

Employment Law  
Solutions for the Canadian Workplace

RELEASE 160 – SEPTEMBER 2020

## new and noteworthy

- **Provincial Employment Laws:** This update consists of revisions to Tab II of this guide, which addresses the specific requirements of the provinces and territories, and includes a series of detailed charts comparing requirements across the country. The update incorporates many recent changes to vacation and leave entitlements, and the entire content of Tab II has been reviewed to ensure all sections are current.

## highlights of this release

- **Tab II-1.A Provincial Employment Laws—What Employers Are Obliged to Pay:** New developments and clarifications have been added, as follows:
  - Section II.1.A.2, Minimum Wage: Alberta now has a lower minimum wage for students under the age of 18, while Nova Scotia no longer has a lower rate for “inexperienced employees” during their first 3 months of employment.
  - Section II.1.A.3, Hours of Work and Overtime: In Quebec, employees may refuse to work if they are asked to work more than 2 hours beyond their regular hours or more than 14 hours per 24-hour period. Also in Quebec, an employer may stagger an employee’s work hours over several weeks, upon approval from the Quebec employment commission, if the average of the work hours does not exceed 40 hours per week. In addition, the recent Quebec Superior Court case of *Godin v. Aréna des Canadiens inc.*, confirms that an employee who is paid on an annual basis, regardless of the number of hours worked cannot receive increased remuneration for overtime since there is no “normal work week” or usual hourly wage.

In Alberta , employers and employees may now enter into a time banking agreement in lieu of overtime, whereby overtime hours are banked at a rate of at least 1 hour, rather than at the overtime rate.

In British Columbia, employees can now make claims for recovery of wages for unpaid overtime reaching back 12 months instead of 6 months.

- Section II.1.A.6, Method of Payment: In British Columbia and the Yukon, employers are prohibited from withholding or deducting any amount of an employee’s wages for any purpose, without consent from the employee. However, in Alberta, employers no longer need employee consent to make deductions recovering overpayments of earnings or vacation advances, so long as they provide written notice.

# release notes

please review

● **Tab II-1.B Provincial Employment Laws—Leaves of Absence:** Numerous changes have been made to leave entitlements across the country, and this entire discussion has been updated accordingly. There are too many specific changes to detail here, but they generally expand benefits to the employee. In most provinces, the legislation has been temporarily amended to provide unpaid leave to employees diagnosed with COVID-19, who are required quarantine or self-isolate, or are unable to attend work for other reasons related to COVID-19.

● **Tab II-1.C Provincial Employment Laws—What to Consider When Terminating Employees:** New developments and clarifications in this update include the following:

- Section II.1.C.1, Termination Pay: In Quebec, under the *Act respecting Labour Standards*, employees with at least 2 years of service may bring a complaint against the employer, even if they are given reasonable notice (or indemnity in lieu), if they have been dismissed without "good and sufficient cause." In the Yukon, termination notice provisions now apply to an employee on a fixed-term contract once the employee continues to work for 1 month beyond the term.
- Section II.1.C.4, Individual Termination: An additional circumstance in which termination notice (or payment in lieu) may not be required is when, by the passage of time, a temporary layoff becomes permanent. In Quebec, the concept of contractual frustration has no exact equivalent, but an employer may be within its rights not to provide statutory notice of termination case of superior force, subject to a high burden of proof.

● **Tab II-1.D Provincial Employment Laws—Other Pitfalls:** The discussion has been reviewed to ensure it is current, and clarifications have been added as warranted.

● **Tab II-1.E Provincial Employment Laws—Provincial Employment Law Charts and Concordance:** All charts in this section have been reviewed and updated to reflect current requirements across the provinces and territories:

- Chart 1: Minimum Wage
- Chart 2: Hours of Work and Overtime
- Chart 3: Statutory Holidays
- Chart 4: Vacation
- Chart 5: Pay Periods
- Chart 6: Maternity Leave
- Chart 7: Parental/Adoption Leave
- Chart 8: Minimum Notice of Termination
- Chart 9: Minimum Age for Employment
- Chart 10: Table of Concordance

# release notes

*please review*

## did you know?

- **BLG's COVID-19 Resource Centre:** To keep businesses informed on emerging issues related to COVID-19, the law firm authoring this guide continues to provide regularly updated resources online at <https://www.blg.com/en/insights/covid-19>. The website includes articles addressing labour and employment law.



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