

Employment Standards

**An Adult EAL
Curriculum Resource
based on**

***The Canadian Language Benchmark 2000:
Levels 5 – 7***

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Manitoba Labour and Immigration
Employment Standards Branch & Adult Language Training Branch

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Sources used:	The Employment Standards website Wikipedia (for the holiday information)



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Employment Standards Curriculum Resource

Benchmark 5 - 7

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Employment Standards

Curriculum Resource

Teacher Lesson Plans,
Notes & Answers

Benchmark 5 - 7

UNIT ONE: AN INTRODUCTION TO EMPLOYMENT STANDARDS

Materials needed:

- Student pages 1 to 8
- Listening CD Track 6: “Laws to Protect Young Workers”

Objectives: Students will be able to...

- know whether or not a job or occupation is covered by Employment Standards (pages 1 and 2).
 - understand the information on an Employment Standards complaint form and how to fill it out (pages 3 to 5).
 - listen to a dialogue between a radio announcer and an Employment Standards officer and record information about the legislation regarding young workers (pages 6 to 8).
-

1. WHO IS COVERED BY THE EMPLOYMENT STANDARDS LEGISLATION?

Activation activity: Before starting the unit, the teacher writes on the board “What jobs do you think are covered by Employment Standards? What jobs do you think are not covered by Employment Standards?” THINK PAIR SHARE. Students work in partners or small groups to brainstorm the answers. After they are finished, the teacher asks them to report on their answers and writes their answers on the board. She then hands out the student photocopy [page 1](#). The teacher then explains that most jobs (90%) in Manitoba are covered by Employment Standards and that Federal and professional jobs (which have their own codes) are among the few kinds of jobs that are not covered by the Employment Standards legislation. The teacher should then go through the list and see which jobs were already predicted by the students and explain the ones that weren't mentioned.

Activity: The teacher hands out student photocopy [page 2](#) and models how to do the activity. Students are going to role play the process of phoning the Employment Standards. One student will be the Employee. This student will pick a job mentioned on [page 1](#) for the other student to guess. For example, he/she might choose to be a child care worker in a daycare, which is covered by Employment Standards. He/she will then tell the officer about the job, without saying the name of the job, according to the script on the worksheet. The officer will then ask questions to find out what kind of job it is and tell the caller whether it is covered by the Employment Standards legislation. After the students are finished, they switch roles and practice again and/or switch partners and practice again.

2. HOW TO GET INFORMATION ABOUT EMPLOYMENT STANDARDS

Activation activity: The teacher writes on the board, “Have you ever filed a complaint about something? If so, about what? If not, why not? Is it common in your culture to complain about a product or an employer?” THINK PAIR SHARE. Students work in partners or small groups to discuss the questions, and then the teacher discusses the answers with the whole class.

Activity: The teacher hands out student [pages 3, 4 and 5](#) and explains that the Employment Standards officers are trained to answer questions regarding the minimum standards that employers need to use with their employees. When an employee explains a problem that both the employee and the officer agree is potentially outside of the standards, a

complaint form needs to be filled out so that the officers can look into the matter further. (The complaint form is also available on the Employment Standards website.) The complaint form is in both English and French, as Canada is a bilingual country. The students are to skim through the information on the complaint form and answer the questions. The teacher discusses the information afterwards.

ANSWERS FOR PAGE 3

1. (a) Where is the Employment Standards Branch located? 401 YORK AVE
(b) Which floor is it on? SIXTH FLOOR
2. What will happen right after the complaint form is filled out? (see the “**”) AN EMPLOYMENT STANDARDS OFFICER WILL CONTACT YOU TO DISCUSS THE DETAILS.
3. How much time does the employee have to file the complaint? SIX MONTHS.
4. What happens after the complaint is filed? THE STAFF AT THE CUSTOMER SERVICE CENTRE WILL SPEAK WITH BOTH THE EMPLOYER AND EMPLOYEE TO GATHER INFORMATION.
5. Who is the problem referred to if the customer service centre can't solve the problem? A FIELD OFFICER.
6. What happens if the matter goes to a hearing? THE EMPLOYERS AND EMPLOYEES MUST TESTIFY AND PRESENT EVIDENCE IN SUPPORT OF THEIR CASE TO THE MANITOBA LABOUR BOARD.
7. What is the address of the web site? www.gov.mb.ca/labour/standards/
8. What is the phone number in Winnipeg? 945-3352
9. What is the toll free number? 1-800-821-4307
10. How many employment standards offices are there in Manitoba? THREE. WINNIPEG, BRANDON and THOMPSON.

1. LEGISLATION ABOUT YOUNG WORKERS

Activation activity: The teacher writes on the board, “How young were you when you had your first job? What kind of laws are necessary to protect young workers?” THINK PAIR SHARE. Students discuss with partners or in a small group briefly, and then the teacher debriefs the results with the class.

Activity: The teacher hands out student [page 6](#) and the students listen to the recording found on Track 6: “Laws to Protect Young Workers”. While they are listening, they are to take notes on the questions found on [page 6](#). They can refer to the transcript on [page 7](#) and [page 8](#) if needed.

ANSWERS for page 6

1. How old must a person be to work?

CHILDREN HAVE TO BE AT LEAST 12 YEARS OLD TO WORK. HOWEVER, AT 12 YEARS OLD, THEY WILL STILL NEED TO HAVE A CHILD EMPLOYMENT PERMIT.

2. Are there restrictions on when young people can work?

A CHILD UNDER THE AGE OF 16 CANNOT WORK PAST 11 PM IN THE SCHOOL YEAR.

3. How often can young people work?

THEY ARE ALLOWED TO WORK ONLY 20 HOURS PER WEEK SO THAT THEIR WORK DOES NOT INTERFERE WITH THEIR SCHOOLING.

4. Can young people work alone?

YOUNG PEOPLE MUST HAVE ADULT SUPERVISION AT ALL TIMES. THEY CANNOT WORK ALONE.

5. Do young people have the same rights as other employees?

YES, THEY DO, JUST LIKE EVERYBODY ELSE; THEY HAVE THE SAME RIGHTS AS OTHERS DO.



END OF UNIT ONE

UNIT TWO: AN INTRODUCTION TO EMPLOYMENT STANDARDS

Materials needed:

- Student pages 9 to 20
- Listening CD Track 7: "Uniforms"

Objectives: Students will be able to...

- understand how to read a pay stub to make sure that the money received is correct (pages 9 and 10).
 - understand the deductions that employers can and can not make from an employee's pay cheque (pages 11 and 12).
 - identify which articles of clothing are uniforms and which are part of a dress code (pages 13 and 14).
 - understand how to check one's pay cheque to make sure that it is correct (pages 15 and 16).
 - read a calendar and understand the importance of recording their hours worked on a calendar (pages 17 and 18).
 - understand information regarding overtime wage legislation (pages 19 and 20).
-

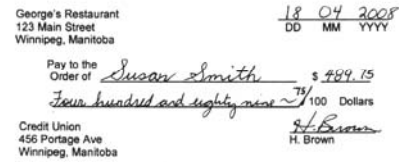
1. MINIMUM WAGE

Activation activity: The teacher introduces the activity by saying that they are going to be discussing wages in Manitoba. He/she hands out student page 9, "Pay cheque of a full time employee working at minimum wage" and asks the students to work in partners to try to figure out the vocabulary definitions (matching) by using the pay cheque example.

ANSWERS:

- 4 **Rate of pay:** how much you earn each hour
- 12 **Pay period:** you get paid from the date of your last cheque to date shown
- 7 **C.P.P.:** you get this money when you turn 65
- 10 **Union dues:** a regular amount you pay to your union
- 9 **Income tax:** this pays for government services in Canada
- 2 **Deductions:** the money subtracted from your cheque
- 11 **Net pay:** the amount of money you receive after deductions
- 3 **Hours worked:** the number of hours you worked since your last pay cheque
- 5 **Gross pay:** the total amount you earn before deductions
- 8 **Employment Insurance:** if you lose your job you can apply to get this money back
- 1 **Social Insurance Number:** you need this number to work
- 6 **Vacation pay:** part-time employees get an extra 4% added to their cheque instead of vacation time

Activity: The teacher reviews and checks the answers for the vocabulary definitions with the class. She then shows them how the pay cheque on page 9 would be filled in. In this example, the pay cheque is to a hypothetical “Susan Smith”. The teacher should explain how to fill in the date, “pay to the order of” line, the numerical dollar amount and the written numerical amount, and the signature of the boss (H. Brown) at the bottom. After this, as an optional activity, the teacher can ask the students to practice writing cheques to each other by picking an amount out of a “hat” to write.



Students then again work in partners to answer the questions at the bottom of page 10, which are based on Susan Smith's pay cheque.

ANSWERS FOR PAGE 10

1. She works 40 hours in a week.
2. Susan's rate of pay is \$9.00 an hour.
3. Her gross pay is \$748.80
4. Her SIN is 617 854 926
5. She has four deductions.
6. She pays \$11.39 in C.P.P.
7. She pays \$16.91 in E.I.
8. She pays \$186.20 in income tax.
9. Her union dues are \$6.20
10. The pay period is from April 4 to April 18, 2010.
11. Her net pay is \$528.10

Note that after October 1, 2010 minimum wage is \$9.50 an hour.

2. DEDUCTIONS

Activation activity: The teacher passes out the student page 11, “Deductions” and explains the vocabulary (e.g. “dine and dash”) at the top of the page. He/she then explains that some deductions from a pay cheque are allowed and others are not. The deductions need to have a direct benefit to the employees.

Activity: Students work in partners or small groups to read the scenarios on student page 12 in order to decide if the deductions are possible. They can also discuss other deductions and ask related questions.

ANSWERS FOR PAGE 12

- NO. The employer cannot deduct money from the pay cheque for dine and dash. Legally, however, the server's tips belong to the employer, so the employer can take money from the server's tips.
- YES. The employer can deduct for payroll errors.
- NO. The employer cannot deduct for cash shortages.
- NO. The employer cannot deduct for uniforms.

3. UNIFORMS

Activation activity: The teacher can bring an article of clothing that is part of a uniform (e.g. a shirt with a logo of a company on it) and a non uniform item of clothing (e.g. a pair of white socks), and ask the question: “What is the difference between a uniform and a dress code?” Student’s answers can be briefly recorded on the board, or just acknowledged.

Activity: Students listen to the recorded reading which accompanies student [page 13](#), “Listening Exercise: Uniforms”, and fill in the blanks. After the answers have been discussed, they can work in partners to answer the true and false questions.

ANSWERS FOR PAGE 13

Uniforms are not a direct benefit to employees. Employers cannot make employees buy uniforms.

A **uniform** is a form of dress that is unique to a business. Uniforms are identified with the company’s logo or symbol, name or colours; making them of no practical use outside of the workplace. Employees often have no choice in style, colour or supplier. Employers can require items of clothing, in specific colours be worn, as long as employees can reasonably use them elsewhere.

Employers can establish a **dress code**, which requires certain types of clothing and establishes standards for the look of employees while they are working. For example, a restaurant can require all serving employees to wear a clean pressed white shirt and black pants while working.

The clothing required by a **dress code** cannot be specific to an employer. When deciding whose responsibility the cost of clothing is (employee’s or employers’), the main issue is the amount of choice employees have in choosing where and what to buy. The more choice, the more likely it is part of a dress code and not a uniform. Clothes with a logo or a certain design or style normally identified with a company or that must be bought from employers are likely uniforms and must be paid for by employers.

Employers can reasonably expect employees to provide some **special clothing** that is common in the industry. Similar to tools, special clothing must be useful with other employers. It may be specific to the job, but not to the employer. As with tools, employees must have choices about where and what to buy. The clothing cannot have a logo or other markings that make it useful only for one employer, and the clothing must remain the property of the employee.

For example, nurses may wear a certain type of loose fitting clothing. It identifies them as nurses, and is usually required for the job. Employers can expect these employees to have this outfit and would not have to provide or pay for it unless they require a logo or emblem that identifies the company.

FALSE If a company provides a uniform, they are required to provide all the pieces of clothing needed to wear with it. For example, they should provide socks and underwear as well.

TRUE A waiter who has to wear a white shirt and black pants has to buy them himself.

TRUE A server who is working for a restaurant does not have to pay for the uniform if the workplace decides the exact colour, style, and where it will be obtained from.

FALSE The employer pays for all nursing uniforms.

TRUE Employers can have a dress code which states that the employees cannot wear earrings or have nose piercings.

FALSE Employers can deduct the price of the uniform from the employee’s first pay cheque.

TRUE An employer at a clothing store can have a dress code which requires the employee to wear only their clothing store’s clothes to work.

TRUE A plumber will have to pay for plumbing tools that he can use for any employer.

TRUE If the employer says that the employee **MUST** wear the clothes that the store sells, then the employer must pay for the clothes.

4. RECORD KEEPING, PAY STUBS & PAYING WAGES

Activation activity: Before the teacher hands out student page 15, he/she can ask the students to work in pairs to brainstorm all of the possible pieces of data that they think an employer will have to keep track of. (The teacher can start it off by saying something like “Of course, your employer needs to know your full name and address while you are working for them, and they should keep track of the hours you work. What else should they keep track of?”)

The students can then answer the four questions at the bottom of the page.

ANSWERS FOR PAGE 15

1. Abraham's net pay is \$943.67
2. The money withheld was \$187.83
3. Abraham's money in 2008 so far: GROSS: \$20 306.00 NET: \$16 439.89
4. No, Abraham was paid vacation pay on each of his cheques. If he takes time off, he won't get a pay cheque during the time he is not at work.

The teacher should hand out student page 16 and ask the students to sort the information into the six categories.

