

5.3 Conditions of work

5.3.1 Employment standards

Hours of work. The labour code sets a standard workday and workweek for employees in undertakings in the federal labour jurisdiction and requires payment of an overtime rate for work done beyond the hours specified. It establishes a maximum workweek, overtime hours being restricted to eight in a week, except in special circumstances.

The number of hours that may be worked at regular rates of pay are limited to eight in a day and 40 in a week. Hours in excess of these may be worked, provided one and one-half times the regular rate is paid, up to a maximum of 48 hours a week.

Provincial and territorial governments also have legislation governing hours of work of employees under their jurisdiction.

Minimum wage. The labour code sets a minimum rate for employees 17 years of age and over in the federal industries. This rate may be increased by order of the Governor-in-Council. The rate for persons under 17 is established by regulation.

Employees paid on other than a time basis, such as pieceworkers and persons paid a mileage rate, must be paid the equivalent of the minimum wage.

An employer who is providing on-the-job training to increase the skill or proficiency of employees may be exempted from paying the minimum wage during all or part of the training period.

All provinces and territories have minimum wage legislation. These laws vest authority in a minimum wage board or the Lieutenant Governor-in-Council to set wages. Minimum wage orders are reviewed frequently. In most provinces such orders cover practically all employment. Except for New Brunswick, Newfoundland, Saskatchewan, and Yukon, all jurisdictions have special rates for young workers or students.

In Northwest Territories and Yukon, labour standards regulations are issued under labour standards ordinances.

Regulation of wages and hours. In some provinces, the general orders are supplemented by special orders, applying to a particular industry, occupation or class of workers. Quebec has four industry orders, governing the retail food trade, public works, sawmills and forest operations.

Nova Scotia has established special rates for employees in beauty parlours, logging and forest operations, and road building and heavy construction. British Columbia has a special rate for residential caretakers in apartment buildings. In Alberta a weekly rate has been set for commercial agents and sales people. In Ontario special rates apply to the construction and ambulance service industries.

In Quebec certain terms of a collective agreement, including those dealing with hours and wages, may be made binding on all employers and employees

in an industry provided the parties to the agreement represent a sufficient proportion of the industry. Approximately 60 decrees are in effect, applying to the garment trades, barbering and hairdressing, commercial establishments, garages and service stations and other industries and services. In construction, working conditions are governed by a decree under the Construction Industry Labour Relations Act.

A construction wages act in Manitoba, applying to both private and public work, sets minimum wage rates and maximum hours of work on the recommendation of a board equally representing employers and employees, with a member of the public as chairman.

Fair wages policy. Wages and hours on federal government construction contracts are regulated by the Fair Wages and Hours of Labour Act and its regulations. The rates are never less than the minimum hourly rate prescribed in the labour code. Wages and hours of work on contracts for equipment and supplies are regulated by order-in-council.

Annual vacations. In the federal jurisdiction, the labour code provides for a vacation with pay of at least two weeks for a year of employment and three weeks after six years. Vacation pay is 4% of wages for the year and 6% of annual earnings after six years of employment.

All provinces and territories have annual vacation with pay provisions. The general standard is two weeks. In British Columbia and Northwest Territories workers are entitled to three weeks after five years of service; in Manitoba, three weeks after four years; in Quebec, three weeks after 10 years; and in Saskatchewan, three weeks after one year and four weeks after 10 years.

General holidays. Legislation deals with paid general holidays in the federal jurisdiction, the two territories and the following provinces: Saskatchewan, Newfoundland, Quebec, Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia and Ontario. Under the federal jurisdiction there are nine paid general holidays. In the specified provinces and territories the number varies from five to nine days during the year, when workers have a general holiday with pay.

Maternity leave. Under federal jurisdiction, an employee who has completed 12 consecutive months with an employer is eligible to take 17 weeks of maternity leave. The period of time in which the leave may be taken begins 11 weeks before the expected date of delivery and ends 17 weeks following the actual delivery date.

Several provinces have legislation to ensure job security of women workers before and after childbirth. Alberta, Saskatchewan, British Columbia and Quebec provide for 18 weeks. Manitoba, New Brunswick, Newfoundland, Nova Scotia and Ontario