



THE EMPLOYMENT STANDARDS ACT
(ESA)

*A Resource Guide for
Women in BC*



SOUTH FRASER WOMEN'S SERVICES SOCIETY

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This publication explains the law in general. It is not intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help. The information in this booklet is up-to-date as of March, 2004.

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The Employment Standards Act (ESA)

The Government of British Columbia created the **Employment Standards Act (ESA)** to help protect workers in the province. It does this by setting minimum standards for pay and working conditions. It requires a fair, legal agreement between employees and employers. If there is a problem, it gives the employee a useful way to identify and deal with possible violations of the law.

Women traditionally find jobs in farming, in the clothing industry, in restaurants and bars, in stores, as domestics or as home-care workers. All too often, the employers in these industries don't know or ignore the legal protections provided to their employees.

The **ESA** is meant to help women to meet their work and family responsibilities. The worker can do better for herself if she understands her rights.

www.qp.gov.bc.ca/statreg/stat/E/96113_01.htm

Part One: What The Employment Standards Act (ESA) Does for You

The **Employment Standards Act (ESA)** sets out the minimum workplace standards for employees in British Columbia. The **ESA** protects all workers – full-time, part-time or temporary. Every employee must receive:

- a minimum wage of \$8.00 per hour
- minimum daily pay
- a regular working day of no more than 8 hours
- a meal break
- paid vacation
- Statutory holidays

www.labour.gov.bc.ca/esb/esaguide/

Minimum Wage

It does not matter how you are paid – by the hour, as a salary, or on commission. You must receive at least the **minimum wage** of \$8.00 for every hour you work. Your employer cannot offer you gifts or bonuses instead of wages.

www.labour.gov.bc.ca/esb/facshts/min-wage.htm

If you work in a bar or restaurant, your employer is not allowed to count your tips as part of the minimum hourly pay you are supposed to receive.

www.labour.gov.bc.ca/esb/facshts/restaurant_emp.htm

Minimum Daily Pay

If you go to work but work is cancelled, you must receive pay for at least 2 hours at your regular rate. If you were scheduled for more than 8 work hours, you must be paid for at least 4.

www.labour.gov.bc.ca/esb/facshts/hours_of_work_and_overtime.htm

Workday

The regular **workday** is 8 hours. For each hour more, you must be paid overtime. The overtime rate is one-and-a half times your normal hourly pay. After 12 hours, you must be paid two times your hourly rate.

www.labour.gov.bc.ca/esb/facshts/hours_of_work_and_overtime.htm

Meals & Breaks

You cannot work more than 5 hours in a row without taking a 30 minute **meal break**. Your employer will not pay you for this time. But if you must be available or have to work through your lunch, you must be paid at your regular rate. Employers are not required to provide you with coffee breaks.

www.labour.gov.bc.ca/esb/facshts/hours_of_work_and_overtime.htm

Annual Vacation

After working for one year, every employee can take two weeks **vacation**. After five years, it is three weeks. For your

vacation time you must be given at least one full week at a time.

www.labour.gov.bc.ca/esb/facshts/annualfact.htm

Vacation Pay

All workers receive a percentage of their total earnings as **vacation pay**. For the first four years, your vacation pay will be 4% of your total earnings in the year. If you've worked five years or more, it is 6%. Some employers pay this amount by adding it on to your paycheque for each pay period. Others may choose to give it to you when you take your vacation.

If you leave your job, you must be paid any vacation pay you are owed within 6 days of leaving. If your employer terminates you, he must pay you your vacation pay within 48 hours.

www.labour.gov.bc.ca/esb/facshts/annualfact.htm

Statutory Holidays

In BC, employees get time off for official holidays. There are 9 in the year. The government publishes a list of all the dates for these **Statutory holidays**:

- New Year's Day
- Good Friday
- Victoria Day
- Canada Day

- British Columbia Day
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day

If you have been employed for at least 30 days and you have worked on at least 15 of the 30 days before the Statutory Holiday you are paid for that day. Even if it is your normal day off, you are still paid for it.

