



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Employment Standards Act* and Regulation for purposes of interpretation and application of the law.

July 2016

Complaint Resolution

The Employment Standards Branch encourages employees and employers to solve problems without immediate government intervention. If the parties cannot resolve their problem themselves, the Branch will try to facilitate a resolution or, if necessary, will issue a decision.

Understanding rights and responsibilities

The *Employment Standards Act* and Regulation set out minimum workplace standards for most employees in British Columbia. Some professionals are exempt from all or part of the Act. Some sectors and industries are subject to specific employment standards provisions which only apply to them.

Information about employment standards, including a guide to the Act and factsheets on various subjects, is available from any Employment Standards Branch office or on the Branch website.

The Act sets a six-month time limit for filing complaints. It also sets a six-month limit on the time period the Branch can go back to see whether an employer owes money to an employee.

Using the Self-Help Kit

The first step an employee takes to resolve a dispute over the payment of wages or other issues is to contact the employer directly by using a Self-Help Kit. The Kit helps the employee to define the problem and identify the desired solution by:

- Deciding whether the *Employment Standards Act* applies to his or her situation;

- Assessing whether the employer is contravening the Act;
- Calculating how much money is owed; and
- Making a written request to the employer to pay money owing or make changes required under the Act.

If the employer agrees with the employee's request, money can be paid directly to the employee. At this point the matter is resolved.

Self-Help Kit not required

In certain circumstances, an employee will not be required to use the Kit. Examples are:

- The employer's business is closed;
- The matter involves a person under the age of 19;
- The complaint is related to a leave provision of the Act (pregnancy leave, parental leave, bereavement leave, compassionate care leave, family responsibility leave or jury duty);
- The employee is a farm worker, garment or textile worker, or domestic;
- The employee has significant language or comprehension difficulties; or
- The employee has already sent a letter to the employer attempting to resolve the issue.

Filing a Complaint

If an employee is unable to resolve a dispute by using the Kit, if an employer does not respond, or if an employee is not required to use the Kit, an employee may make a complaint to the Employment Standards Branch.

Continued ...



Employment standards complaints must be in writing and can be faxed, mailed, dropped off in person or submitted online. The complainant should provide any available evidence that relates to the complaint.

Dispute resolution

Although some matters are resolved through investigation, most are resolved through a process of education, mediation and/or adjudication.

Investigation

If a matter is referred to investigation, the investigating officer will gather information and evidence from both parties. The officer will put each party's position and evidence to the other party for a response. The officer will try to resolve the complaint informally, but if that is not possible, the officer will make a decision and issue a Determination.

Education

Employment Standards Branch staff will review the complaint and the evidence that has been provided. The Branch will contact the parties to gather more information and to explain the provisions of the Act. If the employer resolves the complaint at this point and pays any money owing, no further action will be taken and the file will be closed.

If the complaint is not resolved, it will be referred to mediation. Both parties will be asked to provide anything they think will be helpful to resolve the dispute, such as payroll information, records of hours worked and wages paid, and documentation of disciplinary actions.

Mediation

An officer of the Branch will conduct a mediation, which is an informal meeting between the employer and the employee. It will be held in person or by teleconference. (See *Employment Standards Mediation* factsheet)

If the parties resolve their dispute, the officer

conducting the mediation will help them draft a "Settlement Agreement" that both the complainant and the employer will sign. Once signed, the agreement is binding on the parties. If it is not honoured, it can be filed in Supreme Court and enforced as a judgment of the Court.

Even if mediation does not resolve the dispute, it may still help the parties clarify the issues, understand each other's point of view, and identify what facts are agreed upon and what issues remain in dispute.

Complaint Hearing (Adjudication)

If the complaint is not resolved through mediation, the Branch will schedule a complaint hearing to be conducted by an officer. If a hearing is scheduled, both parties will be required to attend along with any necessary witnesses. The hearing may be held in person or by teleconference (See *Complaint Hearings* factsheet.)

