



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

Paying Wages

Paydays

All employees must be paid at least twice a month. All money earned in a pay period, including overtime and statutory holiday pay, must be paid within eight days after the end of the pay period, except annual vacation pay and wages credited to an employee's time bank. A pay period may not exceed 16 days.

Forms of payment

Wages must be paid in Canadian currency. Wages can be paid in cash, by cheque, bank draft or money order, or by direct deposit to an employee's bank account.

Payment by direct deposit must be authorized in writing by the employee or by a collective agreement.

Farm labour contractors must pay wages directly to an employee's bank account.

Wage statements

On paydays, an employer must give each employee a written wage statement for the pay period, which includes the following information:

- The employer's name and address;
- The hours worked by the employee;
- The employee's wage rate, whether hourly, salary, flat rate, piece rate, commission or other incentive basis;
- The employee's overtime rate(s);
- The hours worked at the overtime rate(s);

- Any money, allowance or other payment the employee is entitled to. (This would include vacation pay or statutory holiday pay);
- The amount and purpose of each deduction;
- If the employee is paid other than by the hour or by salary, how the wages were calculated;
- The employee's gross and net wages;
- Any amounts withdrawn from the employee's time bank and how much time remains.

A wage statement must be a document separate from an employee's pay cheque, so that it can be kept by the employee if desired.

If a wage statement would be the same as one given in a previous pay period, another need not be given until a change occurs.

Electronic wage statements

Wage statements can be provided electronically as long as the employer provides:

- Confidential access to the electronic wage statement at the workplace; and
- A means of making a paper copy of that wage statement.

Deductions

An employer can only deduct money required or permitted by the *Employment Standards Act*, or by another Act of either British Columbia or Canada.

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Examples of required deductions include income tax, Canada Pension Plan contributions and Employment Insurance premiums.

Any other deductions, such as union or professional dues, require the employee's written permission.

Damage, breakage or loss

An employee is not required to pay any of the employer's business costs, including damage, breakage or loss.

Wage deductions requested by employees

An employee may request in writing that the employer pay part of his or her wages to a third party. This is called an 'assignment' of wages. An employer must pay assigned wages to:

- A trade union under the *Labour Relations Code* (union dues);
- A charitable or other organization;
- A pension or superannuation plan;
- An insurance company for medical or dental coverage;
- A person to whom the employee is required to pay maintenance under the *Family Maintenance Enforcement Act*.

An employer must recognize an assignment of wages authorized by a collective agreement, and may recognize a written assignment by an employee to pay a debt. Assigned wages must be remitted within one month of being deducted.

To cancel an assignment, an employee must give notice in writing to both the employer and the person or organization being paid.

Employer payments to funds and insurers

An employer who agrees under an employment contract to pay an amount on behalf of an employee to a fund, insurer or other person must pay the amount in accordance with the agreement.

When employment ends

If an employer terminates the employment of an employee, the employer must pay the employee all outstanding wages within 48 hours.

If an employee quits or retires, the employer must pay all outstanding wages within six calendar days.

If an employee cannot be located, the employer must pay the wages to the Director of Employment Standards within 60 days after the wages become payable. The Director holds these wages in trust for the employee.



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Employment Standards Self-Help Kit

Employees who have an employment standards problem are required to try and resolve the problem directly with their employer by using the Employment Standards Self-Help Kit.

When an employee has completed the Self-Help Kit, he/she will send the employer:

- A standard letter from the Employment Standards Branch;
- Either a Request for Payment form or a Problem Description form;
- A factsheet on the Complaint Resolution Process.

The employee may also include additional information or evidence to help the employer understand the problem.

When an employer receives a Request for Payment or Problem Description form:

When an employer receives one of these forms it means an employee or former employee has used the Self-Help Kit and is attempting to correct a problem under the *Employment Standards Act*.

The employer is expected to:

- Review the information sent by the employee;
- Contact the employee to resolve the situation or pay money owing directly to the employee.

An employer can contact the Employment Standards Branch information line or website to obtain more information on the requirements of the Act and how to respond.

If an employer does not respond to the employee within 15 days, the employee may file a complaint with the Employment Standards Branch.

If an employer agrees with the request:

If an employer agrees with what the employee is asking for, the employer should pay the money directly to the employee or otherwise correct the problem.

If a payment is made, and deductions are taken for EI, CPP, income tax, etc., the employer must provide a written explanation of these deductions.

If an employer does not agree with the request:

If an employer does not agree with the employee's claim, the employer should respond in writing, explaining why.

If an employer believes the employee is owed less than he/she is asking for and the employer wants to pay this amount to the employee, the employer should send a cheque to the employee along with a written explanation.

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An employee who accepts a partial payment does not lose the right to file a complaint.