If you are asked to work on a Statutory Holiday, you must be paid more than for a regular day. For each hour, you will receive one-and-a-half times your regular wage. If you work longer than 12 hours, it is for two times your regular pay.

If you agree to take another day in exchange for that Statutory Holiday, your employer must still pay you for both days – the actual day you work and your day off.

www.labour.gov.bc.ca/esb/facshts/statutory_holidays.htm

Leaves

If you need to take time off work for a good reason, you are given a **leave**. This is unpaid time away from your job with your employer's permission. The employer must allow you to take a leave if your reason is one of those under the **ESA** regulations and you have given proper notice. Your leave will still be counted as part of your employment time, even though you won't be paid for it.

You cannot be fired or have your job changed without your permission just because you have become pregnant or taken a leave.

If you meet all the necessary conditions, you can take a leave for:

- pregnancy
- parental responsibility
- family responsibility
- bereavement and
- jury duty

www.labour.gov.bc.ca/esb/facshts/leave.htm

Pregnancy Leave

If you become pregnant, you can take up to 17 weeks of unpaid **pregnancy leave** for the birth of your baby. It is your choice how you want to take your pregnancy leave. It cannot start sooner than 11 weeks before your due date. It cannot go on longer than 17 weeks after delivery. You must give your employer 4 weeks written notice in order to take a pregnancy leave.

If you are unable to return to work immediately after the end of your pregnancy because of health reasons, you may ask for more leave, but a health certificate may be required.

www.labour.gov.bc.ca/esb/facshts/leave.htm

Parental Leave

One of the purposes of the **ESA** is to help a worker meet her family responsibilities. Every new mother – whether she's given birth to a baby or adopted a child – is entitled to 35 weeks of additional unpaid **parental leave**. If you do not take a pregnancy leave (e.g. for adoption) you can take up to 37 weeks in the year following the arrival of the child. You must give your employer at least 4 weeks notice in writing that you want to take a leave to look after your new child.

www.labour.gov.bc.ca/esb/facshts/leave.htm

Family Responsibility Leave

If you must take time off to look after a member of your immediate family – a child, spouse, sister or brother, parent or grandparent or someone living with you as part of your family – you can ask for up to five days of unpaid **family responsibility leave** in a year. It is not necessary to give written notice or to tell private or personal details when you are making the request. But a responsible employee will inform her employer as soon as possible and give a reasonable explanation for taking a leave.

www.labour.gov.bc.ca/esb/facshts/leave.htm

Bereavement Leave

If anyone within your immediate family dies, you may ask for up to three days of **bereavement leave**, whether or not you are going to attend a funeral.

www.labour.gov.bc.ca/esb/facshts/leave.htm

Jury Duty

If you're called to serve on a jury, the time that you are required to be in Court is considered a leave for **jury duty**.

www.labour.gov.bc.ca/esb/facshts/leave.htm

Questions and Answers (Q and A)

- Q.** Can I work through my annual vacation so I can get both my regular wage and my vacation pay?
- A.** *No. You must take your annual vacation as time off from work.*
- Q.** Do I still get paid if I have to miss work because of illness?
- A.** *No. The employer does not have to give a worker paid sick leave.*
- Q.** Can I take more work hours if my employer and I agree not to have overtime pay?
- A.** *An employer cannot ask you to accept less than the minimum standards for pay and hours. You cannot agree to ignore your rights. The **ESA** provides legal steps to follow if you and your employer need to change the rules temporarily.*

Part Two: When You're Hired

Everyone applying for a job in BC is protected by the **BC Human Rights Code** against personal discrimination. Discrimination is when someone refuses you a job or treats you differently just because of your race, colour, ancestry, where you're from, your age (if you're over 18 and under 65) your gender, any mental or physical disability, your sexual orientation, a previous criminal conviction, your political beliefs, religion, marital status or family status.

www.ag.gov.bc.ca/programs/hrc/

www.ag.gov.bc.ca/programs/hrc/publications/ProtectDiscrimination.pdf

The start of any job is the beginning of a legal relationship between you and your employer. Both of you now have rights and responsibilities.