Determinations

If a matter is not resolved informally during an investigation, or at any time during the mediation/adjudication process up to the end of the complaint hearing, the officer conducting the hearing will issue a written decision called a Determination. If the Determination finds that money is owing to the complainant or that the employer has otherwise contravened the Act, it will order the employer to pay the amount owing, cease contravening the Act and pay one or more mandatory penalties.

If an employer does not pay the amount ordered, the Determination can be filed in Supreme Court and enforced as a judgment of the court. This may include turning the matter over to a Court Bailiff for collection.

Appeals

A Determination can be appealed to the Employment Standards Tribunal. More information on appeals is available on the Tribunal's website at www.bcest.bc.ca.

STARTING THE RELATIONSHIP - OBLIGATIONS OF THE EMPLOYER

A domestic worker is someone who is hired to live and work in a private home to provide cooking, cleaning, child care or other services.

If you are hiring (or have already hired) a domestic worker, you are an employer. You are responsible for providing a contract of employment for your employee.

You have the right to choose the domestic worker and set the terms and conditions of employment. You are also responsible for making sure those terms and conditions meet the minimum standards required under the British Columbia *Employment Standards Act* ("the Act").

A) Registration

The employer must register the domestic worker with the Employment Standards Branch Domestic Registry.

If you are planning to bring a domestic worker into Canada - either directly (by yourself) or indirectly (through an employment agency) - you will need to register your intent to hire a domestic worker with the Branch. You must provide the Branch with the name of the domestic worker within 30 days of hire.

Email to: SDL.ESBDomesticRegistry@gov.bc.ca

Or mail to:
Ministry of Labour
Employment Standards Branch Domestic Registry
1577 - 7th Ave, Prince George BC, V2L 3P5
Or Fax to: 1 866 861-8700

B) Employment contract

The Act requires the employer and the domestic worker to sign an employment contract (sometimes called an employment agreement) before work begins. The contract outlines the terms and conditions of employment, and must include:

- Duties the domestic worker will have to perform;
- Hours and days the domestic worker will have to work in a week;
- Wage rate - the minimum allowed is:
 - September 15, 2015 - \$10.45 per hour;
 - September 15, 2016 - \$10.85 per hour.

- Amount agreed to for monthly room and board if permitted by federal requirements;
- When wages will be paid (e.g. bi-weekly, or semi-monthly);

If a monthly or yearly salary is paid, it must at least equal minimum wage for all hours worked.

Example: To determine if a salary of \$1,850.00 a month for a 40-hour work week equals at least minimum wage, calculate as follows:

$$\begin{aligned} & \$1,850.00 \times 12 \text{ months} \div 52 \text{ weeks} \\ & = \$426.92/\text{week} \div 40 \text{ hours} \\ & = \$10.67/\text{hour} \end{aligned}$$

A monthly salary of \$1,811.33 equals minimum wage at \$10.45/hr for a 40 hour week, and a monthly salary of \$1,880.67 equals minimum wage at \$10.85/hr for a 40 hour week.

If a charge for room and board is permitted by federal requirements, the maximum amount is \$325 per month.

The contract may also cover other terms and conditions.

C) Hours of work

The employer has the right to set the domestic worker's work schedule. However, because domestic workers live in their employers' homes, the line between being "at work" and "not at work" is often unclear.

If the employer asks the domestic worker to baby-sit or perform other duties outside of the normal agreed-upon hours of work, that time is work and must be paid appropriately (at overtime rates if applicable).

Unless there is an emergency, domestic workers must have at least eight hours free from work between shifts and 32 consecutive hours free from work each week. Domestic workers can be required to work a split shift; however, the split shift must end no later than 12 hours after it starts.

The employer must keep a record of daily hours worked, even if the domestic worker is paid a salary instead of an hourly wage.

D) Paying wages

Domestics are entitled to overtime pay, statutory holiday pay and vacation pay.

Overtime pay is the extra rate of pay for time worked

over either eight hours in a day, or 40 hours in a week.