ANSWERS FOR PAGE 16

- 3 Time taken off start dates of annual vacations
- 3 Time taken off dates of time off taken instead of overtime wages
- 2 Hours worked regular hours of work and overtime (recorded separately and daily)
- 4 Wages amount of vacation allowance paid
- 2 Hours worked date of termination of the employment
- 6 Information about leaves copies of documents related to Compassionate Care Leave
- 1 Personal information the employees name, address, date of birth, and occupation
- 4 Wages regular wage and the overtime wage when employment starts
- 4 Wages dates and wages paid for hours worked on a general holiday
- 5 Deductions deductions from wages (dates and reasons for each deduction)
- 3 Time taken off dates each general holiday is taken
- 4 Wages the dates of changes to the wage and the new wage
- 2 Hours worked the date the employee starts work
- 6 Information about leaves taken copies of documents related to Maternity Leave
- 2 Hours worked date work resumes after a vacation
- 4 Wages dates wages are paid and the amount paid on each date

Activity: Student pages 17 and 18. This activity is an “information gap” activity. Half of the students should receive the photocopy with “Partner A”, and the other half should receive the photocopy “Partner B”. (NOTE: Omit this activity if your class has more students at a higher benchmark level.)

“Partner A” has the answer to how many hours the employee, Ahmed Abdul, worked on the odd numbered days (December 15, 17, 19, 21, 23, 25, and 27) and “Partner B” has the answer to how many hours he worked on the even numbered days (December 16, 18, 20, 22, 24, and 26).

The goal of the activity is for both partners to complete their calendar. They do so by asking their partner questions such as “How many hours did Ahmed work on December 15th? From what time to what time?” and then writing the answer on their calendar.

Optional activity: Ask the students to figure out how many hours were worked in each pay period. Then ask the student, “If his wage is \$10 an hour, what is his gross pay?”

5. OVERTIME

Activation activity: Ask the students to talk in partners about any job that they had, either in their home country or in Canada, in which they received overtime pay. How much did they receive? After how many hours of work?

Activity: Students receive student pages 19 and 20. Working in partners or small groups, they fold the paper in half and read the multiple choice questions together, predicting and discussing the correct answers before they check by unfolding the paper.



END OF UNIT TWO

UNIT THREE: HOURS & DAYS WORKED

Materials needed:

- Student pages 21 to 45
- Listening CD Track 8: “Hours and Days Worked”

Objectives: Students will be able to...

- demonstrate comprehension of the gist, factual details and some inferred meanings by listening to a dialogue (pages 21 to 26).
 - classify holidays into either general holidays (stats) or not, according to the Manitoba Employment Standards legislation (pages 27 to 41).
 - demonstrate comprehension of short paragraphs of text about legislation about how general holiday pay and vacation pay is calculated (pages 42 to 45).
-

1. HOURS & DAYS WORKED

Activation Activity: The teacher hands out student page 21, “Hours & Days Worked”. Ask the students to read the scenario about Maria. After reading the scenario, either quietly or out loud with a partner, they are to discuss the following:

What are the questions that you think Maria will have for Employment Standards?

BRAINSTORMING ANSWERS TO GO WITH PAGE 21

Answers may vary. Possible ideas...

“Can the employer send her home early?”

“Can the employer change the hours of the business?”

“Does the employer have to pay her if she is sent home early?”

“What are the rules for overtime?”

“Does she get paid when she ‘punches in’ early?”

Activity: The teacher hands out student page 22 and tells the students that they will now be listening to a dialogue of Maria talking to an Employment Standards officer about her questions. They are to listen to the dialogue and to answer the questions on student page 22.

Following the listening, students can work together with a partner to check their answers by looking at the transcript on pages 23 to 26, or the teacher can debrief the answers with the class.

ANSWERS FOR PAGE 22

1. The employers control the schedules. They can involve the employees, but they don't have to.
2. Employers can change the schedules. They can decide to close the business early if they want to.
3. It is possible for employees to change their schedules by switching shifts if they talk to their employer first. Employers may have their own rules about this. Again, ultimately employers control the schedules.
4. If the employer allows the employee to change their shift and there is overtime as a result, they have to pay overtime for any hours over eight hours in one day.
5. Employers can change the schedule, even after a shift has already started. However, they would have to pay the employee for a minimum of three hours.
6. If an employee is working five hours or more, he/she is entitled to a half hour, unpaid meal break.
7. A break is considered a time where the employee can sit down and relax and not have to work. It's a time to rest.
8. Breaks are unpaid unless the employer chooses to pay the employee.
9. Even though both her shifts were six hours long, she had a half-hour unpaid break in each, so her total hours are five and a half hours plus five and a half hours. She worked 11 hours and should be paid for three hours of overtime.
10. Breaks are not included when calculating overtime.

1. GENERAL HOLIDAYS

Activation activity: The teacher begins by explaining that there is legislation regarding holidays. Before the class learns about the legislation and the holidays that it pertains to, he/she wants to find out what the students already know. The teacher hands out student pages 27 and 28, and students work in groups or partners to answer the questions. The teacher can choose to hand out student pages 29 to 34 for the students to refer to if they forget what a holiday means. The teacher should circulate around the room and see what the students' understanding of the holidays is. Or, if the students are unfamiliar with the holidays, the teacher can assign different holidays to each student or group of students to "present". The teacher can also use the readings to lead a discussion comparing holidays and cultures.

When the students are finished answering the questions, they are to use page 34 to sort the holidays into categories. The categories in the chart are: secular holidays, Christian holidays, Jewish holidays, Muslim holidays, and other holidays.

ANSWERS FOR PAGE 27

1. Four out of the eight general holidays always occur on a Monday.
2. Good Friday is never on a Monday.
3. Two general holidays are based on religious holidays: Good Friday and Christmas Day.
4. (Depends on the students)
5. (Depends on the students)
6. (Depends on the students)

Questions 4 - 6 and the answers for page 28 depend on the students in the class.

ANSWERS FOR PAGE 34 (students may sort them differently)

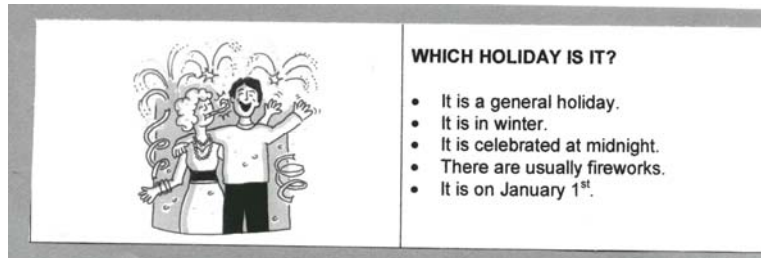
Secular/other (Canadian or political): New Years Day, Louis Riel Day, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, St. Valentine’s Day, St. Patrick’s Day, Mother’s Day, Father’s Day, Civic Holiday, Halloween, Remembrance Day, Boxing Day, Chinese New Year, Cinco de Mayo, Kwanzaa

Christian: Good Friday, Christmas Day, Ash Wednesday, Palm Sunday, Easter Sunday and Monday

Jewish: Passover, Rosh Hashanah, Yom Kippur, Hanukkah

Muslim: Ramadan, Islamic New Year

Activity: Students can play the game “Which Holiday is it?” The teacher can choose to give the students the student pages 35 to 41 and use them to play the game, or, he/she can prepare the game by cutting up the pictures and definitions into cards like this:



How to play the game: Students can play the game in groups of 2, 3, or 4. They can set up a simple score sheet like this:

Student A	Student B	Student C	Student D

Student A starts and takes a card from the stack. Student A then starts reading the clues to Student B, one at a time. After each clue, Student B can make a guess. For example, Student A asks student B, “It is a general holiday. Which holiday is it?” Student B can then look through the student page with the eight general holidays and make a guess. If Student B is lucky and guesses correctly “New Year’s Day”, then Student B gets 5 points. If Student B gets it wrong, Student A says the next clue, “It is in winter. Which holiday is it?” If Student B gets it right again, he/she then receives 4 points. If it takes three clues—3 points, four clues—2 points, all five clues (“It is on January 1st. Which holiday is it?”)—1 point.

Then Student B takes a card to ask Student C, in the same manner. Students may choose to show the picture if they want to make the clues easier. Or, they can be allowed to refer to their readings to check their answers if the game is too difficult.

Optional activity: The teacher can divide the class into two teams and read the questions (like “Jeopardy”). The first team to guess correctly gets the point.

Follow up activity: Now that the students are familiar with the holidays and which holidays are general holidays, the teacher can hand out student page 42 to discuss how the general holidays are to be paid.

The teacher should review the information at the top of student [page 42](#). General Holiday pay is 5% of the employee's total wages in the 28 days before the holiday. Students can use the calendar to figure out the four questions at the bottom of the page.

ANSWERS FOR PAGE 42

1. November 27 is 28 days before December 25. The total income earned is \$990.00
Multiplied by 0.05 = \$49.50
2. December 4 is 28 days before January 1st. The total income earned is \$720.00
Multiplied by 0.05 = \$36.00
3. Christmas Day received more holiday pay.
4. Tamaki received more for Christmas because she did not work between Christmas and New Year's Day.

1. VACATION TIME & PAY

Activation activity: The teacher should explain that vacation pay is different from General Holiday pay. Vacation pay is the money all employees receive for the time they choose to take off during the year. It does not have to be taken on a particular day the way the General Holiday pay does. Employers can pay the vacation pay on every pay cheque or save the vacation pay for the employee and pay them when they actually take their holiday.

Activity: Students can read and answer the questions on student [pages 43 to 45](#).

ANSWERS FOR PAGE 43

1. She is entitled to \$400 of vacation pay.
2. Christmas Day and New Year's Day.
3. Tamaki will not get more vacation pay when she goes on vacation with her employer at The Fashion Emporium.
4. She receives \$4.00 of vacation pay on her \$100.00 pay cheque.

ANSWERS FOR PAGE 44

5. He is entitled to \$2400 in vacation pay during his three-week vacation.
6. No. An employer can not divide the vacation into periods shorter than one week.
7. No. The employer has to give the full three-week vacation time.
8. No. When Volodymyr finishes work, he is entitled to receive 6% of all the money he has earned in the current year, as during his previous vacations he was receiving his vacation pay based on the year before.



END OF UNIT THREE

UNIT FOUR: OVERVIEW OF UNPAID LEAVE OPTIONS

Materials needed:

- Student pages 46 to 55
- Listening CD Track 9: “Unpaid Leaves”

Objectives: Students will be able to...

- activate their prior knowledge through brainstorming and prediction exercises related to the listening activity (page 46).
 - listen and take notes about the six types of leaves (pages 47 to 50).
 - read and discuss the six types of leaves (pages 51 to 55).
-

1. OVERVIEW OF UNPAID LEAVE OPTIONS

Activation activities: The teacher can do the pre-listening activity on student [page 46](#) to introduce the topic. Introduce the topic by reading or paraphrasing the opening topic, “The Employment Standards Code provides a variety of options to allow employees time to deal with the demands of modern families without the risk of losing their job because of the leave.”

Put the students into groups and ask them to discuss and take notes for the four questions listed on the pre-listening activities. (Answers will vary depending on the students’ prior knowledge.)

Activity: Students listen to track 9, “Unpaid Leaves”, and take notes on student [page 47](#).

ANSWERS

Unpaid leave	Meaning	Length of time for the leave	Time needed to qualify for the leave
Maternity Leave	<ul style="list-style-type: none"> - only for a woman - allows her to stay home and look after her child (NOTE: She could also take part of the leave while she's pregnant.) 	- 17 weeks	- 7 months
Parental Leave	<ul style="list-style-type: none"> - for the mother or the father - to take care of the young baby or the new child 	- 37 weeks	- 7 months
Family Leave	<ul style="list-style-type: none"> - for time off if the employee is sick - for the employee to take their child to the doctor 	- 3 days	- 30 days

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Family Leave	<ul style="list-style-type: none"> - for time off if the employee is sick - for the employee to take their child to the doctor 	- 3 days	- 30 days

Unpaid leave	Meaning	Length of time for the leave	Time needed to qualify for the leave
Compassionate Care Leave	- for an employee to take care of a family member that's very sick and has a good chance of dying within 26 weeks	- a maximum of 8 weeks	- 30 days
Bereavement Leave	- for the employee if a family member of theirs dies	- a maximum of 3 days	- 30 days
Reservist Leave	- for anyone who is serving in the army	- a maximum of 3 days	- 7 months

1. Family is defined broadly. It includes mother, father, brother, sister, cousins, aunts, uncles, nieces, nephews, step children. . . but not animals.
2. The government of Canada has programs available through Employment Insurance.

1. READING ABOUT UNPAID LEAVES

Activation activity: The teacher can choose to do this activity instead of the listening activity or do it in addition to the listening activity if the students want more repetition. It may be too repetitive to do both the listening and the reading activity. The reading activity can be done through a co-operative learning “jigsaw” activity. He/she divides the class into five groups and gives one group (Students 1 to 4) Reading A, the next group Reading B, the next Reading C, etc. They are to read and answer/discuss the questions and record the answers.

For example, the class of 20 students might look like this:

Reading A	Reading B	Reading C	Reading D	Reading E
Student 1	Student 5	Student 9	Student 13	Student 17
Student 2	Student 6	Student 10	Student 14	Student 18
Student 3	Student 7	Student 11	Student 15	Student 19
Student 4	Student 8	Student 12	Student 16	Student 20

After each group finishes their reading and discussion, the teacher regroups the students so that the following students are together:

- Group 1: Student 1, 5, 9, 13, and 17
- Group 2: Student 2, 6, 10, 14 and 18
- Group 3: Student 3, 7, 11, 15, and 19
- Group 4: Student 4, 8, 12, 16, and 20

Each group has a student who has done a different reading. Each student in the group now explains the reading that he/she learned about.

The teacher debriefs the activity at the end and clarifies any confusion.

