

A Rising Tide to Lift All Boats

Recommendations for Advances
to Nova Scotia's *Labour Standards Code*

Rebecca Casey





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Executive Summary

THIS REPORT IS a follow-up to the 2012 CCPA-NS publication “Labour Standards Reform in Nova Scotia: Reversing the War Against Workers.” It examines Labour Standards in Nova Scotia and provides a macro-level comparison with other jurisdictions in Canada to determine where this province fits in the national picture. Labour Standards legislation provides a set of minimum terms and conditions to which employers must adhere. Labour Standards are extremely decentralized in Canada as each province and territory, as well as the federal government, has its own legislation. In general, employees who work in non-federally regulated businesses and industries are covered by their provincial or territorial legislation. Part III of the *Canada Labour Code* covers employees who work in federally regulated businesses and industries. Despite this coverage, many employees, especially in Nova Scotia and Ontario, are exempt or have special rules from certain aspects of the legislation or are exempt from the entire legislation.

The attack on workers documented in our 2012 publication by Buott, Haiven and Haiven continues unabated. Nova Scotia falls well short on the most important and far-reaching of the *Labour Standards Code*’s provisions: standard hours of work, overtime provisions, vacation, minimum wage and statutory holidays. *When one factors in the fact that Nova Scotia exempts workers in a long list of occupations and industries from enjoying even these watered-down protections, this report concludes that workers in Nova Scotia are denied many of the protections other Canadian workers enjoy.*

Workers in Nova Scotia have a long history of pressing for improvements to Labour Standards legislation. While there have been some recent progressive changes, this report argues that there are many improvements still required to provide workers with protections enjoyed in other provinces. It is an opportune time to address these improvements as the population is aging and Nova Scotia is in the midst of a crisis to attract and retain workers in many sectors and to retain our younger workers in province. Improvements are also needed to keep pace with other jurisdictions. Most recently, the federal government introduced *Bill C-86* which modifies sections of Part III of the *Canada Labour Code*. Many of these changes are focused on improving employment protection and experiences of employees in precarious employment. The number of employees working in precarious employment is growing. Certain groups of workers are overrepresented in precarious employment, including women, younger people, racial minorities, and recent immigrants — all of which represent growing labour markets in Canada and Nova Scotia.

The report next turns to comparing Nova Scotia's *Labour Standards Code* to other jurisdictions and providing recommendations for improvements. Rationale and background support are included in each section of the Labour Standards legislation. Below are some key findings from the report and recommendations.

Exemptions, Special Rules, and Misclassification

Exemptions and special rules are common in most jurisdictions but Nova Scotia and Ontario have the longest and most complex lists. In many cases, the employer is the only party to benefit from the exemptions and special rules. Exemptions and special rules are most common in precarious employment which adds to their already vulnerable status. Exemptions or special rules relating to hours of work, access to overtime pay, or minimum wage rates result in economic insecurities and hardship for workers. Independent contractors are exempt from Labour Standards legislation, yet employees are often misclassified as independent contractors and the criteria used to determine whether someone is an independent contractor is outdated.

Recommendation

Nova Scotia should remove the list of exemptions and special rules from the *Labour Standards Code*. Nova Scotia needs better protection for employees

who are misclassified. The criteria used to determine whether someone is an independent contractor must be updated so it better aligns with the current labour market.

Standard Hours of Work and Overtime Hours

Nova Scotia has one of the longest work weeks at 48 hours in a regular work week and eligibility for overtime pay after 48 hours. Long work weeks erode personal time for employees which has negative consequences on their physical and mental wellbeing.

Recommendation

Nova Scotia needs to reduce the work week to 40 hours. This will make Nova Scotia more competitive in attracting and retaining employees. A change to 40 hour weeks means that employees will be eligible for overtime pay after working 40 hours rather than 48. These eight hours of eligible overtime result in a loss of \$138.60/week for a minimum wage worker in Nova Scotia, and considerably more if the worker is paid over minimum wage.

Vacation time and pay

Nova Scotia currently provides employees with less access to vacation time and pay than other jurisdictions. Vacations are an important component of maintaining mental health, physical health, job productivity, and general wellbeing.

Recommendation

Employees should start with a minimum of three weeks paid vacation (or 6% in lieu) which would then rise to four weeks (or 8% in lieu) after 10 years of service.

Statutory/Public holidays

Nova Scotia has one the lowest number of statutory/public holidays available to employees in comparison to the other jurisdictions. There are currently six statutory holidays, as well as a special piece of legislation for Remembrance Day.

Recommendation

Nova Scotia should increase standards to nine statutory holidays. The nine statutory holidays included in the *Canada Labour Code* should be available to employees in Nova Scotia with the same provisions for all of them.

Pay Equity

Nova Scotia is one of the few jurisdictions that provides pay equity legislation based on sex. Pay equity should also include protection for employees regardless of employment status. *Bill C-86* will expand the protection under Part III of the *Canada Labour Code* which will prohibit employers from paying employees different rates based on their employment status.

Recommendation

Nova Scotia must improve the legislation to include pay equity for employees regardless of their employment status, race or ethnicity, ability or disability, and age.

Minimum Wage

Nova Scotia has one of the lowest minimum wage rates in Canada. The minimum wage rate for inexperienced employees is \$11.05 per hour while the minimum wage rate for experienced employees is \$11.55.

Recommendation

Nova Scotia should follow Alberta's lead by increasing its minimum wage to at least \$15 per hour, which is still \$4 less than a living wage in Halifax. This would need to be done on an incremental basis and could be done over the span of two years. Nova Scotia must end the practice of having a lower minimum wage rate for inexperienced employees.

Complaints Process and Enforcement

Employees in Nova Scotia have the option of asking to submit their complaint anonymously which is not possible in most other jurisdictions. Employees only have six months from the time of the violation to file a complaint which is lower than other jurisdictions. Another problem for employees in Nova

Scotia is that enforcement is weak and needs improvement. In Nova Scotia, Labour Standards Officers can issue orders to pay, use prosecutions, fines, and imprisonment.

Recommendation

Nova Scotia needs to increase the time period for employees to file a complaint to two years. The enforcement system must be improved by increasing fine amounts and using fines, prosecutions, and imprisonment more frequently.

Summary

This report provides evidence to show the strengths in Nova Scotia's *Labour Standards Code* compared to other jurisdictions and where improvements are needed. Where applicable, recommendations are provided for improving the legislation. Now is the best time for Nova Scotia to have these debates about improving the *Labour Standards Code* as Part III of the *Canada Labour Code* has undergone some major renovations and Nova Scotia can be one of the first jurisdictions to align its legislation with the revised *Canada Labour Code*. Nova Scotia needs to attract and retain employees. One way to do this is to make the *Labour Standards Code* more robust than other jurisdictions across the country.

Introduction

LABOUR STANDARDS LEGISLATION in Canada is extremely decentralized. Each province and territory, as well as federally regulated businesses and industries, has its own Labour Standards legislation. Labour Standards legislation provides a set of minimum terms and conditions to which employers must adhere. These legislations provide coverage for employees in the following areas: wages, working time, vacations, statutory holidays, leaves, as well as others. All collective agreements must meet, or exceed, these minimum standards. All non-unionized employees rely on the Labour Standards legislation for protection.¹ Labour Standards legislation's relative importance increases as rates of unionization continue a long historical decline.

Data from Statistics Canada show that in 1981, 37.6% of Canadians were unionized while only 28.8% were unionized in 2014.² Rates of unionization are even lower when comparing private sector jobs to public sector jobs. In 2018, 76.7% of employees in Canada were in private sector jobs and 72.7% of employees in Nova Scotia were in private sector jobs. Unionization rates in Canada in public sector jobs was 75.1% compared to 15.9% in the private sector. The trends are even worse in Nova Scotia as the percentage of unionized jobs in the private sector is only 11.8% compared to 74.6% of public sector jobs. This data emphasize how most unionized jobs are in the public sector, underlining the importance of Labour Standards legislation to employees in the private sector.³

This report compares Nova Scotia's *Labour Standards Code* to other Labour Standards legislation across Canada focusing on federal legislation and legislation at the provincial and territorial level. Employees in federally regulated businesses and industries are covered under Part III of the *Canada Labour Code* while each province and jurisdiction has its own legislation. Comparisons are made with Nova Scotia to examine what types of protections are available in Nova Scotia compared to other jurisdictions. The report highlights areas where Nova Scotia has done well at protecting the rights of employees as well as identifying areas where Nova Scotia needs to improve. It is in these areas that recommendations for Nova Scotia are provided.

Improvements to Labour Standards legislation and cross jurisdictional comparison are especially important in the current labour context as the nature of employment is changing and precarious employment is on the rise in Canada. The rise of rates of precarious employment along with other structural changes have resulted in a reduction of the overall unionization rate noted above.

Even with unemployment rates at modern day lows, compensation and job quality has not seen an improvement for the majority of Nova Scotian workers. These trends mean that any improvement for the majority of the workforce is reliant on improvements to Labour Standards legislation at the provincial and territorial level. Data in this report are current up to July 3, 2019. Amendments are continuously occurring across all jurisdictions in Canada. One regular change in most jurisdictions is a yearly increase in minimum wage rates.⁴ Since changes are being brought forward with increasing frequency across the country, the process of examining and comparing these legislations can assist each province or territory to stay abreast with contemporary Labour Standards legislation.

The attack on workers documented in the 2012 CCPA-NS publication "Labour Standards Reform in Nova Scotia: Reversing the War Against Workers" continues unabated. Nova Scotia falls well short on the most important and far-reaching of the *Labour Standards Code*'s provisions: standard hours of work, overtime provisions, vacation, minimum wage and statutory holidays. *When one factors in the fact that Nova Scotia exempts workers in a long list of occupations and industries from enjoying even these watered-down protections, this report concludes that workers in Nova Scotia are denied many of the protections other Canadian workers enjoy.*

This report starts with an overview of the rise in precarious employment and explains why precarious employment matters in the discussion about Labour Standards legislation. The next section focuses on recent modifications

in Labour Standards legislation that have occurred in the federal government as well as in Alberta, British Columbia, and Ontario. Some of the more progressive gains in the federal and provincial legislation are particularly applicable for Nova Scotia. The balance of the report focuses on comparing how Nova Scotia's Labour Standards Code compares to other jurisdictions. The report focuses on the following areas of Labour Standards legislation:

- Exemptions and special rules
- Standard hours of work and overtime hours
- Hours free from work
- Rest periods
- Three hour rule — Reporting to duty pay
- Statutory/Public holidays
- Pay equity
- Uniforms
- Minimum wage order
- Leaves
- Individual termination notice
- Wrongful Dismissal Adjudication
- Group termination notice
- Harassment and bullying
- Protection against retribution for employees who file complaints
- Complaints process
- Enforcement process

Nova Scotia and the Struggle to Improve Labour Standards

NOVA SCOTIA HAS a long history of workers organizing to improve Labour Standards legislation.⁵ There has been an ongoing push to improve Labour Standards legislation, that has been active on the ground and through energetic debate in the popular media. One recent example is the ‘Fight for \$15 & Fairness’ campaign which promotes the benefits of increasing the minimum wage to \$15 per hour as well as removing exceptions from the minimum wage, improving overtime pay standards, increasing paid vacation time, paid sick leave, equal pay for workers regardless of their employment status, and including severance pay in the *Labour Standards Code*. There is now unpaid domestic leave and the qualifying period for maternity leave was removed.⁶ Ineffective protection for non-unionized workers in Nova Scotia was one of the impetuses that prompted the creation of the Halifax Workers Action Centre. This centre works alongside the ‘Fight for \$15 & Fairness’ to promote workplace rights and provides workshops for workers to educate them on their rights.⁷

The long-time champion for workers’ rights has been the organized labour movement. In Nova Scotia the labour movement worked diligently to promote the necessity of a paid domestic violence leave. Overall, there have been some improvements across Canada, including Nova Scotia, within

Labour Standards legislation, but there have also been many setbacks over the last several decades. The awareness of the necessity to improve Labour Standards legislation is not unique to Nova Scotia. Other jurisdictions have also seen similar patterns of change and push back. Some of the more positive changes have occurred recently when the governments recognized the need to improve Labour Standards legislation by ensuring that the needs of employees today are being met. The changes are often juxtaposed with language about protecting employees engaged in precarious employment.

Labour Standards reform is particularly necessary in Nova Scotia's context of an aging population and high rates of younger people who leave the province in pursuit of better jobs. Nova Scotia also has a challenging time keeping new immigrants in the province. It is in the best economic interest of Nova Scotians to start discussions about improving the *Labour Standards Code* to make jobs more enticing to workers so they stay in the province. It is challenging to compete with other jurisdictions when the minimum wage rate in Nova Scotia trails most other provinces and employees do not have the same access to leaves and vacation time as found in other jurisdictions. As the population continues to age, employees will need better access to leaves as they may be required to provide care for aging parents and family members. Now is the time for Nova Scotia to reevaluate the *Labour Standards Code*. It is necessary that it meets the more diverse needs of the current population of employees and makes Nova Scotia more competitive in attracting and retaining employees.

Broader Labour Market Trends and Socio-Economic Context

RECENT LITERATURE RELATED to employment trends suggest that precarious employment is becoming increasingly prevalent in Canada. Precarious employment or non-standard employment is defined by “high levels of uncertainty, low income, a lack of control over the labour process, and limited access to regulatory protections”.⁸ Since these factors contribute to job insecurity, precarious employment or non-standard employment is often considered to be “of undesirable quality”.⁹ Jobs that are temporary, seasonal, contract, and on-call have high levels of uncertainty as the employee is unsure as to whether or not the employment will continue. As a result, many employees are forced to rely on multiple jobs. Part-time employment is often viewed as being precarious.¹⁰ A better measure of part-time employment as a variable of precarious employment is to focus only on those who are involuntarily working part-time.

Johal and Thirgood illustrate that Canada’s workforce has shifted to more part-time and temporary positions as “temporary work accounts for 13.5% of Canada’s workforce in 2016 compared to 8.6% in 1997 and part-time workers account for 19.6% of Canada’s workforce in 2016 compared to 12.5% in 1976”.¹¹ Comparably, in 2016, temporary workers represented 16.1% of Nova Scotia’s workforce and part-time workers represented 18.5% Nova Scotia’s

workforce.¹² There are key elements to employment beyond income, such as job and employment security, access to leave(s), work-life balance, access to employer-sponsored benefits, and control over the labour process; and these elements have become difficult or impossible to access through precarious work.^{13,14,15} The increased physical and mental health implications with precarious employment add to the vulnerability experienced by employees in precarious employment and further emphasize the need to ensure that employees are protected by Labour Standards Legislation.¹⁶

Certain groups of employees, including women, racial and ethnic minorities, and immigrants are more vulnerable to precarious employment than others. Cranford, Vosko, and Zukewich describe how:

gender intersects with race/ethnicity and age to shape workers' positions along the continuum. Women, both white and women of colour, are more concentrated in part-time temporary and part-time permanent wage work, compared to men, and these are the more precarious forms of employment. The young are more concentrated in part-time temporary and part-time permanent wage work but, within each age group, women are more likely than men to have these more precarious forms of wage work.¹⁷

The overrepresentation of women in precarious work is defined by Cranford, Vosko, and Zukewich as the feminization of employment norms, which is “the gendering of jobs and polarization in wages”.¹⁸ Hira-Friesen illustrates the further exploitation of recent Canadian immigrants who are overrepresented in precarious employment. Recent immigrants are more likely to be employed in involuntary part-time work in comparison to their Canadian-born counterparts.^{19,20} In addition to the stress of integrating themselves into Canadian society, recent immigrants are struggling financially due to wage disparities created by precarious employment.

Given the rise in precarious work, researchers argue that the policies and Labour Standards legislation in place are not suitable for this trend in employment. These policies do not reflect the added risk to certain populations, such as visible minorities, that are more likely to experience the disadvantages of precarious work.²¹ Labour Standards legislation needs to be evaluated to determine whether it is offering enough protection for the most vulnerable employees. All jurisdictions across Canada could learn from Australia's 2009 *Fair Work Act*, which was created to provide vulnerable employees access to enforceable labour rights.²²

Labour Standards Legislation – Recent Modifications

NOVA SCOTIA AND almost all other provinces have revised their legislation to reflect changes in Employment Insurance. These changes pertained to the new extended Employment Insurance maternity and parental benefits as well as dedicated leave for the non-birthing parent. The Canada Training Benefit, and in particular the Employment Insurance Training Support Benefit, will also require changes to part-time employment standards to allow for protected training leave. Recently the Northwest Territories proposed a new Bill which will align its leaves with changes in Employment Insurance.^{23,24} Nova Scotia's *Labour Standards Code* has been amended recently; however, the original legislation was passed in the 1970s.

One of the most recent amendments introduced by the government of Nova Scotia was a leave for employees who have been exposed to domestic violence entitling employees to three paid days of leave, seven unpaid days, and up to 16 continuous weeks of unpaid leave. While these amendments are commendable, it is worth recognizing the major revisions introduced in other jurisdictions and seeing whether these could be implemented in Nova Scotia. For instance, the federal government, Alberta, British Columbia, and Ontario have recently made major revisions to their Labour Standard laws and regulations.

This section will highlight further revisions made by the federal government, Alberta, British Columbia, and Ontario regarding their revised Labour Standards legislation. It is also important to note that newly elected governments in Alberta and Ontario have proposed removing some of the more progressive changes introduced within the last two years. *Fair and Family-Friendly Workplaces Act* in Alberta and *Fair Workplaces, Better Jobs Act 2017* in Ontario introduced prior to the change in government positioned these two provinces as leaders in certain aspects of Labour Standards legislation. Part III of the *Canada Labour Code*, as described below, will undergo some major changes once *Bill C-86* becomes law. The decision to modernize Part III of the *Canada Labour Code* was expressly to re-establish federal leadership in these areas. Other jurisdictions will need to make progressive changes to catch up to the new legislation as theirs will be outdated. Nova Scotia should be paying close attention to these changes and implementing them to improve Labour Standards in Nova Scotia.

The Case of the Canada Labour Code

A lot of attention is presently on the federal government's recommended revisions to the *Canada Labour Code* regulations through *Bill C-86*. Other recent changes occurred within the *Canada Labour Code* under *Bill C-65: An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1*. Of particular note is the overhauled protection against harassment and violence. Previously, protection against harassment and violence was covered under Part II and Part III, but this change consolidated these into Part II which addresses occupational health and safety and expanded the protection to include all employees in federally regulated businesses and industries.²⁵ Employees are protected from harassment, including sexual harassment, based on at least one grounds of discrimination. The prohibited grounds of discrimination include sex, sexual orientation, gender identity or expression, genetic characteristics, marital status, family status, race, colour, national or ethnic origin, religion, age, and disability.²⁶

The new *Bill C-86* recently received Royal Assent and will soon become law. The *Bill* is an omnibus bill, containing a wide range of legislative changes including but not limited to changes to: the *Income Tax Act*, the Canadian Pension Plan, pricing for Greenhouse Gas Emissions, *First Nations Land Management Act*, *Pay Equity Act*, the *Canada Labour Code* and many others.

Sections relating to Part III of the *Canada Labour Code* are the primary focus here. The changes to the *Canada Labour Code* and other associated *Acts*, such as the *Pay Equity Act*, have received praise from some mainstream commentators.²⁷ More importantly to the context of this report, *Bill C-86* strengthens the protections available to employees by improving working conditions and ensuring that employees are able to recover all monies owed in multiple situations, including those of an insolvent employer. The changes proposed in *Bill C-86* protect some of the most vulnerable workers, especially those in precarious employment. Implementing these changes into Nova Scotia's *Labour Standards Code* would extend similar protections to Nova Scotian workers not covered by the *Canada Labour Code*.

Bill-C86 also includes the addition of several new leaves and improved access to existing leaves. The Personal Responsibility Leave includes five days off of work with the first three days paid. The Medical Leave allows employees up to 17 weeks of unpaid leave and employees are not required to provide supporting documentation from a qualified medical practitioner if the absence is less than three days. It is important to note that these two leaves are not currently available in Nova Scotia. Family Violence Leave allows employees to have 10 days off, with five of these days as paid days. Employees have access to the unpaid days immediately upon their hiring but require three months of continuous employment before eligible for the paid leave. Employees in Nova Scotia have access to three paid days, not five. The leave in Nova Scotia also includes 16 weeks of unpaid leave.

Court or jury leave was not part of the *Canada Labour Code* but under *Bill C-86*, employees will be eligible for an indefinite period of time off work for court or jury duty leave. A new unpaid leave of five days is available to Indigenous people which will allow them to participate in traditional Indigenous practices. Currently under the *Canada Labour Code*, employees must have three months of work experience with their employer before being eligible for the following leaves: sick leave, maternity leave, parental leave, critical illness leave, holiday pay, or leave related to the death or disappearance of a child. *Bill C-86* removes this eligibility requirement. All federal employees, regardless of their service length, have access to these leaves. Nova Scotia already removed the qualifying period for maternity and parental leave. A qualifying period is still required for all other leaves in Nova Scotia.

Currently, nursing mothers do not have access to breaks to express milk. This type of leave is not available in any of the jurisdictions in Canada. *Bill C-86* addresses this inadequacy for nursing mothers by allowing unpaid breaks for employees to express milk. The break for expressing milk is

combined with a break required for medical reasons. Access to breaks under the nursing and medical leaves can be taken whenever it is deemed necessary by the employee.

Bill C-86 also improves the length of vacation time for employees. Vacation entitlements will be improved by providing employees with less than five years of service two weeks' vacation or 4% pay in lieu, employees with five to nine years will have three weeks' vacation or 6% pay in lieu, and employees with 10 or more years of experience will have four weeks' vacation or 8% pay in lieu. These proposed changes to vacation time will make the federal Labour Standards legislation a leader in Canada.

Many of the proposed changes will improve protection for workers in precarious employment. For example, employees who work varying hours and shifts are required to receive 96 hours of written notice for scheduling of all shifts. If the employer provides less than 96 hours, the employee has the right to refuse the work. Employees must have 24 hours' written notice if there is a shift change. This type of protection should be extended to the *Labour Standards Code* in Nova Scotia as it would strengthen the work environment for precarious workers.

Misclassification is addressed in the changes for Part III of the *Canada Labour Code*. The onus of proving independent contractor status falls on the employer. The *Budget Implementation Act, 2017, No. 2* improved protection for unpaid interns while the *Budget Implementation Act, 2018, No. 2* included changes that would prevent misclassification and protect misclassified employees.

Pay equity is also addressed in *Bill C-86*. The *Bill* has a requirement for all employers with 100 or more employees to develop and maintain a pay equity plan. This Plan is used to demonstrate how the employer is meeting the objectives of the *Pay Equity Act* to eliminate all discrepancies in compensation between men and women working in the same job. The Plans must be updated every five years and provide strategies to remove gaps in compensation. Employers with 10 to 99 employees will be required to create a Pay Equity Committee if any of the employees are unionized. Another change that will improve wages paid to individuals in precarious employment is the requirement to ensure that all non-full-time employees (i.e. casual, part-time, temporary, or seasonal) are paid the same rate as their full-time counterparts.

There are improved protections for temporary workers under *Bill C-86*. Permanent status must be given to temporary workers after certain criteria is met. Temporary workers have the right to be notified when permanent jobs

open up in the business. Temporary workers cannot be paid a lower wage rate than an employee who does the same work but is paid by the client rather than the temporary help agency. *Bill C-86* has tougher regulations for temporary help agencies, one of them being the prohibition to charging employees a fee for the services provided by the agency. Protection against contract retendering, or flipping, is also addressed in *Bill C-86*. Employees who go from one contractor to another and do the same work are not treated as continuous employees. As a result they may lose their entitlements or benefits. Contract retendering/flipping is often used by employers to keep costs low and find cheaper, non-unionized contracts to replace unionized ones.²⁸

Better protection for workers who are not in full-time positions, similar to what is being proposed in the changes to the *Canada Labour Code*, should be included in changes to the *Labour Standards Code*. Ensuring that all employees, regardless of employment status, are paid the same amount for equal work is important and necessary. Employees in temporary help agencies in Nova Scotia would also benefit from removing fees for their services and gaining the extra protection that is outlined in *Bill C-86*.

Improving wage protection for employees is an important piece of *Bill C-86*. The scope and requirements for compensation under the current Wage Earner Protection Program (WEPP) Act will be improved. The maximum amount employees can receive will be increased. The definition for eligible wages and the conditions under which a payment can be received will be expanded. These are much needed improvements as the WEPP is available to all employees across Canada, regardless if they are employees of federally regulated businesses or industries.

