

## MINIMUM WAGE

Employees must be paid at least minimum wage regardless of:

- How they are paid – hourly, salary, commission or other incentive basis
- Their status – full time, part-time, temporary or permanent

**The minimum wage in B.C. as of June 1, 2022 is \$15.65 per hour.**

Other employee groups like live-in home support workers, resident caretakers and certain farm workers have different wage rates. Check the Employment Standards Regulation for more info.

## TIPS AND GRATUITIES

Employers can collect tips and distribute them to all employees who shared in earning them. Employers cannot withhold tips or force employees to give their tips to them unless they're required to do so by law (e.g. a court order to garnish wages).

Employers can only take a share of tips if they regularly do the same or similar work as the employees who share tips.

## MINIMUM DAILY PAY

An employee who reports for work must be paid for at least 2 hours, even if they work less than 2 hours. If the employee is scheduled for more than 8 hours, they must be paid for at least 4 hours.

If work stops for a reason beyond the employer's control, the employee must be paid their minimum daily pay or the actual time worked, whichever is longer.

An employee is only paid for time actually worked if:

- They are unfit to work
- They do not meet WorkSafeBC health and safety regulations

## MEAL BREAKS

A 30-minute unpaid meal break must be provided when an employee works more than 5 hours in a row. Employers are not required to provide coffee breaks.

An employee must be paid for the meal break if they're required to work (or be available to work) during their meal break.

## PAYDAYS AND PAYROLL RECORDS

Employees must be paid at least twice per month. Pay periods cannot be longer than 16 days.

All wages earned, including overtime and statutory holiday pay, must be paid within 8 days after the end of the pay period.

Employers must provide a pay stub (wage statement) every payday. It should include:

- The employer's name and address
- The hours worked by the employee
- The employee's wage rate and how the wages were calculated (e.g. hourly, salary, flat or piece rate, commission, or other incentive basis)
- The employee's overtime rates
- The hours worked at overtime rates
- Any money, allowance or other payment the employee is entitled to (e.g. vacation pay or statutory holiday pay)
- The employee's gross and net wages
- Any amounts withdrawn from the employee's time bank and how much time remains
- The employee's wage rate and how the wages were calculated
- The amount and purpose of each deduction

Employers must keep payroll records for each employee for 4 years.

An employee must be paid final wages if their job ends:

- Within 48 hours, if they are terminated or laid off
- Within 6 days, if they quit

Final wages includes everything the employer owes the employee – for example, regular wages, overtime, statutory holiday pay, compensation for length of service, and vacation pay.

## OVERTIME

Employees are paid time-and-a-half for any time worked over 8 hours in a day, up to 12 hours. Employees are paid double time for any time worked over 12 hours in a day.

Employees are paid time-and-a-half for any time worked over 40 hours in a week, counting only the first 8 hours worked each day.

An employee can make a written request to bank their overtime hours instead of being paid for them during the pay period when they're earned. Hours need to be banked based on the overtime rate they were earned at. Later on, the employee can ask for:

- Part or all of the wages in the time bank to be paid out
- Time off with pay for a period agreed upon by the employer and employee

## AVERAGING AGREEMENTS

An employer and an employee can agree to average work hours over 1, 2, 3, or 4 weeks.

Averaging agreements must be:

- Agreed to before they start
- In writing
- Specify a start and end date

Employees are paid overtime if they work more hours than their regular schedule:

- They are paid time-and-a-half when they work more than 8 hours in a day if the extra hours are more than their regular schedule **or**
- They are paid time-and-a-half for hours worked over an average of 40 hours in a week during the agreed averaging period (e.g. 80 hours averaged over 2 weeks)

## UNIFORMS AND SPECIAL CLOTHING

If employers require a uniform or special clothing, they must provide them to employees at no cost. They must also pay to clean and maintain these items or agree to reimburse employees for doing it. They cannot charge employees a deposit for uniforms.

Special clothing is any item that creates a specific image, including items:

- Chosen by the employer
- Purchased from a specific store, including garments the business is selling
- In a specific brand or style
- With a company logo or unique company colours

Employers do not have to pay for an employee to meet a general dress code such as business casual, no jeans, no cut-offs, or a white shirt with dark pants.

Employees must purchase their own:

- Clothing needed for protection against the elements
- General purpose work gloves
- Appropriate footwear including safety footwear
- Safety headgear

These items are only considered special clothing or a uniform if it identifies employees with the employer (e.g. a company logo).

## TEMPORARY FOREIGN WORKERS

Temporary foreign workers are covered by the Employment Standards Act and are entitled to all of its protections. In addition, many foreign workers have additional protections under the Temporary Foreign Worker Protection Act.

## DEDUCTIONS

An employer is required by law to make deductions from employee wages, for example:

- Income tax
- Employment Insurance premiums (EI)
- Canada Pension Plan contributions (CPP)
- A court order to garnish wages

If an employee agrees in writing, other wage deductions can also include:

- Medical premiums
- Repayment of payroll advances or purchases made from an employer
- Accidental overpayments

It's illegal to make employees pay for business expenses, even if they agree to it. This includes deducting expenses because company property was stolen or damaged, or a customer left without paying.