You are entitled to know the complete details of the job you are being offered before you accept it. You cannot agree to work in a job that violates **ESA** minimum standards.

The employer must use **fair hiring practices**.

- No one may charge you a fee for giving you a job or helping you get one.
- The job will meet all the minimum standards of pay and working hours.

- All the working conditions must be described completely and accurately .
- The business practices are legal.
- No child under 15 years old can be hired without a parent's written permission; no child under 12 years of age can be hired without the written permission of the **Employment Standards Branch**.

Entry-level Workers

“**Entry-level**” has nothing to do with age, experience or skills. It is only for people who have never had paid work before November 15, 2001.

The minimum wage for an entry-level worker is \$6.00 per hour. After you have worked a total of 500 hours – whether it is all for one employer or it is for several different employers – you will now receive the regular minimum hourly rate of \$8.00.

www.labour.gov.bc.ca/esb/facshts/firstjob.htm

Employment Contracts for Domestics

If you work as a **domestic**, you must be given a written **employment contract**. A domestic is an employee who lives in a private home where she is hired to provide cooking, cleaning, childcare or other similar services. Your contract

must clearly say what duties you will have, your hours of work, your pay and how much you will be charged for room and board.

If you work different hours than the agreement says, you must be paid extra for these hours.

You cannot be charged more than \$325 per month for room and board.

All employees working in private homes must be registered with the **Employment Standards Branch**.

www.labour.gov.bc.ca/esb/facshts/domestic.htm

www.labour.gov.bc.ca/esb/domestics/

Farm Labour Contractors

Employees in farming operations may be hired by a **farm labour contractor**. Every farm labour contractor must be licensed under the **ESA**. A farm labour contractor is an employer whose workers are managed by someone else to plant, grow or harvest agricultural products.

www.labour.gov.bc.ca/esb/facshtsfarm_labour_contractors.htm

Questions and Answers (Q and A)

Q. The owner of the business says I am an independent contractor and do not work under the rules of the **Employment Standards Act**.

A. *You cannot be considered a contractor until you meet special requirements under the law. Your job must permit you to manage all your duties and time for yourself without any supervision. Otherwise, you are an employee and receive all the protections under the **ESA**.*

www.labour.gov.bc.ca/esb/facshts/employee.htm

Q. I am supposed to buy a uniform for my job. Can this be deducted from my paycheque?

A. *If you are required to wear special clothing or a uniform for your job, your employer must pay for it. Your employer must also pay for or give you an allowance for cleaning it. These costs cannot be deducted from your pay. Your employer may require you to wear certain regular clothes, like a white shirt and black pants, without it being considered a uniform.*

www.labour.gov.bc.ca/esb/facshts/restaurant_emp.htm

Q. I was offered a job that will be just for a few months. Do I receive the same minimums as anyone else?

A. *Yes. The only difference is that your employer is not required to give you a written termination notice if you are told the job is for less than 1 year when it is offered to you.*

Part Three: Your Wages and Work Hours

You can be paid by the hour, receive a weekly salary or earn a commission. No matter how you are paid, you must receive at least a **minimum wage** of \$8.00 for every hour you work. Whatever way your employer uses to figure out your pay, the total you receive must be no less than the minimum wage multiplied by all the hours you have worked.

Once you work more than 8 hours in one day, you are paid overtime.

Your employer cannot cancel your work hours without notice. If you are scheduled for work and show up at your workplace ready to work, you must be paid for your time.

The employer cannot violate these workplace standards.

The **ESA** regulations tell every employer the necessary standards in wages and work hours for all businesses. These are rules to protect you for each part of your job.

- piece-rates
- overtime
- averaging agreements
- work schedules
- wage statements
- pay periods
- deductions
- variances

Piece-rates

Some workers are paid by the amount of a product they produce. This is called a **piece-rate**.