ANSWERS FOR PAGES 51 to 53

READING A:

1. To qualify for maternity leave, employees must have worked with the same employer for at least seven consecutive months and must be expecting to give birth to a child.
2. The leave is 17 weeks long.
3. Employers are not required to pay employees during the leave.
4. Yes. Employment Insurance may cover this type of leave.
5. An employee can start her maternity leave up to 17 weeks before the expected date of birth of the child.
6. Maternity leaves end after 17 weeks, and the latest that a maternity leave can last is 17 weeks after the birth.

READING B:

1. Employees cannot start maternity leave or parental leave without giving notice. They must give their employer at least four weeks' written notice before the leave. They must also provide a medical certificate indicating the estimated date of delivery.
2. If pregnant employees do not give the required notice, they are still entitled to maternity leave. Within two weeks of stopping work, employers must receive a medical certificate stating the expected date of delivery.
3. At the end of maternity leave, employees may take parental leave.
4. Mothers must take their maternity and parental leave one after another.
5. If employees want to end the leave early, they must give their employers notice, in writing, at least one pay period before returning to work.
6. If the employee's job is not available, a comparable position with the same pay and benefits must be offered.
7. Employers who refuse to bring an employee back to work may be ordered to pay compensation and, in some cases, reinstate them in their jobs.

READING C:

1. Maternity leave is only for mothers, but parental leave can be taken by the mother or the father or by both of them.
2. Many couples don't each claim the full 37-week parental unpaid leave because Employment Insurance provides income insurance for only one 37-week period, and, in reality, many fathers and mothers choose to share one 37-week parental leave so that they will each receive some Employment Insurance income.
3. Employees who have worked with the same employer for at least seven consecutive months and have become a parent by birth or adoption are entitled to the leave.
4. Parental leave is 37 weeks long and must be taken in one continuous period.
5. The employer is not required to pay for the leave.
6. Family Leave allows employees paid time off to deal with family responsibilities or personal illness without fear of job loss.
7. Family Leave is three unpaid days.

ANSWERS FOR PAGES 54 & 55

READING D:

1. All employees employed for at least 30 days with the same employer are entitled to Family Leave.
2. Employers are not required to pay for the Family Leave days.
3. Family is defined very broadly. The definition also includes those who are not related but are considered family members.
4. Employees can take Family Leave to deal with personal illness or the needs of their family.
5. Reasonable verification means that the employee must tell the employer as soon as is reasonable and practical.
6. Family Leave does not carry over to future years.
7. There is no obligation for the employer to accommodate partial days off.

READING E:Compassionate leave only:

- Compassionate Leave is for assisting a family member who is critically ill and requires care and support for several weeks.
- Compassionate Leave is up to eight weeks.

Bereavement leave only:

- Employees are allowed up to three unpaid days.

True for both:

- Employees who have worked for an employer for 30 days qualify.
- Employees must provide proof (medical certificate or obituary).
- Employees do not need to fear job loss.
- Employees do not need permission from their employer.
- Employees must provide their employer with as much notice as possible.



END OF UNIT FOUR

UNIT FIVE: TERMINATION OF EMPLOYMENT

Materials needed:

- Student pages 56 to 69
- Listening CD Track 10: "Termination of Employment"










Objectives: Students will be able to...

- recognize and understand idioms related to termination of employment (pages 56 and 57).
- read and answer comprehension questions relating to termination of employment (pages 58 and 59).
- apply their knowledge to Employment Standards legislation scenarios (pages 60 to 69).

1. TERMINATION OF EMPLOYMENT

Activation activity: The teacher introduces the final topic in the unit, "Termination of Employment", by doing the pre-listening activity explained on student page 56. THINK PAIR SHARE. Students brainstorm the following with their partner: "What common words are used when an employee decides to leave the employer or when the employer decides that the employee has to leave?" The teacher then writes all the ideas on the board and then hints if there may be other words that they haven't thought of. After this, students use the pictures below as clues to give them some ideas of the expressions or idioms related to termination of employment. For example, the picture of "Arnold Schwarzenegger" in "Terminator" might remind the students of the word "to terminate". The teacher debriefs and explains the idioms afterwards. (If this is difficult for the students, the teacher can give a "word bank" of answers, and the students can simply match the expressions with the pictures.)

ANSWERS FOR PAGE 56

 to give notice	 to quit on the spot	 "You're fired" (to be fired)
 to be canned	 to get the boot to be given the boot	 to be let go
 to be laid off	 to be dismissed "There's the door"	 to be sacked

 to quit, to resign	 to be given the heave ho	 to be terminated
---	---	---

to be dismissed	("He was dismissed.")	to be asked to leave
to lay someone off	("He laid off his employee.")	to send away because no work is available
to sack someone	("She sacked her employee.")	to dismiss someone abruptly
to be fired	("You're fired!")	to be dismissed angrily
to give notice	("She gave notice.")	to tell your employer you are leaving work
to let someone go	("He let her go.")	to dismiss someone
to quit on the spot	("He quit on the spot.")	to quit with no notice
to can someone	("He canned his secretary.")	to dismiss with finality
to give someone the boot	("She gave him the boot.")	to get rid of the employee eagerly
to resign	("He resigned from his job.")	to quit; the employee decides
to give someone the heave-ho	("She gave him the heaveho.")	to dismiss someone abruptly
to terminate	("He terminated his employee.")	to dismiss unpleasantly

NOTE: to explain "to be given the heave-ho", you can tell the students that the word "heave" means to pull, and that English speakers say "heave ho" when they are struggling with a heavy rope. In this metaphor, the employer and employee are in a conflict situation, and the employer "pulls" harder and the employee crosses the line from where he is safely "staying" in the company to where he is asked to "leave".

Activity: Students listen to Listening Track 10, "Termination of Employment", and fill in the missing idioms in the blanks.

ANSWERS FOR PAGE 57

It is often difficult to leave a job. Jobs can end for four main reasons. It can be the employee's decision, an employer's decision, a decision that they make together, or a decision that the company needs to make.

Employees can decide to leave a job. An employee usually tells the employer. They tell the employer that they want to leave. They need to **give** at least one week's **notice**. One week after they tell the employer, they can leave the job. When they **quit** or **resign**, they don't work for the employer anymore.

Sometimes an employee doesn't tell the employer. They **leave without giving notice**. They might get angry at the employer and **quit on the spot**. This means they walk out of the building and never work for the employer again. Or, they might be a new employee. When they are a new employee, they have 30 days to decide if the job is a good job for them. When they have worked less than 31 days, they can tell the employer that they will not come to work the next day. They do not have to **give notice**.

ANSWERS FOR PAGE 57 continued

The employer can decide that the employee is not a good worker for the company. When the employee has worked less than 31 days, the employer can tell the employee to go home and not come back. They might be angry. They can tell the employee “**You’re fired!**”, and the employee has to leave. The employer does not have to **give** the employee **notice**. There are other words which have the same meaning as “**You’re fired.**” The employee could be **canned**, **sacked**, **given the boot**, or **given the heave-ho**. The employer could also say “**There’s the door.**” All of these mean the same thing. The job is over, and the employer is not happy with the employee.

When an employee says “**I was let go**”, the listener doesn’t know if the employee and employer left each other happily or not. The listener knows only that the employee is not working there anymore.

Sometimes the employee doesn’t want to leave, and the employer doesn’t want the employee to leave. But, there might not be enough money. The employee could be **laid off** because there is not enough work. This means that the employer might want to hire the employee again when the company has more money. But, if the employer does not think the employee will be hired again, the employee is **permanently laid off**, or **dismissed**.

2. GIVING NOTICE BEFORE TERMINATION (15 minutes)

Activation activity: The teacher discusses what giving notices means and asks students if they have given notice in their previous jobs, and if so, how much notice they gave.

Activity: The whole class is divided into two groups. One group does Reading A ([Page 58](#)), and the other group does Reading B ([Page 59](#)). After each group is finished, the teacher pairs up one person who read Reading A with one person who read Reading B for them to discuss the answers together. Following this, the teacher debriefs with the whole class.

ANSWERS

READING A

1. Layoff is not the same as termination. A layoff is a temporary break in employment, whereas termination is a permanent break in employment.
2. Employees need to give notice when they want to terminate their employment. The length of time for the notice depends on how long they have worked for the employer. Employees who have worked for an employer more than 30 days but less than one year must give at least one week’s notice before the last day they plan to work. After employees have completed one full year with the same employer, at least two weeks’ notice is required. When employers wish to terminate employees, they must give notice of termination or pay wages equal to what would normally be earned during the notice.
3. The amount of notice employers must provide employees depends on the length of time that employee has worked for them.
4. When employers wish to terminate employees, they must give notice of termination or pay wages equal to what would normally be earned during the notice. This is often called “wages in lieu of notice”.
5. Effective April 30, 2007, employers cannot keep wages from employees who quit without notice. Employers must pay employees all earned wages within 10 days of the last day of work.

ANSWERS FOR PAGE 59

READING B

1. In the first 30 days of employment the legislation states that employers and employees have the right to end the working relationship without notice.
2. There are some cases where employers or employees do not need to give notice of termination.
3. Human rights, workplace safety and health and collective bargaining legislation all have provisions that prevent discrimination and offer some job protection.
4. Employment is considered continuous during statutory leaves like Parental, Maternity or Compassionate Care Leave.
5. Effective April 30, 2007, employers cannot have alternate notice policies.

SCENARIOS (30 minutes)

Activation activity: The teacher asks the class if they have any work situations where they are unsure of the legislation. These are discussed or flagged for further research.

Activity: Following this, the class is divided into two groups. One group reads and discusses 1 to 5 and the other 6 to 10. The teacher circulates to each group to tell them the answers to the questions after they have finished discussing them. After each group knows the answers to their scenarios, they get a partner from the opposing group and discuss the results with their new partner. Encourage the students to phone Employment Standards for their own scenarios.

Optional activity: The teacher can give one scenario per student to research and present.

ANSWERS FOR PAGES 60 to 69





1. The answer is E.
2. The answer is B.
3. The technically correct answer is D, but in reality C is what happens. When it is a part time worker, often neither the employee nor the employer actually wants them to take an extra day off, and instead they just pay the general holiday pay (5% of the 28 days).
4. The answer is D.
5. The answer is D.
6. The answer is A. The answer E might also be true. If he took EI benefits for the parental leave, EI would pay him for those days (they pay by the week) and would claw back any money the employer paid as General Holiday pay. (Can you check this out?)
7. The answer is B.
8. The answer is A.
9. The answer is A.
10. The closest answer is B. If his supervisor saw that he was working and did not say anything, then Employment Standards would probably make the employer pay the additional 25 minutes. Similarly if the employer had told him previously not to start work until his shift starts, then the employer could deduct the time from the time card.



END OF UNIT FIVE





TEACHER RESOURCE SECTION:

Photocopy one page for each group that will be doing the “Which holiday am I?” activity that is on student pages 35 to 41. When cutting these boxes out, do NOT cut down the centre line. Cut them so that the picture and the five clues are together. They can be mounted onto stiffer paper if desired.

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is in winter. • It is celebrated at midnight. • There are usually fireworks. • It is on January 1.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is always on a Monday. • It is in winter. • It is Manitoba’s newest holiday. • It celebrates the Father of Manitoba.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is a religious holiday. • It is always on a Friday. • It is three days before Easter Sunday. • It remembers the death of Jesus.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is always on a Monday. • It is the first long weekend of the summer. • It is always in May. • It is named in honour of a Queen who lived from 1819 to 1901.





TEACHER RESOURCE SECTION:

Photocopy one page for each group that will be doing the “Which holiday am I?” activity that is on student pages 35 to 41. When cutting these boxes out, do NOT cut down the centre line. Cut them so that the picture and the five clues are together. They can be mounted onto stiffer paper if desired.

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • There are usually fireworks. • It is in summer. • It is a national holiday. • It remembers Canada’s “birthday”.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is always on a Monday. • It is celebrated on the same day as in the United States. • It celebrates the rights of workers. • It is the last long weekend in summer.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is always on a Monday. • It was first celebrated in 1578. • Americans celebrate this day in November. • It is on the second Monday in October.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is a religious and a secular holiday. • People give gifts and decorate their homes. • Santa Claus is believed to give gifts to children on this day. • Christians celebrate the birth of Jesus Christ.





TEACHER RESOURCE SECTION:

Photocopy one page for each group that will be doing the “Which holiday am I?” activity that is on student pages 35 to 41. When cutting these boxes out, do NOT cut down the centre line. Cut them so that the picture and the five clues are together. They can be mounted onto stiffer paper if desired.

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is not a religious holiday. • Special candles are lit. • It was created in 1966 to celebrate African American culture. • It is from December 26 to January 1.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is celebrated almost two weeks later than a general holiday. • It is not a general holiday. • Eastern Orthodox churches celebrate it. • It is on January 6.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • Dragons may be a part of the festival. • It is important to Chinese culture. • It is also called the “Spring Festival”.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • The holiday is based on the story of a saint. • People give chocolates and flowers. • Love and romance are celebrated. • It is on February 14.





TEACHER RESOURCE SECTION:

Photocopy one page for each group that will be doing the “Which holiday am I?” activity that is on student pages 35 to 41. When cutting these boxes out, do NOT cut down the centre line. Cut them so that the picture and the five clues are together. They can be mounted onto stiffer paper if desired.

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is 46 days before Easter. • It is a time for contemplation. • Priests put ash on worshippers’ foreheads. • It is always on a Wednesday.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • The holiday is based on the story of a Saint. • Many people wear green on this day. • It is a national holiday in Ireland. • It is on March 17.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is always on a Sunday. • It is a Christian holiday. • Jesus rode into Jerusalem on a donkey on this day. • People wave palm branches on this day.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • It is celebrated by Jewish people. • It remembers how the Israelites escaped from slavery in Egypt. • The name of the holiday refers to when the angel of death passed over the doors of the Israelites’ houses and spared them.





