



NEW WORKER GUIDE

The Little Donut Bakery understands that a new job can be overwhelming. New workers with little or no experience may not be aware of employment rules, rights and responsibilities. To make things worse, some employers themselves do not always know the rules. This can lead to honest misunderstandings and worse.

We want to ensure our new workers are fully informed and understand how to succeed in the workplace. This quick guide will explain the rights and responsibilities of both workers and their employers; what kind of employment rules apply; how to understand their wages and deductions; advice to protect workers' interests; and where to find more information.

Employee's Legal Rights & Responsibilities

- You have the right to be informed of workplace hazards and to refuse unsafe work, and to report unsafe conditions to authorities IF the employer has been informed of the situation and does not address it.
- You have the right to be paid and scheduled in accordance with employment standards (see provincial fact sheet below). This includes hours of rest/days off and overtime. Take note that some standards do not apply until you have worked for an employer continuously for one year.
- You must do the work assigned to you in a safe manner according to your training that does not harm or pose a risk to yourself or others. You cannot perform work or handle items that you have not been trained for.
- You must be respectful of others and not engage in any kind of illegal activity or horseplay, bullying, harassment or violence.
- You must obey your employer's rules and be fit for work at all times (for example, you cannot come to work sick or under the influence of drugs or alcohol).

Employer's Rights & Responsibilities

- Your employer has the responsibility to train you properly for the work assigned to you, not assign you work you are not trained for, and to provide you with as safe a workplace as reasonably possible. This includes a duty to inform you of emergency procedures and any potential hazards or risks at work.
- For up to 90 days, you are a probationary worker under law and your employer has the right to terminate you without cause.
- Employers have the right to include other rules of conduct in their employment contract with you. Often the employer uses these rules to protect their business interests, including their property, equipment, knowledge, trade secrets, staff retention, and image branding. You may be required to agree to a "non-disclosure" clause that requires you to keep anything you learn or observe about the company to yourself.

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Employer Rights & Responsibilities (continued from previous page)

- Employers also have a right to defend their company's image and reputation in social media. You may not have the right to post images or other content of or in reference to your employer's property, equipment, workplaces, branding, logos, or other aspects of their business without their permission and should not do so without permission.
- Also bear in mind that employer conduct rules may also impact your own social media use. Some employers monitor personal pages and accounts to ensure you are not violating disclosure rules, or using their company image without permission. Other employers may go further and monitor personal content if their rules of conduct allow them to do so. Free speech rights do not apply to private companies, so your employer may have the right to terminate you for social media content even if it is not directly related to the employer.

Wages & Compensation

- Your employer must pay you within a certain amount of time, in a legal currency, and provide you with a pay statement that includes your hours worked, rate of pay, the pay period, applicable deductions, and their payroll information. The employer chooses the method of payment but must document it. We do not recommend using apps like Venmo or cryptocurrencies.
- You must provide your employer with your SIN (Social Insurance Number, available from Service Canada) and valid contact information (such as mailing address, email, banking information) so they can pay you by cheque or money transfer.
- You are entitled to receive legal minimum wage, or any rate agreed by you and the employer in writing. Written agreements will usually outweigh verbal ones. Bonuses and wage premiums may be at your employer's discretion and subject to conditions. You are not entitled to keep cash tips from customers unless your employer allows it.
 - What is minimum wage?
 - Alberta: \$15.00 per hour, \$13.00 for students under 18 when not in school
 - Saskatchewan: \$11.81 per hour (\$13.00 per hour as of October 1 2022)
 - BC: \$15.65 per hour (as of June 1 2022)
- Your employer cannot charge you for business costs, uniforms, damaged or stolen property, or deduct till shortages from your wages. However, employers may still take legal action or press charges for theft or other illegal activity.
- Your employer must apply tax, CPP and EI to your wages whenever you work more than 7 days for a single employer. If you are under 18, you will not have CPP deducted.
- Your employer will send you a T4 by mail or email by February 28 of the following year so you can file a tax return. You will NOT receive a T4 and do not need to file a tax return if your pay statement does not include any tax, CPP or EI deductions.
- Generally, you are not entitled to be paid for your commuting time or costs (such as transit, parking, or vehicle costs), unless asked to purchase or transport an item or another worker.
- Always keep your own record of your hours worked – if you think your employer made an error, you can approach them with your copy to compare to their records. Also, keep your T4s and pay statements for 6 years for tax purposes and obtaining loans. Only the CRA will contact you if there is a tax issue, and they will only contact you by mail.

Who Should I Contact?

