary significantly across Canada. However, most jurisdictions have established an overtime rate equivalent to one and a half times an employee's regular rate of pay. Employers cannot refuse to pay overtime rates and cannot force workers to work excessive hours, nor can they fire workers or have them deported if they refuse or complain about overtime work.
- The minimum wage is the lowest wage rate that an employer can pay a worker and varies widely in Canada according to provincial or territorial law.
- Employees must be paid at regular intervals and given a statement showing their wages and deductions for that pay period.
- Most workers have the right to an annual vacation with pay. In British Columbia, Alberta, Manitoba, Ontario and Quebec, employees must receive two weeks of paid vacation after completing one year with an employer. There are notable differences across the country with respect to entitlements and eligibility.
- A public holiday enables most workers to have the day off with pay or receive overtime if they work. Every province and territory provides for a number of public holidays.
- Most jurisdictions in Canada provide workers with a meal break of at least half an hour after each period of five consecutive hours of work. Employers are not normally required to pay workers for time spent on a meal break.

Do all workers have the same employment rights?

No. Some categories of workers may be subject to a variation in the employment standard or excluded from one or more of the laws. For example, farm workers may be paid a piece rate instead of a minimum wage, and in most provinces they are not eligible for overtime or public holiday pay. Other categories of workers that could have different employment rights include commercial fishers, oil field workers, loggers, home care givers, professionals, managers and some categories of salespersons.

WORKPLACE HEALTH AND SAFETY

All workers in Canada have the right to work in a safe and healthy environment. The purpose of workplace health and safety legislation is to protect workers against health and safety hazards in the workplace. Each province and territory, as well as the federal government, has its own legislation.

- **The right to refuse unsafe work**

One of a worker's basic rights is the right to refuse work that they believe presents a danger to themselves or another worker. The refusal must be reported to the employer or supervisor who investigates the matter.

- **Getting hurt at work**

All provinces and territories provide for workers compensation benefits that are paid if a worker becomes sick or is injured on the job. If a worker has an accident at work, the supervisor must be notified right away. A health-care professional (e.g. a physician) should be contacted and a claim filed with the workers compensation board.

HUMAN RIGHTS

Discrimination

Employers cannot refuse to hire workers because of their race, religion, ethnic origin, skin colour, sex, age, marital status, disability or sexual orientation. However, employers or other workers may sometimes discriminate or make racist or offensive comments. This is called harassment and is against the law.

If you believe you have experienced discrimination or harassment, talk to your employer to try to resolve the matter. If that is not possible or does not work, speak to your union, your provincial or territorial human rights commission, or the Canadian Human Rights Commission.

IF YOU NEED HELP

If you feel you are being treated unfairly and that your employer is not following the law, you can call or write to your provincial, territorial or federal labour standards office. The employer cannot discipline or penalize you for complaining to these agencies. The agency may ask you if you have first tried to resolve the problem by talking with your employer.

Get as much information as possible

This is general information provided as a public service. Although we try to ensure the information is current and accurate, errors do occasionally occur. Therefore, we cannot guarantee the accuracy of this information. Readers should verify the information before acting on it.

Links for workers protected by provincial or territorial laws:

- Employment standards: www.hrsdc.gc.ca/en/labour/employment_standards/ministries.shtml
- Workplace health and safety: http://www.hrsdc.gc.ca/eng/labour/workplace_health/index.shtml
- Human rights: www.hrsdc.gc.ca/en/lp/lo/lsw/we/related_links/commissions.shtml

Link for workers protected by federal laws:

www.hrsdc.gc.ca/en/labour/employment_standards/index.shtml

To find out more about federal government employment standards, or to find out how to contact your provincial or territorial government, call 1 800 O-Canada (1-800-622-6232), or TTY 1-800-926-9105. Telephone service is provided in both English and French.