

This poster contains information about the *Employment Standards Act* and Regulation, which sets basic standards for wages and conditions of employment in British Columbia. The Ministry recommends it be displayed in all workplaces.

For more information, please contact the Employment Standards Branch at:

1-800-663-3316 – toll-free in British Columbia  
(250) 612-4100 – Prince George

Or visit our web site at [www.labour.gov.bc.ca/esb/](http://www.labour.gov.bc.ca/esb/)

## ***Pay days and Payroll Records***

- All employees must be paid at least twice a month. A pay period may not be longer than 16 days.
- All wages earned in a pay period must be paid within 8 days after the end of the pay period.
- Employees must receive a written pay statement (pay stub) each payday that gives all details about hours worked, rate(s) of pay, earnings and deductions.
- Employers must also record and keep payroll records for each employee for 2 years after employment ends.
- An employee must be paid in full within 48 hours after the employer ends the employment, and within 6 days if the employee ends it.

## ***Minimum Wage***

The minimum wage in British Columbia is as follows:

- May 1, 2011 - \$8.75 per hour;
- November 1, 2011 - \$9.50 per hour;
- May 1, 2012 - \$10.25 per hour.

Minimum wage applies to all employees regardless of how their wages are calculated (hourly, salary, commission or other incentive basis) or their status (temporary, part-time, fulltime, permanent). Salespersons on straight commission must be paid least minimum wage for all hours worked in a pay period. Some “high-end” commission sales are not required to be paid minimum wage.

Minimum wage rates for live-in home support workers, resident caretakers and farm workers who hand harvest certain fruit and vegetable crops are set out in the Employment Standards Regulation.

Employees who serve liquor are entitled to the liquor server minimum wage. Tips or gratuities are not wages. Employees must be paid at least minimum wage in addition to any tips (gratuities) they receive. The liquor server minimum wage is as follows:

May 1, 2011 - \$8.50 per hour;  
November 1, 2011 - \$8.75 per hour;  
May 1, 2012 - \$9.00 per hour.

## ***Minimum Daily Pay***

- An employee who reports for work must be paid for at least 2 hours work.
- If an employee who is scheduled for more than 8 hours reports for work, the employee must be paid for at least 4 hours.
- If work stops for a reason completely beyond the employer’s control, the employee must still be paid for at least 2 hours work.
- An employee who reports to work but is unfit for work or is not in compliance with WCB health and safety regulations only has to be paid for the time actually worked.

## ***Meal Breaks***

An employee must not work more than 5 hours in a row without a half-hour unpaid meal break. An employee who is required to work or be available for work during a meal break must be paid for the meal break. Employers are not required to provide coffee breaks.

## ***Overtime***

- Overtime pay is time-and-a-half after 8 hours in a day and 40 hours in a week, and double-time after 12 hours in a day.
- Only the first eight hours worked in a day count towards weekly overtime.
- An employee may make a written request for overtime wages to be credited to a time bank, allowing the employee to take time off with pay. Overtime must be credited at the appropriate rate.

## ***Averaging Agreements***

An employer and an employee can agree to average work hours over 1, 2, 3 or 4 weeks. Averaging agreements must be in writing and, have a start date and an end date. Overtime is payable:

- After eight hours in a day if extra hours are added to an employee’s work schedule, **or**
- If the employee works more than an average of 40 hours in a week over the averaging period (e.g. 80 hours over two weeks, 120 hours over three weeks.)

## ***Uniforms and Special Clothing***

If an employer requires an employee to wear a uniform or special clothing, the employer must provide, clean and maintain it at no cost to the employee.

Special clothing is any garment that creates an image specific to the employer and identifies employees to customers. Special clothing includes a requirement to wear the garments that the business is currently selling. A dress code (no jeans, no cut-offs, dark clothing, business casual) is not a uniform.

Employers and employees may make an agreement for the employer to reimburse employees for cleaning and maintaining special clothing.

Personal safety equipment required by Workers' Compensation Board regulations is not considered special clothing, unless the equipment also associates the wearer with the image or identity of the employer.

## ***Deductions***

An employer must make deductions from wages required by law (e.g. income tax, EI, CPP). Other deductions may be made if the employee agrees in writing.

An employee cannot be required to pay any of the employer’s business costs, such as cash shortages, breakages, or damage

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to company property from the employee's wages or gratuities.