Daily overtime:

Hours over 8/day = 1.5 x regular wage
Hours over 12/day = 2 x regular wage

Weekly overtime:

Hours over 40/week = 1.5 x regular wage

When determining overtime, a week is seven consecutive days, starting on Sunday. Only the first eight hours in a day count toward weekly overtime.

Where the Branch has approved a variance or the domestic worker works under an averaging agreement, daily overtime may not have to be paid. (See factsheets: *Averaging Agreements* and *Variances*.)

The domestic worker may also store overtime in a time bank. (See factsheet: *Hours of Work and Overtime*.)

E) Payroll requirements

Employers must pay wages at least twice every month, within eight days after the end of a pay period. Wages can be paid by cash, cheque, money order or, with the employee's consent, by direct deposit to the employee's bank account.

On every pay day, the employer must provide a wage statement stating the hours worked, the wage rate, gross and net wages, deductions, and any overtime, statutory holiday or vacation pay paid. If there has been no change from the previous pay period, no wage statement need be provided.

If payment is made by cash, the employer should obtain a receipt.

Employers must keep payroll records including:

- Employee's name and date of birth;
- Date the employee started work;
- Wage rate;
- Hours worked on each day;
- Amount and type of benefits;
- Gross and net wages;
- Amount and purpose of each deduction;
- Dates statutory holidays were taken, and the amount of pay earned;
- Dates of annual vacation, and the amount of

vacation pay earned.

These records must be kept in English at the employer's residence for two years after the domestic worker's employment ends.

F) Deductions

A deduction is any amount of money taken by an employer from wages owed to an employee. The employee must give written authorization for all deductions other than income tax, Employment Insurance (EI) premiums and Canada Pension Plan (CPP) contributions.

Deductions must benefit the employee. Costs of doing business cannot be passed on to an employee.

G) Room and board

Room and board may be charged if permitted by federal requirements. The employer and domestic worker must agree on the amount charged for room and board, which cannot be more than \$325/month. If room and board will be deducted from the employee's pay, the employee must first agree in writing.

H) Holidays and vacation pay

There are ten statutory holidays in BC. An employee who has been employed for 30 calendar days, and has worked 15 of the 30 days preceding the holiday, is entitled to statutory holiday pay. (See factsheet: *Statutory Holidays*.)

I) Annual vacation

After working for one full year, a domestic worker is entitled to at least two weeks vacation. After completing five years of employment, the entitlement increases to three weeks. (See factsheet: *Annual Vacation*.)

After five days of employment, a domestic worker is entitled to 4% vacation pay. This increases to 6% after five years of employment. Any outstanding vacation pay must be paid when employment terminates.

The timing of the vacation is the employer's choice, but it must be at least one week long. A vacation does not include those occasions when the domestic worker goes with the employer on a trip, or stays behind to work in the residence.

J) Leaves

Domestic workers are entitled to unpaid leaves of

absence for any of the following reasons: pregnancy, parental, family responsibility, compassionate care, bereavement and jury duty. (See factsheet: *Leaves of absence*.)

K) Ending the employment relationship

After three consecutive months of employment, an employer must give compensation, written working notice or a combination of the two if terminating a domestic worker's employment. The amount required is:

- After three months – one week;
- After 12 months – two weeks;
- After three years – one week for each completed year of employment, to a maximum of eight weeks.

An employee who quits, or is fired, either with just cause (see factsheet: *Just cause*) or after working for less than three months, is not entitled to compensation for length of service.

The Act does not require a domestic worker to give her employer notice she is leaving employment.

If a domestic worker quits, the employer has six days to pay wages owing. If a domestic worker is fired, the employer has 48 hours to pay wages owing.

L) Filing a complaint

An employment standards complaint can be filed at any time during employment, but must be filed within six months after the last day of employment. Domestic workers are not required to use the Employment Standards Self-Help Kit.

FREQUENTLY ASKED QUESTIONS

Is the person I hire to care for my children a domestic worker?

Only if she or he is living in your home.

Are domestic workers and in-home caregivers the same?