TEACHER RESOURCE SECTION:

Photocopy one page for each group that will be doing the “Which holiday am I?” activity that is on student pages 35 to 41. When cutting these boxes out, do NOT cut down the centre line. Cut them so that the picture and the five clues are together. They can be mounted onto stiffer paper if desired.

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is always on a Sunday. • It is not a general holiday. • The date is always in March or April. • It is the most important religious day for Christians. • It celebrates the resurrection of Jesus.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is celebrated with food, music and dancing. • It is not a general holiday. • Mexican culture is celebrated. • The holiday name is written in Spanish. • It is on the fifth of May.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is always on a Sunday. • It is not a general holiday. • It is the most popular day to dine out at a restaurant. • This holiday is not International Women’s Day on March 8. • Children give gifts to their mothers.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is always on a Sunday. • It is not a general holiday. • It is always in June. • People participate in family activities. • Some men receive gifts on this day.





TEACHER RESOURCE SECTION:


Photocopy one page for each group that will be doing the “Which holiday am I?” activity that is on student pages 35 to 41. When cutting these boxes out, do NOT cut down the centre line. Cut them so that the picture and the five clues are together. They can be mounted onto stiffer paper if desired.

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is always on a Monday. • It is not a general holiday. • It is in summer. • Many employers treat it as a holiday. • It is always on the first Monday in August.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • It is a time of fasting for 29 or 30 days. • Muslims cannot eat while the sun is shining. • It occurs in the ninth month of the Islamic calendar.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • It is usually in September or October. • A trumpet made from a ram’s horn, called the shofar, is blown. • It is the beginning of the Jewish New Year.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is celebrated in the evening. • The children say “Trick or treat”. • Many children get candy on this night. • It is on October 31.

TEACHER RESOURCE SECTION:

Photocopy one page for each group that will be doing the “Which holiday am I?” activity that is on student pages 35 to 41. When cutting these boxes out, do NOT cut down the centre line. Cut them so that the picture and the five clues are together. They can be mounted onto stiffer paper if desired.

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • It is celebrated on Muharram 1. • Muslim people celebrate this holiday. • It celebrates the New Year.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is treated like a general holiday if you work on that day. • It remembers the end of World War 1. • It is also known as “Poppy Day”. • It is on November 11.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • It is an eight-day Jewish festival. • One candle is lit each night, and the stories of the Jewish people are remembered. • It is also called the “Festival of Lights”.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is one day after a general holiday. • It is not celebrated in the USA. • It is in December. Retail stores have big sales on this day. • After this day, stores can pack up boxes of the inventory that they didn’t sell to return to the manufacturer.

COVERED BY THE EMPLOYMENT STANDARDS LEGISLATION (almost 90%)	
<ul style="list-style-type: none"> • child care workers in a daycare • Income tax workers who are employees of H & R Block • credit union and trust company employees • server in a restaurant • sales associate • office worker • daycare worker • factory worker • warehouse worker • receptionist • cleaner AND MANY, MANY MORE.... 	<p>Employees covered by the Employment Standards laws in Manitoba can phone the Employment standards branch office or search the Employment Standards Branch website for information.</p> <p>Employees should first discuss their concerns with their employers, as there may have been a mistake or the employer may not realize that there is a problem. If there is still a disagreement, employees may contact the Employment Standards Branch for more information or to file a claim.</p>
NOT COVERED BY THE EMPLOYMENT STANDARDS LEGISLATION	
<p><u>Under Federal Jurisdiction:</u></p> <ul style="list-style-type: none"> • income tax workers who are employees of Revenue Canada • elections Canada workers <p><u>Industries including:</u></p> <ul style="list-style-type: none"> • railways, highway transport, trucking, pipelines, ferries, tunnels, bridges, canals, telephone and cable systems • all extra-provincial shipping and services connected with shipping, air transport, aircraft, airports and aerodromes • radio and television broadcasting • banks • flour, feed and seed cleaning mills, feed warehouses, grain elevators and uranium mining and processing • federal Crown corporations or agencies of the Crown, such as the Canadian Broadcasting Corporation and the St. Lawrence Seaway Authority <p>These industries fall under the Canadian Labour Code, which is enforced by Human Resources and Social Development Canada (HRSDC). They can be reached at 983-6375 in Winnipeg, or toll free at 1-800-838-2033.</p>	<p><u>Parts of the legislation do not apply to:</u></p> <ul style="list-style-type: none"> • babysitters who go into a family home • people who run a daycare out of their home and have no staff • professionals that have governing bodies (doctors, lawyers, etc) • part-time domestic workers • temporary election workers • self-employed • independent contractors <div style="text-align: center;">  </div> <p>(Signing a document does not make a person an independent contractor. It is the nature of the relationship between the parties that determines if someone is truly an independent contractor.)</p>



STUDENT ROLE PLAY SCRIPT

PHONING THE EMPLOYMENT STANDARDS BRANCH

Officer: Hello, Employment Standards Branch, _____ speaking. How may I help you?

Employee: I'm calling to see if my job is covered by the Employment Standards Laws in Manitoba.

Officer: It probably is, because 90% of the jobs in Manitoba are. What do you do?

Employee: *(Choose one of the following)* I work with people/numbers/machines. *(e.g. If the employee was a daycare worker he/she would say he/she worked with people.)*

Officer: *(Asks more questions to get details about the job, using the "5 W's": what, where, when, why, and who. The employee should answer the questions without stating the job directly.)*

- What do you do? *(e.g. "I read story books to children and play with them.")*
- Where do you work? *(e.g. "I work in buildings that are decorated with bright colours.")*
- When do you work? *(e.g. "I work during the day, sometimes from 7 am to 3 pm.")*
- Why do you like this job? *(e.g. "I like working with young children.")*
- Who do you work with? *(e.g. "I work with children whose parents are busy working.")*

Officer: You must be a _____ *(e.g. childcare worker working in a daycare)*. You are/aren't covered by Employment Standards. *(e.g. In this example, the employee is.)*

Employee: That's good to know. Where else can I get more information?

Officer: On our website, located at <http://www.gov.mb.ca/labour/standards/>. If you have a concern, discuss it with your employer first, and phone us back if you have any more questions.

Employee: Thanks for your help. Bye.



FILING A COMPLAINT
READING THE EMPLOYMENT STANDARDS
COMPLAINT FORM

1. (a) Where is the Employment Standards Branch located? _____
(b) Which floor is it on? _____
2. What will happen after this complaint form is filled out? (see the “*”) _____

3. How much time does the employee have to file the complaint? _____
4. What happens after the complaint is filed?

5. Who is the problem referred to if the customer service centre can’t solve the problem? _____
6. What happens if the matter goes to a hearing?

7. What is the address of the web site? _____
8. What is the phone number in Winnipeg? _____
9. What is the toll free phone number? _____
10. How many Employment Standards offices are there in Manitoba? _____

OPTIONAL ACTIVITY:

Go to the web site and research a question that interests you.

E-mail for more information:
Employmentstandards@gov.mb.ca





**EMPLOYMENT STANDARDS COMPLAINT FORM*/
FORMULAIRE DE PLAINTE EN VERTU DES NORMES D'EMPLOI***

This complaint is made by:/La présente plainte est déposée par

Name (Person or Business):/Nom (personne ou entreprise) :			
Address:/Adresse :		City/Town:/Ville/mun. :	Postal Code:/Code postal
Home Phone #:/N° de téléphone (résidence) :	Work Phone #:/N° de téléphone (travail) :	Fax #:/N° de télécopieur :	
Cell Phone #:/N° de téléphone cellulaire :		Email:/Adresse électronique :	

This complaint is made against:/La présente plainte est déposée contre

Name (Person or Business):/Nom (personne ou entreprise) :			
Address:/Adresse :		City/Town:/Ville/mun. :	Postal Code:/Code postal
Home Phone #:/N° de téléphone (résidence) :	Work Phone #:/N° de téléphone (travail) :	Fax #:/N° de télécopieur :	
Cell Phone #:/N° de téléphone cellulaire :		Email:/Adresse électronique :	

***An Employment Standards officer will contact you to discuss the details/
*Un agent des normes d'emploi communiquera avec vous pour discuter des détails de la plainte.**

Is the business still operating?/Est-ce que l'entreprise est toujours en exploitation? _____

What is the employer's type of business:/Quel est le genre d'entreprise de l'employeur? _____

Complainant Signature:/Signature du plaignant : _____ Date: _____

Office use only/Réservé au bureau	
Date received/Date de réception	Receiving Officer/Agent réceptionnaire
File Number/N° de dossier	S.I.C./N.A.S.

Employment Standards Branch/Division des normes d'emploi
604 – 401 York Ave./401, avenue York, bureau 604, Winnipeg, MB R3C 0P8
Tel./Téléphone : 945-3352 or/ou 1-800-821-4307 Fax:/Télécopieur : 948-3046

This personal information is being collected under the authority of *The Employment Standards Code*, and/or *The Construction Industry Wages Act*, and/or *The Remembrance Day Act*. It is protected by the protection of privacy provisions of *The Freedom of Information and Protection of Privacy Act*. If you have any questions about this collection of information, please contact the Manager of Client Services, 604 – 401 York Ave. 945-3352 or 1-800-821-4307.

Les renseignements personnels sont recueillis en vertu de l'autorité du *Code des normes d'emploi*, de la *Loi sur les salaires dans l'industrie de la construction* ou de la *Loi sur le jour du souvenir*. Les renseignements sont protégés en vertu des dispositions de protection de la vie privée de la *Loi sur l'accès à l'information et la protection de la vie privée*. Si vous avez des questions au sujet de la collecte des renseignements, veuillez communiquer avec le directeur des services à la clientèle (401, avenue York, bureau 604, 945-3352 ou 1 800 821-4307).

Filing a Complaint

If the employer and employee cannot settle an employment standards problem, either person can file a complaint. The complaint must be filed within six months.

The Employment Standards Code does not apply if you work in any of the industries regulated by the federal legislation, for

example airlines, banks, railways, TV and radio stations. If you were employed in one of these industries and are thinking of filing a complaint, you should contact the federal Human Resources Development Canada-Labour Program at 983-6375 or 1-800-838-2033.

What happens after you file a complaint?

Staff in the Customer Service Centre will speak with both the employer and employee to gather information, review the facts and the applicable legislation, and work towards resolving the complaint.

Complaints that cannot be resolved in our Customer Service Centre are referred to a field officer. The field officer investigates all the relevant information and advises the employer and employee about their mutual employment standards rights and obligations. If the complaint is resolved voluntarily, the file is closed.

If the employer and employee cannot resolve the complaint, an Order requiring the payment of wages may be issued. A minimum \$100.00 administration fee is applied to each order issued.

Either the employer or employee may appeal an Order by making a written request to have the matter heard by the Manitoba Labour Board. There are strict time limits on filing an appeal.

If the matter goes to a hearing, the employers and employees must testify and present evidence in support of their case to the Manitoba Labour Board.

How to Contact Us / Comment communiquer avec nous

Visit our Web Site at/ Visitez le site Web
www.gov.mb.ca/labour/standards/

Fax number / N° de télécopieur : (204) 948-3046

Winnipeg – 945-3352 or / ou 1-800-821-4307
 604 – 401 York Avenue R3C 0P8 / 401, avenue York, bureau 604, R3C 0P8

Brandon – 726-6370
 340 – 9th Street R7A 6C2 / 340, 9^e Rue, R7A 6C2

Thompson – 677-6664
 59 Elizabeth Road R8N 1X4 / 59, chemin Elizabeth, R8N 1X4

Dépôt d'une plainte

Si l'employeur et l'employé ne peuvent régler un problème afférent aux normes d'emploi, l'une ou l'autre partie peut déposer une plainte. Cette dernière doit être déposée dans les six mois qui suivent l'apparition du problème.

Le Code des normes d'emploi ne s'applique pas si vous travaillez dans un secteur réglementé par le gouvernement fédéral (p. ex.

lignes aériennes, banques, chemins de fer, stations de télévision et de radio). Si vous étiez employé dans un des secteurs mentionnés ci-dessus et que vous songez à déposer une plainte, vous devriez communiquer avec le Programme du travail de Développement des ressources humaines Canada en composant le 983-6375 ou le 1 800 838-2033.

Qu'arrive-t-il après le dépôt d'une plainte?

Le personnel du Centre de services à la clientèle communique avec l'employé et l'employeur afin de recueillir des renseignements, d'examiner les faits et les mesures législatives applicables et de régler la plainte.

Les plaintes qui ne peuvent être réglées par le Centre de service à la clientèle sont confiées à un agent local. Ce dernier examine tous les renseignements pertinents et indique à l'employé et à l'employeur leurs obligations et leurs droits mutuels en matière de normes d'emploi. Si la plainte est réglée de manière volontaire, le dossier est fermé.

Si l'employé et l'employeur ne peuvent régler la plainte, une ordonnance visant le paiement de salaires peut être rendue. Des droits d'administration minimums de 100 \$ s'appliquent à toute ordonnance rendue.

L'employeur ou l'employé peut interjeter appel d'une ordonnance en demandant par écrit que la question fasse l'objet d'une audience de la Commission du travail du Manitoba. La procédure d'appel est assujettie à des délais rigoureux.

Si la question fait l'objet d'une audience, les employeurs et les employés doivent témoigner et présenter des preuves à l'appui de leur cas à la Commission du travail du Manitoba.



LISTENING ACTIVITY

In the dialogue, a radio interviewer is interviewing an employment standards officer to get information about young workers.

The information in the dialogue comes directly from the website.

1. How old must a person be to work?
2. Are there restrictions on when young people can work?
3. How often can young people work?
4. Can young people work alone?
5. Do young people have the same rights as other employees?