If an employee files a complaint:

If an employee files a complaint with the Employment Standards Branch the employer will be notified and advised what information is required.

The parties may be provided with an opportunity to resolve their dispute with the help of a Branch mediator.

If this is not successful, they may be required to attend a hearing so both sides can present evidence and provide witnesses.

In certain circumstances an investigation will be conducted.

If the matter is not resolved between the parties, a determination will be issued. The employer will be required to pay any outstanding wages along with a mandatory penalty for each contravention of the Act.

Circumstances where the Self-Help Kit is not required

The Self-Help kit is not required in certain circumstances, such as the following:

- The employee is under the age of 19;
- The employee alleges a contravention of a leave provision of the Act (pregnancy leave, parental leave, family responsibility leave, compassionate care leave, bereavement leave or jury duty);

- The employee has language or comprehension difficulties that would make the use of the Kit difficult;
- The employer may be insolvent;
- The landlord has locked the employer's doors;
- The employee is a farm worker, textile or garment worker or domestic;
- The employee has already sent a letter to the employer setting out the problem and requesting a resolution;

Time limits for filing a complaint

If an employee is still employed by an employer, a complaint must be filed within six months of an alleged contravention. If the employee is no longer employed, a complaint must be filed within six months of the last day of work.

If an employee is nearly out of time for filing a complaint before using the Self-Help Kit, he/she should file a complaint. The Branch will not act on the complaint until the employee advises that he/she used the Self-Help Kit and was not successful.

The date the employee filed the complaint is used to determine whether the complaint was filed within the time limit, even if the complaint was filed before the Self-Help Kit was used.



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Statutory Holidays in BC

BC Statutory Holidays: 2015 - 2018

	2015	2016	2017	2018
New Year's Day	Thursday January 1	Friday January 1	Sunday January 1	Monday January 1
Family Day	Monday February 9	Monday February 8	Monday February 13	Monday February 12
Good Friday	Friday April 3	Friday March 25	Friday April 14	Friday March 30
Victoria Day	Monday May 18	Monday May 23	Monday May 22	Monday May 21
Canada Day	Wednesday July 1	Friday July 1	Saturday July 1	Monday July 2
B.C. Day	Monday August 3	Monday August 1	Monday August 7	Monday August 6
Labour Day	Monday September 7	Monday September 5	Monday September 4	Monday September 3
Thanksgiving Day	Monday October 12	Monday October 10	Monday October 9	Monday October 8
Remembrance Day	Wednesday November 11	Friday November 11	Saturday November 11	Sunday November 11
Christmas Day	Friday December 25	Sunday December 25	Monday December 25	Tuesday December 25

Note: Canada Day is usually July 1st. If July 1st falls on Sunday, Monday July 2nd replaces July 1st as the statutory holiday.





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Temporary Foreign Workers

Temporary foreign workers are covered by the *Employment Standards Act* and Regulation. These provisions include overtime pay, statutory holidays and holiday pay, annual vacations and vacation pay, and minimum wage.

No charge for hiring

No one can charge a fee to a person to:

- help that person find a job; or
- provide information about prospective jobs.

A temporary foreign worker cannot be required to pay for immigration assistance as a condition of being placed in a job.

A temporary foreign worker cannot be required to post a bond or pay a deposit to ensure they will finish a work term or employment contract, or to pay a penalty if they do not.

A temporary foreign worker cannot be required to pay back any costs the employer paid to an employment agency or anyone else to recruit the worker.

Deductions from wages

An employer may only deduct wages as required by law (e.g. income tax, Canada Pension Plan contributions, Employment Insurance premiums, union dues).

An employer cannot require an employee to pay any portion of a business cost, including:

- costs of bringing a temporary foreign worker to Canada; or
- costs incurred due to theft, damage, breakage, poor quality of work, failure to pay by a customer, etc.

An employer may deduct advances and overpayments from wages if the employee gives written authorization.

Payment of wages

Wages must be paid in Canadian currency by cheque, draft, money order or direct deposit to an employee's bank account. An employer cannot provide goods or services in lieu of wages.

Employers must pay the wage rate specified on the Labour Market Opinion. If a lesser rate is paid, the difference is recoverable as wages.

If employment ends

An employer may terminate an employee upon giving the required notice or pay in lieu of notice.

An employer or an employment agency cannot force a temporary foreign worker to return to his or her country of origin if the employer terminates an employment contract before the work permit expires or if the temporary foreign worker finds a job with another employer. Only the Government of Canada has the legal authority to remove a person from Canada.

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An employer may not refuse to continue to employ a person who files an Employment Standards complaint, or otherwise discriminate against a person with respect to their employment.

Complaints

Temporary foreign workers with language difficulties are not required to use the Self-Help Kit before filing an Employment Standards complaint.