The Case of Alberta

Alberta modernized its *Employment Standards Code* on January 1, 2018. These changes were part of *Bill 17: Fair and Family-Friendly Workplaces Act*.^{29,30} The main focus of the modernization was to improve hours of work, overtime, holidays, minimum wage, and rules for employing youth. The modernization improved leaves so that they better aligned with federal Employment Insurance benefits and reduced eligibility requirements. All other provinces, except Saskatchewan, also changed their leaves to align with federal Employment Insurance benefits. In addition, Alberta created a new administrative penalty system. These penalties were created to deter

employers from contravening the Employment Standards legislation or failing to comply with an authorizing instrument.

Administrative penalties can be applied when there is non-compliance. The amount of the administrative penalty increases for each additional contravention that is identified within a three-year time period.³¹ As a measure to shame employers and directors who owe wages or violate the *Employment Standards Code*, Alberta created a series of registries that post information about violators online. Nova Scotia does not currently have an online registry of employers who owe wages or violate the *Labour Standards Code*. Implementing something similar in Nova Scotia may deter some employers from violating the *Code* and, as a result, protect employees.

Alberta also made improvements in the complaint filing process. Employees now have one year after a violation occurred to file a complaint. In comparison, Nova Scotia only allows employees six months to file a complaint. Improvements were also made for vacation leaves allowing employees longer vacations.³² Employees in Alberta with five years of experience with the same employer are eligible for three weeks' vacation, an increase from the original two weeks' vacation. Alberta aggressively increased the minimum wage paid to all employees. While worker action groups across Canada and globally have been fighting for \$15 and fairness, Alberta is the only province in Canada to raise the minimum wage to \$15 per hour as of October 1, 2018. Alberta's move to increase minimum wage was "justified as a way to reduce poverty, lessen the burden on social support programs, and improve quality of life for vulnerable people".³³

Bill 2: An Act to Make Alberta Open for Business was recently passed on July 3, 2019 by the newly elected government of Alberta.^{34,35} One of the major changes that was introduced on June 26, 2019 was the reduction in minimum wage from \$15 per hour to \$13 per hour for student employees between the ages of 13 to 17 years of age. This lower wage is for students who work 28 hours a week or less and stipulates that any additional hours worked past 28 hours will be paid \$15 per hour.³⁶ *An Act to Make Alberta Open for Business* includes a requirement that the calculation for determining holiday pay will change and employees must work 30 days in the last 12 months to qualify for holiday pay, a stipulation which was not included in *Fair and Family-Friendly Workplaces Act*. Another change introduced with *An Act to Make Alberta Open for Business* is that the calculation for banked overtime will be reduced to a one-to-one ratio, where previously, overtime hours were banked at one and a half hours for every hour worked.³⁷ It is imperative that

Nova Scotia and other jurisdictions do not make similar changes as it erodes the value placed on employees' time.

The Case of British Columbia

In British Columbia, *Bill 8 – The Employment Standards Amendment Act, 2019*, was recently introduced to update key parts of the *Employment Standards Act* and provide better protection for employees. This is a necessary change as British Columbia's *Employment Standards Act* has not seen major updates over the last 15 years. The proposed changes addressed in *Bill 8* will likely come into effect later this year as *Bill 8* had its second reading on May 8, 2019.³⁸ The key areas addressed in *Bill 8* include: better protection at work for children and youth, improvements for employees when they file complaints, better job protection for employees who have personal circumstances that make working challenging, providing better protection so that employees are paid their wages, tips and gratuities, and ensuring that employers and directors who do not pay their employees do not have an unfair economic advantage.³⁹ This last improvement serves to protect employers and directors more than employees as it includes waiving payment of a monetary penalty if certain criteria are met.

A major improvement for employees in British Columbia, and one that will place British Columbia with the rest of the provinces who already have this leave in place, is creating a leave for employees who have been exposed to domestic violence. Employees will be eligible for 10 non-consecutive days of unpaid leave each year and up to 15 consecutive weeks of unpaid leave.⁴⁰ This leave is similar to the leaves available in Nova Scotia, New Brunswick, Quebec, Ontario, and Manitoba. What is lacking in British Columbia but is available in Nova Scotia and several other provinces, is at least two days of paid leave. Another new leave for British Columbia, but one that is already available for employees in the other provinces, is a critical illness leave which allows employees unpaid time away from work to provide care for family members. If *Bill 8* is passed, employees will be eligible for up to 36 weeks of unpaid leave to provide care for a family member who is under 19 years of age and up to 16 weeks to provide care for a family member who is 19 years of age or older.⁴¹ Employers will also see an improvement in the length of time for which they can recover any lost wages. Employees are only eligible to recover wages owed during the last six months; however, *Bill 8* extends this time period to one year.

The Case of Ontario

In 2015, the Ontario Minister of Labour initiated the Changing Workplaces Review to assess the *Employment Standards Act* and the *Labour Relations Act*. The final report was completed in 2017 and included 173 recommendations. Many of the recommendations were included in *Bill 148: Fair Workplaces, Better Jobs Act, 2017*.⁴² Unfortunately, many of the changes that improved working conditions for Ontario employees were recently repealed by *Bill 47: Making Ontario Open for Business Act, 2018*.⁴³ The following section will list the improvements made in *Fair Workplaces, Better Jobs Act 2017* and will comment on what was repealed with *Making Ontario Open for Business Act, 2018*.

The *Fair Workplaces, Better Jobs Act, 2017* improved scheduling provisions for employees by providing an option in which they could refuse a shift if they receive less than 96 hours' notice. However, *Making Ontario Open for Business Act, 2018* repeals this scheduling change. A major victory for precarious employees in Ontario included in *Fair Workplaces, Better Jobs Act, 2017* was broadening the scope of the equal pay for equal work legislation which extended beyond discrimination by sex to discrimination based on employment status.⁴⁴ Under this proposed change, employers are prohibited from paying one employee a rate of wages that is less than the rate paid to another employee due to a difference in their employment status. This change was never implemented and was repealed by *Making Ontario Open for Business Act, 2018*. Improving pay equity for all employees regardless of employment status will be implemented in the federal legislation under *Bill C-86*. Nova Scotia should be the first jurisdiction to implement this change at the provincial or territorial level.

Another change which was repealed with *Making Ontario Open for Business Act, 2018* was improved access to the personal emergency leave. The improvements under *Fair Workplaces, Better Jobs Act, 2017* expanded the scope of this leave to include all employees regardless of company size and included two paid days and eight unpaid days, for a total of 10 days of leave.⁴⁵ This type of leave would be beneficial to employees in Nova Scotia and should be used as a template. *Making Ontario Open for Business Act, 2018* removes this leave and separates it into three unique leaves: three unpaid sick days, three unpaid family responsibility leave days, and two unpaid bereavement leave days.⁴⁶ The pre-*Fair Workplaces, Better Jobs Act, 2017* provision that restricted leave on the basis of company size was not reinstated with *Making Ontario Open for Business Act, 2018*. Changes to the

other leaves included in *Fair Workplaces, Better Jobs Act, 2017*, which were made to better align with federal Employment Insurance benefits, were maintained under *Making Ontario Open for Business Act, 2018*.

One change implemented in *Fair Workplaces, Better Jobs Act, 2017* that was not repealed by *Making Ontario Open for Business Act, 2018* was the improvement in vacation leaves. Employees with five years or more employment with the same employer receive three weeks paid vacation, an improvement from the original two weeks leave (for more information — *Ontario Business Improvement Area Association Ontario (OBIAA) Making Ontario Open for Business Act, 2018 and Fair Workplaces, Better Jobs Act 2017 Changes for more information*).⁴⁷ Ontario was poised to meet the goal of a \$15 per hour minimum wage by January 1, 2019. Unfortunately for employees, this change was repealed, and minimum wage will be kept at \$14 per hour until October 1, 2020.⁴⁸ After this date, the rate will be adjusted every October by an amount equal to the rate of inflation.

Summary of Labour Standards Across Canada

Exemptions and Special Rules

Exemptions and special rules are included in all Labour Standards legislation, at the provincial/territorial level, as well as the federal level.⁴⁹ (See Appendix C for links to websites used to review Labour Standards legislation in each jurisdiction.) Exemptions are used to exclude certain industries, occupations, and employees from all or certain aspects of the Labour Standards legislation. Special rules are often used to specify conditions, for example, certain employees are entitled to overtime pay only after 55 hours. Another common exemption applies to employees who are covered under a collective agreement. While in most jurisdictions the collective agreements must provide at least the minimum coverage as Labour Standards legislation, this is not the case in Nova Scotia. In some jurisdictions, such as Nova Scotia, employees covered under a collective agreement are exempt from legislation on holiday pay and working in retail business on uniform day, termination notice/pay, rest or eating periods, and frequency of pay. Other jurisdictions with exemptions for employees who are covered under a collective agreement include federal legislation, Prince Edward Island, and Newfoundland and Labrador. In all jurisdictions, employees who are covered under a collective agreement and have a complaint, they must grieve their complaint through their union, rather than file a formal complaint to the provincial, territorial, or federal

government. See Appendix B for a high-level summary of exemptions and special rules in jurisdictions with the most exemptions and special rules.

Ontario has the most complex list of exemptions and special rules, although Nova Scotia's are similar. There has recently been much media and research attention on the exemptions and special rules in Ontario. Ontario's *Employment Standards Act*, and other Labour Standards legislations, "is founded on a deep historic tension between, on the one hand, the intent of providing a floor of workplace standards, and on the other hand, minimizing intrusion into employer's affairs".⁵⁰ The exemptions were created "based on the perceived needs of particular industries, sectors or occupational groups" and have been described as "a tattered quilt".⁵¹ This concept draws attention to the fact that many employees are left unprotected due to the holes or gaps in coverage.

It is a lamentable that many of the exemptions result in additional costs that already vulnerable workers must bear. Some employees are not entitled to receive minimum wage rates, overtime pay, statutory/public holiday pay, or termination notices or pay. Others might have special rules where they can work longer days than specified in the Labour Standards legislation. The exemptions and special rules can result in some employees receiving less money for their labour than others based on their occupational status. Some workers will be required to work longer hours without collecting overtime pay and may not be eligible for public holiday pay. These costs accumulate and can lead to further disadvantages among already disadvantaged employees.

Focusing on Nova Scotia, some of the exempted occupations include: farm employees, salespeople who rely on commission, apprentices, real estate and insurance agents, employees working on a fishing boat, loggers, forestry operations, construction, property management, athletes, domestic workers, employees who live where they work (examples include janitors and building superintendents or live-in health care or personal care providers), managers, trainees, and apprentices. Other exempted occupations include persons engaged in the manufacturing or refining petro-chemical industry, shipbuilding, or persons involved in the petroleum exploration, drilling, production, conservation, processing or transportation for offshore petroleum.⁵²

The following list of professionals and students in training are excluded from compensation requirements for overtime, hours of work, rest periods, and termination notice/pay: architects, dentists, lawyers, physicians, engineers, accountants, surveyors, psychologists, and veterinarians. Employees in optometry and pharmacy are exempt from provisions for termination

notice or pay. Athletes are exempt from vacation pay, holiday pay, minimum wages, hours of work, and termination notice or pay. Nova Scotia has a list of Retail Closing Days available to most retail employees. These are days when some retail businesses are not allowed to open or days when retail employees have the right to refuse to work on that day. However, there is a long list of excluded employees including, but not limited to, employees who sell Christmas trees, or handicrafts or souvenirs to tourists or employees who work at retail gas stations, restaurants, bars, taverns, canteens, confectionary stores, retail fish stores, laundromats.^{53,54}

It is important to highlight three key industries in Nova Scotia that are well represented in the exemptions list. Nova Scotia has the second highest employment rate in fishing-related industries in Canada, yet this industry is exempt from provisions in the *Labour Standards Code* related to minimum wage, overtime, hours of work, statutory/public holidays, vacation pay, and termination notice/pay.

Two other industries that play valuable roles in Nova Scotia's economy are agriculture and forestry. Agricultural employees can be exempt from legislated requirements for minimum wage, overtime, hours of work, statutory/public holidays, and rest periods. Agricultural employees working in small family farms may face additional exemptions while those who are working for family members are often completely exempt from the *Labour Standards Code*. Employees working in the forestry industry can be exempt from provisions for minimum wage and overtime. Fishing, agriculture, and forestry play important roles in Nova Scotia's economy and represent industries where employment has continued to grow over time. All three industries can be viewed as precarious as they are often seasonal, contract, and low paying jobs. These additional exemptions from provisions in the *Labour Standards Code* can further disadvantage the employees.

Migrant agricultural workers have additional layers of vulnerability as a result of the exemptions they face as agricultural employees and for the stipulations associated with being migrant workers. Focusing only on the agricultural stream in 2018 there were almost 70,000 temporary foreign worker positions on positive Labour Market Impact Assessments in Canada.⁵⁵ Almost 3,000 of these positions were in Nova Scotia, which is the fourth largest number in Canada.⁵⁶ Ontario attracts the majority of migrant agricultural workers, followed by British Columbia and Quebec. There are four different streams available to employers: Seasonal Agricultural Worker Program (SAWP) (this is the most common stream), agricultural Stream (this is the second most common stream), low-wage, and high-wage (this is the

least common stream). These last three streams are included under Canada's Temporary Foreign Worker Program (TFWP). The SAWP includes workers from Mexico and Caribbean countries who come to Canada on a temporary basis to do farm work. Fruit and vegetable farmers are most likely to use the SAWP because they often experience challenges finding local workers. In Nova Scotia, SAWP and TFWP workers have the same rights, and are subject to the same exemptions, as Nova Scotia employees. The employer also pays a portion of travel costs and provides housing. The use of temporary foreign workers in agriculture has been steadily growing in Nova Scotia; however, there is little research attention on the unique needs of these farm workers.⁵⁷ Horgan and Liinamaa interviewed migrant agricultural workers who described their work as long hours at a fast rate. For example, during harvest time they would be up with the sun and often work into the night. Their living conditions were often of poor quality and overcrowded. They also live on the farm which is typically some distance from the closest town creating an isolating experience for the migrant agricultural workers.⁵⁸

Research in Ontario focused on the vulnerability faced by migrant agricultural workers under terms set out in the *Employment Standards Act*. Agricultural workers in Ontario face similar exemptions and special rules as agricultural workers in Nova Scotia. The exemptions and special rules combined with a Labour Standards enforcement system that is primarily reactive can create a challenging work experience for migrant agricultural workers. In a reactive enforcement system, the employee must file a complaint; which may be more challenging for migrant agricultural workers who are likely unaware of their rights and are fearful about reprisal.⁵⁹ Furthermore, migrant agricultural workers may be worried about being deported if they complain and, as a result, are not allowed back to Canada to work. Many of these migrant agricultural workers send the money they earn working in Canada back to their families. Therefore, the loss of their current position, and possibly future positions, leaves them vulnerable, and perhaps unwilling to speak out about violations.⁶⁰

Despite the long list of exemptions and special rules, farm employees, regardless of whether they are migrant workers or not, should still be paid for all hours worked, and be eligible for termination notice/pay, vacation pay, and should not have illegal deductions taken from their pay. Vosko, Tucker, and Casey reported that among all agricultural complaints received by the Ontario Ministry of Labour between 2011/12 and 2014/15, 46% were for unpaid wages, 44% for termination notice/pay, and 28% for vacation pay.^{61,62} When these complaints were assessed by an Employment Standards Officer,

the entitlement amount was higher in the complaints from agricultural employees compared to other employees. This larger entitlement amount likely acts as an economic pressure to file a complaint. The employees have enough to gain to balance any risk they may feel about filing a complaint. Another interesting finding in this research was that when complaints from agricultural employees were assessed, Employment Standard Officers were likely to determine that they were also owed unpaid wages, money for illegal deductions, and vacation pay that were not included in the complaint.⁶³ This could suggest a lack of awareness by agricultural employees. It is likely that many other agricultural workers, and especially migrant agricultural workers, are owed money but are unaware.^{64,65} Overall, migrant agricultural workers face vulnerabilities as a result of their migrant worker status, the exemptions and special rules, as well as how Labour Standards legislation and enforcement are not properly protecting them. It is likely that migrant agricultural workers face similar problems in other jurisdictions, especially where they are exempt from sections of the Labour Standards legislation.

Part III of the *Canada Labour Code* only provides coverage to employees who fall under federal jurisdiction. The *Canada Labour Code* includes exemptions and special rules. Truckers who are involved in interprovincial and international transporting face special rules in their hours of work and access to overtime pay. The *Canada Labour Code* exempts managers from provisions for hours of work and unjust dismissal. Employees who are part of a collective agreement are exempt from legislation related to minimum wage, annual vacation, general holidays, and bereavement leave.

The exemptions list in Nova Scotia is quite large and excludes employees from certain sections of the *Labour Standards Code* based on the industry. Exemptions and special rules are found in other jurisdictions but other than Ontario, Nova Scotia has one of the longest and most complex lists. Self-employed workers, including independent contractors, are exempt from all the provincial and territorial jurisdictions.

Recommendation

Nova Scotia should remove the list of exemptions and special rules from the *Labour Standards Code*.

Background and Rationale

There is a lack of rationale why certain employees or certain industries should be exempt from the minimum standards. It is important to ensure that exemptions and special rules are not created or maintained to give

employers a competitive edge while disadvantaging their employees. The same level of protection needs to be made available to all employees. Ontario recently recognized during the process of the ‘Changing Workplaces Review’ that many of the exemptions and special rules were outdated, inconsistent, complex, and lacking in rationale. The exemptions and special rules were recognized as further disadvantaging vulnerable groups of employees.⁶⁶ The ‘Changing Workplaces Review’ advisors recommended creating a committee to review all special rules and exemptions but this has not happened yet and may not happen. Without improving the current patchwork system of coverage in Nova Scotia, the *Labour Standards Code* not only leaves many employees unprotected and vulnerable, but will disadvantage more over time.

Independent Contractors and Misclassification of Employees

It is becoming more common for employers to hire independent contractors rather than employees. Unfortunately, many employees are inaccurately classified as independent contractors which limits their access to protection under Labour Standards legislation.^{67,68} Problematically, it is becoming more challenging to determine whether someone is an independent contractor or a misclassified employee. A true independent contractor is not covered by Labour Standards legislation; therefore, it is necessary and important that each jurisdiction is able to correctly identify the difference. In Nova Scotia, independent contractor is used to refer to people who provide a service to individuals or businesses. When determining whether someone is an independent contractor, the following criteria are used: how the work is compensated, control over the work, who owns the tools and equipment, whether the person can hire or subcontract, how many payers the person has, and whether the person has a financial investment in the business to which they are providing service.⁶⁹ Statutory deductions are not taken from an independent contractors’ compensation. If it is determined that the term independent contractor has been improperly used, the business will be required to provide vacation pay, holiday pay, overtime pay, minimum wage over the entire course of the person’s employment. In addition to being excluded from Labour Standards legislation, independent contractors are also excluded from Workers Compensation.⁷⁰ There is a concern that misclassification is done as a way to increase profits for employers while at the same time disadvantaging workers.

Recommendation

Nova Scotia must review the criteria used to determine whether someone is an independent contractor and update it so it better aligns with the current labour market. As the gig economy continues to grow, more employees are vulnerable to inconsistent application of the requirements of legislation as a result of misclassification. When misclassification occurs, the government needs to do more to protect workers and employers should face consequences.

Background and Rationale

Bill C-86, which addresses changes in Part III of the *Canada Labour Code*, emphasizes the importance of protecting misclassified employees. Employers would be responsible for proving that their independent contractors are not misclassified employees. The federal government will not tolerate employees being misclassified as independent contractors. Opening discussion about misclassification and redefining how to classify whether someone is an independent contractor is important as work conditions have changed with the increase in the gig economy.

Standard Hours of Work and Overtime Hours

Nova Scotia has the dubious distinction of having one of the longest work weeks in the country at 48 hours in a regular work week. Five provinces and all three territories have regular work weeks of 40 hours. The additional eight hours of the work week in Nova Scotia and Prince Edward Island erodes personal time for employees, which could have negative consequences for their physical and mental wellbeing.

Each province and territory specifies when employees are eligible to earn overtime pay. In Nova Scotia and Prince Edward Island, overtime payment starts after an employee has worked 48 hours. Other jurisdictions start overtime payment after an employee has worked 40 or 44 hours. In addition to a weekly overtime rate, several jurisdictions specify that employees are eligible to receive overtime pay on a daily basis if they work more than eight hours in a day. The rate of pay for overtime hours is the same across Canada at one and a half times the regular wage.

Recommendation

Employees in Nova Scotia would benefit, physically and emotionally, if the work week was reduced from 48 hours to 40 hours. With a change in the

regular work week, employees would be eligible for overtime pay, one-half times their regular wage, after working 40 hours in a week. Nova Scotia should implement a daily overtime rate for employees who work more than eight hours in a day. Nova Scotia should continue paying overtime hours at one and a half times the regular wage. The maximum number of hours that can be worked in a single week should be 48.

Background and Rationale

For many decades there have been discussions about the benefits of shorter work weeks. The average hours worked by employees in the United Kingdom is approximately 42 hours a week. While employees in the Netherlands, Denmark, and Norway work less than 40 hours a week.⁷¹ The changing global economy has shifted the nature of work as there is a need for 24/7 availability.⁷² There is little evidence to support that working longer improves productivity. In fact, longer work hours are linked to decreased physical and mental health.⁷³ Research by Lee and Lee found that employees in South Korea saw reduced rates of workplace injuries and work-related deaths once their work day hours were reduced from 12 hours a day to eight hours a day.⁷⁴ There is evidence to support shortening the work week to a maximum of 40 hours which would allow employees a more positive work-life balance and could lead to improved well-being.

Allowing employees to earn overtime pay after 40 hours of work would make Nova Scotia more competitive at attracting and maintaining employees. Compared to employees in jurisdictions where overtime pay starts after 40 hours of work, employees in Nova Scotia have lost a potential of eight hours of pay at one and a half times their regular rate. For employees earning minimum wage, this amounts to \$138.60. This is a substantial amount of their income if they regularly work overtime hours.

Hours Free from Work

Nova Scotia, similar to all other jurisdictions, require that employers provide employees with at least 24 consecutive hours free from work for every work week. Quebec and British Columbia exceed this requirement as employers must provide 32 consecutive hours away from work each week. Several of the provinces and territories recommend that Sunday should be the day of rest, whenever possible. Additionally, some provinces (Newfoundland and Labrador, Ontario, Saskatchewan, Alberta, and British Columbia) and

one territory (Yukon) specify that employees must have eight hours rest between shifts.

Recommendation

Nova Scotia should increase the allowable time away from work to 48 consecutive hours. Nova Scotia should revise the current legislation to recommend that employees receive Sundays off whenever possible, which is available in other jurisdictions. Employees should have the right to refuse work on a Sunday.

Background and Rationale

Allowing employees a break of 48 hours from work each week would assist in maintaining a work/life balance. This break is important as many employees are juggling work, partners/spouses, children, aging parents, and other activities. Employees who have long commutes to work would also benefit from this extra time away from work.

Rest Periods

Nova Scotia, similar to many other jurisdictions, specifies that employees must receive a 30-minute unpaid break for every five consecutive hours of work. Prince Edward Island and Newfoundland and Labrador specify employees must receive up to one hour of unpaid rest after five consecutive hours of work while New Brunswick does not specify a rest period. There is currently no rest period available for federal employees under the *Canada Labour Code*. Federal employees will soon have access to a 30-minute break after every five consecutive hours of work under *Bill C-86*.

Recommendation

Nova Scotia provides the same coverage for rest periods as other jurisdictions in Canada. The 30-minute unpaid break for employees must be kept. Employees who work eight hour shifts or longer should receive two breaks of 15 minutes each.

Background and Rationale

Rest periods are important for employees' general health and wellbeing. The 30-minute rest period allows employees an opportunity to eat, rest, and do personal business which can lead to improved productivity.

Breaks for Nursing or Medical Reasons

No jurisdiction in Canada currently provides breaks for mothers who breastfeed or for people who require breaks for medical reasons. This will change once *Bill C-86* becomes law. *Bill C-86* includes legislation to create a new break for nursing mothers or for people who require time away from work for medical reasons.