Both are employees covered by the Employment Standards Act although they may not be exactly the same. "Domestic worker" is the term used by the provincial government. "In-home caregiver" is the term used by the federal government and includes immigration aspects that do not affect the employment standards entitlements discussed in this guide.

Can I pay wages in cash?

Yes, but you must show that wages have been paid by getting a signed receipt.

Can an employer ask the domestic worker to replace or pay for an item, such as a crystal vase that she broke?

An employer cannot deduct money from wages to pay for damage to the employer's property. This is considered a cost of doing business.

How can an employer keep track of the hours a domestic worker works when the employer is usually away from the home?

The Act requires that the employer have a written contract of employment that specifies the hours of work required. The employer can also have the domestic worker record hours worked on a timesheet.

If I want to bring my employee to B.C. from another country, would the same contract remain in effect in British Columbia?

Yes, but only if the contract complies with the Act.

If a domestic worker goes with us on vacation and we pay her travel, hotel and living expenses, do we still have to pay her wages?

Yes, if she is required to work during this vacation.

Can the employment agency that places a domestic worker charge that worker for its services?

No. Employment agencies are only allowed to charge the employer.

Is a domestic worker required to give notice to end the employment relationship?

No. The Act does not require employees to give notice.

Should an employee keep a record of time worked?

Yes. In the event of disagreements, it is helpful if employees have their own record of all hours worked.

RESOURCES

Questions about the *Employment Standards Act* can be answered by the Branch Information Line: 1 800 663-3316 or 250 612-4100 in Prince George, or in person at any Branch office. If you are making an inquiry, no personal information is required.

Branch publications, including *A Guide to the Employment Standards Act*, the factsheets mentioned in this brochure, and Branch forms are available at any Branch office, on request from the Information Line, or online at www.gov.bc.ca/EmploymentStandards

OTHER RESOURCES

WorkSafe BC - <http://www.worksafebc.com/>

Phone: 1 888 967-5377 or 604 231-8888

Workers' compensation is a compulsory workplace insurance plan paid for by employers. Any work-related illness or injury must be reported to WorkSafe BC.

Medical Services Plan - 604 683-7151 or

1 800 663-7100 [medical services plan](http://www.medicalservicesplan.ca/)

This agency provides medical insurance for persons residing in B.C.

BC Human Rights Tribunal - 604 775-2000 or 1 888

440-8844 <http://www.bchrt.bc.ca/>

Employers are required to provide a workplace free from sexual harassment and from discrimination because of race, religion, gender, colour, ancestry, place of origin, marital and family status, physical and mental disabilities, political belief, or a criminal conviction unrelated to work responsibilities.

Canada Revenue Agency –

<http://www.cra-arc.gc.ca/menu-e.html>

Employers are required to make the appropriate deductions from wages for income tax, Employment Insurance and Canada Pension Plan, and to send that money to Canada Revenue Agency. Domestic workers are entitled to a "T4" form by the end of February setting out their earnings in the previous year.

Employment Insurance – 1 800 622-6232

Domestic workers are entitled to a Record of Employment when the employment relationship ends.

Other Information – the Affiliation of Multicultural Societies and Service Agencies (AMSSA) of British Columbia is a coalition of more than 75 organizations providing multicultural and immigrant settlement services in the province. AMSSA has a list of agencies, and can be accessed by phone at 604 718-2780 or online at www.amssa.org.

Welcome BC puts out the *British Columbia Newcomer's Guide to Resources and Services*.

<https://www.welcomebc.ca/Start-Your-Life-in-B-C/Newcomers-Guides>

July 2016

A Guide to the Employment Standards Act

For Domestic Workers and their Employers



Employment Standards Branch

Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour

www.gov.bc.ca/EmploymentStandards



Employment Standards Branch

FACTSHEET

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Filing a Complaint

Before your complaint is accepted you must complete the [Self-Help Kit](#), which is available from any Employment Standards Office and on the web site (www.gov.bc.ca/EmploymentStandards). Using the Self-Help Kit **does not mean** a complaint has been filed or accepted by the Branch.

