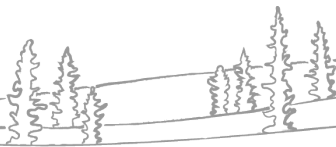




Employment Standards Fact Sheet

Know your rights and responsibilities



The *Employment Standards Act* (the Act) sets out the minimum employment standards and applies to most employees and employers that perform work in the Northwest Territories. This fact sheet provides an overview of these standards.

Hours of Work

The standard hours of work are 8 hours per day and 40 hours per week.

- Employers must pay overtime when an employee works more than the standard hours. Overtime is no less than 1.5 times the regular pay rate.
- Employees must not work more than 10 hours per day or 60 hours per week without an order – the exception to this is for emergency work to avoid an accident, for essential work or unavoidable conditions.
- Employers can apply for an Extended Hours Order if they need employees to work more than 10 hours per day or 60 hours per week. Employers are still required to pay overtime.
- Employers can apply for an Overtime Averaging Order if employees often work irregular hours. Under this order, the employee receives less overtime pay because the work hours get averaged over their scheduled rotation. The employee must receive some benefit – such as more days off work - and the majority of

employees must consent to the order.

- An employer and employee can enter into a written Overtime Agreement to take lieu time for overtime hours.
- The hours of work section of the Act may not apply to managers.
- Overtime pay is different for employees paid on a basis other than time, such as commission.

Meal Breaks

Employees must get a half-hour break after five consecutive hours of work. Employers can apply to waive this right. An employer is not required to provide coffee breaks.

Rest

Employees must get at least:

- One day of rest per week;
- Two days of rest in a row for each two-week work period; or
- Three days of rest in a row for each three-week work period.

Minimum Wage

Minimum wage in the Northwest Territories is \$15.20 per hour.

Statutory Holidays

The 10 statutory holidays in the Northwest Territories are:

1. New Year's Day
2. Good Friday
3. Victoria Day
4. National Aboriginal Day
5. Canada Day
6. 1st Monday in August
7. Labour Day
8. Thanksgiving Day
9. Remembrance Day
10. Christmas Day

Eligible employees that do not work on the holiday get an average day's pay.

Eligible employees that work on the holiday get another day off with pay or an average day's pay plus overtime for the hours worked on the holiday.

To be eligible for statutory holiday pay employees must:

- Work for the same employer at least 30 days in the 12 months before the holiday.
- Work on the statutory holiday if called to work.
- Work the last scheduled shift before the holiday and the next scheduled shift after the holiday. Approved vacation and sick leave do not change the requirement to pay statutory holiday pay.

If the holiday falls on a non-working day and eligible employees do not work, they get an average day's pay or the employer can apply to the Employment Standards Officer to substitute another day for the statutory holiday. *Example: The holiday falls on a Sunday and the employer transfers the holiday to Monday or another day.*

Contact Employment Standards for information about:

- How to properly calculate pay for a week that has a statutory holiday.
- How statutory holidays affect employees paid on a basis other than time, or those on unpaid leave.

Vacations

Employees earn two weeks paid vacation during each full year they work. They earn three weeks paid vacation starting with the sixth year of work for the same employer.

Vacation pay: First five years – entitled to 4% of total earnings, including overtime. After five years – this

increases to 6%.

Employers must pay any vacation pay owing if the - employee quits, is laid off or fired.

Youth

Employees less than 17 years old must not work between the hours of 11 pm and 6 am, or when required to be at school, unless their employer has written permission from the Employment Standards Officer.

Youth workers are prohibited from working in certain industries, such as construction and forestry, among others.

Notice of Termination

If employment is ended by the employer without just cause:

- Employees who work for the same employer for 90 days or more are entitled to two weeks written notice or pay in lieu of notice.
- The notice period for three years of employment or more is one week for every year of employment, up to a maximum of eight weeks.
- All wages owing to an employee must be paid within 10 days of their last day of work.

Notice of Group Termination

If an employer wishes to terminate 25 or more employees at one time, they are required to provide notice to the Employment Standards Officer and to any trade union of which the employees may be members. The period of notice required ranges from four to 16 weeks depending on the number of employees affected by the group termination.

When an unforeseeable event or circumstance beyond an employer's control prevents them from providing adequate notice, the Employment Standards Officer may waive, by order, the amount of notice of group termination required if:

- The employer exercised due diligence to foresee and avoid the cause of termination; and
- The cause of termination prevented the employer from respecting the periods of notice set out in Act.

Employees retain their entitlement to individual termination notice or pay in lieu of notice (termination pay).

Leave

Pregnancy/Parental Leave

Eligible employees must work for the same employer for at least 12 months.

Eligible employees can take:

- 17 weeks unpaid pregnancy leave; or
- 61 weeks unpaid parental leave; or
- A maximum 78 weeks combined pregnancy and parental leave.

Eligible two-parent families can choose to share parental leave up to a maximum of 69 weeks.

Eligible employees must give written notice to their employer at least four weeks before the leave starts. Employers cannot discriminate against employees because of the pregnancy, or leave taken or requested.

Sick Leave

Employees can take up to five days unpaid sick leave during a 12-month period if they:

- Cannot work due to illness or injury.
- Have been employed for 30 days or more with the same employer.
- Ask for time off and let the employer know the length of time they need.

Employers can ask for a medical certificate if the sick leave is more than three days.

Court Leave

Employees can take unpaid leave to attend jury selection, serve on a jury or to answer a summons to be a witness. An employer is not required to provide leave for personal court appearances.

Compassionate Leave

Employees can take up to 27 weeks of unpaid leave if they:

- Have a family member suffering from a serious medical condition, with a significant risk of death.
- Ask for time off and let the employer know the length of time they need.
- Provide a medical certificate for the family member, if the employer asks.

Family Caregiver Leave

Employees who provide care or support for a family member who is critically ill or injured can take unpaid

leave of:

- up to 17 weeks for an adult family member; or
- up to 37 weeks for a child family member.

Family Violence Leave

Eligible employees can take up to ten days on an emergency basis when dealing with a family violence situation without needing to give prior notice to their employer. The first five days are paid and the remaining five days are unpaid.

Eligible employees can take up to 15 weeks of unpaid leave with prior written notice to their employer to address ongoing family violence situations.

Bereavement Leave

Employees may take three to seven days of unpaid leave to attend a family member's funeral or memorial. The length of time depends on where the employee lives and where the service is held.

Emergency Leave

Employees can take unpaid emergency leave when they are unable to work because of an emergency.

If the emergency affects an employee's family member, the employee is entitled to take emergency leave to care for the family member (includes daycare/school closures).

Emergency Leave does not require an employee to have worked for an employer for any set amount of time in order to be eligible for the leave.

The period of leave ends when the employee is no longer unable to work as a result of the emergency or when the emergency ends.

Employees applying for Emergency Leave are not required to submit a doctor's note. However, an employer can request reasonable verification of the employee's entitlement to the leave. What is considered reasonable will vary depending on the circumstance.

Contact information:

Education, Culture and Employment
Employment Standards Office
Telephone: 867-767-9351, Option 3
Toll Free: 1-888-700-5707

E-mail: Employment_Standards@gov.nt.ca
www.ece.gov.nt.ca/employmentstandards