Recommendation

Nova Scotia should provide legislation that allows mothers who need to express milk access to a paid break and space in the workplace. This leave should be combined with breaks required for medical reasons.

Background and Rationale

In jurisdictions where mothers only have six months leave after birth, employed mothers may stop breastfeeding earlier than desired because it is difficult to continue breastfeeding when they return to work.⁷⁵ The extended leave available to most employed mothers in Canada, approximately 1.5 years including maternity and parental leave, may allow women a longer period of time for breastfeeding. It must be noted that these maternity and paternity leaves are unpaid, and many new parents might not be eligible for Employment Insurance to subsidize their income while they are off work. Employed mothers in Saskatchewan and the territories are provided 37 weeks of unpaid leave; this is the exception to longer leave recognized in other provinces. Regardless of the length of maternity and parental leave, women need better access to breaks at work for breastfeeding or for expressing breast milk.

Access to paid breaks for nursing mothers or employees who require breaks during the day for medical reasons is necessary and will improve quality of life for many people who are unable to maintain a regular work schedule because they are nursing or need time away from work for medical reasons. The United States recognized the importance of allowing working mothers who breastfeed time and space to express breast milk and amended the *Fair Labor Standards Act* in 2010 to provide better protection for them. The changes recognized that working mothers need flexibility in their workday to allow them to express breast milk when required.⁷⁶

Adding breaks for people who require time away from work for medical reasons is also important. These breaks may allow people with disabilities or chronic illnesses to stay in the labour force longer or to return to the labour

force. Some examples include employees with diabetics who may require breaks to check their insulin and take medications or employees with chronic headaches who may need to take a break to lie down in a dark room.

Three Hour Rule – Reporting to Duty Pay

Most provincial legislation and Part III of the *Canada Labour Code* specify that employees must be paid for a minimum of three hours per shift, regardless if they work the full three hours. The three hours must be paid at the minimum wage rate or higher. The three hour rule applies only if employees work less than three hours. Employees who work longer than three hours, but not their full shift, will receive their wages for all hours worked. Nova Scotia limits the requirement of employers to pay employees at least three hours if the employee was scheduled to work outside of regular scheduled hours; that is, employees who are scheduled to work but do not work the full shift, the employer is not required to pay a minimum of three hours. Certain employees in Alberta are only paid for a minimum of two hour shifts. These employee groups include school bus drivers, some part-time employees of non-profit recreation or athletic programs, homecare workers, and youth 13 to 15 years of age who work on a school day. British Columbia pays employees for a minimum of two hours if they are scheduled for shifts of under eight hours. When employees are scheduled to work a shift longer than eight hours and work a shorter shift, they must receive a minimum of four hours pay. There is no ‘three hour rule’ in any of the territories except for Yukon where employees must receive a minimum of two hours of pay when they report for work.

Recommendation

Nova Scotia provides weaker protection for employees who do not work their full shift compared to other jurisdictions in Canada. Nova Scotia should extend the coverage of the ‘three hour rule’ to also include scheduled shifts. Extending the protection to provide employees with pay for all scheduled hours, regardless of whether or not they were worked, is needed. Employees are often relying on these scheduled shifts and may face economic disadvantages when they are cut short without notice.

Background and Rationale

The ‘three hour rule’ or reporting for duty pay is particularly important for employees who work part-time and contract work. This is especially import-

ant as many employees rely on their scheduled shifts and without these hours, may not be able to afford their housing and food expenses. Left to their own devices, many employers will attempt to ‘externalize’ or pass the cost of doing business from themselves onto employees. Labour Standards prevents some of the worst instances of this from occurring. If an employee has taken the trouble to come to work in the expectation of receiving a certain number of hours of pay, and that expectation is frustrated through no fault of their own, then the employer should have to extend some compensation.

Vacation Time and Pay

Most provincial and territorial legislation as well as Part III of the *Canada Labour Code* use a grid system which allows employees with more seniority to receive additional vacation time. Employees with low seniority in Nova Scotia start with two weeks paid vacation. Employees are required to have worked for the same employer for eight years before being eligible for three weeks paid vacation. Yukon has the worst coverage as employees are only entitled to two weeks paid vacation time for all employees, regardless of their seniority. In contrast, almost all of the other provinces and the remaining two territories provide two weeks paid vacation for employees with low seniority and require a minimum of five years and up to 15 years’ experience with the same employer before being eligible for an additional week of vacation. *Bill C-86* improves the length of vacation time for employees. Employees with 10 or more years of experience will have access to four weeks of vacation or 8% pay in lieu.

Recommendation

Nova Scotia is below average in terms of vacation time. Employees should start with a minimum of three weeks paid vacation (or 6% in lieu) which would then rise to four weeks (or 8% in lieu) after 10 years of service.

Background and Rationale

Vacations are an important component of maintaining mental health, physical health, job productivity, and general wellbeing. Employees benefit from extended periods away from work as they have time to travel, spend time with family and friends, relax, or do a number of other activities. Vacations are a period of time for the employee to recharge. European countries have some of the longest vacation entitlement for employees. Some employees

have over 30 days of vacation each year. Despite these lengthy vacation allowances, productivity in the European countries has not decreased. Time away from work is good for personal growth and health.⁷⁷

Statutory/Public Holidays

Number of Holidays

The number of statutory/public holidays available to employees varies across Canada. Nova Scotia has one of the lowest number of statutory/public holidays available to employees in comparison to the other provinces and territories. Nova Scotia has six statutory/public holidays, as well as a special piece of legislation for Remembrance Day. There are also special days for retail and clothing industry employees.^{78,79,80} A notable absence in Nova Scotia is Thanksgiving Monday and Victoria Day which are available in several jurisdictions. Five jurisdictions provide 10 statutory/public holiday days for employees which is the largest number of public holidays.

Formula for Calculating Holiday Pay

Each province and territory has a special calculation for determining the amount an employee should receive for holiday pay. Pay for a statutory holiday is available whether an employee has worked on that holiday or not. But certain conditions apply before that pay can be claimed. It is typically based on the average hours worked over the previous four weeks.

Recommendation

Nova Scotia should include nine statutory holidays. The nine statutory holidays included in the *Canada Labour Code* should be available to employees in Nova Scotia with the same provisions for all of them. Nova Scotia should also anticipate the federal proposal for a holiday to recognize the legacy of residential schooling as a way to honour Mi'kmaw workers.⁸¹

Background and Rationale

The majority of other jurisdictions distinguish nine days as statutory/public holidays. Nova Scotia is among the lowest and needs to catch up to the other jurisdictions. Access to statutory/public holiday pay allows employees an opportunity to spend time away from work to celebrate days that are important to Canadians.

Qualifying Period

Despite the availability of statutory holiday pay, there are certain criteria that must be met before an employee is eligible to receive such pay. Employees are eligible for holiday pay in Nova Scotia if they have worked at least 15 of the 30 calendar days before the holiday and worked on their last scheduled shift on the day before and the day after the holiday. Employees who do not work on the holiday but work regular shifts each week will receive a regular day's pay. There is a formula used for employees with varying shifts. The number of hours worked during the 30 calendar days prior to the holiday are added together and divided by the number of days worked. This will provide an average of the hours worked per shift; therefore, payment for the holiday reflect average earnings.

Employees who actually do work a statutory holiday will receive the holiday pay plus either one and a half times their regular wage or an alternative day off. However, there are a few exceptions. Newfoundland and Labrador do not provide holiday pay when an employee works a statutory holiday but pays employees twice their regular wages for all hours worked that day. Quebec employees who work the statutory holiday receive the holiday pay calculation (called 'Indemnity') plus their regular wages. In addition to the holiday pay and time and half for the hours worked, employees in British Columbia receive double their hourly wage on the statutory holiday for all hours worked beyond 12 hours in a day.

Recommendation

The qualifying period should be removed so that all employees have access to holiday pay.

Background and Rationale

The qualifying period can limit employees' access to holiday pay and should be removed. It adds another disadvantage to employees who work in precarious employment and may not work enough days to qualify. Similar to vacations, holidays should be a right for employees and employers should not be able to take that away.^{82,83} It is likely that many employees are deprived of their holiday pay as a result of employer mischief (i.e. ensuring that part-time or casual employees do not work 15 of the 30 calendar days before the holiday), ignorance of the employer or the employee, or difficulties in enforcement.

Pay Equity

Rules around pay equity typically focus on ensuring that there is no disparity in pay between employees who do the same or similar work based on their sex. Nova Scotia is one of the few jurisdictions which provides pay equity legislation for employees based on sex. Part III of the *Canada Labour Code* currently provides pay equity legislation for employees based on sex but will expand this protection under *Bill C-86* prohibiting employers from paying employees different rates based on their employment status. Therefore, all employees who work varying work schedules or contracts will be paid the same amount as full-time employees if they are doing the same or similar work. This change is similar to what was recommended in Ontario under *Fair Workplaces, Better Jobs Act, 2017*. However, as mentioned earlier, this change was recently repealed under *Making Ontario Open for Business Act, 2018*.

Recommendation

Pay equity legislation is important and must be maintained. Nova Scotia must improve the legislation to include pay equity for all employees regardless of their employment status, race or ethnicity, ability or disability, and age. If it is impossible to find a group of male competitors within a workplace, it should be possible to look beyond the workplace to implement pay equity.

Background and Rationale

It is important that sex discrimination is eliminated in the workplace, but additional legislation is needed to protect those who are not in full-time or permanent jobs. As employment becomes more precarious and employees are more likely to be engaged in part-time and contract work, protections like those outlined in *Fair Workplaces, Better Jobs Act, 2017* in Ontario and the recommendations included in federal *Bill C-86* should be implemented across Canada. Research by Hira-Friesen found that recent immigrants were struggling financially due to wage disparities.^{84,85} To ensure that all employees who are doing the same or similar work are paid equally, wage disparities based on sex, race or ethnicity, ability or disability, and age should be eliminated.

Uniforms

Nova Scotia is one of the few jurisdictions that allows the cost of uniforms to be deducted from an employee's earnings. In Nova Scotia, the deduction

is only permitted if it does not result in the employee earning less than minimum wage. The Northwest Territories and eight provinces do not allow employers to charge employees for uniforms that are required for work.

Recommendation

Nova Scotia should improve its legislation so that required uniforms in appropriate multiples are provided by the employer to employees free of charge.

Background and Rationale

If an employer requires an employee to wear a specific uniform for the job the cost of the uniform should not come from pay deductions. This includes employees in the retail industry who are required to wear clothing sold in the store where they are employed. Even if the employee receives a discount on the clothes, the employer is still profiting from the sales by the employee. Employees working in precarious employment may be further disadvantaged by having to pay for a uniform, even if the employer can only deduct an amount that does not result in them earning less than minimum wage.

Minimum Wage Order

The minimum wage varies across Canada with Nova Scotia paying inexperienced employees (defined as employees who have been employed at a workplace for less than three months) the lowest rate of \$11.05 per hour. This rate is marginally lower than the minimum rate in Saskatchewan, which is \$11.06 per hour. Nova Scotia pays experienced employees a minimum of \$11.55 per hour, which is still one of the lowest minimum wage rates in Canada. Based on earning \$11.55 per hour, employees in Nova Scotia who work full-time for a full year (approximately 2,000 hours) would earn approximately \$23,000. Advocates and researchers have been promoting the need for a living wage which would allow employees to cover all their basic necessities and allow them and their family to live in dignity and enjoy a decent quality of life. A living wage for Halifax is \$19.00 per hour.⁸⁶ Using the same formula above, an employee earning \$19.00 per hour and working approximately 2,000 hours each year would earn \$38,000.

It is important to note that most minimum wage jobs are not full-time hours and often not for a full-year.

Minimum wages, for both experienced and inexperienced employees, in Nova Scotia will continue to increase by \$0.30 per hour each year in

addition to inflation until 2021 and then it will be adjusted annually only for inflation. There is a separate minimum wage order for employees in construction and property maintenance and for employees in logging and forestry, which at the time of writing this report, is \$11.55 per hour.⁸⁷ Alberta is the only province in the country with a minimum wage rate of \$15 per hour for adult employees. Federally regulated employees receive the same general adult minimum wage specified in the province or territory where the employees work.

As mentioned previously, Nova Scotia pays inexperienced employees less than experienced employees. After three months of employment the employee will start to receive the regular minimum wage rate. This penalizes employees who change jobs to better themselves. At 40 hours per week, a person leaving one minimum-wage job for another one would lose \$258 ($\$0.50 \times 40 \times 12.9$ weeks).

Several jurisdictions pay employees different rates depending on their age, occupation, and whether they earn tips. Examples of occupations that receive a different wage rate are liquor servers, live-in home support workers, live-in camp leaders, resident caretakers, and salespersons. British Columbia plans to increase the minimum wage for liquor servers at a faster rate in order for them to earn the same minimum wage as other employees by June 1, 2021. Alberta currently pays adult employees a minimum wage rate of \$15 per hour while students receive \$13 per hour.⁸⁸ *Table 1* provides an overview of hourly employees' wages as of July 3, 2019. Missing from the table are employees who received daily or weekly wages, or other special rates.

Recommendation

Nova Scotia should follow Alberta's lead by increasing its minimum wage to at least \$15 per hour. But, unlike Alberta, this amount should be available to all employees. This would need to be done on an incremental basis and could be done over the span of two years. Nova Scotia must move away from having a lower minimum wage rate for inexperienced employees.

Background and Rationale

Nova Scotia has the fifth lowest minimum wage rates in Canada. For inexperienced employees, Nova Scotia has the lowest minimum wage. In Nova Scotia, workers' overall earnings have been dropping while the province's Gross Domestic Product (GDP) and labour productivity has increased. The increase in productivity hides the fact that Nova Scotia typically has low productivity compared to other jurisdictions. This reliance on low wages to

TABLE 1 Minimum Wage for Hourly Employees on July 1, 2019

Province/Territory	Hourly Wage
Nova Scotia	\$11.55/hr for experienced employees \$11.05/hr for inexperienced employees
New Brunswick	\$11.50/hr
Prince Edward Island	\$12.25/hr
Newfoundland & Labrador	\$11.40/hr
Quebec	\$12.50/hr \$ 9.80/hr for tip receivers \$12.00/hr for employees in clothing industry
Ontario	\$14.00/hr \$13.15/hr for student employees \$12.20/hr for liquor servers \$15.40/hr for homeworkers
Manitoba	\$11.35/hr
Saskatchewan	\$11.06/hr
Alberta	\$15.00/hr for adult employees \$13.00/hr for student employees
British Columbia	\$13.85/hr \$12.70/hr for liquor servers
Northwest Territories	\$13.46/hr
Yukon	\$12.71/hr
Nunavut	\$13.00/hr

increase the GDP cannot be sustained as employees are falling into poverty.⁸⁹ Buott, Haiven, and Haiven describe the situation in Nova Scotia as a low-wage ghetto and see the situation only getting worse. The low-wage ghetto situation is terrible for employees, employers, and the Nova Scotia economy.⁹⁰

Employees need to earn at least \$15 per hour. Yet, this is still four dollars less than a living wage in Halifax, Nova Scotia. Employees earning \$15 per hour and are working full-time hours for a full-year would earn approximately \$30,000. An increase to \$15 per hour allows for more affordable living, especially to those in precarious employment. When the minimum wage is below \$15 per hour, employees working precarious employment are often below the poverty line or are at extreme risk of falling below. Cost of living continues to increase each year, yet minimum wage rates are not increasing at a fast-enough rate to help employees.

Low minimum wage rates are adding to the already existing inequalities in society. Increasing minimum wage rates will help narrow the gap between certain groups of workers, especially women, racialized workers, and young people. Productivity for workers will increase if they are not stressed about

earning enough to support themselves and any family members. Earning a living wage will often make employees more invested in the company and they may find their work more engaging. Higher minimum wage rates may also reduce employee turnover and provide employers with more dedicated employees. Increasing minimum wage rates is good for the economy as minimum wage employees will have more money to spend and the higher rate could attract more people back into the workforce. Studies have shown that increasing minimum wage jobs has positive impacts on employees' health. Increased minimum wage could allow employees to afford health-improving products and engage in healthier lifestyles.⁹¹ The positive impact can be reflected in lowered costs to employers who have health-care benefits. Paying inexperienced workers lower minimum wage rates should not be permitted. This lower wage could be used to exploit summer employment especially in areas where there are large numbers of tourists which requires more employees to be hired on a seasonal contract.

Leaves Available for Employees

Leaves relating to new children being added to family

Almost all leaves across Canada are unpaid and most require that the employee has been employed by the same employer for a specified period of time to qualify for the leave. The time requirement varies across Canada and can be as low as no requirement or less than a month of employment or up to a year of employment. While employment leaves vary across the country, all provinces and territories include a pregnancy/maternity leave and parental leave. The leaves may be delineated with varying names and parameters. The other types of leaves fall into the following categories: family responsibilities, personal and family, personal, and other leaves. This report will focus primarily on the leaves available in Nova Scotia and how they compare to the rest of Canada.

Pregnancy/Maternity Leave

The eligibility for accessing Pregnancy/Maternity Leave varies across the country. Nova Scotia, New Brunswick and Quebec have no time requirement for eligibility.⁹² Other jurisdictions have eligibility requirements ranging from four weeks to 12 months. The eligibility requirement for federally regulated employees will be removed under *Bill C-86*. Nova Scotia provides only 16 weeks

of unpaid Pregnancy/Maternity Leave compared to other jurisdictions which provide up to 18 weeks. The initial time can be extended in Saskatchewan and British Columbia if required for medical reasons.

There are special circumstances in Newfoundland and Labrador and Saskatchewan in which new adoptive parents are eligible for Pregnancy/Maternity Leave which is comparable to that of birth parents. New adoptive parents are also eligible for the parental leave which would occur following their adoption leave.

Recommendation

Nova Scotia should maintain that employees do not require any eligibility requirement but should extend the leave to 18 weeks. Previously the leave allowed employees 17 weeks but was changed under *Bill 29 – Labour Standards Code (amended)* to reflect the new reduced waiting period of one week. The leave could be further improved if Nova Scotia allowed adoptive parents to be eligible for this leave. There is a need to include provisions for complications during pregnancy.

Background and Rationale

The Pregnancy/Maternity Leave is an important leave for new mothers as it allows them time to recover from delivery and settle into a routine with their new child(ren). There should not be an eligibility requirement to access pregnancy/maternity leave. Nova Scotia allows new parents who do not access the pregnancy/maternity leave to access an extension of the parental leave. This is beneficial to parents who adopt or use a surrogate.

Parental Leave/Adoption Leave/Child Care Leave

Each province and territory has provisions for unpaid time off following the arrival of a new child. Many of the provinces, including Nova Scotia, recently revised the length of time for Parental Leave to accommodate the federal government changes which extended access to parental benefits through Employment Insurance for up to 69 weeks. Nova Scotia provides 61 weeks of unpaid leave while other jurisdictions range from 37 to 63 weeks. Nova Scotia allows parents who did not take a Pregnancy/Maternity Leave to take up to 77 weeks for the Parental Leave. As of January 1, 2019, Nova Scotia eliminated the eligibility requirement. Most of the other jurisdictions still have an eligibility requirement.

Recommendation

Nova Scotia should improve the leave to 63 weeks. It is important that Nova Scotia continues with the no eligibility requirement. There needs to be provisions to extend the leave to accommodate needs arising from complications during pregnancy, birth, or post-partum.

Background and Rationale

The Parental/Adoption/Child Care Leave is an important leave for families as they adjust to a new child being added to the family. The extension of time for parents who did not use the pregnancy leave is useful for adoptive parents and parents who used a surrogate. Adding provisions for any complications that could arise during pregnancy, birth, or post-partum is important and will protect women who may suffer from complications. Nova Scotia should be commended for removing the eligibility requirement. Pregnancy and parenthood are natural stages of the life course and are often expected of people. As such, it does not make sense to require employees to work a certain length of time before becoming eligible for the leave.

Family Responsibility Related Leaves

The following leaves have been captured under the category of ‘family responsibility’: Compassionate Leave/Family Medical Leave, Critical Illness Leave, Family/Responsibility Leave, Family Obligations/Family Caregiver Leave, and Child Disappearance/Death Leave.

Compassionate Leave/Family Medical Leave

Most of the provinces and territories that provide this leave to employees refer to it as a Compassionate Leave. This leave is designed to allow employees to provide care for a critically ill family member, whose imminent death is expected in the near future. Nova Scotia refers to this leave as a Compassionate Care Leave and provides employees with 28 weeks of unpaid leave. In comparison, other jurisdictions allow between eight weeks to 28 weeks of unpaid leave.

Recommendation

Nova Scotia provides the same as, or better than, the level of protection in most other jurisdictions in Canada. It is recommended that Nova Scotia continue to provide this leave for employees.

Background and Rationale

Access to Compassionate Care Leave is important for employees' physical and mental health while they are dealing with a critically ill family member. This leave will allow employees to focus on their family member rather than trying to balance work and caregiving.

Critical Illness Leave

The Critical Illness Leave is designed to allow employees time away from work to provide care to an ill child or adult family member. Nova Scotia provides employees with 37 weeks for an ill child and 16 weeks for an ill adult family member. This is comparable to other jurisdictions although a few jurisdictions allow 17 weeks for an ill adult family member.

Recommendation

Nova Scotia should improve the length of time allowed to employees who need to provide care for a critically ill adult by adding one more week.

Background and Rationale

There is a need for critical illness leave as more employees face challenges in balancing work, children, and aging parents. The leave allows employees to focus on their critically ill family member and not worry about work. Access to this leave is good for employees' mental and physical health.

Family/Responsibility Leave

The Family or Responsibility Leave is not available in all provinces and is not included in any of the territories. This is a short unpaid leave falling between three to five days. Nova Scotia and Newfoundland and Labrador provide this type of leave in collaboration with days provided for personal sick leave and, as a result, will be discussed in more detail later in the report. The other provinces that provide the Family/Responsibility Leave typically also provide sick leave.

Recommendation

Nova Scotia should include a leave for family responsibilities rather than collapsing this leave with Personal Sick Leave. It would be beneficial for employees to be entitled to at least three days per year through which they can use tend to family responsibilities. It is recommended that Nova Scotia

implement a Family Responsibility Leave of three days and one of these days should be a paid day.

Background and Rationale

There are many people living in rural areas of Nova Scotia. Creating legislation for a Family Responsibility Leave would allow employees to take family members to health care appointments that often require lengthy travel time.

Family Obligations/Family Caregiver Leave

This leave appears similar to the Family Responsibility Leave described above but there are some distinct differences. This leave provides a greater length of time away from work and is available only in Quebec and Ontario. Quebec provides employees with a Family Obligation Leave that is divided into two types of leaves: short-term absence and extended absence. A short-term absence includes 10 unpaid days and the possibility of two paid days to attend to the health or educational needs of their child or their spouse's child. Two paid days become available after three months of uninterrupted service. These two days of paid leave could also be used for leaves relating to family or parental obligations, sickness, organ or tissue donation, accident, conjugal violence, sexual violence, or a crime. The extended absence provides three different lengths depending on the reason for the absence. Employees who must take on a caregiver role for a relative who had an accident or serious illness are entitled for 16 weeks of unpaid leave. Employees who must take on a caregiver role for a relative who is seriously ill from a potentially fatal illness are entitled to 27 weeks. If the person requiring the caregiving is a minor, the employee is entitled to 36 weeks of unpaid leave. Regardless of the type of leave, employees in Quebec are eligible to a maximum of two paid days per year. Family Caregiver Leave is available to employees in Ontario who need to take time off work to provide care for family members who have a serious medical condition. Employees can have up to eight weeks of unpaid leave to provide care.

Recommendation

Nova Scotia should include a Family Caregiver Leave and include two days of paid leave for employees. The Family Obligations Leave in Quebec should be used as a template in Nova Scotia. This leave should not have an eligibility requirement.

Background and Rationale

The difference between the Family Caregiver Leave and the Family Responsibility Leave is the amount of time employees have away from work. The Family Caregiver Leave would be useful if a family member has a substantial health issue, such as requiring cancer treatment or recovering from surgery. The extended period of time would allow the employee time to help the family member recover without worrying about work obligations.