If, after trying the kit, you still need to file a complaint, it must be filed within the following time limits:

- Within six months of the problem taking place (if you still work for the same employer); or
- Within six months of the day your employment terminated (if you no longer work for the employer).

If you are **within 30 days** of the end of the six-month period, you should **file your complaint** with the Employment Standards Branch and **then use the Self-Help Kit** to resolve your problem.

Except under limited circumstances, the Employment Standards Branch will not accept complaints unless the Self-Help Kit has been used. For more information on exceptions, [follow this link](#).

A complaint must be made in writing and delivered to an office of the Employment Standards Branch. Where possible, any documents which may help with the investigation should be included with the complaint. There is no charge for filing a complaint.

You can file an Employment Standards complaint in one of several ways:

- You can fill out the [online complaint form](#); or
- You can print off the [printer-friendly form](#) from the website

(www.gov.bc.ca/EmploymentStandards), fill it out and mail or drop it off to the Employment Standards Branch nearest you; or

- You can fill out a hard copy of the form at an [Employment Standards Branch office](#) nearest you; or
- You can request a hard copy of the form by calling the Employment Standards Information Line at 1 800 663-3316 or 250 612-4100 in the Prince George area.

For more information about workplace rights and responsibilities and solving workplace problems please visit the [Self Help Information](#) available on the website (www.gov.bc.ca/EmploymentStandards). If you need more information or help filling out your complaint form, please [contact](#) the Employment Standards Branch.

When filing a complaint you may request in writing that your identity be kept confidential. The Branch will not disclose your identity unless the disclosure is necessary for a proceeding under the Act (including an investigation), or the Branch considers the disclosure to be in the public interest.

An employer must not refuse to employ or threaten to dismiss you, or intimidate, discriminate against or otherwise mistreat you for filing a complaint under the Act.

If you work under a collective agreement you should seek assistance from your union.



Employment
Standards Branch

For more information:

Phone: 1 800 663-3316

or 250-612-4100 in Prince George

Website: www.gov.bc.ca/EmploymentStandards

A Guide to the Employment Standards Act

The *Employment Standards Act* sets out the minimum standards that apply in most workplaces in British Columbia. The Employment Standards Branch administers the Act.

This Act applies to all non-union employees who fall under provincial jurisdiction, including temporary foreign workers.

This guide contains general information about Employment Standards in British Columbia. Alternate provisions apply to certain sectors including high technology, agriculture, taxis, trucking, log harvesting, silviculture and oil and gas. Individual factsheets are available to explain the differences that apply in these sectors.



www.gov.bc.ca/EmploymentStandards

Minimum Wage

The minimum wage in British Columbia is as follows:
September 15, 2015 - \$10.45 per hour
September 15, 2016 - \$10.85 per hour

Minimum wage applies to all employees regardless of how they are paid - hourly, salary, commission or other incentive basis. Salespersons on straight commission must be paid at least minimum wage for all hours worked in a pay period.

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 or gratuities they receive. The liquor server minimum wage is:

September 15, 2015 - \$9.20 per hour
September 15, 2016 - \$9.60 per hour.

Minimum Daily Pay

An employee who reports for work must be paid for at least two hours, even if the employee works less than two hours.

If an employee who is scheduled for more than eight hours reports for work, he or she must be paid for at least four hours.

If work stops for a reason completely beyond the employer's control, the employee must still be paid for two hours or the actual time worked, whichever is the greater.

An employee who reports to work but is unfit for work only has to be paid for time actually worked.

An employee who is not in compliance with WorkSafe BC occupational health and safety regulations only has to be paid for the time actually worked.

Meal Breaks

An employee must not work more than five hours in a row without a 30-minute 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.

Paydays and Payroll Records

All employees must be paid at least twice a month.

A pay period cannot be longer than 16 days.

All wages earned in a pay period must be paid within eight days after the end of the pay period.

Employees must receive a written or electronic pay statement (pay stub) each pay day that gives all details about hours worked, rate(s) of pay, earnings and deductions. Employers must keep payroll records for each employee for two years after employment ends.