- Various government departments handle different wage and employment issues. Below are the main agencies and responsibilities:
- **Service Canada** is responsible for Social Insurance Numbers (SINs) and Records of Employment (ROEs) for making EI (Employment Insurance) claims;
- **Canada Revenue Agency (CRA)** is responsible for income tax and payroll deductions (CPP Canada Pension Plan and EI), and receives your T4 and tax return;
- **Employment Standards** are departments within a province's Labour or Employment ministry. They determine the regulations around minimum wages, rates of pay, vacation time, paid leave, hours of rest, statutory holidays, rules around young workers, and specific industries.
 - **In Alberta:** Alberta Labour & Immigration
 - <https://www.alberta.ca/labour-and-immigration.aspx>
 - **In Saskatchewan:** Saskatchewan Labour Relations & Workplace Safety
 - <https://www.saskatchewan.ca/government/government-structure/ministries/labour-relations-and-workplace-safety>
 - **In BC:** BC Ministry of Labour
 - <https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/labour>
- **Occupational Health & Safety (OHS)** departments are usually within a province's Labour ministry or Workers Compensation Board. OHS determines the regulations and codes employers and workers must follow regarding workplace safety, training, hazard assessment and controls, emergency procedures, and workers' rights to a safe work place. OHS also determine rules for young workers.
 - **In Alberta:** Alberta Labour & Immigration – Occupational Health & Safety
 - <https://www.alberta.ca/occupational-health-safety.aspx>
 - **In Saskatchewan:** SK Labour Relations & Workplace Safety - OHS
 - <https://www.saskatchewan.ca/business/safety-in-the-workplace>
 - **In BC:** BC Ministry of Labour – Occupational Health & Safety
 - <https://www2.gov.bc.ca/gov/content/employment-business/employers/employers-advisers-office/ohs>
- **Workers' Compensation Board** is a provincial agency that is usually a public insurance agency related to OHS but independent from the government ministry. WCB is intended to assist workers who are injured on the job and need to make a claim for lost income and/or medical expenses.
 - **In Alberta:** Worker's Compensation Board of Alberta
 - <https://www.wcb.ab.ca/>
 - **In Saskatchewan:** Saskatchewan WCB / Office of the Worker's Advocate
 - <https://www.saskatchewan.ca/business/safety-in-the-workplace/assistance-for-wcb-claims-and-appeals>
 - **In BC:** Worksafe BC
 - <https://www.worksafebc.com/>

Other Tips – How Can I Stand Out and Succeed as a Worker?

- Start – and finish – with details. Make sure your application, resume, and other documents are error-proof and use proper grammar, punctuation and spelling. On the job, look over everything you do.
- Keep your public profile positive, “clean” and interesting. Keep not-so-nice things to yourself. Potential employers will judge the kind of character you are and what kind of fit you’d be with their team this way.
- Ask questions and show curiosity about your job and the business generally – you’ll learn a wealth of knowledge and will have a better understanding of your own career path.
- Be honest. If you try to fake skills or experience, your supervisors will know it and you could potentially put others at risk.
- Own your mistakes – and it’s okay to make them. No one needs to be perfect all the time – just admit it happened, apologize, ask how you can avoid it in the future if you don’t know, and make sure you don’t do it again.
- Be indispensable – observe your workplace and see what isn’t being done or could be done better, and figure out how you might fill that gap. If you see something that could be improved or have a helpful idea, bring it up with your supervisor.
- Show up in person as much as you can, be personable and able to make conversation – this will leave a much more lasting impression than an email, video chat or text.
- Never burn a bridge – it’s a small world and you never know who you might end up working with – or for – in the future.
- Understand that most jobs aren’t going to be 100% fun and exciting. It’s “work” for a reason – great jobs will have plenty of negatives, and no matter what job you have, there are things you can find to enjoy about it. This will make you a better worker through a company’s ups and downs, and more resilient and able to cope with life’s challenges generally.

Feel free to ask for help – mentorship is key to long-term success and most people are happy to help if you have a question or want to know more about something. Reach out to us if you ever have any questions or need advice.

The law in B.C. sets standards for payment, compensation and working conditions in most workplaces. For more information, please contact the Employment Standards Branch:

Toll free: 1-833-236-3700 | gov.bc.ca/employmentstandards

MINIMUM WAGE

Employees must be paid at least minimum wage regardless of:

- How they are paid – hourly, salary, commission or other incentive basis
- Their status – full time, part-time, temporary or permanent

The minimum wage in B.C. as of June 1, 2021 is \$15.20 per hour.

Other employee groups like live-in home support workers, resident caretakers and certain farm workers have different wage rates. Check the Employment Standards Regulation for more info.