Farm workers who harvest crops by hand must be paid a minimum piece-rate. These piece-rates must be posted for all employees. It shows the measured amount of each kind of crop and the price paid for that specific amount.

www.labour.gov.bc.ca/esb/facshts/farm_worker.htm

Overtime

Overtime is paid when you work more than a regular day. Your employer cannot ask you to work less on another day to make up for the extra time unless you have signed and agreed to an averaging agreement.

www.labour.gov.bc.ca/esb/facshts/hours_of_work_and_overtime.htm



Averaging Agreements

An **Averaging Agreement** is a special arrangement that allows you to work your hours over a different time schedule. It is used to allow an employee to work longer than the 8-hour regular day without receiving overtime pay. It is a temporary agreement between you and your employer and must be carried out under strict **ESA** rules.

An agreement between you and your employer:

- must be in writing
- both of you have to sign it and keep a copy
- it has a beginning date and an end date
- it cannot be for more than 4 weeks
- it shows your specific work schedule for each day
- if it is for one week, your work hours cannot total more than 40; if the agreement is for more than one week, your work hours must average out to no more than 40 per week for the whole period of the agreement
- the employer must say how many times this agreement may be repeated
- if you work more than 12 hours in any one day, you are still paid overtime for those hours at two times your normal hourly pay

www.labour.gov.bc.ca/esb/facshts/averaging_agreements.htm

Work Schedules

The **ESA** sets out certain limits on the way your employer can schedule your work hours. The **ESA** standards describes requirements for the following:

- turn-around
- split shifts
- hours free from work

Turn-around is the amount of time between the end of one work period and the beginning of the next one. Workers must have at least 8 hours between each shift.

A **split shift** is a regular day of paid work spread across more than 8 hours. Split shifts must be completed within 12 hours.

An employee must receive at least 32 hours in a row free from work once a week. If she works during this time, she is paid one-and-a-half times her regular hourly rate.

www.labour.gov.bc.ca/esb/facshts/hours_of_work_and_overtime.htm

Wage Statements

With each paycheque, the employer must give you a written **wage statement**.

The statement must contain:

- your employer's name and address
- the number of hours you worked

- your wage rate (hourly, salary, piece-rate)
- your overtime rate(s)
- how many overtime hours you received
- how much vacation pay you are receiving in that cheque
- Statutory Holiday pay
- every deduction that your employer has taken
- your gross total pay and how much net was left after deductions

www.labour.gov.bc.ca/esb/facshts/records.htm

Pay Periods

All employees must be paid at least twice a month. No 1 **pay period** can be longer than 16 days. You must receive all the money you are owed for that pay period, including overtime and Statutory Holiday pay, within 8 days of the end of your pay period.

You must be paid in Canadian currency. Your employer can pay you in cash, by cheque, bank draft or money order, or by direct deposit to your bank account.

If you work as a farm labourer, your employer must pay your wages directly into your bank account.

www.labour.gov.bc.ca/esb/facshts/paying_wages.htm

Deductions

Your employer is required to take **deductions** from your pay for:

- income tax
- Employment Insurance
- Canada Pension Plan

Any other deductions – union dues, donations to charity, medical and dental insurance coverage, or child support payments – must have your written permission.

You cannot be charged for loss, for breakage, or if a customer has left without paying. These are considered costs of business and are your employer's responsibility.

www.labour.gov.bc.ca/esb/facshts/paying_wages.htm

Variations

A **variance** means your employer can change the way some of the **ESA** rules are used in your workplace for a short period of time. Most of the workers must have agreed to the change. The employer must prove that the employees gain something when asking permission for this arrangement. Permission is given only by the government.

www.labour.gov.bc.ca/esb/facshts/variances.htm

Part Four: Your Working Conditions

Every employee is entitled to a safe environment, fair treatment and a legal process to deal with her workplace concerns.

The **ESA** requires that all employees have:

- freedom from discrimination and harrassment
- safe working conditions
- access to their employment records
- proper termination notice and payment

Worker's Compensation Board

The **Worker's Compensation Board (WCB)** helps employees and employers create a safe and healthy workplace. It helps train employers in the best way to protect their workers from injuries or accidents. It sets out standards for the safe daily operation of businesses. It tells employees how to maintain their health and safety in the work they do,

Employees who feel that their work environment is unsafe can ask the WCB to investigate the problem.

