



Employment Standards Act

An Introduction for Employees

Who is covered?

- Employees as defined in the Act;
- Must be covered by provincial jurisdiction;
- Unionized employees must use dispute resolution procedure set out in collective agreement;
- Certain occupations excluded from the Act.

Payment of Wages

- Wages must be paid for all work performed;
- “Work” includes training, staff meetings, travel time and on call work;
- At least minimum wage must be paid;
- Wages must be paid in Canadian currency;
- Payment may be made by direct deposit if authorized by the employee in writing;

Payment of Wages (cont'd)

- There must be at least two pay periods every month;
- Wages must be paid within eight days after the end of the pay period;
- If an employee is fired, final wages must be paid within 48 hours;
- If an employee quits, final wages must be paid within 6 days.

Wage Statements

Written wage statements must include:

- Employer's name and address;
- Employee's wage rate and hours worked;
- Overtime wage rate and number of overtime hours worked;
- Any money, allowance or other payment the employee is entitled to, i.e. vacation pay, statutory holiday pay, bonuses, etc.;

Wage Statements (cont'd)

- If the employee is paid other than by the hour or by salary, how the wages were calculated;
- Amount and purpose of each deduction;
- Employee's gross and net wages;
- How much money the employee has taken from his or her time bank and how much remains.

Minimum Wage

- **\$10.85** an hour - Regular Minimum Wage
Commissions, salaries and piece rates must be equivalent to minimum wage.
- **\$9.60** an hour - Liquor Server Minimum Wage
Primary duties to serve food or drink;
Serves liquor directly to customers as regular part of duties.
- Other minimums for resident caretakers, live-in home support workers, live-in camp leaders, and farm workers paid by piece rate.

At a new job...

- Keep a record of daily hours, copies of pays stubs and personal correspondence with employer;
- Understand employment-related rights and responsibilities including Human Rights, Employment Standards, EI, WorkSafe BC and income tax;
- Raise questions or concerns with your employer;
- Employer is entitled to expect that you: arrive on time, be productive, avoid unexplained absences, dress and act appropriately, follow the rules, avoid conflicts of interest and return company property.

Dispute Resolution Process

- Self-Help Kit;
- Filing a complaint;
- Mediation;
- Adjudication;
- Investigation;
- Determination;
- Appeals.

Self-Help Kit

The Self-Help Kit helps an employee to:

- Decide whether the *Employment Standards Act* applies;
- Assess whether an employer is contravening the Act;
- Calculate how much money is owed; and
- Make a written request to the employer to pay money owing.

If the employer agrees with the employee's request, money can be paid directly to the employee to resolve the matter.

Self-Help Kit not required

- Employer's business is closed;
- The matter involves a person under the age of 19;
- The employee is a farm worker, garment or textile worker, or a domestic;
- The employee has significant language difficulties;
- The complaint is related to a leave provision of the Act;
- The employee has already sent a letter to the employer attempting to resolve the issue.

Filing a Complaint

Complaint

- Must be in writing and delivered to an office of the Employment Standards Branch;
- May be submitted online, mailed, faxed or delivered in person;
- Must be delivered within six months of last day of work or, if still employed, within six months of contravention.

Wage recovery

- Wages can be recovered from the last six months of employment or, if still working, from six months before the complaint was filed.

Mediation

- Officer of the Branch conducts informal meeting between employer and employee;
- Takes place in person or by teleconference;
- If parties resolve dispute, officer drafts settlement agreement and file is closed;
- If agreement is not honoured it can be filed in court for collection;
- If dispute not resolved, proceeds to adjudication.

Adjudication

- If a complaint is not resolved at mediation, adjudication hearing is scheduled;
- Hearing may be held in person or by teleconference;
- Parties may give evidence, call witnesses and question the other party;
- Officer will issue written decision, which will include mandatory penalties if wages are found to be owing.

Investigation

- Some matters may be resolved by way of investigation;
- Officer will try to resolve the matter informally;
- If not possible, will issue written decision.

Determination

- If a matter cannot be resolved voluntarily, a written decision will be issued;
- Called a “determination”;
- If a determination finds an employer is not in compliance with the Act, it will contain mandatory penalties.

Appeals

- A party to a determination may appeal the determination to the Employment Standards Tribunal;
- EST is separate from the Employment Standards Branch;
- Appeal information is contained in the determination.

How to Contact the Branch

- Web site: www.labour.gov.bc.ca/esb
 - General information, policy interpretation, forms, factsheets, contact information
- Toll Free Info-line: 1-800-663-3316
 - General inquiries
- Branch offices (10 locations)