Child Disappearance/Death Leave

Every province except Quebec and every territory except Nunavut have a leave for parents/caregivers in cases where a child disappears and/or dies due to a crime-related event. Employees are eligible for this leave as long as they are not the ones responsible for the crime. The length of leave is similar across Canada; employees are eligible for a leave of 104 weeks in cases where the child is found deceased. Nova Scotia, Prince Edward Island, Newfoundland and Labrador, Manitoba, Alberta, British Columbia, and Yukon allow 52 weeks of leave if the child disappears and is not found. New Brunswick and Ontario stipulate that the leave ends 14 days after the child is found alive. Quebec and Ontario have a similar leave but do not require the event to be crime-related. Employees in Nova Scotia are eligible for this leave after they have worked for the same employer for three months.

Recommendation

Nova Scotia has similar coverage to other jurisdictions in Canada. The leave should end early only if the child is found alive. Parents should have access to the full leave of 104 weeks, even if the child is still missing at this point. Nova Scotia should remove the eligibility requirement and the criteria for the event to be crime-related. The parents of any child who disappears or dies should be included in this leave.

Background and Rationale

Access to an extended period of time off work to deal with a child who has disappeared or died is important for employee's mental health. This leave should remove the criteria that it must be crime-related as other types of deaths and disappearances are just as stressful for parents and access to this leave would be beneficial to them. Parents who need to access this leave may also be eligible for a federal income support grant. This grant is available to parents of murdered or missing children.

Personal and Family Combined Leaves

The next category of leave identified is one that provides coverage for employees and their family members. Leaves that fall under this category include: Domestic or Sexual Violence Leave (Interpersonal Violence Leave) and Personal and Family Responsibility Leave.

Domestic or Sexual Violence Leave (Interpersonal Violence Leave)

Domestic or Sexual Violence Leave is available to employees across Canada except those employed in federally regulated businesses and industries, British Columbia, and the territories. The federal *Bill C-86* includes legislation for the creation of a Victims of Family Violence Leave which would provide employees with five paid days off each year. The length of leave varies across provinces and some provinces provide a variation of paid and unpaid days. The majority of jurisdictions provide up to 10 days of leave, which is often a variation of paid and unpaid days. The range in paid days is between two and five. Nova Scotia provides 10 days off per year and the first three are paid. Several provinces provide employees with longer unpaid periods off work which must be taken consecutively. Nova Scotia provides an additional 16 weeks of leave while the other jurisdictions range from 15 weeks to 26 weeks.

Recommendation

Nova Scotia should increase the number of paid days off to five from the present three.

Background and Rationale

Domestic violence is, unfortunately, a problem faced by many Canadians and can spill over into their work life. It is estimated that one in three workers will experience domestic violence at some point in their life. Certain women are at higher risk of domestic violence than others. Rates of domestic violence are higher among Indigenous women, women with disabilities, and young women.⁹³ Certain groups of women also face barriers accessing support and services. These groups include African Nova Scotian women, immigrant and migrant women, women in rural communities, and women in the LGBTQ2S community. The number of reported incidents of domestic violence in Nova Scotia is increasing and this does not include the victims who do not report their incidents to the police. Data from the 2014 pan-Canadian survey on

the impact of domestic violence at work show that domestic violence does impact the workplace as many victims are unable to get to work and some even lose their jobs as a result of the domestic violence.⁹⁴ Employers should be concerned about domestic violence as it can cost them money on absenteeism, reduced productivity, and potentially the loss of a good worker. Access to paid days will assist the employees in making sure they can afford to access resources for themselves and children.^{95,96}

Personal and Family Responsibility Leave

The only province to provide a Personal and Family Responsibility Leave is Alberta. Employees there with 90 days of continuous employment with the same employer are eligible for up to five days of unpaid leave. This leave is available for the employees' own health or to meet the responsibilities of their family members. Time off can be used in half day increments if necessary. *Bill C-86* includes legislation for Part III of the *Canada Labour Code* to include a Personal and Family Responsibility Leave that would provide employees with five days off, of which the first three are paid. Ontario previously had a leave for personal and family emergencies which would allow employees up to 10 days off, of which the first two days were paid. This provision was repealed on January 1, 2019.

Recommendation

Nova Scotia does not have a Personal and Family Responsibility Leave. Having access to a Personal and Family Responsibility Leave, and one that includes at least two days of paid leave, would be beneficial for employees. Nova Scotia should consider adding this leave or one of the two leaves mentioned earlier (Family Responsibility or Caregiver Leave). The recommendation for a Personal Emergency Leave in Ontario under *Fair Workplaces, Better Jobs Act, 2017* could be used as a template for Nova Scotia.

Background and Rationale

The Personal and Family Responsibility Leave is only available to employees in a few jurisdictions. Some jurisdictions only have Family Responsibility Leaves. It would be beneficial for employees to have access to one of these leaves. The Personal and Family Responsibility Leave is more robust as it can be used for personal reasons or for family obligations.

Personal Leaves

The next section focuses on leaves that are meant for the employee. Leaves that fall into this category include: Sick Leave, Personal Illness or Injury Leave, and Emergency Leave.

Sick Leave

Employees are eligible for Sick Leave in federally regulated businesses and industries as well as in the following provinces and territories: Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador, Quebec, Ontario, the Northwest Territories, and Yukon. Nova Scotia provides only three unpaid days for employees which is the lowest amount compared to the other jurisdictions that offer sick leave. Other jurisdictions range from five unpaid days to 26 weeks of unpaid leave. Employees in Yukon have access to one day of unpaid leave each month for a total of 12 days in a year. Prince Edward Island provides one paid day for employees who have worked for five consecutive years with the same employer and Quebec provides employees with two paid days.

Currently, employers are permitted to ask employees to submit a note from a medical practitioner if they miss work because they are sick. In Ontario, *Fair Workplaces, Better Jobs Act, 2017* included legislation that would create a Personal Emergency Leave allowing employees up to 10 days off work each year and the first two days would be paid. Employees would be eligible for the leave as soon as they start working but are only eligible to the paid leave days after they have worked for one week. There is no requirement to submit a medical note from a physician, registered nurse or psychologist. Unfortunately, this leave was repealed under *Making Ontario Open for Business Act, 2018* and is not available to employees.

Recommendation

Nova Scotia should consider providing one day off a month for employees, up to a total of 12 days per year. The leave should also include two paid days for employees, similar to what was included in *Fair Workplaces, Better Jobs Act, 2017* in Ontario. Employers should not be permitted to ask employees to submit a medical note when they are sick.

Background and Rationale

Allowing employees time to recover from their illness will improve productivity as without this coverage many employees will likely come to work sick. Sick employees have the potential to infect their colleagues and customers. Paid sick days are an important feature of sick leave as it allows employees, especially those earning low-wages, to take a day off work without suffering financially. This paid time will do more to keep sick employees away from work than just providing unpaid time. Removing the requirement for a medical note is important as there is a shortage of medical professionals in Nova Scotia. Writing these medical notes is time consuming and takes up valuable resources. Additionally, medical notes can infringe of the privacy of employees.

Personal Illness or Injury Leave

Only Quebec and Saskatchewan provide employees with unpaid time off work if they are ill or have an injury. Quebec provides 104 weeks of unpaid leave if they have experienced a serious bodily injury that is related to a criminal offense while Saskatchewan provides employees with 12 unpaid days if the injury or illness is not serious, 12 weeks if it is serious, and 26 weeks if the employee is receiving benefits from the Workers' Compensation Board.

Recommendation

Nova Scotia should create a personal injury or illness leave that is similar to what is available in Saskatchewan.

Background and Rationale

Access to a Personal Injury or Illness Leave is important in assisting employees to improve their health or recover from an injury. Employees can use this time away from work to rest and recover. Employees who are ill can stay home and not infect others in their workplace. This will reduce the spread of infectious diseases and could provide incentive for employees to seek medical treatment and diagnosis because they have time away from work.

Emergency Leave

Emergency Leave is available only in Nova Scotia and Ontario. It relates to a declared emergency by a government agency that is beyond a personal nature. Examples could include weather emergencies, natural disasters, public

health emergencies, or other events. Employees are eligible for this leave when a government declared emergency occurs and a medical officer tells employees to stay off work. Emergency Leave is also available to employees who must care for someone who is affected by the emergency. There is no specified length of time allowed for this type of leave.

Recommendation

Nova Scotia should maintain this leave.

Background and Rationale

Allowing employees time away from work during an emergency is necessary as it is beyond their control. This leave allows them to avoid traveling to work in conditions that may be unsafe.

All Other Leaves

There are several other, often short-term, leaves that are available to employees. The availability of these leaves varies across the country.

Bereavement Leave

The length of Bereavement Leave varies across the country and is available to all employees except those employed in Nunavut. Bereavement Leave is often available only to employees after the death of a close family member. Nova Scotia, along with New Brunswick and Saskatchewan, allow employees five unpaid days off work after the death of a family member. This is one of the longer leaves available. In comparison, employees in Yukon have seven days off work and employees in the Northwest Territories can extend their three day leave to seven days if the funeral service is not local. Employees in Yukon can receive extra time off if the deceased family member is First Nation and the employee is responsible for planning the potlatch. A few other jurisdictions provide employees with one paid day plus additional unpaid days. The paid leave is only available if an immediate family member dies. Currently federal employees have three days of paid leave. *Bill C-86* extends this leave to five days and the first three days are paid.

Recommendation

Nova Scotia should improve its Bereavement Leave provisions to match the new leave set out in *Bill C-86*. Employees should have access to five days with the first three being paid. Nova Scotia should consult with the Mi'kmaq population to determine whether an extended leave, similar to what is available in Yukon, is required. The legislation should be changed to ensure that the needs of the Mi'kmaq population are being met.

Background and Rationale

Bereavement Leave allows employees time away from work to grieve the loss of a family member. Allowing a paid leave provides employees with extra support during a challenging time. Providing at least one paid day off for bereavement leave is a potentially low-cost benefit that goes a long way in supporting employees.

Military Reservist Leave

All provinces and territories allow members of the military reserves to take extended unpaid time off for deployment. Some also allow shorter leaves for training purposes. Nova Scotia allows 20 days of unpaid leave for training purposes and 18 months in a three-year period for deployment. The range for annual training leave is between 20 days to 30 days if specified, although most jurisdictions do not specify a time period. New Brunswick is the only other jurisdiction that provides a time period for deployment leave at 18 months, similar to Nova Scotia. The remaining provinces and territories do not specify a time limit for deployment.

Recommendation

Nova Scotia should consider removing the time specification for training and deployment.

Background and Rationale

In order to sustain the military reserve program of the Canadian Armed Forces, allowing employees who are members of the reserves to take unpaid leaves to participate in training or for deployment is necessary. Members of the military reserves would not be able to participate if they could not access a reservist leave.

Court Leave

Court Leave is available only in Nova Scotia, New Brunswick, Prince Edward Island, British Columbia, and the Northwest Territories. This leave is for employees who must provide jury duty or are called as witnesses. There is no specified time period for the leave, but employees are expected to provide as much notice to employers as possible. *Bill C-86* includes legislation for the creation of a court leave for federal employees but does not include a specified time period for the leave.

Recommendation

This leave does not need to be changed.

Background and Rationale

Access to a Court Leave is necessary for employees so they can participate in jury duty and be called to a trial as a witness. These are both actions that are important as jury duty is a civic duty and a witness can be subpoenaed to court.

Citizenship Ceremony Leave

Leave to attend the employee's own citizenship ceremony is permitted in four provinces: Nova Scotia, Manitoba, Saskatchewan, and Alberta. Employees in Nova Scotia and Saskatchewan are eligible for one unpaid day off to attend the service, employees in Manitoba are eligible for four hours and employees in Alberta can take a half day off work.

Recommendation

Nova Scotia should provide employees with a paid day off to attend their own citizenship ceremony.

Background and Rationale

The ceremony to officially recognize an individual as a Canadian citizen is an important day for all involved. Providing one paid day to attend the citizenship ceremony is a low-cost benefit that will make the employees feel more valued at work. A full day is required as the service might not be located nearby, and it allows the employee time to celebrate their new citizenship.

Organ Donor Leave

Employees who are organ donors can take unpaid time off work in the following provinces: Quebec, Ontario, Manitoba, and Saskatchewan. Organ Donor Leave is not available in Nova Scotia. *Bill C-86* includes legislation for the creation of a medical leave which would provide coverage to employees who are organ donors. In Quebec an employee can take 26 weeks of leave of which two days are paid. Employees in Saskatchewan can take 26 weeks of unpaid leave. In Ontario and Manitoba, employees have 13 weeks of unpaid leave when they are organ donors.

Recommendation

Nova Scotia should, at minimum, provide 13 weeks of unpaid leave for organ donors.

Background and Rationale

Nova Scotia has recently passed legislation for organ and tissue donation. Under the new legislation, all residents of Nova Scotia will be listed as organ and tissue donors. Nova Scotians who do not wish to donate their organs or tissue must opt out. This new legislation takes effect in 2020 and was created to increase organ and tissue donations.⁹⁷ Based on this new legislation, it is even more necessary for Nova Scotia to provide employees with a leave if they are organ donors. Employees will require time to heal after the donation and this leave will provide them with that time.

Individual Termination Notice (or pay in lieu)

The length of notice required of employers for individual non-disciplinary terminations is consistent across the provinces and territories. However, federal employees, at least up until recently, have been eligible for only two weeks' notice or pay. This is substantially lower than other jurisdictions. Recommendations in the federal *Bill C-86* will make access to individual termination notice similar to other jurisdictions. Generally, employees with less than two years' service with the same employer are entitled to one week notice or pay in lieu. The amount of notice or pay increases for each additional year worked to a maximum of eight weeks' notice or pay. The maximum is often reached after 10 years of service with the same employer. New Brunswick is the exception as employers are required to provide only four weeks' notice or pay for employees with five or more years of service

with the same employer. Employees in Nova Scotia must work for at least three months before qualifying for termination notice or pay. This is better than what is available for employees in New Brunswick, Prince Edward Island, Alberta, and Yukon. While Nova Scotia provides similar, if not better, coverage for employees with longer than two years' service, there is improvement needed for employees with less than two years' service as they currently only receive one week notice or pay.

Recommendation

Nova Scotia should increase the amount of notice or pay for employees with less than two years of service to two weeks' notice or pay. This will make it comparable to other jurisdictions.

Background and Rationale

Access to termination notice/pay provides employees with some financial protection. Increasing the notice period for employees with three months to less than two years of service to two weeks' notice or pay will help protect more vulnerable workers. Job loss is often more common among people with shorter work tenures.

Wrongful Dismissal Adjudication

Nova Scotia is the only jurisdiction that provides extra protection for employees who have 10 years or more of service. An employer cannot fire or suspend employees with 10 years of more of service without good reason or just cause. Employers have four criteria that they must provide to show that they had good reason. When employers fire an employee without good cause, Labour Standards Officers can order them to bring the employee back to work with full back pay. If the employee does not wish to return to the job, Labour Standards Officers may order the employer to pay in lieu of reasonable notice. Another notable protection in Labour Standards legislation is the protection available to federal employees for unjust dismissal. This is an exceptional protection available for federal employees who have been employed by the same employer for 12 consecutive months and are not covered by a collective agreement.

TABLE 2 Individual and Group Termination Notice Requirements by Jurisdiction

Jurisdiction	Individual Termination Notice (or Pay in Lieu)	Group Termination Notice (or Pay in Lieu)
Federal	3 or more months = 2 weeks	50 or more employees either simultaneously or within any period not exceeding four weeks Provide employees with 2 weeks
Nova Scotia	3 months but less than 2 years = 1 week 2 years but less than 5 years = 2 weeks 5 years but less than 10 years = 4 weeks 10 years or more = 8 weeks	10-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks
New Brunswick	6 months but less than 5 years = 2 weeks 5 years or more = 4 weeks	
Prince Edward Island	6 months but less than 5 years = 2 weeks 5 years but less than 10 years = 4 weeks 10 years but less than 15 years = 6 weeks 15 years or more = 8 weeks	
Newfoundland & Labrador	3 months but less than 2 years = 1 week 2 years but less than 5 years = 2 weeks 5 years but less than 10 years = 4 weeks 10 years but less than 15 years = 4 weeks 15 years or more = 6 weeks	Criteria - 50 or more employees terminated in 4 week period 50-199 employees = 8 weeks 200-499 employees = 12 weeks 500+ employees = 16 weeks
Quebec	3 months but less than 1 year = 1 week 1 year but less than 5 years = 2 weeks 5 years but less than 10 years = 4 weeks 10 or more years = 8 weeks	10-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks
Ontario	3 months but less than 1 year = 1 week 1 year but less than 3 years = 2 weeks Every additional year up to 8 years gets 1 additional week	50+ employees = 4 weeks
Manitoba	30 days but less than 1 year = 1 week 1 year but less than 3 years = 2 weeks 3 years but less than 5 years = 4 weeks 5 years but less than 10 years = 6 weeks 10 or more years = 8 weeks	50-100 employees = 10 weeks 101-299 employees = 14 weeks 300+ employees = 18 weeks
Saskatchewan	13 weeks to 1 year of employment = 1 week More than 1 year to 3 years = 2 weeks More than 3 to 5 years = 4 weeks More than 5 to 10 years = 6 weeks More than 10 years = 8 weeks	10-49 employees = 4 weeks 50-99 employees = 8 weeks 100+ employees = 12 weeks
Alberta	90 days but less than 2 years = 1 week 2 years but less than 4 years = 2 weeks 4 years but less than 6 years = 4 weeks 6 years but less than 8 years = 5 weeks 8 years but less than 10 years = 6 weeks 10 years or more = 8 weeks	50-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks
British Columbia	3 months but less than 1 year = 1 week 1 year but less than 3 years = 2 weeks Every additional year up to 8 years gets 1 additional week	50-100 employees = 8 weeks 101-300 employees = 12 weeks 301+ employees = 16 weeks
Northwest Territories	90 days to 2 years = 2 weeks Every additional year up to 8 years gets 1 additional week	25-49 employees = 4 weeks 50-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks Provide notice to Employment Standards Officer and any trade unions
Yukon	6 months but less than 1 year = 1 week 1 year but less than 3 years = 2 weeks Every additional year up to 8 years gets 1 additional week	25-49 employees = 4 weeks 50-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks
Nunavut	90 days but less than 3 years = 2 weeks' notice/pay Every additional year up to 8 years gets 1 additional week	25-49 employees = 4 weeks 50-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks

Recommendation

The extra protection for employees with 10 years or more of service in Nova Scotia should be expanded to include employees with three or more years of experience. The unjust dismissal protection for federal employees should be implemented in Nova Scotia.

Background and Rationale

Nova Scotia should be commended for the extra protection for employees with 10 years or more of service. As the population is aging and more older workers are in the labour market, this protection is beneficial. Older workers may be targeted for ageist reasons, seen as slower, not technologically advanced, or more expensive. The extra protection in Nova Scotia protects them from being terminated for no reason except to open up room for younger employees who are faster, more technologically advanced, and less expensive. The threshold should be reduced from 10 years to three or more years of service. It is becoming less common for employees to work for the same employer for 10 years or more, making the current provision somewhat outdated.

Group Termination Notice (or pay in lieu)

There is more variation across Canada in terms of group termination notices compared to individual termination notice. A group in Nova Scotia is considered to be at least 10 employees. While not all jurisdictions specify a group size, those that do vary from 10 employees to 50 employees. The amount of notice or pay required when employees are terminated increases as the group size increases. In Nova Scotia, the employer must provide eight weeks' notice or pay when 10 to 99 employees are terminated. When there are 100 to 299 employees terminated, the employer must provide 12 weeks' notice or pay. For 300 or more employees, employers must provide 16 weeks' notice or pay. Nova Scotia has one of the smallest size requirements, 10 employees, for a group. This is beneficial for employees. Nova Scotia provides better coverage than most provinces and all three territories, especially other provinces in Atlantic Canada. Although not a requirement in Nova Scotia, some jurisdictions require that the employees must all be terminated within a four-week period.

Recommendation

Nova Scotia provides similar or better protection than other jurisdictions. One recommendation is for a union, if there is one present, to be given the same notice as provided to employees.

Background and Rationale

Group termination notice/pay is important in protecting employees when large groups are terminated. This could happen as a result of reduced production, relocating the business, or any other reasons. The termination notice/pay will provide them with time to find a new job or to plan what they will do next.

Severance Pay

Severance pay is not available to employees in Nova Scotia. It is included in Ontario's *Employment Standards Act* and Part III of the *Canada Labour Code*. There are certain criteria, including length of employment and payroll size (only in Ontario), to determine whether an employee is eligible for severance pay. Ontario has both individual and group severance requirements. Employees cannot receive both severance and termination notice/pay, they must choose one or the other.

Recommendation

Nova Scotia should have a severance provision that is similar to the provision in Ontario except not include the criteria about payroll size.

Background and Rationale

Severance pay is beneficial in an economy where companies may not be able to sustain themselves long-term. Employees with long service, and especially older employees, with the same employer may be eligible for severance pay when the company closes. Severance pay enhances the amount of income available to a terminated employee which may be beneficial if the individual has difficulty finding other employment.

Harassment and Bullying

Nova Scotia does not provide protection from harassment and bullying in its *Labour Standards Code*. Very few jurisdictions include this protection in its Labour Standards legislation. Harassment and bullying protection may be

available in Occupational Health and Safety legislation or within human rights legislation. Nova Scotia does not include it in its Occupational Health and Safety legislation. Harassment, including sexual harassment, and bullying are covered in Nova Scotia's *Human Right Commission*. The coverage only applies when the harassment, including sexual harassment, or bullying is done on the basis of a protected ground (e.g. age, race, sex, ethnicity, sexual orientation, etc.). Prince Edward Island protects employees from sexual harassment and Quebec provides protection for employees against both psychological and sexual harassment. In Quebec, an employee must file a complaint within two years of the incident occurring.

Recommendation

There needs to be better protection for employees who face psychological harassment and bullying in the workplace. Nova Scotia should include Labour Standards protection for employees against sexual and psychological harassment. There is a need for anti-bullying provisions in the *Labour Standards Code*.

Background and Rationale

Nova Scotia needs to improve the protection for employees against all forms of harassment and bullying. Currently, employees who face psychological harassment at work are not covered under the *Violence in the Workplace Regulations*. In 2018, an employee of Lawton's Drug Store "filed a discrimination action complaint pursuant to section 45 of the Occupational Health and Safety Act".⁹⁸ She reported the harassment and bullying to management but was unsatisfied with their response. She was later terminated from her job. The psychological harassment and bullying experienced by the Appellant does not fall within the definition of 'violence' in the *Violence in the Workplace Regulations*. The Director recognized other jurisdictions, such as Nunavut, Ontario, Prince Edward Island, and Alberta, where legislation was amended to recognize harassment. It was recommended that the scope of protection be expanded to include psychological violence but it must be done within the legislative policy.⁹⁹ This case sheds light on the lack of protection faced by employees in Nova Scotia. It is imperative that the legislation change so that employees are protected from all forms of harassment and bullying.

Harassment is a relatively common experience for Canadian employees. In 2016, 19% of women and 13% of men reported experiencing harassment at work in the last year.¹⁰⁰ This is self-reported data and likely underestimates the number of people who witness harassment but have normalized the

behaviour and do not report it on surveys. The most common type of harassment was verbal abuse. While sexual abuse was not as common, it was experienced more often by women than men. Harassment at work can have a negative impact on personal well-being and commitment to the workplace. Employees who have been harassed feel less connected at work and are at a higher risk of turnover. Employees who have been harassed at work are often stressed and have worse mental health. Ensuring that workplaces are free from all forms of harassment is necessary for the physical and mental health of employees and to improve working conditions.

Protection against Retribution for Employees who File Labour Standards Complaints

Most provinces, the Northwest Territories, and Part III of the *Canada Labour Code* provide protection for employees who complain or provide evidence regarding an employment standard violation. Nova Scotia prohibits employer discrimination against an employee for making a complaint or providing evidence to a Labour Standards Officer. This type of behaviour is often referred to as reprisal.

Recommendation

Nova Scotia provides protection from reprisal for employees who file a complaint, and this must be maintained.

Background and Rationale

Maintaining protection against retribution for employees who file a Labour Standards complaint is important as employees without protection may not feel safe filing a complaint. This protection is necessary for employees who are still employed at the job where the violation occurred. In Ontario, employees who have been retributed against after filing a complaint can report this action as reprisal and have it investigated. Although employees in Ontario are protected from reprisal if they file an Employment Standards complaint, the number of employees including claims for reprisal are increasing.¹⁰¹ Nova Scotia must ensure that even though there is a policy about reprisal, employees are being protected and are not withholding complaints because they are worried about being fired or otherwise penalized.