An employee must be paid in full within 48 hours after the employer ends the employment, or within six days if the employee quits. This time is by the clock and the calendar – not business hours or business days.

Overtime

Daily overtime pay is time-and-a-half after eight hours worked in a day and double time after 12 hours worked in a day.

Weekly overtime is time-and-a-half after 40 hours worked in a week. Only the first eight hours worked in a day count towards weekly overtime.

Averaging Agreements

An employer and an employee can agree to average scheduled work hours over a period of one, two, three, four 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 have been added to an employee's 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 clothing that is easily identified with the employer; for example, clothing with a company logo or unique company colours.

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 can agree that the employer will reimburse employees for cleaning and maintaining the special clothing.

Personal safety equipment required by the Workers' Compensation Board 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 employer cannot deduct any of the employer's business costs from wages. This includes cash shortages, breakage, damage to company property or loss resulting from a customer leaving without paying.

Statutory Holidays

The ten statutory holidays in British Columbia are:

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

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

To qualify for statutory holiday pay employees 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.

An average day's pay is the total regular earnings divided by the number of *days worked* in the previous 30 calendar days.

Regular earnings include wages and vacation pay received for vacations taken, but does not include overtime pay.

Days worked includes all days where wages were earned as well as any days of annual vacation taken in the 30 calendar days before the statutory holiday.

Employers and a majority of employees can agree to substitute another day for a statutory holiday. The substitute day must be treated the same as a statutory holiday.

Employing Young People Under 15

Before employing anyone under 15 years of age, an employer must have written consent from the employee's parent or guardian. See the factsheet *Employment of Young People – A Resource Guide for Parents*.

If the employee is under 12, the employer must also have permission from the Director of Employment Standards.

See the factsheets *General Employment of Young People* and *Employment of Young People in the B.C. Entertainment Industry* for information on additional employment conditions for young employees. The Director of Employment Standards does not issue child employment permits for children employed in the entertainment industry.

Compensation for Length of Service (if no written notice of termination)

After three months of consecutive employment an employee may be eligible for compensation, written working notice, or a combination of the two as follows:

- After three months – one week;
- After 12 months – two weeks;
- After three years – one week for each completed year of employment, to a maximum of eight weeks.

No compensation is required when an employee quits, retires or is terminated for just cause. It is up to the employer to show termination was for just cause.

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

Annual Vacation

After completing one year of employment an employee is entitled to two weeks vacation. After five years, an employee is entitled to three weeks vacation.

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.

Vacation Pay

When an employee takes a vacation after completing one year of employment, vacation pay must be at least four per cent of the employee's total earnings from the previous year.

After five consecutive years of employment, vacation pay increases to six per cent.

A person who is employed for less than one year is not entitled to take a vacation, but must be paid four per cent vacation pay on termination of employment.

Vacation pay is not payable if a person is employed for five calendar days or less.

Leave From Work

Employers are required to provide the following unpaid leaves:

Pregnancy Leave: A pregnant employee can take up to 17 consecutive weeks of unpaid leave. This leave may be extended by up to six 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 take up to 35 consecutive weeks of unpaid leave. A birth mother who has not taken pregnancy leave is entitled to take up to 37 weeks of unpaid leave.

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

Birth parents should try to give their employers at least four weeks written notice of their intention to take parental leave.

Family responsibility Leave: An employee can take up to five days of unpaid leave in each 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.

Compassionate Care Leave: An employee can take up to eight weeks of unpaid leave within a 26 week period to care for a gravely ill family member. The employee must obtain a medical certificate which states that the family member is gravely ill with a significant risk of death within 26 weeks.

Bereavement Leave: An employee is entitled to take up to three 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 who is required to attend Court as a juror is considered to be on unpaid leave for the period of the jury duty.

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

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

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.

Collective Agreements

Collective agreements must meet certain minimum standards set out under the Act. This includes minimum wage, termination notice, leaves and group termination.