TIPS AND GRATUITIES

Employers can collect tips and distribute them to all employees who shared in earning them. Employers cannot withhold tips or force employees to give their tips to them unless they're required to do so by law (e.g. a court order to garnish wages).

Employers can only take a share of tips if they regularly do the same or similar work as the employees who share tips.

MINIMUM DAILY PAY

An employee who reports for work must be paid for at least 2 hours, even if they work less than 2 hours. If the employee is scheduled for more than 8 hours, they must be paid for at least 4 hours.

If work stops for a reason beyond the employer's control, the employee must be paid their minimum daily pay or the actual time worked, whichever is longer.

An employee is only paid for time actually worked if:

- They are unfit to work
- They do not meet WorkSafeBC health and safety regulations

MEAL BREAKS

A 30-minute unpaid meal break must be provided when an employee works more than 5 hours in a row. Employers are not required to provide coffee breaks.

An employee must be paid for the meal break if they're required to work (or be available to work) during their meal break.

PAYDAYS AND PAYROLL RECORDS

Employees must be paid at least twice per month. Pay periods cannot be longer than 16 days.

All wages earned, including overtime and statutory holiday pay, must be paid within 8 days after the end of the pay period.

Employers must provide a pay stub (wage statement) every payday. It should include:

- The employer's name and address
- The hours worked by the employee
- The employee's wage rate and how the wages were calculated (e.g. hourly, salary, flat or piece rate, commission, or other incentive basis)
- The employee's overtime rates
- The hours worked at overtime rates
- Any money, allowance or other payment the employee is entitled to (e.g. vacation pay or statutory holiday pay)
- The employee's gross and net wages
- Any amounts withdrawn from the employee's time bank and how much time remains
- The employee's wage rate and how the wages were calculated
- The amount and purpose of each deduction

Employers must keep payroll records for each employee for 4 years.

An employee must be paid final wages if their job ends:

- Within 48 hours, if they are terminated or laid off
- Within 6 days, if they quit

Final wages includes everything the employer owes the employee – for example, regular wages, overtime, statutory holiday pay, compensation for length of service, and vacation pay.

OVERTIME

Employees are paid time-and-a-half for any time worked over 8 hours in a day, up to 12 hours. Employees are paid double time for any time worked over 12 hours in a day.

Employees are paid time-and-a-half for any time worked over 40 hours in a week, counting only the first 8 hours worked each day.

An employee can make a written request to bank their overtime hours instead of being paid for them during the pay period when they're earned. Hours need to be banked based on the overtime rate they were earned at. Later on, the employee can ask for:

- Part or all of the wages in the time bank to be paid out
- Time off with pay for a period agreed upon by the employer and employee

AVERAGING AGREEMENTS

An employer and an employee can agree to average work hours over 1, 2, 3, or 4 weeks.

Averaging agreements must be:

- Agreed to before they start
- In writing
- Specify a start and end date

Employees are paid overtime if they work more hours than their regular schedule:

- They are paid time-and-a-half when they work more than 8 hours in a day if the extra hours are more than their regular schedule **or**
- They are paid time-and-a-half for hours worked over an average of 40 hours in a week during the agreed averaging period (e.g. 80 hours averaged over 2 weeks)

UNIFORMS & SPECIAL CLOTHING

If employers require a uniform or special clothing, they must provide them to employees at no cost. They must also pay to clean and maintain these items or agree to reimburse employees for doing it. They cannot charge employees a deposit for uniforms.

Special clothing is any item that creates a specific image, including items:

- Chosen by the employer
- Purchased from a specific store, including garments the business is selling
- In a specific brand or style
- With a company logo or unique company colours

Employers do not have to pay for an employee to meet a general dress code such as business casual, no jeans, no cut-offs, or a white shirt with dark pants.

Employees must purchase their own:

- Clothing needed for protection against the elements
- General purpose work gloves
- Appropriate footwear including safety footwear
- Safety headgear

These items are only considered special clothing or a uniform if it identifies employees with the employer (e.g. a company logo).

TEMPORARY FOREIGN WORKERS

Temporary foreign workers are covered by the Employment Standards Act and are entitled to all of its protections. In addition, many foreign workers have additional protections under the Temporary Foreign Worker Protection Act.

STATUTORY HOLIDAYS

There are 10 statutory holidays in British Columbia:

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

Easter Sunday, Easter Monday, National Day for Trust and Reconciliation and Boxing Day are not statutory holidays in B.C.

Employees get paid for statutory holidays if they're qualified. To qualify for statutory holiday pay, an employee 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 do not have to work 15 days)

Statutory holiday pay equals an average day's pay.