LAWS TO PROTECT YOUNG WORKERS

LISTENING TRANSCRIPT



Radio announcer: Well, recently we've heard on the news that more and more young children and young teenagers are working. This has got me thinking. Are there any laws about when children can or can't work? I'm pleased to welcome to our studio an Employment Standards officer, Ada. Welcome to our studio, Ada.

Employment Officer: Thanks. I'm glad to be here.

Radio announcer: Now I have some questions for you. How old must a person be to work?

Employment Officer: They must be at least 12 years old, and until they're 16 years old, they need a child employment permit to work.

Radio announcer: Are there restrictions on when young people can work?

Employment Officer: Yes. Children under the age of 16 cannot work between the hours of 11 pm and 6 am.

Radio announcer: So they can't work at night.

Employment Officer: That is correct.

Radio announcer: And how often or how many hours can young people work?

Employment Officer: During the school year, children under 16 can only work a maximum of 20 hours a week.

Radio announcer: I guess that is so they can concentrate on their studies.

Employment Officer: That is correct.

Radio announcer: Can young people work alone?

Employment Officer: Our policy is that children under 16 have adult supervision at all times.

Radio announcer: Hmm... But do young people have the same rights as other employees?

Employment Officer: Yes, of course. All employees in Manitoba have the same rights.

Radio announcer: And a final question for you. How can people get a hold of you if they have more questions?

Employment Officer: They can call our general inquiry line at 945-3352, or they can drop by our office during office hours at Room 604, 401 York Ave.

Radio announcer: Thanks very much.

Employment Officer: You're very welcome.

PAY CHEQUE OF A FULL TIME WORKER WORKING AT MINIMUM WAGE

- | | | |
|---------------------------------|-------------------------|-----------------|
| 1. Social Insurance Number | 2. Deductions | 3. Hours Worked |
| 4. Rate of Pay | 5. Gross Pay | 6. Vacation Pay |
| 7. C.P.P. (Canada Pension Plan) | 8. Employment Insurance | 9. Income Tax |
| 10. Union Dues | 11. Net Pay | 12. Pay Period |

- _____ how much you earn each hour
- _____ you get paid from the date of your last cheque to date shown
- _____ you get this money when you turn 65
- _____ a regular amount you pay to your union
- _____ this pays for government services in Canada
- _____ the money subtracted from your cheque
- _____ the amount of money you receive after deductions
- _____ the number of hours you worked since your last pay cheque
- _____ the total amount you earn before deductions
- _____ if you lose your job you can apply to get this money back
- _____ you need this number to work
- _____ part-time employees get an extra 4% added to their cheque instead of vacation time



Date:	April 18, 2008	Cheque Number	6117
S.I.N.	617 854 926	Employee Number	1827

Hours worked	80	E.I.	\$16.91	Net Pay
Rate of Pay	\$9.00 / hr	Income Tax	\$186.20	\$528.10
Vacation Pay	\$28.80	Other Union	\$6.20	Pay Period Ending
Gross Pay	\$748.80	C.P.P.	\$11.39	18/04/10

George's Restaurant 123 Main Street Winnipeg, Manitoba	_____ DD MM YYYY
Pay to the Order of _____ \$ _____ _____ / 100 Dollars	
Credit Union 456 Portage Ave Winnipeg, Manitoba	_____

PAY CHEQUE OF A FULL TIME WORKER WORKING AT MINIMUM WAGE

If you work more than eight hours per day and/or 40 hours per week, you must be paid time and a half. Check your pay stubs (pay cheques) to be sure that you receive the correct amount of money. Save your pay stubs for income tax purposes and for day care applications.

QUESTIONS: Look at the pay cheque on page 9 to answer the questions.

1. This pay cheque is for two weeks of full time work.
She has not worked any overtime.
How many **hours** does she **work** each week? _____ hours.
2. What is Susan's **rate of pay**? _____ / hr.
3. What is Susan's **gross pay**? _____
4. What is her Social Insurance Number (**S. I. N.**)? _____
5. How many **deductions** does she have? _____
6. How much **C.P.P.** does she pay? _____
7. How much **E.I.** does she pay? _____
8. How much **income tax** does she pay? _____
9. What are her **union dues**? _____
10. What is the **pay period**? from _____ to _____
11. What is her **net pay**? _____

DEDUCTIONS

Vocabulary:



- to dine and dash = to eat and leave without paying
- faulty work = work which is not done well
- inventory shortage = something needed for the business is missing
- statutory deductions = deductions required by law

CANNOT BE DEDUCTED	CAN BE DEDUCTED
<ul style="list-style-type: none"> • vehicle, equipment and tool repair or loss • breakage or other damages • faulty work or poor quality work • theft, including dine-and dash incidents • cash shortages • inventory shortages • safety equipment • uniforms and special clothing required by employers • business supplies • interest charges or other fees for cash advances • education expenses that benefit only the employer • any other deductions that are of no direct benefit to the employee 	<ul style="list-style-type: none"> • statutory deductions • court orders or garnishments • charges for board, lodging and meals as permitted under the Employment Standards Code • recovery of pay advances and corrections of payroll errors • the minimum amount payable by the employer for a red light or photo radar ticket with the employee's written permission • any other deduction agreed to by employees as long as it directly benefits the employee

- Remember, deductions from an employee's wages must directly and clearly benefit the employee.

DEDUCTION SCENARIOS

Can the employer deduct money for this? **Write “YES” or “NO” on the line.**



_____ The waiter serves a table of ten people, who eat a big meal. After they finish the meal, the waiter is busy and doesn't come to their table with the bill right away. The customers decide to walk out without paying.

_____ The employer pays the employee \$200 too much on a pay cheque, so the next week he deducts the \$200 to correct the error.



_____ The cashier counts her money and discovers that she is \$27.51 short in her till. Her boss is angry and wants to deduct the money from her pay cheque because he says that she must have made a mistake while giving change.

_____ The employer wants a female employee to wear a blouse and skirt with the company's name and logo on them. He says that because they are made of expensive cloth, he can deduct the cost for the clothes from the employee's pay cheque.



LISTENING EXERCISE: UNIFORMS

Uniforms are not a _____ to employees. Employers _____ employees buy uniforms. They cannot deduct for uniforms. A **uniform** is a form of dress that is _____ to a business. Uniforms are identified with the company's logo or symbol, name or colours, making them of no practical use outside of the workplace. Employees often have no choice in style, colour or supplier. Employers can require items of clothing in specific colours be worn, as long as employees can reasonably _____ elsewhere.

Employers can establish a **dress code**, which requires certain types of clothing and establishes _____ for the look of employees while they are working. For example, a restaurant can require all serving employees to wear a clean pressed white shirt and black pants while working.

The clothing required by a **dress code** cannot be specific to an employer. When deciding whose responsibility the cost of clothing is (employee's or employer's), the main issue is the amount of _____ employees have in choosing where and what to buy. The more choice, the more likely it is part of a dress code and not a uniform. Clothes with a _____ or a certain design or style normally identified with a company, or that must be bought from employers are likely uniforms and must be paid for by employers.

Employers can reasonably expect employees to provide some **special clothing** that is common in the industry. Similar to tools, special clothing must be useful with other employers. It may be specific to the job, but not to the employer. As with tools, employees must have choices about _____ and _____ to buy. The clothing cannot have a logo or other markings that make it useful only for one employer, and the clothing must remain the property of the employee.

LISTENING EXERCISE: UNIFORMS (Continued...)

For example, nurses may wear a certain type of loose fitting clothing. It _____ them as nurses and is usually required for the job. Employers can expect these employees to have this outfit and would not have to provide or pay for it unless they require a logo or _____ that identifies the company.

QUESTIONS: Write true or false beside each situation.



_____ If a company provides a uniform, they are required to provide all the pieces of clothing needed to wear with it. For example, they should provide socks and underwear as well.

_____ A waiter who has to wear a white shirt and black pants has to buy them himself.

_____ A server who is working for a restaurant does not have to pay for the uniform if the workplace decides the exact colour, style, and where it will be obtained.

_____ The employer pays for all nursing uniforms.

_____ Employers can have a dress code which states that the employees cannot wear earrings or have nose piercings.

_____ Employers can deduct the price of the uniform from the employee's first pay cheque.

_____ An employer at a clothing store can have a dress code which requires the employee to wear only their clothing store's clothes to work.

_____ A plumber will have to pay for plumbing tools that he can use for any employer.

_____ If an employer says that the employee **MUST** wear the clothes that the store sells, then the employer must pay for the clothes.



RECORD KEEPING, PAY STUBS & PAYING WAGES

Employers must pay employees for all hours they work and explain how the pay is calculated. You should keep a record of how much you have worked so that you can check your pay cheque to make sure that it is accurate. Employers must give all employees written pay statements when they are paid wages. Pay statements are sometimes referred to as **pay stubs**.

An example of a pay stub of a person (Abraham) earning \$13.60 an hour:

	Hours	Period	YTD		Period	YTD
Regular	80.00	1088.00	19 525.00	EI	20.36	365.53
Vacation Paid		43.50	781.00	CPP	49.32	832.46
		_____	_____	TAX	118.15	2668.12
Gross Pay		1131.00	20 306.00		_____	_____
		_____	_____	Withheld	257.83	3886.11
Gross Paid		1131.00	20 306.00	Net Pay	873.17	16 439.89
					_____	_____
				Vacation Earned	43.50	781.00
				EI Insurable Hours		80.00

Vocabulary: **YTD** = Year to date

CPP = Canada Pension Plan

EI = Employment Insurance

Withheld = money deducted (subtracted)

1. What was the amount that Abraham received on this pay cheque (net pay)? _____
2. How much money was withheld because of deductions? _____
3. How much money has Abraham made this year so far? GROSS: _____ NET: _____
4. Will Abraham receive a regular pay cheque if he takes two weeks off? _____

RECORD KEEPING, PAY STUBS & PAYING WAGES

Employers are required to keep records of their employees. They must be updated whenever there are changes. Employees should keep their own records for their own information but are not required to.

The information that the employer needs to save falls into six categories:

1. Personal information
2. Hours worked
3. Time taken off
4. Wages
5. Deductions
6. Information about leaves taken



Question: Look at the following information that the employer needs to record and sort it according to the categories above.

- ___ start dates of annual vacations
- ___ dates of time off taken instead of overtime wages
- ___ regular hours of work and overtime (recorded separately and daily)
- ___ amount of vacation allowance paid
- ___ date of termination of the employment
- ___ copies of documents related to compassionate care leave
- ___ the employee's name, address, date of birth, and occupation
- ___ regular wage and the overtime wage when employment starts
- ___ dates and wages paid for hours worked on a general holiday
- ___ deductions from wages (dates and reasons for each deduction)
- ___ dates each general holiday is taken
- ___ the dates of changes to the wage and the new wage
- ___ the date the employee starts work
- ___ copies of documents related to maternity leave, parental leave
- ___ date work resumes after a vacation
- ___ dates wages are paid and the amount paid on each date

INFORMATION GAP ACTIVITY PARTNER A



It is a good idea for employees to also keep records of when they work and what they have been paid. Ahmed Abdul has worked for only two weeks.

Ask your partner about how many hours Ahmed worked on the dates that are in **BOLD** numbers and record it. (For example: “How many hours did Ahmed work on December 16th?”)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15 7:00 - 17:00 (8 hours regular + 1 hour overtime)	16	17 17:00 - 20:00 (3 hours)	18	19 16:00 - 18:00 (2 hours)	20
21 DAY OFF (unpaid)	22	23 8:00 - 16:00 (7 hours)	24	25 DAY OFF General holiday	26	27 9:00 - 17:00 (7 hours)
28	29	30	31			

INFORMATION GAP ACTIVITY PARTNER B



It is a good idea for employees to also keep records of when they work and what they have been paid. Ahmed Abdul has worked for only two weeks.

Ask your partner about how many hours Ahmed worked on the dates that are in **BOLD** numbers and record it. (For example: “How many hours did Ahmed work on December 15?”)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16 12:00 - 21:00 (8 hours)	17	18 12:00 - 16:00 (4 hours)	19	20 7:00 - 17:00 (8 hours regular + 1 hour overtime)
21	22 9:00 - 13:00 (4 hours)	23	24 12:00 - 16:00 (4 hours)	25	26 15:00 - 18:00 (3 hours)	27
28	29	30	31			

OVERTIME

FOLD THE PAPER IN HALF LENGTHWISE BEFORE STARTING THE ACTIVITY.

The standard hours of work are generally eight hours in a day and 40 hours in a week. Work beyond the standard hours is overtime. Employees who work overtime are entitled to be paid time and a half (1½ times their regular wage) for the hours worked during overtime. Overtime must be authorized by employers.