## STATUTORY HOLIDAYS

There are 10 statutory holidays in British Columbia:

- |                  |                |                    |                 |
|------------------|----------------|--------------------|-----------------|
| • New Year's Day | • Victoria Day | • Labour Day       | • Christmas Day |
| • Family Day     | • Canada Day   | • Thanksgiving Day |                 |
| • Good Friday    | • B.C. Day     | • Remembrance Day  |                 |

Easter Sunday, Easter Monday, National Day for Truth and Reconciliation and Boxing Day are not statutory holidays in B.C.

Employees get paid for statutory holidays if they're qualified. 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 do not have to work 15 days)

Statutory holiday pay equals an average day's pay.

Employees who work on a statutory holiday must be paid an average day's pay plus time-and-a-half for hours they work. They're paid double time for hours worked over 12 hours.

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

## ANNUAL VACATION

After 1 year of employment, employees can take up to 2 weeks per year off for vacation. After working for 5 consecutive years for the same employer, employees can take 3 weeks off.

Vacation time must be taken within 12 months of earning it. That means employees earn vacation during their first year of employment and use it during the following year.

Vacation time is taken in periods of 1 or more weeks. Employees can ask to take just 1 or 2 days off at a time – it's up to an employer whether or not they want to approve this type of request. Employers cannot require employees to take vacation in periods of less than 1 week at a time.

Vacation pay is at least 4% of an employee's total wages. Vacation pay increases to 6% after an employee has worked for the same employer for 5 consecutive years.

Vacation pay is calculated on all wages earned from the first day an employee starts employment. It's considered part of an employee's total wages for the year. Vacation pay is not paid to employees who work for 5 calendar days or less.

Vacation pay must be paid at least 7 days before an employee starts their annual vacation. If an employee and employer agree in writing, employees can take vacation pay on every pay cheque.

If employment ends, all outstanding vacation pay must be paid on an employee's final pay cheque – even if they worked less than 1 year.

## COMPENSATION FOR LENGTH OF SERVICE

When employment ends, employers are required to give employees written working notice or an equal amount of pay called compensation for length of service. It is not required:

- If an employee works less than 3 months
- If an employee quits, retires or is terminated for just cause

The amount of written notice and/or pay is based on how long an employee has been employed.

- After working for 3 months = 1 week of notice and/or pay
- After working for 1 year = 2 weeks of notice and/or pay
- After working for 3 years = 3 weeks of notice and/or pay, plus 1 week for each additional year of employment (to a maximum of 8 weeks)

Additional notice is required if 50 or more employees are terminated at the same location within a 2 month period.

## LEAVES FROM WORK

Employees are allowed to take an unpaid leave of absence for specific reasons. Before taking a leave, they need to let their employer know when and why they need to take the leave. Employers cannot end employment or change a condition of employment because of a leave set out below – unless they get written consent from the employee.

**Illness or injury leave (sometimes called sick leave):** After 90 days of employment, employees can take up to 5 paid days and 3 unpaid days of job-protected leave in their employment year, based on their starting date.

**Maternity leave:** A pregnant employee can take up to 17 consecutive weeks. This leave may be extended by up to 6 weeks.

**Parental leave:** A mother who has taken maternity leave can take up to 61 weeks. Other parents can take up to 62 weeks. The leave can begin at any time within 78 weeks of a baby being born or a child being placed. It may be extended by up to 5 weeks.

**Family responsibility leave:** An employee can take up to 5 days in each employment year to attend to the care, health or education of a child under the age of 19 in their care. They can also use this type of leave to attend to the care or health of any other member of their immediate family.

**Compassionate care leave:** An employee can take up to 27 weeks in a 52-week period to provide care for a family member who is terminally ill and is at risk of death within 26 weeks. A medical certificate is required.

**Critical illness or injury leave:** An employee can take 36 weeks to care for a child and up to 16 weeks to care for a family member over the age of 19. A medical certificate is required.

**COVID-19 - Paid vaccination leave:** Employees can take up to 3 hours of paid leave to be vaccinated against COVID-19. If necessary, they can take additional paid leave for additional doses.

**COVID-19 - Unpaid leave:** An employee can take unpaid, job-protected leave for certain reasons related to COVID-19, such as self-isolating or assisting a dependant.

**Reservists' leave:** An employee who is a reservist for the Canadian Forces is entitled to 20 days of unpaid leave in a calendar year to participate in specific duties.

**Leave respecting disappearance or death of child:** An employee can take up to 52 weeks if their child disappears and up to 104 weeks for the death of their child.

**Leave respecting domestic or sexual violence:** An employee can take up to 5 days of paid leave and 5 more days of unpaid leave per calendar year if they are impacted by domestic or sexual violence, plus additional time if necessary.

**Bereavement leave:** An employee can take up to 3 days if an immediate family member dies.

**Jury duty:** An employee can take leave to attend court as a juror.