## **Statutory Holidays**

There are 9 statutory holidays in British Columbia:

<i>New Years Day</i>	<i>Good Friday</i>	<i>Victoria Day</i>
<i>Canada Day</i>	<i>Remembrance Day</i>	<i>Labour Day</i>
<i>Thanksgiving Day</i>	<i>B.C. Day</i>	<i>Christmas Day</i>

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

To qualify for statutory holiday pay, an employee must:

- Have been employed for at least 30 calendar days,  
**And**
- Have worked on at least 15 of the 30 days before the statutory holiday.\*

\* Employees who worked under an averaging agreement any time in the 30 days before the statutory holiday do not have to meet the 15-day minimum.

Qualified employees who are given a day off on a statutory holiday must be paid an average day's pay.

Qualified employees who work on a statutory holiday must be paid:

- Time-and-a-half for the first 12 hours worked and double-time after 12 hours  
**Plus**
- An average day's pay.

Employers and employees may agree to substitute another day off for a statutory holiday.

## **Annual Vacation**

- An employee is not entitled to take a vacation in the first year of employment.
- An employee is entitled to 2 weeks vacation after completing 1 year of employment, and 3 weeks after completing 5 years.
- Vacation must be scheduled in periods of one or more weeks, unless the employee requests otherwise.
- Vacation must be taken within 12 months of being earned.
- When an employee takes a vacation, vacation pay must be at least 4 percent of the employee's total earnings from the year entitling the employee to the vacation.
- After 5 consecutive years of employment, vacation pay increases to 6 percent of the wages earned in the year entitling the employee to the vacation.
- A person who is employed less than 1 year is not entitled to a vacation, but must be paid 4 percent vacation pay on termination of employment.
- Vacation pay is not payable to employees who work for 5 calendar days or less.

## **Compensation for Length of Service**

No compensation for length of service is required when an employee quits or is terminated for just cause.

After 3 months of consecutive employment an employee is eligible for compensation, written notice, or a combination of the two as follows:

- After 3 months of employment, 1 week;
- After 12 months of employment, 2 weeks;
- After 3 years of employment, one week for each completed year of employment, to a maximum of 8 weeks.

Additional notice or pay is required if 50 or more employees are terminated within a two-month period.

## **Leave From Work**

*Pregnancy Leave:* A pregnant employee can take up to 17 consecutive weeks of unpaid leave. This leave may be extended by up to 6 weeks if she is unable to return to work for reasons related to the birth or termination of the pregnancy.

*Parental Leave:* A birth mother who has taken pregnancy leave is entitled to up to 35 weeks of unpaid leave, and one who has not, to 37 weeks.

A birth father or an adopting parent is entitled to unpaid parental leave of up to 37 consecutive weeks. This leave may be extended by up to 5 weeks if the child requires an additional period of parental care.

*Family Responsibility Leave:* An employee is entitled to up to 5 days of unpaid leave per employment year to attend to the care, health or education of a child in the employee's care, or to the care or health of any other member of the employee's immediate family.

Employees are expected to give their employers as much notice as possible, and to provide sufficient information for their employers to understand the reason for the leave. Employees are not required to give notice in writing, or to disclose personal or private information.

*Compassionate Care Leave:* An employee is entitled to up to 8 weeks unpaid leave in a 26 week period to provide care or support to a family member if the employee obtains a certificate from a medical practitioner stating that the family member is seriously ill with a significant risk of death within 26 weeks. If the family member does not die within the 26 week period, the employee may take a further leave upon obtaining another certificate.

*Bereavement Leave:* An employee is entitled to up to 3 days of unpaid leave on the death of a member of the employee's immediate family. This leave may be for purposes other than to attend a funeral.

*Jury Duty:* An employee is entitled to unpaid leave while attending Court as a juror.

*Reservists' Leave:* An employee who is a reservist is entitled to unpaid leave while deployed to a Canadian Forces operation, including pre-deployment and post-deployment activities, or while deployed to assist with an emergency.

An employer may not terminate an employee or change a condition of employment, without the employee's written consent, because of a leave or pregnancy.

## **Temporary Foreign Workers**

Temporary foreign workers are covered by the provisions of the Act. They cannot be charged a fee for job placement. Employers cannot require them to stay for a set period of time, nor can they charge business or recruitment costs or deduct these costs from their employees' pay cheques.