Employees who work on a statutory holiday must be paid an average day's pay plus time-and-a-half for hours they work. They're paid double time for hours worked over 12 hours.

Employers and employees may agree in writing to substitute another day for a statutory holiday.

DEDUCTIONS

An employer is required by law to make deductions from employee wages, for example:

- Income tax
- Employment Insurance premiums (EI)
- Canada Pension Plan contributions (CPP)
- A court order to garnish wages

If an employee agrees in writing, other wage deductions can also include:

- Medical premiums
- Repayment of payroll advances or purchases made from an employer
- Accidental overpayments

It's illegal to make employees pay for business expenses, even if they agree to it. This includes deducting expenses because company property was stolen or damaged, or a customer left without paying.

COMPENSATION FOR LENGTH OF SERVICE

When employment ends, employers are required to give employees written working notice or an

equal amount of pay called compensation for length of service. It is not required:

- If an employee works less than 3 months
- If an employee quits, retires or is terminated for just cause

The amount of written notice and/or pay is based on how long an employee has been employed.

- After working for 3 months = 1 week of notice and/or pay
- After working for 1 year = 2 weeks of notice and/or pay
- After working for 3 years = 3 weeks of notice and/or pay, plus 1 week for each additional year of employment (to a maximum of 8 weeks)

Additional notice is required if 50 or more employees are terminated at the same location within a 2 month period.

ANNUAL VACATION

After 1 year of employment, employees can take up to 2 weeks per year off for vacation. After working for 5 consecutive years for the same employer, employees can take 3 weeks off.

Vacation time must be taken within 12 months of earning it. That means employees earn vacation during their first year of employment and use it during the following year.

Vacation time is taken in periods of one or more weeks. Employees can ask to take just 1 or 2 days off at a time – it's up to an employer whether or not they want to approve this type of request. Employers cannot require employees to take vacation in periods of less than 1 week at a time.

Vacation pay is at least 4% of an employee's total wages. Vacation pay increases to 6% after an employee has worked for the same employer for 5 consecutive years.

Vacation pay is calculated on all wages earned from the first day an employee starts employment. It's considered part of an employee's total wages for the year. Vacation pay is not paid to employees who work for 5 calendar days or less.

Vacation pay must be paid at least 7 days before an employee starts their annual vacation. If an employee and employer agree in writing, employees can take vacation pay on every pay cheque.

If employment ends, all outstanding vacation pay must be paid on an employee's final pay cheque – even if they worked less than 1 year.

LEAVES FROM WORK

Employees are allowed to take an unpaid leave of absence for specific reasons. Before taking a leave, they need to let their employer know when and why they need to take the leave. Employers cannot end employment or change a condition of employment because of a leave set out below – unless they get written consent from the employee.

Illness or injury leave (sometimes called sick leave): After 90 days of employment, employees can take up to 5 paid days and 3 unpaid days of job-protected leave in their employment year, based on their starting date.

Maternity leave: A pregnant employee can take up to 17 consecutive weeks. This leave may be extended by up to 6 weeks.

Parental leave: A mother who has taken maternity leave can take up to 61 weeks. Other parents can take up to 62 weeks. The leave can begin at any time within 78 weeks of a baby being born or a child being placed. It may be extended by up to 5 weeks.

Family responsibility leave: An employee can take up to 5 days in each employment year to attend to the care, health or education of a child under the age of 19 in their care. They can also use this type of leave to attend to the care or health of any other member of their immediate family.

Compassionate care leave: An employee can take up to 27 weeks in a 52-week period to provide care for a family member who is terminally ill and is at risk of death within 26 weeks. A medical certificate is required.

Critical illness or injury leave: An employee can take 36 weeks to care for a child and up to 16 weeks to care for a family member over the age of 19. A medical certificate is required.

COVID-19 - Paid vaccination leave: Employees can take up to 3 hours of paid leave to be vaccinated against COVID-19. If necessary, they can take additional paid leave for additional doses.

COVID-19 - Unpaid leave: An employee can take unpaid, job-protected leave for certain reasons related to COVID-19, such as self-isolating or assisting a dependant.

Reservists' leave: An employee who is a reservist for the Canadian Forces is entitled to 20 days of unpaid leave in a calendar year to participate in specific duties.

Leave respecting disappearance or death of child: An employee can take up to 52 weeks if their child disappears and up to 104 weeks for the death of their child.

Leave respecting domestic or sexual violence: An employee can take up to 5 days of paid leave and 5 more days of unpaid leave per calendar year if they are impacted by domestic or sexual violence, plus additional time if necessary.

Bereavement leave: An employee can take up to 3 days if an immediate family member dies.

Jury duty: An employee can take leave to attend court as a juror.