<p>What are the standard hours of work?</p> <p>(a) 7 hours of paid work a day (b) 8 hours: 7 hours of paid work + 1 hour lunch unpaid (c) 8 hours of paid work a day (d) 9 hours of paid work a day</p>	<p>(c) Standard hours of work are the maximum number of hours employees may be required to work at regular wage. In most cases, it is eight hours in a day and 40 hours in a week. Hours worked over the standard hours are considered overtime hours.</p>																																								
<p>What are employees paid for overtime?</p> <p>(a) the same wage (b) 1½ times their hourly wage (c) 2 times their hourly wage (d) whatever the employer wants</p>	<p>(b) Employers who ask or allow employees to work longer than the standard hours of work must pay these employees one and a half times their regular hourly wage for each hour worked during overtime.</p>																																								
<p>How are overtime hours determined?</p> <p>(a) the number of hours in a week(over 40 hours a week), not a day, are important. (b) the number of hours in a day (over 8 hours), not a week, are important. (c) the number of hours in a day (over 8 hours) and the number of hours in a week (over 40 hours) are both considered. (d) whenever the employee thinks he/she is working too much.</p>	<p>(c) Overtime is determined by the number of hours worked in a day and the number of hours worked in a week.</p> <table border="1" data-bbox="885 1554 1453 1690"> <thead> <tr> <th>S</th> <th>M</th> <th>T</th> <th>W</th> <th>T</th> <th>F</th> <th>S</th> <th>Total</th> <th>REG</th> <th>OT</th> </tr> </thead> <tbody> <tr> <td></td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>48</td> <td>40</td> <td>8</td> </tr> <tr> <td></td> <td>8</td> <td>6</td> <td>6</td> <td>8</td> <td>10</td> <td></td> <td>38</td> <td>36</td> <td>2</td> </tr> <tr> <td></td> <td>10</td> <td>6</td> <td>10</td> <td>6</td> <td>10</td> <td></td> <td>42</td> <td>36</td> <td>6</td> </tr> </tbody> </table> <p>REG = Regular hours OT = Overtime</p>	S	M	T	W	T	F	S	Total	REG	OT		8	8	8	8	8	8	48	40	8		8	6	6	8	10		38	36	2		10	6	10	6	10		42	36	6
S	M	T	W	T	F	S	Total	REG	OT																																
	8	8	8	8	8	8	48	40	8																																
	8	6	6	8	10		38	36	2																																
	10	6	10	6	10		42	36	6																																

OVERTIME (Continued....)

<p>Who decides when overtime will be worked?</p> <p>(a) the employer (b) the employee (c) the government (d) the employee & employer together</p>	<p>(d) Employers control scheduling in the workplace. Employees cannot work overtime without the knowledge or permission of their employers. If employers ask for, allow or acknowledge the overtime work, it must be paid at the overtime wage. Except in declared emergencies, overtime is voluntary or by agreement.</p>
<p>Can employees bank overtime and take the time off later?</p> <p>(a) Yes: it must be taken within three months. (b) Yes: it must be taken within six months. (c) Yes: it can be taken up to a year later. (d) No</p>	<p>(a) Yes, employers and employees can agree to bank overtime if they agree in writing. The agreement must include the time off at one and a half times the number of overtime hours worked. For each hour of overtime worked, employees get one and a half hours off work with regular pay. Employers must schedule this time during regular hours. The banked time must be taken within three months of being earned. Employees have earned the overtime wages once the hours have been worked and can ask to be paid out at any time.</p>
<p>What if the banked time off is not taken?</p> <p>(a) They lose the money. (b) They must be paid out, but at regular wage. (c) They must be paid out, at the overtime wage (one and a half times the regular wage).</p>	<p>(c) Employees must take the banked time off within three months. If the time is not taken within three months, employers must pay out the overtime wages, at one and a half times the regular wage for each hour of overtime worked.</p>
<p>Do salaried employees receive overtime?</p> <p>(a) Yes (b) No</p>	<p>(a) Yes, employees who are paid by salary are entitled to overtime. For salaries, an hourly wage may be calculated to determine the overtime pay per hour. For example: employees who earn a salary of \$400 per week and are expected to work a 40-hour week are paid \$10 per hour for the standard hours. If they work overtime, they are paid 1½ times their regular wages: in this case, \$15 per hour.</p>

HOURS & DAYS WORKED

Maria works at a restaurant as a server. She is also a student at university. She usually works Wednesday, Thursday, Friday, and Saturday evenings from 5 pm to 11 pm without a break. Sometimes her employer sends her home at 10:30 pm.



Her employer just told her that they will no longer be open until 11 pm on Wednesdays and Thursdays. On Wednesday and Thursday she will now work from 5 to 8 pm only. She is also losing hours because she is frequently sent home early.

On Friday and Saturday evenings, she is also sent home at 8 pm if there are not enough customers. One Friday night, her employer sends her home at 7 pm, and she is paid for only the two hours she worked instead of her five-hour shift.

The next week, Maria gets permission to switch her Friday shift for a Saturday day shift. She works the breakfast and lunch shift from 9 to 3 pm in addition to her regular 5 to 11 pm evening shift. She gets a half hour break, unpaid, during each shift. She receives no overtime for working the 11 hours for the Saturday. Her employer says he cannot pay her overtime when she switches a shift.

Maria has been “punching in” 15 minutes early for each shift without asking her employer first. She is not paid for this extra time.

Maria recently learned about her rights under the Employment Standards legislation. She wants to know if her employer is treating her correctly, so she phones the Employment Standards office.

HOURS & DAYS WORKED

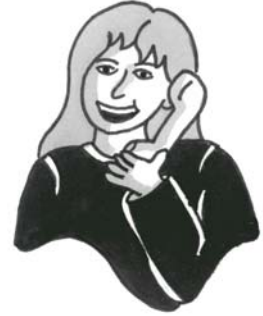
QUESTIONS: Listen to the phone conversation and answer the following questions:

1. Who controls the scheduling?
2. Can employers change employees' schedules?
3. Can employees change schedules?
4. Do employers need to pay overtime when schedules have been changed?
5. Can employers change schedules even after shifts have been started?
6. How long can employees work without a break?
7. What is considered a break?
8. Must employees be paid for their breaks?
9. Maria worked her co-worker's 9 - 3 pm shift in addition to her usual 5 – 11 pm shift one Saturday. Should she be paid overtime?
10. Are breaks included when calculating overtime?



LISTENING TRANSCRIPT: HOURS & DAYS WORKED

Time: 6 minutes and 16 seconds



Employment Officer: Good afternoon, Employment Standards. . .

Maria: Hello, I'm calling about, uh, work. Am I calling the right place?

Employment Officer: Yup.

Maria: I'm a restaurant server, and I have questions about scheduling.

Employment Officer: Okay, what are your questions? Start with one.

Maria: Well, first of all, I'm confused. I told my employer the hours I wanted to work when I was hired. But now my employer is making changes to my work schedule without asking me first. He's scheduling me for days that I don't want to work, so I'm wondering, who decides the schedule, the employer or I?

Employment Officer: The employers make the schedule. They're the ones that set the hours. Sometimes they will involve you in making the schedules, but they don't have to.

Maria: Okay, then when I was hired, I was scheduled to work four evenings, six hours each evening, so that's 24 hours in a week.

Employment Officer: Okay.

Maria: But now he's closing his business early on Wednesdays and Thursdays, and I'm only scheduled three hours these evenings, not six hours. In other words, I'm losing hours. He promised me more hours. Can my employer change my schedule like this?

Employment Officer: Yes, they can. Again, they're in charge of doing - making the schedules, and if they decide to close early, they can do that.

Maria: Okay, okay, well. . . I have another situation. Suppose I have a test on Friday. I'm at university, and I don't want to work Thursday. Another waitress doesn't mind, and we switch shifts. She works my Thursday shift, and I work her Saturday shift. Can I, as an employee, change the schedule by switching shifts like this?

HOURS & DAYS WORKED (Continued...)

Employment Officer: You can, but I would suggest to talk to your employer first. Uh, it depends upon what their rules are about scheduling.

Maria: Okay. So now what if I ask my employer, and I get permission, and I switch shifts, but, as a result, I'm working two shifts in a day. For example, Saturday I work my regular, nine to two, but then, because of the switch, I also work five to eleven. Now my employer says, "No overtime". Do employers need to pay overtime when schedules have been changed?

Employment Officer: If the employer allows you to do the change and allows you to work more than eight hours in a day, then yes, they have to pay you overtime, if you work more than the eight hours in one day.



Maria: Okay, so if they agree to those hours, they have to pay.

Employment Officer: That's right.

Maria: Okay, that's good to know. Finally some good news. Now, I have another question. What about being sent home early? Now, one Friday I was scheduled from five to eleven. I'd only worked two hours when I was sent home at seven o'clock. Can my employer change my schedule after my shift has already started?

Employment Officer: They can, but they would have to pay you for a minimum of three hours. In your case you said you were scheduled for six hours, you said five to eleven.

Maria: Correct.

Employment Officer: Okay, so they would have to pay you for at least three hours, because they're sending you home early.

Maria: Okay, so even though I only worked two hours, they would pay me for three out of respect.

HOURS & DAYS WORKED (Continued...)

Employment Officer: That's right, because your scheduled shift was longer than three hours... Now, if you were only scheduled for two hours, then they would only need to pay you for the two. But because it was more than three, then they have to pay you for at least three hours.

Maria: Okay, I think I've got that. That's good to know. Very good to know. Especially in the waitressing industry. Now, what about breaks? Um, I work from five to eleven pm without a break.

Employment Officer: Okay.

Maria: Sometimes I'm sent home at 10:30 though. If I work eight hours, and I. . . Oh, I basically. . . I just need to know: how long can I work without a break?

Employment Officer: If you're working for five hours or more, you're entitled to get a half hour, unpaid, meal break. And that's after, again, that's after working five hours. Now, many employers will give you, coffee breaks, but they don't have to give that to you; that's a benefit that they give to you.

Maria: Okay, so after five hours, I have to get a break.

Employment Officer: A half hour break.

Maria: Unpaid or paid?

Employment Officer: No, unpaid break.

Maria: Unpaid break. So, another question about breaks: um, now, other employees, they work eight hours; they have to take their break and eat their lunch in the restaurant. They can't leave, just in case it gets too busy. In my opinion, that's not really a break, so what is considered a break?

Employment Officer: A break would be a time where you could sit down and relax, and where you just don't have to work. You're not responsible for serving customers or doing anything that you're required to do while you're at work. It's your time to rest.



HOURS & DAYS WORKED (Continued....)

Maria: Okay, that's good. Now if I work five hours, take a half hour break, now this will decrease my working time to four and a half hours, right? Does my . . . -- Does my employer have to pay me for that break?

Employment Officer: They would now only need to pay you for the four and a half hours.

Maria: Hmm... Even though on the schedule, it said I was working five hours.

Employment Officer: Right, you're scheduled to be there for five hours, but you're not actually working the five hours because you took that half hour off to rest.

Maria: Okay - okay, okay, okay. Hmm. . . This is complicated. Now, what about this: If I worked on Saturday from nine to three, and yeah, so that's ten, eleven, twelve, one, two, three, six hours, and then five to eleven, which is another six hours, should I get paid overtime, and, if so, are the breaks included when calculating overtime?

Employment Officer: The breaks are not included as overtime. So we would look at the total numbers of hours that you worked. So in the morning you worked six hours, and if you got a half hour or an hour break, you only worked five and a half hours. And then again in the evening, it's the same thing; you only worked five and a half hours. So in total...

Maria: Yeah. .

Employment Officer: You've only worked eleven hours, not twelve. So you would get paid the three hours of overtime.

Maria: Well, that's good to know. You've definitely been, uh, a big help for all my questions. Can I phone you again if I get confused about anything?

Employment Officer: Certainly, give us a call anytime.

Maria: Thanks so much.

Employment Officer: Thank you.

Maria & Employment Officer: Bye bye.



GENERAL HOLIDAYS

General holidays are also called stat or statutory holidays. The government has made legislation to recognize these days as holidays. Employees have to receive this day off with pay. If they work, they have to be paid differently.

EIGHT GENERAL HOLIDAYS (STATS)

New Year's Day.....	January 1
Louis Riel Day.....	third Monday in February
Good Friday.....	the Friday before Easter
Victoria Day.....	third Monday in May
Canada Day.....	July 1
Labour Day.....	first Monday in September
Thanksgiving Day.....	second Monday in October
Christmas Day.....	December 25

DISCUSS WITH YOUR GROUP:

1. How many general holidays are always on a Monday?
2. Which general holiday is NEVER on a Monday?
3. How many general holidays are based on a religious holiday?
4. Which general holidays are you NOT familiar with?
5. Which general holidays are the same as the general holidays in your home country?
6. Which general holiday is your favourite?

SPECIAL DAYS THAT ARE NOT GENERAL HOLIDAYS

St. Valentine’s Day.....	February 14
St. Patrick’s Day.....	March 17
Cinco de Mayo.....	May 5
Mother’s Day.....	2 nd Sunday in May
Father’s Day.....	3 rd Sunday in June
Civic Holiday.....	1 st Monday in August
Halloween.....	October 31
Remembrance Day.....	November 11
Boxing Day.....	December 26
Kwanzaa.....	December 26 to January 1

Dates of these holidays change, according to different calendars:



- Orthodox Christmas
- Orthodox New Year
- Islamic New Year
- Chinese New Year
- Ash Wednesday
- Passover
- Palm Sunday
- Easter Sunday
- Ramadan
- Yom Kippur & Rosh Hashanah
- Hanukkah

DISCUSS:

1. Which special days are you NOT familiar with?
2. Which special days are the same as the holidays in your home country?
3. Which special holiday is your favourite?

INFORMATION ABOUT HOLIDAYS: GENERAL HOLIDAYS (Source: Wikipedia)

NEW YEAR'S DAY in Canada is on January 1. It is celebrated with fireworks at the stroke of midnight as the New Year starts. It is a general holiday.



LOUIS RIEL DAY is Manitoba's newest general holiday. It is celebrated on the third Monday of February. It honours the memory of Louis Riel. Louis Riel lived from 1844 to 1885. He was the founder of the province of Manitoba, and the leader of the Métis people. He led two resistance movements against the Canadian government. The first was called the Red River Rebellion of 1869-1870. After this, Louis Riel was forced into exile in the United States as a result of the controversial execution of Thomas Scott. He returned to Canada, to Saskatchewan, to help the Métis in their resistance, which was known as the North West Rebellion of 1885. He was hanged for treason.



GOOD FRIDAY is the Friday before Easter Sunday. On this general holiday Christians remember that Jesus Christ was crucified and died at Calvary.