<http://www.labour.gov.bc.ca/esb/safety.htm>

http://www.worksafebc.com/for_workers/default.asp

Collective Agreements

Workers in trade unions work under **collective agreements**. These are long-term contracts between employers and their

workers. They must provide the same basic protections for workers in minimum wage, leaves, and termination notice and payment. Other working conditions may be different. You may ask to see the contract.

www.labour.gov.bc.ca/esb/facshts/collagr.htm

Termination (End of Employment)

Your employer must follow strict rules when ending your employment. If you are fired, you must receive proper notice and all pay owed to you. If your employer does not give you written notice, you are entitled to compensation.

- After 3 months of employment, you will get one week's pay.
- After 1 year, you will get two week's pay.
- After 3 years, you get three weeks' pay, plus one week's pay for each additional year of employment, to a maximum of 8 weeks.
- Your employer cannot give you notice while you are on holiday, taking a vacation or leave, or while you are away for medical reasons.
- A temporary layoff does not require notice or payment. If you are laid off for more than a total of 13 weeks in any period of 20 weeks, it is considered termination without the proper notice. Your employer must pay you payment.

www.labour.gov.bc.ca/esb/facshts/termination.htm

www.labour.gov.bc.ca/esb/facshts/justcaus.htm

Part Five: Special Workers/Special Rules

Certain industries have other regulations. Employees working in various kinds of farming operations or in private homes are protected by special rules under the **ESA**.

- farm labourers
- domestics
- live-in caregivers

Farm Labourers/Farm Workers

A **farm labourer** is defined under the **ESA** as a person employed in a farming, ranching, orchard or agricultural operation doing any of the following:

- planting, cultivating or harvesting a crop
- clearing, draining or cultivating land
- operating or using farm machinery
- selling fruit and vegetables at the property during harvest
- washing, cleaning, sorting, grading or packing of the fruit or vegetables produced by the operation or purchased from another similar operation during the normal harvest cycle for that product
- growing, raising, keeping, cultivating or slaughtering animals

Farm workers are covered by most sections of the **ESA**. There are some special rules:

- Farm workers who harvest crops by hand must be paid a minimum piece rate for each crop. These piece-rates must be posted for all employees. It shows the amount that must be picked and the price paid for that amount.
- Hourly and salaried farm workers must be paid all wages within eight days of the end of the pay period.
- Piece-rate harvesters may be paid at least 80 percent of total estimated wages owing at the middle of each month. All remaining wages must be paid within eight days of the end of the month.
- Licensed Farm Labour Contractors must pay wages directly to the employee's bank account. A farm labour contractor must be licensed under the **ESA**.
- Farm workers are not entitled to overtime pay. However, a farm worker must not work so excessive hours detrimental to the employee's health or safety.
- Vacation pay for piece-rate harvesters is included in the piece-rates that must be posted.
- Farm workers who are paid a salary or hourly wage instead of a piece-rate have the same standard minimums for vacation time and vacation pay as any other employee under the **ESA** regulations.
- Farm workers do not receive paid statutory holidays.

www.labour.gov.bc.ca/esb/facshts/farm_worker.htm

Domestic Workers

Employees who work as domestics receive all the same rights and benefits under the **ESA** as any other employee. These benefits include overtime pay, Statutory Holidays and holiday pay, annual vacations and vacation pay, and a minimum wage of no less than \$8.00 per hour.

Your employer must register you as an employee with the **Employment Standards Branch**. The registration includes your name and your employer's name, address and telephone number. This must be done within 30 days of you starting work.

Every 6 months, your employer must notify the **Employment Standards Branch** if there have been any changes in your working or living conditions.

www.labour.gov.bc.ca/esb/domestics/

www.labour.gov.bc.ca/esb/domestics/domestics_broch_web03.pdf

Foreign Live-in Domestics and Caregivers

There are special government guidelines for people who are hired from other countries to work as **live-in Domestics** or **live-in Caregivers** and are not yet citizens or landed immigrants. These are rules set out under **Human Resources and Skills Development (HRSD)**.