Complaints Process

CERTAIN EMPLOYEES ARE exempt from Labour Standards legislation at the provincial and territorial levels. These include employees of federally regulated companies, people who are self-employed or are considered independent contractors, and unionized employees. There are other employees who are exempt from certain parts of Labour Standards legislation, have special rules, or are totally exempt from the legislation. The majority of employees across Canada can file a complaint if they feel the Labour Standards legislation has been violated. There is major variation in regard to the timing when a complaint must be filed and whether the employee has to discuss the complaint with the employer first. In Nova Scotia, employees have six months from the time of the violation to file a complaint. This is one of the shortest time periods available to employees. Other jurisdictions range from six months to two years, although most allow one year. Prince Edward Island does not specify a time limit. In some cases, terminated employees have a shorter time period for filing a complaint. Several jurisdictions require employees to discuss their complaint with their employer prior to filing a complaint.¹⁰² This is not required in Nova Scotia. Ontario recently changed the legislation so employees are no longer required to contact their employer first to resolve the complaint.

Recommendation

Nova Scotia needs to extend the length of time for submitting a complaint. Ideally, Nova Scotia should not stipulate a time period for employee; but,

at minimum, Nova Scotia should extend the six-month time period to two years. Nova Scotia should continue with its current system which does not require the employee to have a discussion with their employer first before filing a complaint.

Background and Rationale

Shorter time periods for submitting complaints can be a problem for employees. Employees need to determine that a violation occurred, find any relevant paperwork or supporting evidence, and file a complaint. Some employees may be nervous about filing a complaint because of reprisal and wait until they are in a better position to complain. A better position may be in a new job or more security in their current job.

Employees should not be required to communicate with their employers first before filing a complaint. Discussing the complaint with their employer first was part of Ontario's *Open for Business Act*. The *Open for Business Act* was required self-resolution of allegations of violations that was introduced in 2010 but later repealed in 2017.¹⁰³ The requirement of discussing the complaint with their employer first resulted in a decrease in complaints received by the Ontario Ministry of Labour but the number of reprisal complaints increased during the same time period.¹⁰⁴ This data suggests that the number of violations did not go down, rather employees stopped filing a complaint because they did not want to discuss it with their employer first. Among those who decided to discuss the violation with their employer first, it was likely that they felt the employer treated them negatively as a result.

Filing Complaints Anonymously

Nova Scotia is one of the few provinces that will allow employees to file an anonymous complaint so the employer will not be able to identify them. The employee must contact the Department of Labour and Advanced Education first to discuss the complaint and gain approval from the Director. Saskatchewan allows employees to file anonymous complaints, but it is only permitted if the employee is still employed at the time of the submission and if the complaint is for non-monetary violations. Alberta allows anyone to file anonymous tips, but employees are not permitted to file an anonymous complaint. There are a few provinces (New Brunswick and British Columbia), one territory (Yukon), and federally regulated businesses and industries where employees can request confidentiality. Confidentiality is not enough

protection for employees who are worried about reprisal and consequently may not file a complaint. Directors in New Brunswick have the authority to protect the identity of the complainant.

Recommendation

Removing the criteria that employees must first contact the Department of Labour and Advanced Education to seek approval before filing an anonymous complaint is needed. When anonymous complaints are not suitable, such as the case as monetary violations, the employee should be made aware that anonymity cannot be achieved and asked whether they wish to pursue the complaint. Community organizations should be encouraged and supported to bring complaints forward on behalf of employees. Allowing trade unions to represent non-members would also strengthen the complaint process.

Background and Rationale

Anonymous complaints provide the best coverage for employees who are still employed at the job where they experienced the violation. Employees would benefit from the ability to file anonymous complaints, not just request confidentiality, and it may encourage more employees to file a complaint. Vosko and colleagues recommend greater use of anonymous complaints because they:

would allow for the concealment of the identity of the employee or party who originally made a complaint by investigating and pursuing orders for multiple employees if violations involving other employees are found. The complainant would still have her or his complaint addressed, while the employer would likely be less able to discern which employee(s) filed the original complaint. In cases where no other violations are found in the inspection, the complainant(s) could then be informed that the completion of the complaint will require that the facts of their particular case will need to be revealed to the employer and the complainant could then have the option of withdrawing the complaint.¹⁰⁵

Although it is difficult to determine the exact magnitude, the number of employment standard complaints received likely grossly underestimate the number of violations that occur. In the United States, Weil and Pyles estimate that employees are not filing complaints under the *Fair Labor Standards Act*.¹⁰⁶ In fact, focusing on overtime provisions, there were 130 employees who were found to be owed overtime wages for every one complaint received by the federal Department of Labor.¹⁰⁷ The lack of complaints by employees varies

by industry and were highest in industries such as metal fabrication and meat processing. There is a concern that violations become normalized in certain industries resulting in employees not filing complaints.¹⁰⁸ Allowing employees to file anonymous complaints could increase the number of complaints submitted to the provincial or territorial government.

Enforcement Process, Deterrence, and Recovering Unpaid Wages

Overview

Labour Standards Officers use enforcement measures to detect violations by employers. When the enforcement process determines that violations have occurred, Labour Standards Officers use a variety of deterrence measures. Deterrence measures are often used as a way to prevent future violations from occurring. Most provinces and territories issue orders to pay for monetary violations, issue fines, and provide notices to employers to deter them from future contraventions of the Labour Standards legislation and to ensure that the employees receive all monies owed. Orders, fines, and notices are considered low level deterrence measures. The fines are typically low in value which means they may not carry enough weight to deter employers from future contraventions. Considering these low-level enforcement measures and the fact that many employees do not file complaints, the consequences of violating Labour Standards legislation is minimal. Improving deterrence measures across Canada is an important and necessary step in strengthening labour standards enforcement.¹⁰⁹ While much of the research on deterrence

measures in Canada is based on Ontario, there is evidence of limited use in other provinces. There is little use of penal provisions in Quebec, and British Columbia has reduced its enforcement staff and abandoned proactive enforcement.^{110,111} Enforcement within Part III of the *Canada Labour Code* includes low-level deterrence measures such as Notice of Unfounded Complaint or a Payment Order. Prosecution in a court of law can be taken when the employer does not comply voluntarily. Criminal prosecution can be used when it is determined that the employer willfully breaks the law. The lack of deterrence measures is likely a problem in other provinces and territories, but it has yet to be researched.

In Ontario, employers who violate the *Employment Standards Act* typically receive an order requiring them to correct the violation (for example, compensate the employee for unpaid wages) or are issued a compliance order for non-monetary violations. The use of tickets, which cost an employer \$350, is exceptionally low.¹¹² Ideally, deterrence measures should penalize employers when they violate the *Employment Standards Act* and will reduce the likelihood of future contraventions. In addition to low-level deterrence measures, such as orders to pay and fines, there is a need for the government to escalate the deterrence measures to make second, third, or additional contraventions more costly for the employer. In Ontario, enforcement measures such as prosecutions held much higher penalties in the 1990s, but have since decreased substantially.¹¹³

In addition to using enforcement to resolve complaints, some jurisdictions will use settlements. Settlements can be mediated or facilitated by a third party. In Ontario, settlements that are facilitated by Employment Standards Officers are often settled for less than the claim.¹¹⁴ Jurisdictions that limit the use of settlements or only allow settlements that provide protection for employees by ensuring they receive the full amount owed are best for employees.

Summary of Enforcement Measures

In Nova Scotia, Labour Standards Officers can issue orders to pay, and use prosecutions, fines, and imprisonment. Corporations and directors can also be fined for contravening the *Labour Standards Code*. The first step in resolving a complaint is for the Labour Standards Officers to attempt a settlement between the employee and the employer before an investigation starts. During the settlement process, the Labour Standards Officer acts as a facilitator. If

a complaint cannot be settled, the Labour Standards Officer will initiate the formal complaint process. The enforcement measures used in Nova Scotia are similar to enforcement measures used in other jurisdictions. Fines are used in most of the jurisdictions but there is variation in the fine amounts. In Nova Scotia, the use of these fines and prosecutions are inconsistently imposed.¹¹⁵ Another difference between Nova Scotia and other jurisdictions is the length of time used for imprisonment. In Nova Scotia the maximum length is three months compared to one year in other jurisdictions. A few jurisdictions use liens as a way to ensure that employees are able to collect all monies owed to them, but liens are not used in Nova Scotia. There are two types of liens used, pre- and post-judgement. A post-judgement lien is best used to ensure that Orders to Pay are recovered. The Department of Labour and Advanced Education can place a hold on the employer's property until the Order is paid.¹¹⁶ Post-judgment lien are not useful when the employer has hidden assets or if the employer is bankrupt or in receivership.¹¹⁷ Pre-judgement liens allow a hold to be placed on the employer's property before a decision has been made. These are preferred in cases where there is fear that an employer could hide or dispose any assets. Both types of wage liens have proven useful in deterring monetary violations.¹¹⁸

New Brunswick and Ontario use related employer liability to improve recovery rates. As fissuring becomes more common, it is necessary to expand the liability across the supply chain.¹¹⁹ A growing problem for employees is the need to rely on credit cards and other forms of debt to manage financially without the money owed to them. Additionally, a few jurisdictions have created online registries that track employers and directors who owe money to employees or have outstanding administrative penalties. This acts as a way to shame employers and directors into following Labour Standards legislation. Ontario posts information about employers and directors who receive Part I tickets and Part III offenses. Nova Scotia does not provide a list of employers or directors who owe money or have outstanding penalties online.

As Ontario and Alberta shift to change Labour Standards legislation to make the province 'open for business', the protections for employees are at risk. The hiring of more Employment Standards Officers in Ontario under *Fair Workplaces, Better Jobs Act, 2017* was repealed with *Making Ontario Open for Business Act, 2018*. As employment becomes more precarious and more employees are relying on Labour Standards legislation, there is a need to increase the number of Labour Standards Officers and conduct more inspections of workplaces. High risk businesses, in industries such as accommodation and food services, retail trade, and construction to name

a few, should be targeted and inspected more often.¹²⁰ It is also imperative that employees, especially vulnerable employees such as those in precarious employment, new immigrants, youth, etc., fully understand their rights and are comfortable filing a complaint.

Recommendation

Nova Scotia has a relatively weak enforcement system. The fines for employers are low and have stayed constant for over five years. It is important that fines are increased and that fines, prosecutions and imprisonment are used more frequently.¹²¹ Nova Scotia should create a website that posts information about violators. This website will draw attention to employers and directors who violate the *Labour Standards Code* and also bring attention to the fact that employees have rights that must be followed. Overall, more must be done so that employees are aware of their rights at work. More publicity and education about the *Labour Standards Code* is needed and should be targeted to vulnerable workers, such as those employed in precarious employment.

More needs to be done to ensure that employees receive the money they are owed. The use of liens should be expanded to Nova Scotia. Another improvement needed in Nova Scotia is to strengthen and improve the scope of employer liability for recovering monies owed to employees. One way to do this is to implement joint and related employer liability. This means that the employer as well as franchises, subcontractors, and temporary help agencies are liable for any money owed to employees. A franchise may be responsible for outstanding vacation pay, overtime pay, unpaid wages, or termination notice. Another way that the joint and related employer liability benefits employees is if an employer goes into bankruptcy without paying employees and opens a new business, they will still be responsible for paying the employees from the bankrupt business because the two businesses are jointly and severally liable for termination pay.¹²²

Nova Scotia must ensure that employees do not accept egregiously low settlements. One way to accomplish this is to provide employees with assistance during the settlement process to ensure they are aware of their rights which could eliminate or decrease the power imbalance between the employer and employee.

Nova Scotia needs to hire more inspectors and inspectors should be extending investigations of substantiated complaints to determine whether other employees of the same employer face similar violations. The use of inspections that target inspections of high-risk businesses must be conducted.

The federal government provides coverage for employees who are owed money from bankrupt or insolvent companies under the Wage Earner Protection Program (WEPP). The proposed changes with *Bill C-86* will improve the scope and requirements for compensation under the current WEPP and the maximum amount employees can receive will be increased. The changes also include expanding the definition for eligible wages and the conditions under which a payment can be received. Although these proposed changes will strengthen protection for employees, there are still a few gaps. The WEPP does not provide protection for informal bankruptcy or for employers who simply refuse to pay. Another problem for employees is when their employer closes the business without paying the employees. This is also not protected under the WEPP. Nova Scotia should consider creating a provincial wage protection fund which would cover employees for all types of non-payment excluded from the WEPP.

Although it is difficult to determine the effectiveness of recovering unpaid wages defined by Labour Standards legislation in each province and territory, it is a major concern in Ontario and is likely a concern in other jurisdictions. Even though there is a substantial amount of unrecovered monies owed to employees, the use of low-level deterrence measures may result in few employees filing claims because they perceive there to be little benefit or reward to them in the process and send a signal to employer that wage theft pays.¹²³ It is important for provinces and territories to ensure they have effective measures to collect monies owed to employees, as without a good collection measure many employees may never see the money they are entitled to receive.

Background and Rationale

Recovery of money owed to employees is now a well-documented problem in Ontario and received attention during the ‘Changing Workplaces Review’. Another weak part of Ontario’s enforcement is the lack of prosecutions and fines. Ontario rarely uses prosecutions and fines, which is likely similar to what is happening in Nova Scotia.¹²⁴ Research in Ontario found that only among the 34 prosecutions, 20 obtained a conviction in Ontario between 2012 and 2014, suggesting very low use of prosecutions.¹²⁵ Another way to recover money that is owed to employees is to use liens. Other jurisdictions, such as Wisconsin and Maryland, have been quite successful in recovering monies owed to employees by using pre-judgment wage liens.¹²⁶

Settlements are often used as a way for employees to collect the money they are owed without having to file a formal complaint. Settlements do

not always benefit employees. Research in Ontario reported that employees often settle for much less than their original complaint. This is problematic because settlements are often preferred as they are a means of minimizing the administrative burden of adjudicating all complaints. Allowing settlements is also beneficial for the government as it may allow complaints to be resolved more quickly.¹²⁷ Settlements may also emphasize the power imbalances between the employer and the employee. One way to moderate this power imbalance is to make sure a third-party mediator assists in the process. It is important to ensure that employees have the same access to legal and human resource representation that their employer is able to access.^{128,129} Quebec does not permit settlements that are less the complaint amount. This is not the case in other jurisdictions. Nova Scotia should implement this requirement if settlements continue to be used.

Overall Assessment of Nova Scotia's *Labour Standards Code*

DESPITE NOVA SCOTIA falling short on many of the most important *Labour Standards Code*'s provisions, there are a few areas where Nova Scotia should be applauded. These areas include lack of eligibility requirement for pregnancy and parental leave, protection from wrongful dismissal for employees with 10 years or more of service, and the option to request filing a complaint anonymously. While these aspects of the *Labour Standards Code* are either equal or better than other jurisdictions, there are still ways that these aspects can be improved. Comments about these improvements have been made throughout this report. Nova Scotia recently added Domestic Violence Leave for employees. This leave is comparable to other jurisdictions but could be improved by adding an additional two days paid leave each year. Five paid days of leave will be available to federally regulated employees, as well as employees in New Brunswick, Ontario, and Manitoba.

Employees in Nova Scotia are falling behind in terms of Labour Standards related to hours of work, minimum wage rates, access to statutory/public holidays, and a relatively short window of opportunity to submit a complaint. Employees in Nova Scotia are also not protected from psychological harassment and bullying in the workplace. Problematically for employees, the combination of a much lower minimum wage rate and the requirement of

working 48 hours before overtime pay can result in pay inequities between employees in Nova Scotia and other jurisdictions in Canada. These two factors combined with a long list of exemptions make employees in Nova Scotia more vulnerable than employees in other Canadian jurisdictions. Nova Scotia and Ontario have the most extensive list of exemptions and special rules. These exemptions and special rules often target employees in precarious employment and further disadvantage them.

The recent proposed changes in the federal *Bill C-86* have created an interest among labour activists across the country. The majority of the changes will greatly improve the working conditions of employees covered under the *Canada Labour Code*. Once these changes are implemented, the protections provided by Nova Scotia under the *Labour Standards Code* will appear outdated and insufficient at protecting some of the most vulnerable employees in the province. Now is the perfect time for Nova Scotia to look at revising the *Labour Standards Code* to match the changes proposed in *Bill C-86* and to implement the changes proposed in this report. These changes will help make Nova Scotia more attractive to employees and assist in improving the current retention problems.

Conclusion

ACCESS TO LABOUR Standards legislation that is up to date and provides essential coverage for employees is extremely important. Currently, the proportion of employees who are unionized has been dropping,¹³⁰ meaning that more employees rely on their provincial or territorial Labour Standards legislation to provide protection for them at work and to ensure that they receive all monies owed to them. As employment becomes more precarious and employees are often working multiple jobs, there is an even greater need to ensure that their rights are protected at work. Three provinces, Ontario, Alberta, and British Columbia, as well as the Federal government, have recently completed major overhauls to their Labour Standards legislation. Some of the more progressive changes in Ontario and Alberta have recently been repealed or changed due to a change in governing party. As a result of these changes, employees in Ontario and Alberta have fewer protections now than what was included in *Fair Workplaces, Better Jobs Act, 2017* in Ontario and *Fair and Family-Friendly Workplaces Act* in Alberta.

Nova Scotia falls well short on the most important and far-reaching of the *Labour Standards Code*'s provisions. In some cases, it is clear to see where one or more jurisdictions are leaders in providing much better protection for its employees. A major weakness in Nova Scotia's *Labour Standards Code* is the long list of exemptions from application of the legislation. Certain employees are exempt from being paid legislated minimum wage rates, eligibility for overtime hours, work hours, vacation, and public/statutory holidays. The exemptions and special rules/provisions often target employees working

in precarious employment. Three industries, highlighted in this report, are agriculture (including migrant agricultural workers), fishing, and logging. These are vulnerable industries in Nova Scotia in terms of exemptions from legislation. Nova Scotia needs to remove all exemptions and special rules. Many of the exemptions are often benefiting the employer while creating economic challenges for the employees.

Employees across Canada would benefit from 40 hour work weeks and the option of earning time and a half on all hours worked beyond 40 hours. This change is especially needed in Nova Scotia where the current work week is 48 hours. Alberta's work week is 44 hours and overtime hours, at a ratio of one and half hours for every hour worked, start after an employee has worked 44 hours. On September 1, 2019 employees in Alberta will be limited to banking overtime hours on a one-to-one ratio. Other jurisdictions should not follow in the footsteps of Alberta as its current legislation provides better protection for its employees.

Another area where protection needs to be strengthened, is providing financial protection for employees who work shorter shifts than scheduled. Most of the provinces currently provide legislation that stipulates that employees must be paid a minimum of three hours regardless how long they actually worked. Nova Scotia provides this coverage only if the hours are worked outside of their regularly scheduled hours. A change to allow all employees to receive a minimum of three hours of pay, regardless of how long they actually worked, is needed. The 'three hour rule' is especially important as more employees are working part-time and at multiple jobs. Knowing that they will always receive at least three hours of wages would be beneficial for employees. Requiring employers to pay for three hours of work may make them value their employees' time more and only schedule them when they know they will be needed at work. Without this rule, employers could schedule employees for more hours and cancel them at the last moment with the employee bearing the financial consequences. Another improvement that is needed in Nova Scotia, and is included in *Bill C-86*, is paid breaks that would allow nursing mothers to express milk or allow employees breaks for medical reasons.

There is much variation in vacation time paid to employees across Canada. The highest rate of vacation for new employees is Saskatchewan where all employees start with three weeks of paid vacation. Provinces where employees only need five years of service with the same employer before being eligible for an additional week of paid vacation is best for employees. Currently, the provinces that allow employees with five years' service with

the same employer to have an additional week vacation only start with two weeks of paid vacation. Employees should start with a minimum of three weeks paid vacation (or 6% in lieu) which would then rise to four weeks (or 8% in lieu) after 10 years of service.

There is also much variation in statutory or public holidays across Canada. Four jurisdictions allow 10 paid days while Newfoundland and Labrador only allow six and Nova Scotia, Prince Edward Island, and Quebec allow seven. Nova Scotia should consider extending the coverage of statutory or public holidays to include at least two of the following days: Memorial Day (third Monday in May), Thanksgiving Monday, and Boxing Day. Nova Scotia should follow the direction of the federal government and create a holiday to recognize the legacy of residential schooling and as a way to honour Mi'kmaw people.

Equal pay for equal work legislation needs to be improved across Canada to ensure that women receive the same wages as men when doing the same or similar work. Unfortunately, this protection is not available to women in all jurisdictions in Canada. Pay equity legislation is available to employees in Nova Scotia. *Fair Workplaces, Better Jobs Act, 2017* in Ontario would have expanded equal pay protection by requiring that all employees, regardless of sex and employment status (i.e. part-time, contract, seasonal, etc.) who do the same or similar work be paid the same amount. However, this change was repealed by *Making Ontario Open for Business Act, 2018* before it came into effect. This change in legislation would have placed Ontario as a champion of equity compared to other jurisdictions. The new policies around pay equity in federally regulated businesses and industries in *Bill C-86* should be used a model for Nova Scotia. This legislation will protect women as well as all employees regardless of employment status. With the rise in part-time and temporary employment, the need for pay equity regardless of employment status is necessary.¹³¹ Nova Scotia should extend this legislation to include pay equity for employees regardless of their employment status, race or ethnicity, ability or disability, and age.

Despite all the attention that groups such as Fight for \$15 have had on a national and international level, only one province has a minimum wage rate of \$15 per hour. Alberta raised the minimum wage to \$15 per hour for all employees on October 1, 2018 and *Bill 2* will alter this change and lower the minimum wage for students to \$13 per hour. Most jurisdictions increase the minimum wage on a yearly basis; however, the increases are not enough to raise minimum wages to a livable wage. Employees in Saskatchewan have the lowest general minimum wage (\$11.06 per hour) followed closely

by Manitoba (\$11.35 per hour), Newfoundland and Labrador (\$11.40 per hour), New Brunswick (\$11.55 per hour), and by experienced employees in Nova Scotia who earn \$11.55 per hour. The minimum rate of inexperienced employees in Nova Scotia, \$11.05 per hour, is the lowest minimum wage rate in Canada. Although it is set to increase by \$0.30 plus inflation each year over the next three years, this is too slow. A minimum wage rate of \$15 per hour should be the threshold for all jurisdictions.

Nova Scotia must stop paying inexperienced employees a lower rate. Other jurisdictions who pay some employees a lower rate for minimum wage should also discontinue this practice. Currently, employees in Quebec, Ontario, and British Columbia, may be paid a different amount, and often lower amount, based on their occupation or their age. Liquor servers in British Columbia currently earn less than other employees but this pay difference will be eliminated by June 1, 2021. It would be best for employees, especially students, liquor servers, and inexperienced employees, if they earned the same general minimum wage as all other employees.

The availability of leaves and access to leaves varies across Canada. While most provinces have unpaid parental leave that matches the federal legislation, employees in the territories are still receiving only 37 weeks of unpaid parental leave. Eligibility based on length of employment for maternity and parental leaves varies across the country. New Brunswick, Quebec, and British Columbia have no eligibility requirement whereas Yukon and Nunavut require 12 months of employment before being eligible. Unfortunately, most provinces and territories do not provide any paid leaves for employees. The exceptions are that most provinces now provide at least two paid days of leave to employees who have been exposed to domestic abuse or sexual violence while only a few provinces provide two paid days for sick time or for bereavement leave. Allowing employees a few paid days off a year for sickness or for a death in the family would be valuable to the employees' overall wellbeing. Nova Scotia should consider providing more paid leaves for employees, which would extend beyond the three paid days currently available for domestic violence leave.

Labour Standards legislation in most jurisdictions needs to provide protection for employees from harassment and bullying. This is currently only available to employees in Prince Edward Island and Quebec. Employees in Nova Scotia are not protected from psychological harassment and bullying which leaves them especially vulnerable in the workplace. Employees also need protection from employers so that they are not discriminated against if they file a complaint. This protection under Labour Standards legislation

is not currently available in Nova Scotia, New Brunswick, Newfoundland and Labrador, Quebec, Manitoba, Saskatchewan, British Columbia, Yukon, and Nunavut.

Another improvement needed in most of the jurisdictions is longer time periods for submitting Employment Standard complaints. Nova Scotia only allows employees six months from the time of the violation to file a complaint. The time period for submitting a complaint should be extended to two years which is the length of time available to employees in Newfoundland and Labrador and Ontario. Employees also need to be able to file anonymous complaints.