VICTORIA DAY is celebrated on the third Monday in May. This general holiday was named in honour of the memory of Queen Victoria, who lived from 1819 to 1901. Most Manitobans look forward to Victoria Day as the first long weekend of the summer. People who have cottages go to clean up their cottage to prepare for the summer season.



CANADA DAY is on July 1. It is a national general holiday to remember that Canada became a country on July 1, 1867. It is also called "Canada's birthday". It is different from independence days in other countries because the British parliament kept limited political control over the new country from 1867 until 1982, when Canada got its own constitution.

INFORMATION ABOUT HOLIDAYS: GENERAL HOLIDAYS (Continued...)

LABOUR DAY is a general holiday that is celebrated on the first Monday in September. It is celebrated in September as in the United States and not on May 1 as in many other countries in the world. It celebrates the rights of unions to improve the lives of workers. Many Canadians enjoy Labour Day as the last long weekend in the summer.



THANKSGIVING DAY is a general holiday on the second Monday of October. It reminds Canadians to be thankful. Many Canadians spend time with their families and eat turkey and pumpkin pie. The first Canadian Thanksgiving Day was believed to be in 1578, when Martin Frobisher held a formal ceremony in Newfoundland and Labrador because he was thankful to have survived the long journey trying to find a northern passage to the East. Canada celebrates Thanksgiving in October, but Americans celebrate it in November.



CHRISTMAS DAY is a general holiday on December 25. On this day, many Christians celebrate the birth of Jesus Christ, but non-Christians also celebrate it as a winter holiday with its own traditions, such as visiting Santa Claus in the shopping mall. Santa Claus is traditionally believed to be the person who brings gifts for children at Christmas. Many Canadians give gifts, decorate their homes, and spend time with their family on Christmas.

INFORMATION ABOUT HOLIDAYS THAT ARE **NOT** GENERAL HOLIDAYS

ORTHODOX CHRISTMAS is celebrated on January 6 by some Eastern Orthodox churches, which follow the traditional Julian calendar. This calendar is currently 13 days behind the calendar which Canadians use today, which is the modern Gregorian calendar. It is not a general holiday.

ORTHODOX NEW YEAR'S DAY is celebrated on January 14, because the Orthodox Church uses the traditional Julian calendar instead of the modern Gregorian calendar, which Canadians use today.. It is not a general holiday.

INFORMATION ABOUT HOLIDAYS THAT ARE **NOT** GENERAL HOLIDAYS (Continued...)

CHINESE NEW YEAR, or Spring Festival, is the most important holiday celebrated in Eastern Asia. It begins on the first day of the first lunar month in the Chinese calendar, and ends on the fifteenth day, which is called the Lantern Festival. Though many Canadians who have grown up with Chinese culture still celebrate this New Year in Canada, it is not a general holiday.



ST. VALENTINE'S DAY is on February 14. It is not a general holiday. On this day, people give love notes, flowers and chocolates to show their love.



ASH WEDNESDAY can occur as early as February 4 or as late as March 10. Ash Wednesday is the first day of Lent, 46 days before Easter. On this day, in some churches, priests put black ashes on the forehead of each person in the shape of a cross. Traditionally, the worshipper leaves the ashes on their forehead until after sundown. (The ashes are prepared by burning palm leaves from the previous year's Palm Sunday celebrations and mixing them with a little bit of oil or water.) Ash Wednesday is a time for contemplation and, for some, fasting. It is not a general holiday.



ST. PATRICK'S DAY, also casually called "St. Paddy's Day", is on March 17. It celebrates the life of Saint Patrick, who is believed to be a saint who lived between 385 and 451 A.D. in Ireland. It is the national holiday of the Irish people, who chose to celebrate on March 17th because that is the day St. Patrick died. In Canada it is celebrated by some people, often by wearing green clothing or attending Irish bars, but it is not a general holiday.



PALM SUNDAY is on a different day every year but always on the Sunday before Easter. It celebrates the day Jesus came into Jerusalem riding on a donkey. It is not a general holiday.

INFORMATION ABOUT HOLIDAYS THAT ARE **NOT** GENERAL HOLIDAYS (Continued...)

PASSOVER On this day, Jewish people remember how the Israelites, who were slaves in Egypt, became free. The name “Passover” refers to how the angel of death passed over the houses of the Israelites who, because of their faith that God would rescue them from slavery, had marked their doors with the blood of a lamb. In Canada it is not a general holiday. Many Jewish people eat special foods and say special prayers on this day.



EASTER SUNDAY is the most important religious day for Christians. It celebrates the resurrection of Jesus, which occurred three days after he died. The date of Easter is in March or April. It is chosen by looking at the cycle of the moon. Orthodox Christians celebrate on a different day. It is not a general holiday.

EASTER MONDAY is the day after Easter Sunday. It is not a general holiday, but it may be a day off for some work places.



CINCO DE MAYO is a Spanish sentence which means “Fifth of May” in English. It is celebrated on May 5 in parts of Mexico and in parts of the United States with food, music and dancing. It is not Mexico’s Independence Day, but rather a day to celebrate Mexican culture. In Canada, some Canadians from Mexico celebrate this day, but it is not a general holiday.



MOTHER’S DAY is a day honouring mothers, which occurs on the second Sunday in May. Mothers often receive gifts on this day, and it is the most popular day of the year to dine out at a restaurant. Other countries honour women on International Women’s Day, on March 8.



FATHER’S DAY is a day honouring fathers which is celebrated on the third Sunday in June. Fathers often receive gifts and participate in family oriented activities on this day.

NOT GENERAL HOLIDAYS (Continued....)

CIVIC HOLIDAY is a day that is often declared a holiday by the government. In Manitoba, the civic holiday is always on the first Monday in August. The employer can decide to give his/her employee the day off with pay. It is not a general holiday.



RAMADAN is the Islamic month of fasting which occurs during the ninth month of the Islamic calendar. During this time, Muslims must not eat or drink when the sun is shining. Prayers, charity and self-accountability are also stressed. The fasting lasts for 29 or 30 days. The days in Ramadan are not general holidays.



ROSH HASHANAH is the beginning of the Jewish year. There are special foods and prayers during this time. They also blow the "shofar", which is a trumpet made from a ram's horn. This holiday is usually in September or October, but it changes every year according to the Jewish calendar. It is not a general holiday.

YOM KIPPUR is a holy day nine days after Rosh Hashanah. Jewish people say sorry for what they have done wrong in the past, fast and pray. It is not a general holiday.



HALLOWEEN is on October 31. Traditional activities on this day include trick-or-treating, costume parties, carving jack-o-lanterns, or visiting "haunted houses". Many homeowners decorate their houses and prepare small candies and chocolate bars to hand out to children who visit their house on that night. The children ring each doorbell, say "Trick or treat!" and collect the candy in a pillow case or other container.



ISLAMIC NEW YEAR is based on the Islamic calendar, which has only 354 days. It is celebrated on Muharram 1, which is the first day of the Islamic calendar. It is not a general holiday.

NOT GENERAL HOLIDAYS (Continued...)



REMEMBRANCE DAY, also known as Poppy Day, is on November 11. It is to remember that World War I ended on November 11 in 1918. In Canada, Remembrance Day is a holiday for federal government employees. It is not a general holiday.



HANUKKAH, also called the Festival of Lights, is an eight-day Jewish festival based on the Jewish calendar which usually occurs from late November to late December. Each night one candle is lit and the stories of the Jewish people are remembered.



BOXING DAY is on December 26. On Boxing Day many retail stores have big sales. Some shoppers will line up outside for many hours at night waiting for the store to open. It is not a general holiday, but some employers do not make their employees work on this day.







KWANZAA is from December 26 to January 1. It celebrates African American culture. It is not a religious holiday. It was created in 1966 to remember African culture. It includes candle-lighting, feasts, and gift-giving, and it often mixes symbols of other holidays (like Christmas trees) into its celebrations. It is not a general holiday.





SORT THE HOLIDAYS: according to whether they are Jewish, Muslim or Christian holidays. If they are not one of these three, put them in the Secular or “other” category.

SECULAR (OR “OTHER”)	JEWISH	MUSLIM	CHRISTIAN





GENERAL HOLIDAYS

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is in winter. • It is celebrated at midnight. • There are usually fireworks. • It is on January 1.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is always on a Monday. • It is in winter. • It is Manitoba's newest holiday. • It celebrates the Father of Manitoba.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is a religious holiday. • It is always on a Friday. • It is three days before Easter Sunday. • It remembers the death of Jesus.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is always on a Monday. • It is the first long weekend of the summer. • It is always in May. • It is named in honour of a Queen who lived from 1819 to 1901.





GENERAL HOLIDAYS

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • There are usually fireworks. • It is in summer. • It is a national holiday. • It remembers Canada’s “birthday”.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is always on a Monday. • It is celebrated on the same day as in the United States. • It celebrates the rights of workers. • It is the last long weekend in summer.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is always on a Monday. • It was first celebrated in 1578. • Americans celebrate this day in November. • It is on the second Monday in October.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is a general holiday. • It is a religious and a secular holiday. • People give gifts and decorate their homes. • Santa Claus is believed to give gifts to children on this day. • Christians celebrate the birth of Jesus Christ.



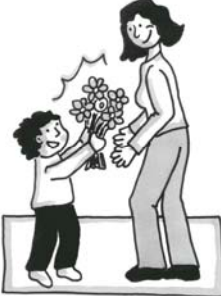

NOT GENERAL HOLIDAYS

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is not a religious holiday. • Special candles are lit. • It was created in 1966 to celebrate African American culture. • It is from December 26 to January 1.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is celebrated almost two weeks later than a general holiday. • It is not a general holiday. • Eastern Orthodox churches celebrate it. • It is on January 6.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • Dragons may be a part of the festival. • It is important to Chinese culture. • It is also called the "Spring Festival".
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • The holiday is based on the story of a saint. • People give chocolates and flowers. • Love and romance are celebrated. • It is on February 14.





NOT GENERAL HOLIDAYS (Continued...)

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is 46 days before Easter. • It is a time for contemplation. • Priests put ash on worshippers' foreheads. • It is always on a Wednesday.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • The holiday is based on the story of a saint. • Many people wear green on this day. • It is a national holiday in Ireland. • It is on March 17.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is always on a Sunday. • It is a Christian holiday. • Jesus rode into Jerusalem on a donkey on this day. • People wave palm branches on this day.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • It is celebrated by Jewish people. • It remembers how the Israelites escaped from slavery in Egypt. • The name of the holiday refers to when the angel of death passed over the doors of the Israelites' houses and spared them.





NOT GENERAL HOLIDAYS (Continued....)

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is always on a Sunday. • It is not a general holiday. • The date is always in March or April. • It is the most important religious day for Christians. • It celebrates the resurrection of Jesus.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is celebrated with food, music and dancing. • It is not a general holiday. • Mexican culture is celebrated. • The holiday name is written in Spanish. • It is on the fifth of May.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is always on a Sunday. • It is not a general holiday. • It is the most popular day to dine out at a restaurant. • This holiday is not International Women's Day on March 8. • Children give gifts to their mothers.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is always on a Sunday. • It is not a general holiday. • It is always in June. • People participate in family activities. • Some men receive gifts on this day.

NOT GENERAL HOLIDAYS (Continued....)

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is always on a Monday. • It is not a general holiday. • It is in summer. • Many employers treat it as a holiday. • It is always on the first Monday in August.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • It is a time of fasting for 29 or 30 days. • Muslims cannot eat while the sun is shining. • It occurs in the ninth month of the Islamic calendar.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • It is usually in September or October. • A trumpet made from a ram's horn, called the shofar, is blown. • It is the beginning of the Jewish New Year.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is celebrated in the evening. • The children say "Trick or treat". • Many children get candy on this night. • It is on October 31.

NOT GENERAL HOLIDAYS (Continued....)

	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • It is celebrated on Muharram 1. • Muslim people celebrate this holiday. • It celebrates the New Year.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is treated like a general holiday if you work on that day. • It remembers the end of World War I. • It is also known as “Poppy Day”. • It is on November 11.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is based on a different calendar. • It is not a general holiday. • It is an eight-day Jewish festival. • One candle is lit each night, and the stories of the Jewish people are remembered. • It is also called the “Festival of Lights”.
	<p>WHICH HOLIDAY IS IT?</p> <ul style="list-style-type: none"> • It is not a general holiday. • It is one day after a general holiday. • It is not celebrated in the USA. • It is in December. Retail stores have big sales on this day. • After this day, stores can pack up boxes of the inventory that they didn't sell to return to the manufacturer.

GENERAL HOLIDAY PAY



The legislation states that when an employee's hours or wages change from pay period to pay period, the **general holiday pay is 5%** of the employee's total wages in the 28 days before the holiday.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Tamaki is paid \$10 an hour at the Fashion Emporium. Here is the gross income that Tamaki made at The Fashion Emporium from the end of November to December. She did not work any overtime.				Nov. 27 \$80	Nov. 28 \$80	Nov. 29
Nov. 30	Dec. 1 \$70	Dec. 2 \$40	Dec. 3	Dec. 4 \$20	Dec. 5 \$50	Dec. 6 \$30
Dec. 7	Dec. 8 \$50	Dec. 9 \$80	Dec. 10	Dec. 11 \$60	Dec. 12 \$60	Dec. 13 \$30
Dec. 14 \$20	Dec. 15 \$50	Dec. 16 \$50	Dec. 17 \$50	Dec. 18 \$70	Dec. 19 \$60	Dec. 20
Dec. 21	Dec. 22 \$70	Dec. 23 \$50	Dec. 24	Dec. 25	Dec. 26	Dec. 27
Dec. 28	Dec. 29	Dec. 30	Dec. 31	Jan. 1 GENERAL HOLIDAY		
				GENERAL HOLIDAY		

- Count backwards 28 days from December 25. Total income earned: _____
 Now multiply this amount _____ by 0.05, which equals _____
 This is the amount of general holiday pay she should receive for Christmas.
- Now count backwards 28 days from January 1, New Year's Day.
 Total income earned: _____ Now multiply this amount _____ by 0.05.
 The general holiday pay she should receive for January 1 is _____
- Which general holiday received more general holiday pay? _____
- Why did this general holiday receive more? _____

VACATION TIME & PAY

Tamaki has two employers. She has worked for one of her employers, ABC Cleaning Company, part-time for a full year and is therefore entitled to two weeks of paid vacation. Vacation pay is based on the employee's earnings from the previous year. For each week of vacation, employees earn two per cent of their gross wages as vacation pay. Tamaki's two weeks of **vacation pay should equal 4%** of her total earnings during the previous year. This includes the earnings that she made on commission, salary, hourly wages, bonuses tied to productivity, or any other wages paid for regular hours of work.