You must:

- work in a private home
- live with the employer
- have a private, furnished room within the home
- be employed for 40 hours per week
- meet Citizenship and Immigration Canada's requirements for necessary language, education and work skills

You cannot:

- work for more than one employer at a time
- work for a health agency, labour contractor, a day-care or foster-care facility

www.hrdc-drhc.gc.ca/hrib/lmd-dmt/fw-te/common/lcpBC.shtml

Live-in Home Care Workers

A live-in home care worker stays in someone's home to look after someone who is ill or disabled. She is not charged room and board. **She is hired by an agency or service** that provides home support care through a government-funded program.

Care Facility Workers

An employee who works and lives in a residential care facility or group home must receive no less than \$80.00 for each day or part of a day worked.

Part Six: Helping To Solve Your Problem

There are certain steps you can take to find a solution if you think you are being treated unfairly. The **ESA** provides guidelines to help you.

www.labour.gov.bc.ca/esb/facshts/complaint_resolution.htm

Filing a complaint is a legal process. Your responsibility is to be as clear as possible when you describe your problem. If an **ESA** rule has been broken, there is a process to follow.

Begin by getting information from the **Employment Standards Branch**.

www.labour.gov.bc.ca/esb/branch.htm

Under the **ESA**, there are time limits – you must be prepared to file your complaint no later than 6 months after the problem takes place. The **Employment Standards Branch** office will give you materials to help guide you through it.

- Factsheets
- A Self-Help Kit

www.labour.gov.bc.ca/esb/self-help/

Factsheets

The **Ministry of Skills Development and Labour** has various **Factsheets** which describe the **ESA** rules for your situation

This will give you the proper information you need to know about a regulation.

If you think that a rule has been broken, you may decide to speak to your employer in person before you begin to involve the government. With the right **Factsheet**, you can describe the problem correctly and show your employer how the regulation is supposed to work. You may be able to discuss it together and find a good solution.

It also lets your employer know that you understand your rights.

www.labour.gov.bc.ca/esb/facshts/welcome.htm

The Self-Help Kit

If you know an **ESA** regulation has been violated and your employer is not willing to discuss it with you, you ask the **Employment Standards Branch** for a **Self-Help Kit**.

The kit will give you a list of possible violations of the **ESA**. If your problem is one of those on the list, you can continue.

It will help you to describe your problem to your employer:

- If your problem is about pay, you will be required to add up everything you believe you are owed. You will complete a **Request for Payment Form** to send to your employer.

- If your concern is about something other than wages, you will complete a **Problem Description Form** to send to your employer.

With either of these forms, you will include:

- the **Factsheet** you used to correctly describe the problem
- the letter provided for you in the Self-Help Kit called **Information Notice to the Employer from the Employment Standards Branch**
- the Factsheet called the **Complaint Resolution Process** included in your Self-Help Kit

Keep copies of each form and letter you have sent to your employer and any replies you receive back.

www.labour.gov.bc.ca/esb/self-help/self_help_kit.pdf

www.labour.gov.bc.ca/esb/self-help/sh-start.htm

Filing a Complaint

Your employer has 15 days to respond to your complaint. If you do not get an answer or you and your employer cannot agree on a solution, you will complete a **Complaint and Information Form**. It is available from the **Employment Standards Branch**.

Send this form, along with a copy of the the forms and letters you have already sent to your employer and any reply you received, to the **Employment Standards Branch**.

Collect all your work records, which may include pay slips, time sheets, schedules, termination notice and anything else that will help support your claim.

www.labour.gov.bc.ca/esb/facshts/complaint.htm

The government will look at your complaint and decide that it meets all the requirements for further investigation if:

- it is a violation of the **ESA** regulations
- it has been filed within 6 months of the problem taking place
- there is proof of the violation
- you have contacted your employer to try to find a solution
- the complaint is not already being investigated by a court or another appointed official

Employment Standards Mediation

If the Employment Standards Branch accepts your complaint, the first step is **mediation**. A neutral mediator is someone who will bring you and your employer together to try to help you resolve the problem. The mediator will look at all the facts, listen fairly to both sides and help guide you towards a fair solution within the law.