All jurisdictions in Canada, especially Nova Scotia, should strengthen enforcement and ensure that employees recover all monies owed to them. One way to do this would be to use liens. Liens are used in Prince Edward Island, Ontario, Manitoba, British Columbia, and Nunavut. Nova Scotia needs to implement the use of liens and the use of joint and related employer liability. Joint and related employer liability means associated employers, including franchises, are responsible for ensuring that employees receive the money they are owed. Nova Scotia must increase the fines to both individuals and employers as they are currently among the lowest in Canada.

Nova Scotia, as well as other jurisdictions, needs to ensure that there are enough Labour Standards Officers to carry out inspections and to ensure that businesses in industries where they are known to have violations are inspected. Employees in Nova Scotia must be made aware of their rights under the *Labour Standards Code* and understand how to file a complaint. Improvements to make anonymous complaints easier to file is important and may encourage more employees to file a complaint.

This report has explored and compared Labour Standards legislation across Canada, focusing on provincial and territorial legislations, highlighting which jurisdictions provide the best coverage and which jurisdictions provide the least protection. Recommendations for Nova Scotia are offered to improve its current legislation, and in most cases, implement changes that would make Nova Scotia more comparable to the jurisdictions with the best protection for employees. As employment becomes more precarious and more employees rely on provincial and territorial Labour Standards legislation, it is important that legislation keep pace with changing workplaces and ensure all employees are adequately protected at work.

Appendix A

Macro-Level Overview of Employment Standard Legislation by Jurisdiction¹³²

	Federal Labour Code	Nova Scotia	Newfoundland & Labrador
HOURS OF WORK			
Standard Hours of work	40 hours	48 hours	40 hours
Overtime Hours and Pay	1.5 times regular rate of pay after 40 hours	1.5 times regular rate of pay after 48 hours	1.5 times regular rate of pay after 40 hours (agricultural workers exempted)
Hours Free from Work	24 consecutive hours/week Usually Sunday	24 consecutive hours/week	24 consecutive hours/week
Rest Periods Between Shifts			8 hours
Eating Periods	Not Available *Bill C-86 30 minutes after no more than 5 hours	30 minutes after no more than 5 hours	Up to one hour after no more than 5 hours
Breaks for Nursing Mothers and for Medical Reasons	*Bill C-86 No specified length Available to mothers who require breaks to express milk or employees who require breaks for medical reasons		
3 Hour Rule/Reporting for Duty Pay	Must be paid for at least 3 hours of work per shift	Must be paid for at least 3 hours of work per shift if outside of regular scheduled hours	Must be paid for at least 3 hours of work per shift if scheduled for more than 2 hours
VACATION			
Vacation Time and Pay	1-5 years employed = 2 weeks (4%) 6+ years employed = 3 weeks (6%) *Bill C-86 1-4 years employed = 2 weeks (4%) 5-9 years employed = 3 weeks (6%) 10+ years employed = 4 weeks (8%)	1-7 years employed = 2 weeks (4%) 8+ years employed = 3 weeks (6%)	1-14 years employed = 2 weeks (4%) 15+ years = 3 weeks (6%)

	Federal Labour Code	Nova Scotia	Newfoundland & Labrador
STATUTORY/PUBLIC HOLIDAYS			
Statutory/Public Holidays	9 days	7 days	6 days
Specific Holidays	New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving, Remembrance Day, Christmas Day	New Year's Day, Heritage Day, Good Friday, Canada Day, Labour Day, Remembrance Day, Christmas Day (plus retail closing days)	New Year's Day, Good Friday, Memorial Day, Labour Day, Remembrance Day, Christmas Day
Statutory Holiday Pay	Holiday Pay Calculation Employees who work receive holiday pay plus 1.5 times regular wage	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off	Holiday Pay Calculation. Employees who work receive twice the regular pay or a day off with pay
PAY EQUITY, WAGES, AND UNIFORM DEDUCTIONS			
Pay equity	Prohibits wage discrimination on the basis of sex where work is comparable *Bill C-86 Extend to include employment status where work is comparable Require unionized and large employers to establish a pay equity committee	Prohibits wage discrimination on the basis of sex where work is comparable	
Minimum wage order	Same as the general adult minimum wage in each province or territory	\$11.55/hr for experienced employees \$11.05/hr for inexperienced employees Special Minimum Wage Order for Construction and Property Maintenance and Logging and Forestry	\$11.40/hr
Minimum wage order increases	Automatically increases when provinces/territories increase	Wage will increase by \$0.30/hr plus inflation until 2021 and then adjusted annually with inflation	Wage increase based on the National Consumer Price Index
Uniforms		Cannot deduct if it will take employee below minimum wage	Deductions for uniforms is not permitted
PREGNANCY/PARENTAL LEAVES			
Eligibility for Pregnancy/Maternity Leave	6 consecutive months *Bill C-86 Remove eligibility requirement	No time requirement	20 consecutive weeks
Pregnancy/Maternity Leave	17 weeks	16 weeks	17 weeks
Adoption Leave			17 weeks
Short Parental Leave			
Parental Leave/Adoption Leave/Child Care Leave	63 weeks	61 weeks	61 weeks

	Federal Labour Code	Nova Scotia	Newfoundland & Labrador
FAMILY RESPONSIBILITIES LEAVES			
Compassionate Leave / Family Medical Leave	28 weeks	28 weeks	28 weeks
Critical Illness Leave	37 weeks for child 17 weeks for adult	37 weeks for child 16 weeks for adult	37 weeks for child 17 weeks for adult
Family/Responsibility Leave		Falls under Sick Leave	Falls under Sick Leave
Family Obligations/ Family Caregiver Leave			
Crime-Related Child Disappearance Leave/ Death	104 weeks if a child dies 52 weeks if the child disappears	104 weeks if a child dies 52 weeks if the child disappears	104 weeks if a child dies 52 weeks if the child disappears
Death or Disappearance of Child			
PERSONAL AND FAMILY LEAVES			
Domestic or Sexual Violence Leave (Interpersonal Violence Leave, Family Violence Leave)	*Bill C-86 10 days per year (5 days paid)	10 days per year (first 3 days paid) 16 weeks per year	3 days paid leave and 7 unpaid
Personal and family responsibility leave	*Bill C-86 5 days (first 3 days paid)		
PERSONAL LEAVES			
Sick Leave	17 weeks	3 days	7 days
Personal Illness or Injury Leave	Employer must subscribe to a plan that replaces wages		
Emergency Leave	Related to government declared emergency, a medical officer issues order telling employee to stay off work, or the employee needs to care for a family member who is affected by either the government declared emergency or a medical officer issuing an order to stay off work No specified time stated		
Medical Leave	*Bill C-86 17 weeks		
OTHER LEAVES			
Bereavement Leave	3 paid days	5 days	1 day paid, 2 days unpaid
Military Reservist Leave	15 days per year for training No time limit for deployment	20 days per year for training 18 months in a 3 year period for deployment	No specified length
Court Leave	*Bill C-86 No specified length	No specified length	
Organ Donor Leave	*Bill C-86 Under Medical Leave - 17 weeks		
Citizenship Ceremony	1 day		

	Federal Labour Code	Nova Scotia	Newfoundland & Labrador
TERMINATION/SEVERANCE			
Wrongful dismissal adjudication	Protection from unjust dismissal after employees has been employed by the same employer for 12 consecutive months and is not covered under a Collective Agreement	Protection for employees with 10 years or more of service with same employer Employer cannot fire or suspend employee without good cause or just reason	
Individual termination notice (or pay in lieu)	3 or more months = 2 weeks *Bill C-86 New changes provide up to 8 weeks	3 months but less than 2 years = 1 week 2 years but less than 5 years = 2 weeks 5 years but less than 10 years = 4 weeks 10 years or more = 8 weeks	3 months but less than 2 years = 1 week 2 years but less than 5 years = 2 weeks 5 years but less than 10 years = 3 weeks 10 years but less than 15 years = 4 weeks 15 years or more = 6 weeks
Group termination notice (or pay in lieu)	50 or more employees either simultaneously or within any period not exceeding four weeks Provide employees with 2 weeks *Bill C-86 changes to notice requirements to the Minister, employees, and trade union Notice of up to 16 weeks and provide transitional support measures	10-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks	Criteria - 50 or more employees terminated in 4 week period 50-199 employees = 8 weeks 200-499 employees = 12 weeks 500+ employees = 16 weeks
Severance Pay	Eligible after 12 consecutive months of employment 2 days of regular wages for each full year that they worked with minimum benefit of 5 days' wages		
PROTECTION/COMPLAINTS/ENFORCEMENT			
Harassment and bullying	Protection from sexual harassment		
Protection against Retribution for Employees who File Labour Standards Complaints	No employer shall discriminate against an employee because they made a complaint	No employer shall discriminate against an employee because they made a complaint	No employer shall discriminate against an employee because they made a complaint
Complaints Process	Unpaid Wages - within 6 months of last day when these were owed Other violations - within 6 months from the day on which the violation occurred 90 days within date of dismissal	Limit of 6 months from the time of the violation	File a complaint within 2 years of the event unless the employee's contract is terminated then it must be within 6 months of the termination
Filing Complaints Anonymously	Confidentiality - Request to have name and identity withheld except where disclosure is necessary	Request filing anonymously - must seek approval	
Enforcement Process	Prosecution used if employer does not voluntarily comply Criminal prosecution	Issue an order, prosecution, fines (individual max=\$5,000; corporation max=\$25,000), imprisonment (3 months)	Issue an order, fines (individual= \$100-\$500; corporation=\$200-\$1,000), imprisonment (3 months)

	New Brunswick	Prince Edward Island	Manitoba
HOURS OF WORK			
Standard Hours of work	No limitation on numbers of hours of work	48 hours	40 hours
Overtime Hours and Pay	1.5 times regular rate of pay after 44 hours	1.5 times regular rate of pay after 48 hours	1.5 times regular wages: Daily overtime: Over 8 hours Weekly overtime: Over 40 hours
Hours Free from Work	24 consecutive hours/week	24 consecutive hours/week (whenever possible should be Sunday)	24 consecutive hours/week
Rest Periods Between Shifts			
Eating Periods		Up to one hour after no more than 5 hours	30 minutes after no more than 5 hours
Breaks for Nursing Mothers and for Medical Reasons			
3 Hour Rule/Reporting for Duty Pay	Must be paid for at least 3 hours of work per shift	Must be paid for at least 3 hours of work per shift	Must be paid for at least 3 hours of work per shift
VACATION			
Vacation Time and Pay	1-7 years employed = 2 weeks (4%) 8+ years employed = 3 weeks (6%)	1-7 years employed = 2 weeks (4%) 8+ years employed = 3 weeks (6%)	1-4 years employed = 2 weeks (4%) 5+ years employed = 3 weeks (6%)
STATUTORY/PUBLIC HOLIDAYS			
Statutory/Public Holidays	8 days	7 days	8 days
Specific Holidays	New Year's Day, Family Day, Good Friday, Canada Day, New Brunswick Day, Labour Day, Remembrance Day, Christmas Day	New Year's Day, Islander Day, Good Friday, Canada Day, Labour Day, Remembrance Day, Christmas Day	New Year's Day, Louis Riel Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day
Statutory Holiday Pay	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off
PAY EQUITY, WAGES, AND UNIFORM DEDUCTIONS			
Pay equity	Prohibits wage discrimination on the basis of sex where work is comparable		Prohibits wage discrimination on the basis of sex where work is comparable
Minimum wage order	\$11.50/hr	\$12.25/hr	\$11.35/hr
Minimum wage order increases	Wage adjusted annually based on consumer price index	Annual minimum wage review	Formula for increases occurs every October 1st
Uniforms	Deductions for uniforms is not permitted	Deductions for uniforms is not permitted but can require a deposit	Deductions for uniforms is not permitted
PREGNANCY/PARENTAL LEAVES			
Eligibility for Pregnancy/Maternity Leave	No time requirement	20 weeks in the previous 52 weeks of the leave	7 months
Pregnancy/Maternity Leave	17 weeks	17 weeks	17 weeks
Adoption Leave			
Short Parental Leave			
Parental Leave/Adoption Leave/Child Care Leave	62 weeks	62 weeks	63 weeks

	New Brunswick	Prince Edward Island	Manitoba
FAMILY RESPONSIBILITIES LEAVES			
Compassionate Leave / Family Medical Leave	28 weeks	28 weeks	28 weeks
Critical Illness Leave	37 weeks for child 16 weeks for adult	37 weeks for child	37 weeks for child 17 weeks for adult
Family/Responsibility Leave	3 days	3 days	3 days
Family Obligations/ Family Caregiver Leave			
Crime-Related Child Disappearance Leave/ Death	37 weeks If the child is found alive, must return 14 days after the child is found	104 weeks if a child dies 52 weeks if the child disappears	104 weeks if a child dies 52 weeks if the child disappears
Death or Disappearance of Child			
PERSONAL AND FAMILY LEAVES			
Domestic or Sexual Violence Leave (Interpersonal Violence Leave, Family Violence Leave)	10 days (first 5 days paid) 16 weeks in one continuous period	*available November 1, 2019 3 days paid leave and 7 unpaid	10 days (up to 5 days paid) 17 weeks
Personal and family responsibility leave			
PERSONAL LEAVES			
Sick Leave	5 days	3 days	
Personal Illness or Injury Leave			17 weeks
Emergency Leave			
Medical Leave			
OTHER LEAVES			
Bereavement Leave	5 days	1 day paid plus 2 days unpaid (immediate family) 3 unpaid days (extended family)	3 days
Military Reservist Leave	30 days for annual training 18 month leave	No specified length	No specified length
Court Leave	No specified length	No specified length	
Organ Donor Leave			13 weeks
Citizenship Ceremony			4 hours

	New Brunswick	Prince Edward Island	Manitoba
TERMINATION/SEVERANCE			
Wrongful dismissal adjudication			
Individual termination notice (or pay in lieu)	6 months but less than 5 years = 2 weeks 5 years or more = 4 weeks	6 months but less than 5 years = 2 weeks 5 years but less than 10 years = 4 weeks 10 years but less than 15 years = 6 weeks 15 years or more = 8 weeks	30 days but less than 1 year = 1 week 1 year but less than 3 years = 2 weeks 3 years but less than 5 years = 4 weeks 5 years but less than 10 years = 6 weeks 10 or more years = 8 weeks
Group termination notice (or pay in lieu)			50-100 employees = 10 weeks 101-299 employees = 14 weeks 300+ employees = 18 weeks
Severance Pay			
PROTECTION/COMPLAINTS/ENFORCEMENT			
Harassment and bullying		Protection from sexual harassment	
Protection against Retribution for Employees who File Labour Standards Complaints	No employer shall discriminate against an employee because they made a complaint	No employer shall discriminate against an employee because they made a complaint	
Complaints Process	Complaint must be filed within 1 year	File a complaint but expected to resolve dispute with employer first	First discuss concerns with employer Complaint must be filed within 6 months from the last day worked or 6 months after the wages were due to be paid Can only collect up to 6 months of unpaid regular and overtime wages and up to 22 months for unpaid vacations and general holiday pay
Filing Complaints Anonymously	Request confidentiality - Director approval		
Enforcement Process	Director can issue an order, Employment Standards Officer may issue a notice of contravention or non-compliance, there are administrative penalties (\$150 - \$900)	Issue an order, lien for unpaid pay, fines (\$200-\$10,000)	Liens, Security Bonds, Issue a compensation or reinstatement order, fine (individual = up to \$5,000; corporation = up to \$25,000), jail (up to 3 months)

	Quebec	Ontario
HOURS OF WORK		
Standard Hours of work	40 hours	44 hours
Overtime Hours and Pay	1.5 times regular rate of pay after 40 hours	1.5 times regular rate of pay after 44 hours
Hours Free from Work	32 consecutive hours/week	24 consecutive hours/week or 48 consecutive hours/2 weeks
Rest Periods Between Shifts		8 hours
Eating Periods	30 minutes after no more than 5 hours	30 minutes after no more than 5 hours
Breaks for Nursing Mothers and for Medical Reasons		
3 Hour Rule/Reporting for Duty Pay	Must be paid for at least 3 hours of work per shift	Must be paid for at least 3 hours of work per shift
VACATION		
Vacation Time and Pay	At end of reference year (May 1st to April 30th) - entitled to 1 day off for every month of uninterrupted service - max 12 days Employees with 5+ years of uninterrupted work are entitled to 3 consecutive weeks	1-4 years employed = 2 weeks (4%) 5+ years employed = 3 weeks (6%)
STATUTORY/PUBLIC HOLIDAYS		
Statutory/Public Holidays	7 days	9 days
Specific Holidays	New Year's Day, Good Friday/ Easter Monday (Employer decides which one), National Patriots' Day, July 1st/2nd , first Monday in September, Second Monday in October, Christmas Day (employees working in the clothing industry are also entitled to January 2nd, Good Friday and Easter Monday)	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day, Boxing Day
Statutory Holiday Pay	Holiday Pay Calculation (Indemnity). Employees who work receive their regular wages plus the holiday pay calculation or their regular wages and an alternative day off	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off

	Quebec	Ontario
PAY EQUITY, WAGES, AND UNIFORM DEDUCTIONS		
Pay equity	Prohibits wage discrimination on the basis of sex where work is comparable	Prohibits wage discrimination on the basis of sex where work is comparable
Minimum wage order	\$12.50 \$9.80/hr if receive tips \$12.00/hr if employed in clothing industry Special rate for raspberry and strawberry pickers	\$14.00/hr Student wage - \$13.15/hr Liquor servers - \$12.20/hr Hunting and fishing - \$70 if working less than 5 consecutive hours in a day or \$140 if working more than 5 hours in a day Homeworkers wage - \$15.40/hr
Minimum wage order increases	Wage rate is subject to change on yearly basis	Wage rate may change yearly after 2020
Uniforms	Deductions for uniforms is not permitted	Only if employee agrees in writing to the deduction for uniform
PREGNANCY/PARENTAL LEAVES		
Eligibility for Pregnancy/Maternity Leave	No time requirement	13 weeks
Pregnancy/Maternity Leave	18 weeks	17 weeks
Adoption Leave		
Short Parental Leave	5 days and the first 2 days may be paid	
Parental Leave/Adoption Leave/Child Care Leave	52 weeks	Up to 63 weeks
FAMILY RESPONSIBILITIES LEAVES		
Compassionate Leave / Family Medical Leave		28 weeks
Critical Illness Leave	36 weeks for child 16 weeks for adult	37 weeks for child 17 weeks for adult
Family/Responsibility Leave		3 days
Family Obligations/ Family Caregiver Leave	10 unpaid days 2 days of paid days after 3 months of service Extended Absence: 16 weeks - accident or serious illness 27 weeks - potentially fatal illness 36 weeks - if minor child who was in an accident or has serious/potentially fatal illness	8 weeks
Crime-Related Child Disappearance Leave/ Death		104 weeks if a child dies. If the child is found alive, leave ends 14 days after child is found
Death or Disappearance of Child	104 weeks if the employee's minor child has disappeared or died	104 weeks if a child dies

	Quebec ¹³⁴	Ontario
PERSONAL AND FAMILY LEAVES		
Domestic or Sexual Violence Leave (Interpersonal Violence Leave, Family Violence Leave)	26 weeks 2 days paid	10 days (first 5 days paid) 15 weeks
Personal and family responsibility leave		
PERSONAL LEAVES		
Sick Leave	26 weeks 2 days paid	3 days
Personal Illness or Injury Leave	104 weeks if employee suffers serious bodily injury (related to criminal offense)	
Emergency Leave	A leave of absence if emergency is declared	
Medical Leave		
OTHER LEAVES		
Bereavement Leave	2 days paid plus 3 days unpaid (immediate family) 1 day unpaid (extended family)	2 days
Military Reservist Leave	No specified length	No specified length
Court Leave		
Organ Donor Leave	26 weeks unpaid 2 days paid	13 weeks (can be extended to an additional 13 weeks)
Citizenship Ceremony		
TERMINATION/SEVERANCE		
Wrongful dismissal adjudication		
Individual termination notice (or pay in lieu)	3 months but less than 1 year = 1 week 1 year but less than 5 years = 2 weeks 5 years but less than 10 years = 4 weeks 10 or more years = 8 weeks	3 months but less than 1 year = 1 week 1 year but less than 3 years = 2 weeks Every additional year up to 8 years gets 1 additional week
Group termination notice (or pay in lieu)	10-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks	50+ employees = 4 weeks
Severance Pay	Individual Requirements: employed by the employer for 5 or more years, employer must have a payroll in Ontario of at least \$2.5 million Group Requirements: severed the employment of 50 or more employees in a 6 month period because all or part of the business is permanently closing	

	Quebec	Ontario
PROTECTION/COMPLAINTS/ENFORCEMENT		
Harassment and bullying	Protection from psychological or sexual harassment. Complaint must be filed within 2 years of the last incident	
Protection against Retribution for Employees who File Labour Standards Complaints		No employer shall discriminate against an employee because they made a complaint
Complaints Process	Complaint must be filed within 1 year if money is owed and 45 days after being dismissed 2 years if subjected to psychological or sexual harassment	Complaint must be filed within 2 years of the contravention
Filing Complaints Anonymously		
Enforcement Process	Order to reinstate, order to pay, fines (\$600-\$1,200 for first conviction and \$1,200-\$6,000 for subsequent convictions)	Orders to pay, compliance orders, orders for compensation and reinstatement, notices of contravention (\$250 for 1st contravention; \$500 for 2nd contravention in 3-year period; \$1,000 for 3rd in 3-year period), Prosecutions under the Provincial Offences Act (Tickets (\$295 + victim fine surcharge) and Part III Offenses (up to \$50,000 and up to 12 months imprisonment; corporation = up to \$100,000 for first conviction and up to \$500,000 for third or subsequent conviction)), publish names of prosecuted employers, liens for unpaid wages

	Saskatchewan	Alberta	British Columbia
HOURS OF WORK			
Standard Hours of work	40 hours	44 hours	40 hours
Overtime Hours and Pay	1.5 times regular rate of pay after 40 hours	1.5 times regular wages: Daily overtime: Over 8 hours Weekly overtime: Over 44 hours	1.5 times regular wages Daily overtime: Over 8 hours - all employees must receive overtime pay for the next 4 hours, and double time for all hours worked in excess of 12 hours in a day (even if an employee worked less than 40 hours in the week) Weekly overtime: Over 40 hours - Employees who work 7 days a week must be paid overtime for one of these days (even if worked less than 40 hours)
Hours Free from Work	24 consecutive hours/week	24 consecutive hours/week Employees must have at least 4 consecutive days of rest after each period of 24 consecutive work days	32 consecutive hours/week
Rest Periods Between Shifts	8 hours	8 hours	8 hours
Eating Periods	30 minutes after no more than 5 hours	30 minutes after no more than 5 hours	30 minutes after no more than 5 hours
Breaks for Nursing Mothers and for Medical Reasons			
3 Hour Rule/Reporting for Duty Pay	Reporting for duty pay' Must receive a minimum payment of 3 hours of work	Must be paid for at least 3 hours of work per shift. Special rules applies for certain employees who only get 2 hours paid.	Must be paid for at least two hours Must be paid for 4 hours if scheduled to work for more than 8 hours
VACATION			
Vacation Time and Pay	1-9 years employed = 3 weeks (6%) 10+ years = 4 weeks (8%)	1-4 years employed = 2 weeks (4%) 5+ years employed = 3 weeks (6%)	1-4 years employed = 2 weeks (4%) 5+ years employed = 3 weeks (6%)
STATUTORY/PUBLIC HOLIDAYS			
Statutory/Public Holidays	10 days	9 days	10 days
Specific Holidays	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day	New Year's Day, Alberta Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day	New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, B.C. Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day
Statutory Holiday Pay	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off. Earn double the hourly wage for hours worked beyond 12hr/day