Some areas, such as overtime rates and statutory holidays can be negotiated outside the Act; however, if there is no provision in a collective agreement, the Act applies in these areas.

Any disputes about minimum standards under a collective agreement must be resolved through the grievance procedure.

Resolving Disputes

Employers and employees are encouraged to resolve disputes themselves. The Director of Employment Standards can refuse to investigate a complaint if an employee has not taken steps to resolve the problem with the employer. This includes using a Self-Help kit that is available online and at all Employment Standards offices.

If a dispute cannot be resolved using the Self-Help Kit, a complaint may be filed using complaint forms available at Employment Standards offices and online.

The Employment Standards Branch helps many employers and employees to resolve complaints informally. If that is not possible a decision is issued which includes mandatory administrative penalties.

Contacting the Employment Standards Branch

For general inquiries, contact the Employment Standards Branch Information Line at 1 800 663-3316 (toll-free in British Columbia), or 250 612-4100 from out of province or within the Prince George area.

Forms, factsheets and additional information are available online at: www.gov.bc.ca/EmploymentStandards/ .



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Minimum Wage

All employees in British Columbia are entitled to be paid minimum wage at the rates set out in this factsheet. Minimum wage rates in British Columbia are as follows:

General minimum wage

- September 15, 2015 – \$10.45 per hour;
- September 15, 2016 - \$10.85 per hour;

Liquor servers

- September 15, 2015 – \$9.20 per hour;
- September 15, 2016 - \$9.60 per hour.

Live-in home support workers

- September 15, 2015 – \$104.50 per day or part day worked;
- September 15, 2016 - \$108.50 per day or part day worked.

Live-in camp leaders

- September 15, 2015 – \$83.60 for each day or part day worked;
- September 15, 2016 - \$86.80 for each day or part day worked.

Resident Caretakers

- September 15, 2015 – for an apartment building containing 9 to 60 suites, \$627 per month plus \$25.13 for each suite; and for an apartment building containing more than 60 suites, \$2,135.71 per month;
- September 15 2016 – for an apartment building containing 9 to 60 suites, \$651 per month plus \$26.09 for each suite; and for an apartment building containing more than 60 suites, \$2,217.46 per month;

continued ...



Minimum Piece Rates - Hand Harvested Crops

The following piece rates include vacation pay (4 percent)

Crop	September 15, 2015	September 15, 2016
Apples	\$ 17.39/ bin (27.1 cu. ft.)	\$ 18.06/ bin (27.1 cu. ft.)
Apricots	\$ 20.00/ 1/2 bin (13.7 cu. ft.)	\$ 20.77/ 1/2 bin (13.7 cu. ft.)
Beans	\$ 0.239/ pound	\$ 0.248/ pound
Blueberries	\$ 0.404/ pound	\$ 0.419/ pound
Brussels sprouts	\$ 0.166/ pound	\$ 0.172/ pound
Cherries	\$ 0.228/ pound	\$ 0.237/ pound
Grapes	\$ 18.48/ 1/2 bin (13.7 cu. ft.)	\$ 19.19/ 1/2 bin (13.7 cu. ft.)
Mushrooms	\$ 0.240/ pound	\$ 0.249/ pound
Peaches	\$ 18.48/ 1/2 bin (12.6 cu. ft.)	\$ 19.19/ 1/2 bin (12.6 cu. ft.)
Pears	\$ 19.58/ bin (27.1 cu. ft.)	\$ 20.33/ bin (27.1 cu. ft.)
Peas	\$ 0.298/ pound	\$ 0.309/ pound
Prune plums	\$ 19.58/ 1/2 bin (13.7 cu. ft.)	\$ 20.33/ 1/2 bin (13.7 cu. ft.)
Raspberries	\$ 0.364/ pound	\$ 0.378/ pound
Strawberries	\$ 0.350/ pound	\$ 0.363/ pound
Daffodils**	\$0.140/ bunch (10 stems)	\$0.145/ bunch (10 stems)

**The rate for daffodils does not include vacation pay.