If mediation is successful, you and your employer will sign a **Settlement Agreement**.

If mediation is not successful, the mediator will help you prepare a **Statement of Facts** that can be used in making a judgement at an **Adjudication Hearing**.

www.labour.gov.bc.ca/esb/facshts/mediation.htm

Employment Standards Adjudication Hearing

If you or your employer cannot agree on a solution, the **Employment Standards Branch** will send a **Notice of Hearing** to both you and your employer. You have the right to be at the hearing and the right to have a lawyer represent you. You may have witnesses appear to help you prove your case.

All the materials necessary for the hearing will be prepared and handed in before the hearing. The **Branch Adjudicator** will state what part of the **Employment Standards Act** has been violated, examine all the documents you and your employer have submitted and speak to any witnesses.

Both you and your employer have the right to speak and to respond to the facts and statements presented in the hearing.

The Branch Adjudicator will make a decision called a **Determination**. This is a legal agreement which may be enforced in court.

www.labour.gov.bc.ca/esb/facshts/hearings.htm

Questions and Answers (Q and A)

Q. If I make a complaint, will my employer know it was me?

A. *The **Employment Standards Branch** will try to keep your identity confidential if you ask for this in writing. However, the Branch may have to reveal who has filed the complaint in order to investigate it properly.*

Q. Can I be fired by my employer for making a complaint to the Employment Standards Branch?

A. *No. You cannot be fired or have the conditions of your job changed because you've made a complaint. Your employer may not threaten you in any personal way, withdraw your pay, or take away your position.*

Q. If my employer still won't pay me how do I get what I am owed?

A. *The final decision made by the **Adjudicator** for the **Employment Standards Branch** is a legal determination. This means that your employer can be forced to pay what you are owed by a court.*



For general inquiries, contact the **Employment Standards Branch information Line** at:

Toll-free in British Columbia: **1 800 663-3316**

In the Prince George area: **250 612-4100**

Additional Resources

Employment Standards Act

The **Employment Standards Act** is the complete legal text of all the basic provincial rules for employment practices in BC. This is the document which sets out all standards and how they are used. This is the law for fair labour practices in the province.

Employment Standards Regulations

The **Employment Standards Regulations** provide specific details for the general laws set out in the Employment Standards Act.

www.qp.gov.bc.ca/statreg/stat/E/96113_01.htm

A Guide to the Employment Standards Act

This is a general summary of most of the rules and regulations contained in the Employment Standards Act.

www.labour.gov.bc.ca/esb/esaguide/

Worker's Compensation Board (WCB)

For **workplace safety and health** inquiries call **604 276-3100** in the Lower Mainland or toll-free within BC at **1 888 621-7233**.

www.worksafebc.com

Dept. of Human Resources & Skills Development (HRSD)

For general information call **604 775-6181** in the Lower Mainland or toll-free within BC at **1 800 206-7218**.

www.hrdc-drhc.gc.ca



Glossary

- annually:** something that happens every year
- charity:** a group other than the government to help the needy
- contractor:** an independent person hired to perform a service for a fee; not an employee
- cultivate:** to take care of and help grow, like crops or produce
- deduction:** amount of money subtracted from pay for tax, pension, etc.
- gender:** whether someone is a female or male
- gratuity:** an extra amount paid by a customer or client for good service; not part of your regular pay; a tip
- harassment:** abuse or repeated insults against someone because of a personal characteristic like gender or race
- jury:** a group of people gathered together in a courtroom to decide legal issues
- lay off:** to end employment for a short time; not termination or firing
- marital status:** whether someone is single, divorced, widowed, living common-law or married
- mediation:** a discussion to help find a fair solution

- negotiate:** to discuss and decide on a fair agreement
- net pay:** the money you have left in your pay after all legal deductions have been subtracted, e.g. income tax, Employment Insurance, Canada Pension Plan, union dues, etc.
- neutral:** someone not being for one side or the other in a discussion
- regulation:** the detailed description of the way a law is to be used
- slaughter:** to kill animals for food
- termination:** the official end of employment
- violation:** breaking a law