	Saskatchewan	Alberta	British Columbia
PAY EQUITY, WAGES, AND UNIFORM DEDUCTIONS			
Pay equity	Prohibits wage discrimination on the basis of sex where work is comparable		
Minimum wage order	\$11.06/hr	\$15.00/hr for adults \$13.00/hr for students Salesperson - \$598/week Domestic employees living in employer's home - \$2,848/month	\$13.85/hr Liquor servers - \$12.70/hr Live-in home support workers \$113.50 for each day or part day worked. Live-in camp leaders \$110.87 for each day or part day worked Special rates for Resident Caretakers (based on number of apartments), and piece rates (for farm workers)
Minimum wage order increases	Wage is indexed yearly based on Consumer Price Index	Not specified	Wage increases yearly on June 1st Liquor Servers - by June 1, 2021 they will receive general minimum wage
Uniforms	Deductions for uniforms is not permitted	Deductions for uniforms is not permitted	Deductions for uniforms is not permitted
PREGNANCY/PARENTAL LEAVES			
Eligibility for Pregnancy/Maternity Leave	13 weeks	90 days	No time requirement
Pregnancy/Maternity Leave	18 weeks and an additional 6 weeks if medical reasons	16 weeks	17 weeks and an additional 6 weeks if medical reasons
Adoption Leave	18 weeks		
Short Parental Leave			
Parental Leave/Adoption Leave/Child Care Leave	Up to 37 weeks	62 weeks	Up to 62 weeks (can be extended for medical reasons)
FAMILY RESPONSIBILITIES LEAVES			
Compassionate Leave / Family Medical Leave	28 weeks	27 weeks	27 weeks
Critical Illness Leave	37 weeks for child	36 weeks for child 16 weeks for adult	
Family/Responsibility Leave			5 days
Family Obligations/ Family Caregiver Leave			
Crime-Related Child Disappearance Leave/ Death	104 weeks if a child dies	104 weeks if a child dies 52 weeks if the child disappears	104 weeks if a child dies 52 weeks if the child disappears
Death or Disappearance of Child			
PERSONAL AND FAMILY LEAVES			
Domestic or Sexual Violence Leave (Interpersonal Violence Leave, Family Violence Leave)	10 days	10 days	
Personal and family responsibility leave		5 days	

	Saskatchewan	Alberta	British Columbia
PERSONAL LEAVES			
Sick Leave			
Personal Illness or Injury Leave	12 days if not serious 12 weeks if serious 26 weeks if receiving benefits under the Workers' Compensation Act	16 weeks	
Emergency Leave			
Medical Leave			
OTHER LEAVES			
Bereavement Leave	5 days	3 days	3 days
Military Reservist Leave	No specified length	20 days for annual training As long as necessary for deployment	No specified length
Court Leave			No specified length
Organ Donor Leave	26 weeks		
Citizenship Ceremony	1 day	Half day	
TERMINATION/SEVERANCE			
Wrongful dismissal adjudication			
Individual termination notice (or pay in lieu)	13 weeks to 1 year of employment = 1 week More than 1 year to 3 years = 2 weeks More than 3 to 5 years = 4 weeks More than 5 to 10 years = 6 weeks More than 10 years = 8 weeks	90 days but less than 2 years = 1 week 2 years but less than 4 years = 2 weeks 4 years but less than 6 years = 4 weeks 6 years but less than 8 years = 5 weeks 8 years but less than 10 years = 6 weeks 10 years or more = 8 weeks	3 months but less than 1 year = 1 week 1 year but less than 3 years = 2 weeks Every additional year up to 8 years gets 1 additional week
Group termination notice (or pay in lieu)	10-49 employees = 4 weeks 50-99 employees = 8 weeks 100+ employees = 12 weeks	50-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks	50-100 employees = 8 weeks 101-300 employees = 12 weeks 301+ employees = 16 weeks
Severance Pay			

	Saskatchewan	Alberta	British Columbia
PROTECTION/COMPLAINTS/ENFORCEMENT			
Harassment and bullying			
Protection against Retribution for Employees who File Labour Standards Complaints		No employer shall discriminate against an employee because they made a complaint	
Complaints Process	Complaints about unpaid wages must be filed within 1 year from the last day wages were payable Recommended that employees speak to employer first to try to resolve the issue	First talk to employer to try to resolve the issue Complaint can be filed anytime if employed or up to 6 months after the last day of employment	Complaint must be filed within 6 months of the contravention or 6 months within last day of employment if terminated
Filing Complaints Anonymously	Yes if non-monetary complaint	Anonymous tip	Request confidentiality
Enforcement Process	Certificates, order to pay wages, fines (first offence = up to \$10,000; subsequent offences within 6 years = up to \$50,000)	Administrative penalties (max \$10,000), notice or direction to comply, prosecutions, judgment collection, registry of employers with unpaid judgements/ administrative penalties and a registry of certificates against corporate directors that are liable for payment of wages	Penalties for Contraventions (1st penalty=\$500; 2nd within 3 years = \$2,500; 3rd within 3 years = \$10,000), lien for unpaid wages, payment of interest, demands on third parties, court judgements, seizing assets, certificates of judgement, publishing violators' names Director can enforce recovery for unpaid wages

	Northwest Territories	Yukon	Nunavut
HOURS OF WORK			
Standard Hours of work	40 hours	40 hours	40 hours
Overtime Hours and Pay	1.5 times regular wages: Daily overtime: Over 8 hours Weekly overtime: Over 40 hours	1.5 times regular wages: Daily overtime: Over 8 hours Weekly overtime: Over 40 hours	1.5 times regular wages: Daily overtime: Over 8 hours Weekly overtime: Over 40 hours
Hours Free from Work	24 consecutive hours/week. Employees must have at least 4 consecutive days of rest after each period of 24 consecutive work days.	Preference for at least two full days of rest in a week (wherever practical should be Sunday)	24 consecutive hours/week (wherever possible should be Sunday)
Rest Periods Between Shifts		8 hours	
Eating Periods	30 minutes after no more than 5 hours	30 minutes after no more than 5 hours	30 minutes after no more than 5 hours
Breaks for Nursing Mothers and for Medical Reasons			
3 Hour Rule/Reporting for Duty Pay	No 3 hour rule	Reporting Pay ¹ - Must be paid a minimum of 2 hours of work	No 3 hour rule
VACATION			
Vacation Time and Pay	1-5 years employed = 2 weeks (4%) 6+ years employed = 3 weeks (6%)	After 1 years = 2 weeks (4%)	1-5 years employed = 2 weeks (4%) 6+ years employed = 3 weeks (6%)
STATUTORY/PUBLIC HOLIDAYS			
Statutory/Public Holidays	10 days	10 days	9 days
Specific Holidays	New Year's Day, Good Friday, Victoria Day, National Aboriginal Day, Canada Day, First Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day	New Year's Day, Good Friday, Victoria Day, National Aboriginal Day, Canada Day, Discovery Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day	New Year's Day, Good Friday, Victoria Day, Canada Day, First Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day
Statutory Holiday Pay	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off	Holiday Pay Calculation. Employees who work receive holiday pay plus 1.5 times regular wage or an alternative day off
PAY EQUITY, WAGES, AND UNIFORM DEDUCTIONS			
Pay equity	Under Public Services Act: Prohibits wage discrimination on the basis of sex where work is comparable	Prohibits wage discrimination on the basis of sex where work is comparable	
Minimum wage order	\$13.46/hr	\$12.71/hr	\$13.00/hr
Minimum wage order increases	Not specified	Wage rate is indexed yearly based on Consumer Price Index	Not specified
Uniforms	Deductions for uniforms is not permitted	Employees only to pay if the board considers it necessary (must complete an application first)	

	Northwest Territories	Yukon	Nunavut
PREGNANCY/PARENTAL LEAVES			
Eligibility for Pregnancy/Maternity Leave	4 weeks	12 months	12 months
Pregnancy/Maternity Leave	17 weeks	17 weeks	17 weeks
Adoption Leave			
Short Parental Leave			
Parental Leave/Adoption Leave/Child Care Leave	37 weeks	37 weeks	37 weeks
FAMILY RESPONSIBILITIES LEAVES			
Compassionate Leave / Family Medical Leave	8 weeks	8 weeks	8 weeks
Critical Illness Leave		37 weeks for child	
Family/Responsibility Leave			
Family Obligations/ Family Caregiver Leave			
Crime-Related Child Disappearance Leave/ Death	104 weeks if a child dies	104 weeks if a child dies 52 weeks if the child disappears	
Death or Disappearance of Child			
PERSONAL AND FAMILY LEAVES			
Domestic or Sexual Violence Leave (Interpersonal Violence Leave, Family Violence Leave)			
Personal and family responsibility leave			
PERSONAL LEAVES			
Sick Leave	5 days	One day/per month - max 12 days	
Personal Illness or Injury Leave			
Emergency Leave			
Medical Leave			
OTHER LEAVES			
Bereavement Leave	3 days if the service is local 7 days if the service is not local	7 days Special conditions if the deceased family member is a member of a First Nation and the employee is responsible for organizing the potlatch	
Military Reservist Leave	No specified length	No specified length	No specified length
Court Leave	No specified length		
Organ Donor Leave			
Citizenship Ceremony			

	Northwest Territories	Yukon	Nunavut
TERMINATION/SEVERANCE			
Wrongful dismissal adjudication			
Individual termination notice (or pay in lieu)	90 days to 2 years = 2 weeks Every additional year up to 8 years gets 1 additional week	6 months but less than 1 year = 1 week 1 year but less than 3 years = 2 weeks Every additional year up to 8 years gets 1 additional week	90 days but less than 3 years = 2 weeks Every additional year up to 8 years gets 1 additional week
Group termination notice (or pay in lieu)	25-49 employees = 4 weeks 50-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks Provide notice to Employment Standards Officer and any trade unions	25-49 employees = 4 weeks 50-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks	25-49 employees = 4 weeks 50-99 employees = 8 weeks 100-299 employees = 12 weeks 300+ employees = 16 weeks
Severance Pay			
PROTECTION/COMPLAINTS/ENFORCEMENT			
Harassment and bullying			
Protection against Retribution for Employees who File Labour Standards Complaints	No employer shall discriminate against an employee because they made a complaint		
Complaints Process	Complaint must be filed within 1 year after the date on which the subject matter of the complaint occurred	Complaints must be filed within six months after the last date of on which payment of wages was to be made or within six months of when the issue arose.	Must discuss the complaint with employer first. Must be submitted within 12 months after the date on which the incident occurred.
Filing Complaints Anonymously	Request confidentiality		
Enforcement Process	Order the employer to pay, order for reinstatement, fines (individual=max \$50,000; corporation = \$100,000), imprisonment for individuals (max 1 year)	Certificate for unpaid wages, administrative penalties, and prosecution	Order to pay arrears of wages, reinstatement of pay and positions, liens and charges on property, refusal to comply with order (\$50/day), fines (max \$10,000), imprisonment (max 1 year)

Appendix B

Macro-level overview of exemptions and special rules by jurisdiction¹³³

Federal

Minimum Wage Rate

- Collective Agreement

Overtime Hours and Pay

- Truck drivers/trucking
- Managers

Hours of Work

- Truck drivers/trucking

Rest Periods

- Collective Agreement

Paid Statutory/Public Holidays

- Collective Agreement

Vacation with Pay

- Collective Agreement

Access to Leaves

- Collective Agreement

Nova Scotia

Minimum Wage Rate

- Farm/agriculture/ranch employees
- Logging/forestry/lumbering

- Fishers on a boat
- Fishing/hunting guide
- Automobile salespersons
- Commissioned salespeople
- Insurance Agents
- Real estate salesperson/broker
- Athletes
- Residential building superintendent, janitor, and caretaker (live-in)
- Apprentices

Overtime Hours and Pay

- Logging/forestry/lumbering
- Fishers
- Fishers on a boat
- Primary processing of fish
- Employees of enterprises engaged in primary processing or related activities in the agriculture, Christmas tree or fishing industry (but not meat processing)
- Construction
- Persons engaged in work in the shipbuilding, ship repair, oil and gas industries, or related activities other than retail
- Commissioned salespeople
- Transport/trucking industry
- Insurance Agents
- Real estate salesperson/broker
- Architects
- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Chiropractors
- Dental hygienists
- Dentists
- Denturists
- Medicine
- Psychologists
- Domestic workers in private home
- Live-in care/personal care providers/support worker

- Health or personal care providers if client provides residence in terms of employment
- Athletes
- Automobile mechanics or auto body shop technicians who are paid flat rate basis
- Non-profit playground or summer camp
- Property Maintenance
- Residential building superintendent, janitor, and caretaker (live-in)
- Apprentices

Hours of Work

- Fishers on a boat
- Employees of enterprises engaged in primary processing or related activities in the agriculture, Christmas tree or fishing industry (but not meat processing)
- Automobile salespersons
- Commissioned salespeople
- Real estate salesperson/broker
- Architects
- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Chiropodists
- Dental hygienists
- Dentists
- Denturists
- Medicine
- Psychologists
- Athletes
- Collective Agreement

Rest Periods

- Employees of enterprises engaged in primary processing or related activities in the agriculture, Christmas tree or fishing industry (but not meat processing)
- Offshore petroleum exploration, drilling, production, conservation, processing or transportation
- Architects

- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Chiropodists
- Dental hygienists
- Dentists
- Denturists
- Medicine
- Psychologists
- Collective Agreement

Paid Statutory/Public Holidays

- Fishers on a boat
- Employees of enterprises engaged in primary processing or related activities in the agriculture, Christmas tree or fishing industry (but not meat processing)
- Persons engaged in work in the manufacturing or refining processes of the Petro-chemical industry
- Automobile salespersons
- Commissioned salespeople
- Real estate salesperson/broker
- Athletes

Vacation with Pay

- Fishers on a boat
- Automobile salespersons
- Commissioned salespeople
- Salesperson of mobile homes
- Real estate salesperson/broker
- Athletes

Termination Notice

- Fishers on a boat
- Automobile salespersons
- Commissioned salespeople
- Information technology professionals
- Real estate salesperson/broker
- Architects

- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Chiropodists
- Dental hygienists
- Dentists
- Denturists
- Medicine
- Optometrists
- Psychologists
- Athletes
- Collective Agreement
- Managers

Fully Exempt from the Labour Standards Code

- Domestic workers in private home working less than 24 hours a week

Newfoundland and Labrador

Fully Exempt from the Labour Standards Act

- Employees who have the ability to control and direct how they carry out duties (accountants, architects, lawyers, etc.)
- Independent contractors

New Brunswick

Fully Exempt from the Employment Standards Act

- People who work in the private home for the homeowner

Prince Edward Island

Minimum Wage Rate

- Farm/agriculture/ranch employees
- Domestic workers in private home
- Homeworker service

- Non-profit organization and lives in the facility

Overtime Hours and Pay

- Homeworker service
- Collective Agreement

Hours of Work

- Seafood processing industry
- Transport/trucking industry
- Domestic workers in private home
- Non-profit organization and lives in the facility
- Collective Agreement

Rest Periods

- Homeworker service
- Collective Agreement

Paid Statutory/Public Holidays

- Commissioned salespeople

Vacation with Pay

- Collective Agreement

Termination Notice

- Collective Agreement

Quebec**Fully Exempt from the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)**

- Health care professionals
- People who perform compensatory work
- A confined person

Partially Exempt from the CNESST

- Exempt from all standards except those concerning retirement, psychological harassment, and family obligations
 - Employees who are subject to the Construction Decree
 - Senior management personal
- Exempt from all standards except those concerning retirement and psychological harassment
 - Employees who are on a contract

- Students who are working under a work induction program
- Athletes
- People who provide care for others in the dwelling of the person they care for, on an occasional basis, employment is based on a relationship of assistance to the family or community, and for employers who are not-for-profit

Ontario

Minimum Wage Rate

- Farm/agriculture/ranch employees
- Fruit/vegetable/tobacco harvesters
- Fishers
- Commissioned Automobile salesperson
- Commissioned traveling salespersons/commercial traveler who buys and sells good
- Real estate salesperson/broker
- Architects
- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Teachers and students training to be teachers
- Chiropodists
- Chiropractors
- Dentists
- Massage therapists
- Naturopaths
- Optometrists
- Pharmacists
- Physicians/surgeons
- Physiotherapists
- Psychologists
- Residential care workers /Care takers
- Domestic workers (employed by the household)
- Homecare workers
- Liquor Servers

- Residential building superintendent, janitor, and caretaker (live-in)
- Student employees

Overtime Hours and Pay

- Farm/agriculture/ranch employees
- Flower growers
- Fresh fruit and vegetable processors
- Fruit/vegetable/tobacco harvesters
- Furbearing mammal keeper
- Growing/transporting/laying sod
- Horse boarding and breeding
- Tree and shrub growers
- Fishers
- Fishing/hunting guide
- Road construction
- Sewer/watermain construction
- Sewer/watermain maintenance
- Sewer and Watermain Construction Site Guarding
- Swimming pool installation/maintenance
- Commissioned traveling salespersons/commercial traveler who buys and sells good
- Canning, Processing, Packing or Distribution of Fresh Fruit or Vegetables (seasonal)
- Highway transport truck driver
- Local cartage drivers and drivers' helper
- Taxi cab drivers
- Information technology professionals
- Real estate salesperson/broker
- Architects
- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Landscape gardeners
- Teachers and students training to be teachers
- Ambulance drivers/driver's helpers/first-aid attendant on ambulance
- Chiropodists

- Chiropractors
- Dentists
- Massage therapists
- Naturopaths
- Optometrists
- Paramedics and emergency medical attendants
- Pharmacists
- Physicians/surgeons
- Physiotherapists
- Psychologists
- Residential care workers /Care takers
- Homecare workers
- Hospitality Industry employees
- Residential building superintendent, janitor, and caretaker (live-in)
- Sewer/watermain construction site guarding
- Sewer/watermain maintenance
- Firefighters
- Managers
- Ontario government and government agency employees

Hours of Work

- Farm/agriculture/ranch employees
- Flower growers
- Fruit/vegetable/tobacco harvesters
- Furbearing mammal keeper
- Growing/transporting/laying sod
- Horse boarding and breeding
- Tree and shrub growers
- Fishers
- Fishing/hunting guide
- Construction
- Construction Employees (Other than Road Building and Sewer and Watermain Construction)
- Road construction
- Road maintenance
- Road construction/maintenance
- Sewer/watermain construction
- Swimming pool installation/maintenance

- Commissioned traveling salespersons/commercial traveler who buys and sells good
- Film/television industry
- Information technology professionals
- Real estate salesperson/broker
- Architects
- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Landscape gardeners
- Teachers and students training to be teachers
- Chiropodists
- Chiropractors
- Dentists
- Massage therapists
- Naturopaths
- Optometrists
- Pharmacists
- Physicians/surgeons
- Physiotherapists
- Psychologists
- Residential care workers /Care takers
- Homecare workers
- Election officials/workers
- Embalmers/funeral directors
- Residential building superintendent, janitor, and caretaker (live-in)
- Firefighters
- Managers
- Ontario government and government agency employees

Rest Periods

- Farm/agriculture/ranch employees
- Flower growers
- Fruit/vegetable/tobacco harvesters
- Furbearing mammal keeper
- Growing/transporting/laying sod
- Horse boarding and breeding

- Tree and shrub growers
- Fishers
- Fishing/hunting guide
- Mineral exploration
- Mining
- Construction
- Construction Employees (Other than Road Building and Sewer and Watermain Construction)
- Road construction
- Road maintenance
- Road construction/maintenance
- Sewer/watermain construction
- Automobile manufacturing
- Commissioned traveling salespersons/commercial traveler who buys and sells good
- Film/television industry
- Information technology professionals
- Real estate salesperson/broker
- Architects
- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Teachers and students training to be teachers
- Chiropodists
- Chiropractors
- Dentists
- Massage therapists
- Naturopaths
- Optometrists
- Paramedics and emergency medical attendants
- Pharmacists
- Physicians/surgeons
- Physiotherapists
- Psychologists
- Residential care workers /Care takers
- Homecare workers
- Live performances, trade shows and conventions

- Election officials/workers
- Embalmers/funeral directors
- Firefighters
- Public transit employees
- Managers
- Ontario government and government agency employees

Paid Statutory/Public Holidays

- Farm/agriculture/ranch employees
- Flower growers
- Fruit/vegetable/tobacco harvesters
- Furbearing mammal keeper
- Growing/transporting/laying sod
- Horse boarding and breeding
- Tree and shrub growers
- Fishers
- Fishing/hunting guide
- Construction
- Construction Employees (Other than Road Building and Sewer and Watermain Construction)
- Road construction
- Road maintenance
- Road construction/maintenance
- Sewer/watermain construction
- Swimming pool installation/maintenance
- Commissioned traveling salespersons/commercial traveler who buys and sells good
- Retail Business Employees
- Taxi cab drivers
- Real estate salesperson/broker
- Architects
- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Landscape gardeners
- Teachers and students training to be teachers
- Chiropodists

- Chiropractors
- Dentists
- Hospital employees
- Massage therapists
- Medical laboratory technologists
- Medical radiation technologists
- Naturopaths
- Nurses
- Occupational Therapists
- Optometrists
- Pharmacists
- Physicians/surgeons
- Physiotherapists
- Psychologists
- Respiratory therapists
- Hospitality Industry employees
- Residential building superintendent, janitor, and caretaker (live-in)
- Firefighters
- Continuous operations
- Ontario government and government agency employees

Vacation with Pay

- Farm/agriculture/ranch employees
- Fruit/vegetable/tobacco harvesters
- Fishers
- Road maintenance
- Road construction/maintenance
- Commissioned traveling salespersons/commercial traveler who buys and sells good
- Real estate salesperson/broker
- Architects
- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Teachers and students training to be teachers
- Chiropodists
- Chiropractors

- Dentists
- Massage therapists
- Naturopaths
- Optometrists
- Pharmacists
- Physicians/surgeons
- Physiotherapists
- Psychologists
- Termination Notice
- Construction
- Road construction
- Road maintenance
- Road construction/maintenance
- Sewer/watermain construction
- Ship building and repair

Severance Pay

- Construction
- Road construction
- Road maintenance
- Road construction/maintenance
- Maintenance (Other than Maintenance of Roads, Structures Related to Roads, Parking Lots and Sewers and Watermain)
- Sewer/watermain construction
- Sewer/watermain maintenance
- Maintenance
- Sewer/watermain maintenance

Access to leaves

- Architects
- Engineers
- Law
- Public/chartered accounting
- Surveying
- Veterinary science/Veterinarians
- Teachers and students training to be teachers
- Audiologist
- Chiropodists
- Chiropractors
- Dental hygienists

- Dental technologists
- Dentists
- Denturists
- Dieticians
- Massage therapists
- Medical laboratory technologists
- Medical radiation technologists
- Midwives
- Naturopaths
- Nurses
- Occupational Therapists
- Opticians
- Optometrists
- Pharmacists
- Physicians/surgeons
- Physiotherapists
- Psychologists
- Respiratory therapists
- Speech-language pathologists

Fully Exempt from the Employment Standards Act

- Police officer

Manitoba

Minimum Wage Rate

- Construction

Overtime Hours and Pay

- Employees who have substantial control over their house and earn a regular annual income of at least two times the Manitoba average industrial wage (can be paid hourly or salary)

Hours of Work

- Farm/agriculture/ranch employees
- Employees who have substantial control over their house and earn a regular annual income of at least two times the Manitoba average industrial wage (can be paid hourly or salary)

Fully Exempt from the Employment Standards Code

- Independent contractors

Saskatchewan

Minimum Wage Rate

- Caregivers/care providers
- Domestic workers - live in
- Live-in care/personal care providers/support worker

Overtime Hours and Pay

- Caregivers/care providers

Termination Notice

- Caregivers/care providers

Fully Exempt from the Saskatchewan Employment Act

- Athletes

Alberta

Minimum Wage Rate

- Farm/agriculture/ranch employees
- Caregivers/care providers
- Domestic workers
- Domestic workers - live in

Overtime Hours and Pay

- Farm/agriculture/ranch employees
- Agricultural nursery industry
- Brush clearing
- Logging/forestry/lumbering
- Irrigation district employees
- Oilwell servicing
- Road construction
- Road construction/maintenance
- Highway/rail construction
- Salesperson/direct sellers
- Taxi cab drivers
- Transport/trucking industry

- Geophysical exploration
- Land surveying
- Ambulance drivers/driver's helpers/first-aid attendant on ambulance
- Caregivers/care providers
- Domestic workers
- Field catering
- Firefighters

Hours of Work

- Farm/agriculture/ranch employees
- Agricultural nursery industry
- Brush clearing
- Logging/forestry/lumbering
- Irrigation district employees
- Oilwell servicing
- Road construction
- Road construction/maintenance
- Highway/rail construction
- Salesperson/direct sellers
- Taxi cab drivers
- Transport/trucking industry
- Geophysical exploration
- Land surveying
- Ambulance drivers/driver's helpers/first-aid attendant on ambulance
- Caregivers/care providers
- Domestic workers
- Firefighters

Rest Periods

- Farm/agriculture/ranch employees
- Oilwell servicing
- Ambulance drivers/driver's helpers/first-aid attendant on ambulance
- Firefighters

Paid Statutory/Public Holidays

- Brush clearing
- Construction

- Salesperson/direct sellers

Vacation with Pay

- Brush clearing
- Construction

Termination Notice

- Brush clearing
- Construction
- Highway/rail construction

British Columbia

Minimum Wage Rate

- Farm/agriculture/ranch employees
- Taxi cab drivers
- Student Nurses
- Firefighters (auxiliary/volunteer)

Overtime Hours and Pay

- Farm/agriculture/ranch employees
- Loggers working in the interior
- Silviculture workers
- Chartered boat
- Aquaculture - Fin Fish Workers (not live-in)
- Aquaculture - Fin Fish Workers (live-in)
- Fishing/hunting guide
- Tug boat for commercial logging
- Guard/fire warden/fish camp worker in connection with commercial fishing
- Exploring minerals other than gas or oil
- Oil and gas workers
- Commissioned Automobile salesperson
- Commissioned salespeople
- Commissioned traveling salespersons/commercial traveler who buys and sells good
- Taxi cab drivers
- Tender vessel worker
- Truck drivers/trucking
- Logging truck drivers

- High Technology Companies
- Faculty members/staff employed in a college or university
- Teachers and students training to be teachers
- Night attendant
- Student Nurses
- Residential care workers /Care takers
- Live-in care/personal care providers/support worker
- Live-in camp leader
- Election officials/workers
- Operator of a motor vehicle employed exclusively to transport students, teachers, and others related to school activities and person to and from church
- Firefighters
- Firefighters (auxiliary/volunteer)
- Police officer - municipal
- Managers

Hours of Work

- Farm/agriculture/ranch employees
- Oil and gas workers
- Commissioned Automobile salesperson
- Commissioned salespeople for recreational vehicles or campers
- Logging truck drivers
- High Technology Companies
- Student Nurses
- Election officials/workers
- Firefighters (auxiliary/volunteer)
- Managers

Rest Periods

- Loggers working in the interior
- Silviculture workers
- Aquaculture - Fin Fish Workers (not live-in)
- Aquaculture - Fin Fish Workers (live-in)
- Taxi cab drivers

Paid Statutory/Public Holidays

- Farm/agriculture/ranch employees
- Commissioned Automobile salesperson
- Commissioned salespeople

- Commissioned salespeople for recreational vehicles or campers
- Logging truck drivers
- Residential care workers /Care takers
- High Technology Companies
- Student Nurses
- Firefighters (auxiliary/volunteer)
- Managers

Vacation with Pay

- Farm/agriculture/ranch employees
- Fruit/vegetable/tobacco harvesters
- Student Nurses
- Firefighters (auxiliary/volunteer)

Termination Notice

- Student Nurses
- Firefighters (auxiliary/volunteer)

Fully Exempt from the Employment Standards Act

- Forestry
- Insurance Agents
- Real estate salesperson/broker
- Architects
- Engineers
- Land surveying
- Law
- Public/chartered accounting
- Veterinary science/Veterinarians
- Chiropractors
- Dental hygienists
- Dentists
- Naturopaths
- Optometrists
- Physicians/surgeons
- Podiatric Surgeons
- Registered under section 35 of the Securities Act

Northwest Territories

Overtime Hours and Pay

- Managers

Hours of Work

- Managers

Fully Exempt from the Employment Standards Act

- Employees defined in the Public Service Act
- Employees of territorial and federal governments
- Employees in inter-provincial undertakings (trucking companies, banks, airports, etc.)

Yukon

Fully Exempt from the Employment Standards Act

- Government of Yukon employees
- Employees of territorial and federal governments
- Employees in inter-provincial undertakings (trucking companies, banks, airports, etc.)

Nunavut

Overtime Hours and Pay

- Managers

Hours of Work

- Managers

Fully Exempt from the Consolidation of Labour Standards Act

- Trappers
- Commercial fishing

Appendix C

Labour Standards Legislation by Jurisdiction

Federally Regulated Businesses and Industries

Part III of the *Canada Labour Code*

<https://laws-lois.justice.gc.ca/eng/acts/l-2/index.html>

Summary of Part III of the *Canada Labour Code*

<https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/code-summary-3.html>

Bill C-86

<https://www.parl.ca/DocumentViewer/en/42-1/bill/C-86/first-reading>

Nova Scotia

Labour Standards Code

<https://nslegislature.ca/sites/default/files/legc/statutes/labour%2ostandards%2ocode.pdf>

<https://novascotia.ca/just/regulations/regs/lscgenls.htm>

Guide to the Nova Scotia's *Labour Standards Code*

<https://novascotia.ca/lae/employmentrights/docs/labourstandardscodeguide.pdf>

Employment Rights – Quick Links
<https://novascotia.ca/lae/employmentrights/>

New Brunswick

Employment Standards Act
<https://laws.gnb.ca/en/ShowPdf/cs/E-7.2.pdf>

Employment Standards Act – Quick Links
https://www2.gnb.ca/content/gnb/en/departments/post-secondary_education_training_and_labour/People/content/EmploymentStandards.html

Prince Edward Island

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

Employment Standards Act – Quick Links
<https://www.princeedwardisland.ca/en/topic/employment-standards-o>

Newfoundland and Labrador

Labour Standards Act
<https://assembly.nl.ca/Legislation/sr/statutes/102.htm>

Labour Relations at Work
https://www.aesl.gov.nl.ca/publications/labour/labour_relations_work.pdf

Quebec

Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)
<http://legisquebec.gouv.qc.ca/en/showdoc/cs/N-1.1>

Labour Standards
<https://www.cnt.gouv.qc.ca/en/accueil/index.html>

Ontario

Employment Standards Act

<https://www.ontario.ca/laws/statute/ooe41>

Your guide to the *Employment Standards Act*

<https://www.ontario.ca/document/your-guide-employment-standards-act-o>

Ministry of Labour

<https://www.labour.gov.on.ca/english/es/>

Bill 148 – A Plan for Fair Workplaces and Better Jobs, 2017

<https://www.ontario.ca/page/plan-fair-workplaces-and-better-jobs-bill-148>
<https://www.ola.org/en/legislative-business/bills/parliament-41/session-2/bill-148>

Bill 47 – Making Ontario Open for Business Act, 2018

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-47>
<https://www.ontario.ca/laws/statute/S18014>

Manitoba

Employment Standards Code

https://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=e110

Employment Standards Fact Sheet –

A Quick Guide to Employment Standards

https://www.gov.mb.ca/labour/standards/doc,quick_guide,factsheet.html

Employment Standards

<https://www.gov.mb.ca/labour/standards/index.html>

Saskatchewan

The Saskatchewan Employment Act

<http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/s15-1.pdf>

The Saskatchewan Employment Act – Quick Links

<https://www.saskatchewan.ca/business/employment-standards>

Labour Relations and Workplace Safety

<https://www.saskatchewan.ca/government/government-structure/ministries/labour-relations-and-workplace-safety>

Alberta

Employment Standards Code

<http://www.qp.alberta.ca/documents/Acts/Eo9.pdf>

Employment Standards Code – Quick Links

<https://www.alberta.ca/alberta-employment-standards-rules.aspx>

Employment Standards Code

<https://www.alberta.ca/employment-standards.aspx>

Bill 17: Fair and Family-Friendly Workplaces Act

http://www.qp.alberta.ca/documents/Acts/2017cho9_unpr.pdf

Bill 2: An Act to Make Alberta Open for Business

<https://www.alberta.ca/improved-employment-standards.aspx>

<https://www.alberta.ca/open-for-business.aspx>

British Columbia

Employment Standards Act

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96113_01

Ministry of Labour

<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/labour>

Bill 8 – Employment Standards Amendment Act, 2019

<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/4th-session/bills/first-reading/gov08-1>

<http://www.bclaws.ca/civix/document/id/bills/billscurrent/4th41st:gov08-1>

Northwest Territories

Employment Standards Act

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

Education, Culture, and Employment – Employment Standards

<https://www.ece.gov.nt.ca/en/services/employment-standards>

Yukon

Employment Standards Act

http://www.gov.yk.ca/legislation/acts/emst_c.pdf

Employment Standards Act – Frequently Asked Questions

http://www.community.gov.yk.ca/pdf/es_faq.pdf

Employment Standards Act – Quick Links

<http://www.community.gov.yk.ca/es.html>

Nunavut

Consolidation of Labour Standards Act

<http://nu-lsco.ca/phocadownloadpap/Labour%20Standards%20Act%20Consolidation.pdf>

Nunavut Labour Standards Compliance Office – Fact Sheets

<http://www.nu-lsco.ca/faq-s>

Notes

- 1** Note that in Nova Scotia, employees covered under a collective agreement are exempt from legislation on holiday pay and working in retail business on uniform day, termination notice/pay, rest or eating periods, and frequency of pay. Other jurisdictions with exemptions for employees who are covered under a collective agreement include federal legislation, Prince Edward Island, and Newfoundland and Labrador.
- 2** Statistics Canada (2018). Unionization rates falling. Retrieved from <https://www150.statcan.gc.ca/n1/pub/11-630-x/11-630-x2015005-eng.htm>.
- 3** Statistics Canada. (2018). Labour Force Survey (LFS), 2018. (public-use microdata file). Ottawa, ON: Statistics Canada (producer). Using University of Toronto, Faculty of Arts & Sciences Data Centre (CHASS) (distributor), <http://dc.chass.utoronto.ca/>
- 4** For additional information about minimum wage rate increases: <http://srv116.services.gc.ca/dimt-wid/sm-mw/rpt1.aspx?GoCTemplateCulture=en-CA>
- 5** Buott, K., Haiven, L., & Haiven, J. (2012). “Labour standards reform in Nova Scotia. Reversing the war on employees”. Canadian Centre for Policy Alternatives – Nova Scotia. Retrieved from <https://www.policyalternatives.ca/publications/reports/labour-standards-reform-nova-scotia>
- 6** Fight for \$15 and Fairness – Halifax, Nova Scotia. Retrieved from: <http://fightfor15halifax.ca/>
- 7** Halifax Workers Action Centre. Retrieved from: <http://halifaxworkersaction.ca/>
- 8** Noack, A. M., & Vosko, L. F. (2011). “Precarious jobs in Ontario: Mapping dimensions of labour market insecurity by workers’ social location and context”. Law Commission of Ontario, 60. Retrieved from <https://www.lco-cdo.org/wp-content/uploads/2012/01/vulnerable-workers-call-for-papers-noack-vosko.pdf> (p.3)
- 9** Noack, A. M., & Vosko, L. F. (2011). “Precarious jobs in Ontario: Mapping dimensions of labour market insecurity by workers’ social location and context”. Law Commission of Ontario, 60. Retrieved from <https://www.lco-cdo.org/wp-content/uploads/2012/01/vulnerable-workers-call-for-papers-noack-vosko.pdf> (p.3)
- 10** It is important to note that some employees prefer part-time employment.
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- 12** Statistics Canada. (2019). Job permanency (permanent and temporary) by industry, annual (x 1,000). Retrieved from <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410007201&pickMembers%5Bo%5D=1.4&pickMembers%5B1%5D=3.1&pickMembers%5B2%5D=4.1&pickMembers%5B3%5D=5.1>
- 13** Johal, S., & Thirgood, J. (2016). “Working without a net: Rethinking Canada’s social policy in the new age of work”. Retrieved from <http://www.deslibris.ca/ID/10065909> (p.10)
- 14** Cranford, C. J., Vosko, L. F., & Zukewich, N. (2003). “Precarious employment in the Canadian labour market: A statistical portrait”. *Just Labour*. <https://doi.org/10.25071/1705-1436.164> (p.18)
- 15** Jackson, A., & Rao, G. (2016). “The unhealthy Canadian workplace”. In D. Raphael (Ed.), *Social Determinants of Health: Canadian Perspectives* (3rd ed.) (pp.150-170). Toronto, ON: Canadian Scholars’ Press.
- 16** Lewchuk, W., Clarke, M., & de Wolff, A. (2008). “Working without commitments: Precarious employment and health”. *Work, Employment and Society*, 22(3), 387–406.
- 17** Cranford, C. J., Vosko, L. F., & Zukewich, N. (2003). “Precarious employment in the Canadian labour market: A statistical portrait”. *Just Labour*. <https://doi.org/10.25071/1705-1436.164> (p.18)
- 18** Cranford, C. J., Vosko, L. F., & Zukewich, N. (2003). “The gender of precarious employment in Canada”. *Relations Industrielles / Industrial Relations*, 58(3), 454–482. (p.475)
- 19** Hira-Friesen, P. (2017). “Immigrants and precarious work in Canada: Trends, 2006–2012”. *Journal of International Migration and Integration*, 19(1), 35–57.
- 20** Hira-Friesen, P. (2018). “Does employment in precarious work lead to wage disparities for Canadian immigrants?” *Canadian Ethnic Studies*, 50(1), 69–86.
- 21** Cranford, C. J., Vosko, L. F., & Zukewich, N. (2003). “The gender of precarious employment in Canada”. *Relations Industrielles / Industrial Relations*, 58(3), 454–482. (p.475)
- 22** Barnes, A. & Lafferty, G. (2010). “The Fair Work Act: As good as it gets?”. *The Economic and Labour Relations Review*, 21(1), 1-12.
- 23** Bill 57 is a new bill proposed to align the Northwest Territories’ Employment Standards Act with the changes in the federal Employment Insurance Act. Most of these proposed changes are similar to changes implemented in October 2018 in Nova Scotia with Bill 29. The changes addressed in Bill 57 will also provide workers with better protection. Some substantial changes for workers in the Northwest Territories include extending parental leave, unpaid compassionate care leave; and, introducing two new leaves: family caregiver leave and domestic violence leave. Most of these changes were made by most of the provinces over the last year. Under Bill 57, employees would have access to 61 weeks of unpaid leave for parental leave and parents would have the option to share this leave. Compassionate leave would also be extended from eight weeks to 27 weeks, which is similar to the length of time available in Part III of the Canada Labour Code and most of the other provinces. A new family caregiver leave would provide employees with 17 weeks of unpaid leave. The Northwest Territories would be the first territory to introduce domestic violence leave for employees. Employees would have access to 10 days off with the first five paid and an additional 15 weeks of unpaid leave.
- 24** Government of Northwest Territories. (2019). Bill 57 An act to amend the Employment Standards Act. Plain Language Summary. Retrieved from https://www.ece.gov.nt.ca/sites/ece/files/resources/bill_57_employment_standards_act_amendments_-summary_-_may_29_2019.pdf
- 25** List of federally regulated businesses and industries who are now protected under the revised Harassment and Violence in the Workplace legislation: interprovincial and international services (such as railways, road and air transport, and shipping services), radio and television broadcasting, telephone and cable systems, banks, most federal Crown corporations, private businesses neces-

sary to the operation of a federal Act, federal public service and persons employed by the public service, as well as interns employed in the abovenoted sectors.

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27 Dobson, S. (2019). Bill C-86 brings major changes. Canadian HR Reporter. Retrieved from <https://www.hrreporter.com/workplace-law/38932-bill-c-86-brings-major-changes/>

28 Government of Canada. (2018). “What we heard: Modernizing federal labour standards”. Retrieved from https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/modernizing-federal-standards.html#s2_3_4

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31 Alberta. (2019). Alberta Employment Standards. Updated workplace laws came into effect Jan. 1, 2018. Retrieved from <https://www.alberta.ca/improved-employment-standards.aspx>

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35 Alberta. (2019). “Open for Business. Overview”. Retrieved from <https://www.alberta.ca/open-for-business.aspx>

36 Alberta. (2019). Minimum wage changes. Retrieved from <https://www.alberta.ca/alberta-minimum-wage-changes.aspx>

37 Alberta. (2019). Bill 2: An Act to Make Alberta Open for Business. The Legislative Assembly of Alberta. Retrieved from https://www.assembly.ab.ca/ISYS/LADDAR_files/docs/bills/bill/legislature_30/session_1/20190521_bill-002.pdf

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- 47** Ontario Business Improvement Area Association Ontario (OBIAA). (n.d). Ontario Bill 47 and Bill 148 comparison chart. Retrieved from <https://obiaa.com/wp-content/uploads/2019/02/OBIAA-Comparison-Chart-Bill-148-to-Bill-47.pdf>
- 48** Ontario. (2019). “Your guide to the Employment Standards Act – Minimum wage”. Retrieved from <https://www.ontario.ca/document/your-guide-employment-standards-act-o/minimum-wage>
- 49** Employees covered by the Canada Labour Code include: employees whose work crosses provincial or territorial jurisdictions (such as navigation and shipping, railway, trucking, air transportation, ferries, canal, or telegraph work), as well as employees at banks and radio broadcasting stations.
- 50** Vosko, L. F., Grundy, J., Casey, R., Noack, A. M., & Thomas, M. P. (2019). “A tattered quilt: Exemptions and special rules under Ontario’s Employment Standards Act”. *Canadian Labour & Employment Law Journal*, 21(2), 267-298. (p. 267)
- 51** Vosko, L. F., Grundy, J., Casey, R., Noack, A. M., & Thomas, M. P. (2019). “A tattered quilt: Exemptions and special rules under Ontario’s Employment Standards Act”. *Canadian Labour & Employment Law Journal*, 21(2), 267-298. (p. 271)
- 52** Information about these exemptions can be found in Appendix B
- 53** Nova Scotia. (2019). “Retail closing days and the right to refuse work”. Retrieved from <https://novascotia.ca/lae/employmentrights/uniformclosingfaq.asp>
- 54** Full list of exempted retail businesses and employees who do not have the right to refuse to work on closing days and Sundays: grocery stores that at no time operate in an area greater than 4000 square feet (note if two or more stores selling groceries are owned by related persons and are in the same building or are adjacent or in close proximity to one another, they are considered to be one store for the purposes of determining whether the store must close and whether employees have the right to refuse to work); drug stores if they do not have more than 2000 square feet dedicated to food items, are not larger than 20,000 square feet in total, and are not in a department store; farm sales of agricultural products; Christmas tree sales; retail gas stations (motor vehicle service stations); restaurants, bars, taverns etc., and tourism/hotel services; confectionary stores; stores selling handicrafts and souvenirs to tourists; canteens; fruit and vegetable stands selling local produce; flea markets and rummage sales; retail fish stores; laundromats; billiard and pool halls; video or DVD rental places; modular (prefabricated) home sales; nursery and plant stores; art galleries; antique stores; the sale of books, newspapers, magazines; used clothing stores; private clubs, veterans and other clubs, but not clubs set up for the purpose of retail sales; public games for gain and reward; public performances, cinemas; excursions; car rental and boat rental

operations; buses, trains and other modes of transportation; ferry operations; telephone and telegraph operations; broadcasting; newspaper publication; and, retail businesses providing goods and services on an emergency basis.

55 It is important to note that these are only positive assessments and not the actual count of temporary foreign workers who came into Canada.

56 Government of Canada. Temporary Foreign Worker Program 2018Q1-2019Q1. “Table 9. Number of temporary foreign worker (TFW) positions on positive Labour Market Impact Assessments (LMIAS) under the Primary Agriculture stream by province/territory between 2018Q1 and 2019Q1”. Retrieved from <https://open.canada.ca/data/en/dataset/e8745429-21e7-4a73-b3f5-90a779b78d1e>

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61 Vosko, L. F., Tucker, E. & Casey, R. (2019). “Enforcing Employment Standards for Migrant Agricultural Workers in Ontario: Exposing Underexplored Layers of Vulnerability.” *International Journal of Labour Law and Industrial Relations*, 35(2), 227-254.

62 It was not possible to differentiate between migrant agricultural workers and non-migrant agricultural workers in the Ministry of Labour data.

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64 Vosko, L. F., Tucker, E. & Casey, R. (2019). “Enforcing Employment Standards for Migrant Agricultural Workers in Ontario: Exposing Underexplored Layers of Vulnerability.” *International Journal of Labour Law and Industrial Relations*, 35(2), 227-254.

65 Complaints are not an ideal way to capture violations among agricultural workers because they are unlikely to file complaints. Therefore, the Ministry of Labour completed inspections where employers with migrant workers were targeted. Between 2012/13 and 2015/16, 172 agricultural workplaces were inspected. Although inspections should be a better way to capture violations among agricultural workers, the structure of inspections make them problematic. For example, unpaid wages and termination notice/pay, two of the most common violations found in the complaints data, are not included in the list of 11 inspectable standards evaluated during an inspection. As a result, it is very unlikely that these violations will be found during an inspection. During the 172 inspections, the most common violation found in the inspections with agricultural workplaces was illegal deductions. Overall, migrant agricultural workers face vulnerabilities as a result of their migrant worker status, the exemptions and special rules, as well as how Ontario’s Employment Standards Act and the enforcement of the Act are not properly protecting them. It is likely that migrant agricultural workers face similar problems in other jurisdictions, especially where they are exempt from sections of the Labour Standards legislation (Vosko, Tucker, & Casey, 2019).

- 66** Vosko, L. F., Grundy, J., Casey, R., Noack, A. M., & Thomas, M. P. (2019). "A tattered quilt: Exemptions and special rules under Ontario's Employment Standards Act". *Canadian Labour & Employment Law Journal*, 21(2), 267-298.
- 67** There has not been much formal measurement on misclassification in the Canadian context. (Noack, A. M., Vosko, L. F., & Grundy, J. (2015). "Measuring employment standards violations, evasion, erosion — Using a telephone survey". *Industrial Relations*, 70(1), 86-109; Vosko, L. F., Tucker, E., Gellatly, M., and Thomas, M. P. (2011). "New approaches to enforcement and compliance with labour regulatory standards: The case of Ontario, Canada" (2011). *Comparative Research in Law & Political Economy*. Research Paper No. 31/ 2011. <http://digitalcommons.osgoode.yorku.ca/clpe/69>
- 68** But the misclassification of employees as independent contractors was identified in 2012 as a key regulatory problem in Canada (Law Commission of Ontario, 2012). Misclassification has been researched in more detail in the United States. In 2014, audits and investigations of businesses were conducted by the Joint Enforcement Task Force on Employees Misclassification (JETF) as part of a sweep to find money owed to misclassified employees. The JETF sweep "unrecovered nearly \$52 million in unreported wages, resulted in the assessment of nearly \$1.6 million in additional unemployment insurance contributions; and revealed over 10,300 misclassified workers". (Musolino, M. (2015). "Annual report of the Joint Enforcement Task Force on Employee Misclassification". (p. 7). Retrieved from <https://www.labor.ny.gov/agencyinfo/PDFs/Misclassification-Task-Force-Report-2-1-2015.pdf>
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- 77** Schulze, E. (2017). "Vacation can make you more productive — just ask the Europeans". CNBC - Careers. Retrieved from <https://www.cnbc.com/2017/08/25/vacation-can-make-you-more-productive--just-ask-the-europeans.html>
- 78** An Act Respecting Uniform Closing Day for Retail Businesses and Retail Business Uniform Closing Day Act.
- 79** List of retail closing dates (dates when some retail businesses are not allowed to open): New Year's Day, Nova Scotia Heritage Day, Good Friday, Easter Sunday, Canada Day, Labour Day, Thanksgiving Day, Christmas Day, Boxing Day. Retail employees have the right to refuse work

on any of the days listed above. Retail employees can also refuse work on Sundays. There is also a list of exemptions which exclude certain employees from retail closing dates.

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92 Nova Scotia. (2019). “Labour and Advanced Education. Leaves from work”. Retrieved from <https://novascotia.ca/lae/employmentrights/leaves.asp>

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- 133** This nearly exhaustive list (which only focuses on the following key areas: minimum wage rate, overtime hours and pay, hours of work, rest periods, paid statutory/public holidays, vacation with pay, termination notice, severance pay, access to leaves, and fully exempt from the legislation), includes employees with exemptions or special rules. The intricate details of exemptions and special rules are not included in this report but can be found in the legislation.
- 134** Quebec has two other leaves that are not available in other jurisdictions. Employees in Quebec are entitled to 1 paid day to attend their own wedding and 1 unpaid day to attend a close family member’s wedding. Employees are eligible for 104 weeks of unpaid leave if a close family member dies by suicide.



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