1. Tamaki made \$10 000 as gross wages (not including overtime pay) during her first year. How much vacation pay is she entitled to during her two-week vacation?

The Employment Standards legislation states that when a general holiday occurs during an employee's vacation, they must receive holiday wages for the day of the general holiday. Tamaki is taking her two weeks from December 21 to January 3.

2. Which general holidays occur during her two-week vacation?

Tamaki has a second job at The Fashion Emporium. Her income at this job varies from pay cheque to pay cheque, so she receives her 4% vacation pay on every cheque. For example, if she earned \$100 during one pay period, her gross income for that pay cheque would be 4% higher.

3. When Tamaki takes her vacation time with this employer, will she receive vacation pay? _____
4. How much vacation pay does she receive on her \$100 pay cheque? _____

VACATION TIME & PAY

It is important to understand how the legislation will affect your pay cheque. Read the following scenarios about Volodymyr and answer the questions.



Volodymyr works for XYZ Furniture Company. He has completed five full years of work for his employer and is entitled to a three-week vacation with vacation pay. Volodymyr's two weeks of vacation pay should equal 6% of his total earnings during the previous year.

5. Volodymyr made \$40 000 as gross wages (not including overtime pay) during his previous year. How much vacation pay is he entitled to during his three-week vacation? _____

Volodymyr wants to take his vacation during the summer in July, but his employer disagrees. He does not want his employees on vacation during this time because furniture sales are in high demand in July. The Employment Standards legislation states that if the employer and employee cannot agree about when the vacation will be taken, the employer decides. The employer must give the employee notice of 15 days before the vacation will start and cannot divide the vacation into periods shorter than one week.

6. It is a Friday in January. After they discuss the vacation, Volodymyr's employer is angry with him and says, "Fine. Three weeks of vacation is equal to 15 working days. I'll give you three days off a week for the next five weeks starting this Monday. I'm the boss, and what I say is final." Can the employer do this? _____ Why or why not? _____

VACATION TIME & PAY (Continued...)

One week later, the vacation time is still not settled. Volodymyr finds out that his wife is expecting a baby and due at the end of June. He decides to take the month of July off as Parental Leave. According to the legislation, employees who return from leave are entitled to their full vacation time and pay. Employees on leave are still employed, and the time that they are away on leave still counts towards their total years of service when determining how much vacation they are entitled to.

7. When Volodymyr's employer finds out that Volodymyr's leave will be in July, he is angry but knows that he cannot deny a Parental Leave. He decides to try another strategy to get Volodymyr to continue working in July. He says, "Okay, go for your Parental Leave in July if you want. But I will only be able to give you two weeks of vacation time after this." Can the employer say this? _____

The legislation states that employees must be paid all of the vacation pay that has been earned. Employees begin earning vacation pay from the first day of work. Vacation can not be used as notice of termination. Employees are entitled to all outstanding vacation pay when their employment ends.

8. In the weeks that follow, Volodymyr finds another job that he likes better. He gives his three weeks' notice. His boss says that the three weeks' notice will be his vacation pay. Is his boss correct? _____



OVERVIEW OF UNPAID LEAVE OPTIONS

The Employment Standards Code provides a variety of options to allow employees time to deal with the demands of modern families without the risk of losing their job because of the leave.

PRE-LISTENING ACTIVITIES:

1. There are six unpaid leave options for employees. Work with a partner.

Predict what you think each type of leave means.

- Maternity Leave
- Parental Leave
- Family Leave
- Compassionate Care Leave
- Bereavement Leave
- Reservist Leave



2. Are any of these leaves common in your country of origin? Which ones?
3. How do you define who is “family” to you? Brainstorm all the key words that you associate with “family”. (For example, brother, sister, etc.)

UNPAID LEAVES

LISTENING ACTIVITY: Employers frequently call the Employment Standards office to learn about the minimum standards which they must provide their employees with. In this listening activity, a new employer is phoning to find out about the regulations about unpaid leaves.



1. Fill in the chart by taking notes

Unpaid leave:	Meaning:	Length of time for the leave:	Length of time employee must work to qualify for the leave:
Maternity Leave			
Parental Leave			
Family Leave			
Compassionate Care Leave			
Bereavement Leave			
Reservist Leave			

2. Who are considered family members?
3. Are there programs to pay employees while on leave?

TRANSCRIPT FOR UNPAID LEAVES

Time: 5 minutes

Employment Officer: Good afternoon, Employment Standards...

Employer: Hello, I'm a new employer. I would like some information about leaves. . .
Am I phoning the right place?

Employment Officer: Yes, you are.

Employer: Could you explain, uh, I think there are about six different types of leaves.
Could you explain them to me please?

Employment Officer: Yes, there are six. There's Maternity Leave, there's Parental Leave, Family Leave, Compassionate Care Leave, Bereavement Leave and Reservist Leave.

Employer: Um-hum, and what -- what's Maternity Leave?

Employment Officer: Okay, that is to -- to stay home, uh, to take care of a child, for, uh, a new mother. To stay home to take care of their new born child.

Employer: So only for the woman.

Employment Officer: That's right.

Employer: Okay.

Employment Officer: The Parental Leave is for the mother or the father, again, to take care of the young baby or the new child. The Family Leave is to help if you're sick or if your employees are sick or if they have to deal with a family responsibility.

Employer: So, like if my employee has a parent teacher conference or something.

Employment Officer: That's right. Yeah, like if they have to take their child to the doctor, or if they're not sick, like you said, the parent teacher conference, that's right. The Bereavement Leave is, is for if an employee's family member dies; they, they can take some time off to prepare for the funeral or to grieve. And the Reservist Leave is for anyone who is serving in the army.



UNPAID LEAVES (Continued...)

The Compassionate Care Leave is for an employee to take care of a family member that's very, very sick, and if that family member has the, a good chance of dying within the next 26 weeks.

Employer: Okay, so let me see if I've got this straight. Maternity for the woman...

Employment Officer: Right.

Employer: Parental for the man or the woman, for taking care of the baby.

Employment Officer: That's right.

Employer: Family Leave, uh, for an employee's sick child, or some other kind of an appointment, family related.

Employment Officer: That's right.

Employer: Compassionate Care, the person is really sick, maybe about to die.



Employment Officer: That's right.

Employer: Bereavement Leave for a funeral, and Reservist Leave for serving in the army.

Employment Officer: That's right.

Employer: Okay, I'm also wondering, what is the length of time for each leave?

Employment Officer: Okay, for the Maternity Leave, it's 17 weeks, for the Parental Leave it's 37 weeks, the Compassionate Care Leave is a maximum of eight weeks, the Bereavement Leave is a maximum of three days, and the Family Leave is, again, a maximum of three days, and the Reservist Leave is as long as they are serving in the army.

Employer: Now if I forget all these, these details, are they on the website?

Employment Officer: Oh, certainly, yes they are.

Employer: Yeah, because I might need to double check some of them later on.

Employment Officer: Oh, we do all the time as well (laugh).

Employer: Okay, good, now, let me see, I've asked you to explain the leaves. I know how long they are, but I don't know: how long must the employees work for me, before they're qualified to take these leaves?

UNPAID LEAVES (Continued...)

Employment Officer: For the Maternity Leave, it's seven months, the same for Parental Leave; it's also seven months, and the Reservist Leave, it's seven months.

Employer: Um humm.

Employment Officer: For the Family Leave, it's thirty days, as well as the Compassionate Care Leave and Bereavement Leave is also thirty days.

Employer: So, if my employee has been with me less than thirty days, they really are not qualified for a leave.

Employment Officer: Right, they don't qualify for it. Even less than seven months, they don't qualify for the Maternity or Parental Leave.

Employer: Okay. And are these leaves paid or unpaid?

Employment Officer: You don't have to pay them, but your employees may want to contact Employment Insurance. With the government of Canada, they may be able to help pay while they are on the leave.

Employer: Oh, and I forgot, I had a question a while back. Who are considered family members? Like if you say a family leave is to take care of a family member, how do you define family member?

Employment Officer: It's a very, very big definition. It can include your mother, father, brother, sister, cousins, aunts, uncles, nieces, nephews, step children. . .

Employer: How about the cat?

Employment Officer: The cat, no. That -- that's going too far.

Employer: Okay. Yeah, and you said there were employment programs to pay the employees. Again by the government of Canada, Employment Insurance. Okay, I think those are, those are all my questions. Can I contact you if I need to know anything else?

Employment Officer: Anytime, give us a call.

Employer: Thanks.

Employment Officer: Bye Bye.



READING ABOUT UNPAID LEAVES

READING A: MATERNITY LEAVE

Maternity leave gives expectant mothers the opportunity to take unpaid leave from work without the fear of job loss. Maternity Leave and Parental Leave are different. Maternity Leave is an unpaid leave taken near the end of a pregnancy or immediately afterwards. Parental Leave is taken by fathers and mothers to care for a child after birth or adoption.



To qualify for Maternity Leave, employees must have worked with the same employer for at least seven consecutive months and must be expecting to give birth to a child. The leave is up to 17 weeks long.

The legislation doesn't require the employees to pay for the leave; it only requires employers to provide time off and to allow employees to return to their job when the leave has ended. Employers are not required to pay wages during the leave. Employers can, and often will, give greater benefits than those provided for in the legislation.



The federal government provides programs through Employment Insurance (EI) to cover this type of leave. Please check with your local EI office or call 1-800-206-7218 for details.

Maternity leave can begin up to 17 weeks before the expected date of the birth. Generally, the leave will end 17 weeks after it began. The latest that a leave can last is 17 weeks after the birth.

COMPREHENSION QUESTIONS:

1. Who qualifies for Maternity Leave?
2. How long is Maternity Leave?
3. Does the employer pay during the leave?
4. Are there programs to pay employees during the leave?
5. When can an employee start her Maternity Leave?
6. When must employees end Maternity Leave?

READING ABOUT UNPAID LEAVES

READING B: MATERNITY LEAVE. Employees requesting Maternity Leave (or Parental Leave) must give their employers at least four weeks' written notice before the leave. They must also provide a medical certificate indicating the estimated date of delivery.

Expectant mothers are still entitled to Maternity Leave if they fail to give four weeks' written notice. Within two weeks of stopping work, employers must receive a medical certificate stating the expected date of delivery and noting any dates employees were unable to work because of the pregnancy in the 17 weeks before the expected date of birth. This time missed from work can be included in the Maternity Leave.



At the end of Maternity Leave, employees may take Parental Leave. Mothers must take Maternity and Parental Leave one after the other. They cannot take their Maternity Leave, return to work, and then take the Parental Leave.

Employees who want to return to work before their leave has ended must give their employers notice in writing at least one pay period before returning to work.

If the employee's same job is not available, a comparable position with the same pay and benefits must be offered. In special circumstances, employers may not have a position available for reasons completely unrelated to the leave. For example, if employers shut down part of their operations and reduce their workforce based on a seniority system, employees who are on unpaid leave will not necessarily be protected from losing their jobs.

Employers must show that the leave has no impact on the decision to lay off or terminate the employment.

An employee who believes they were terminated because they took or requested leave may file a claim with the Employment Standards Branch. Employers who do not allow employees to return to work after a leave may be ordered to pay compensation and in some cases reinstate them in their jobs.

COMPREHENSION QUESTIONS:

1. How do employees start the Maternity Leave?
2. What if employees do not give the required notice?
3. What happens when Maternity Leave ends?
4. How do employees start Parental Leave after Maternity Leave?
5. What if employees want to end the leave early?
6. What if the employee's job is no longer available?

7. What if employers refuse to bring employees back to work?

READING ABOUT UNPAID LEAVES

READING D: FAMILY LEAVE

All employees employed for at least 30 days with the same employer are entitled to this leave.

Employees are not required to be paid for the Family Leave days. The legislation only requires employers to provide time off and allow employees to return to their job when the leave has ended. Employers can, and often do, give greater benefits than those provided for in the legislation.

Family is defined very broadly for unpaid leave. Children, brothers, sisters, stepchildren, parents, grandparents, spouses, common law spouses, step-brothers, step-sisters, aunts, uncles, nieces and nephews are all considered family. The definition also includes those who are not related but are considered a family member.



Employees can take Family Leave to deal with personal illness or the needs of their family. In some situations, this can be arranged in advance, but in others, that is not possible. Employees must provide their employer with as much notice as reasonable and practical. They must also provide reasonable verification that the leave is necessary if requested by the employer.

Employees are entitled to the leave to deal with family responsibilities or personal illness. What may be required as verification will be different from case to case. For example, a doctor's note may be needed in some cases but not in others. The intent is to reasonably confirm that the employee is dealing with their needs or the needs of their family during the leave.



Each year employees are eligible for three days of leave, but it does not carry over to future years.

When an employee takes a leave, the employer may consider the employee off for the entire day. Employers and employees can make arrangements for part days of leave, but there is no obligation for the employer to accommodate part days.

COMPREHENSION QUESTIONS:

1. Who is eligible to take Family Leave?
2. Are employees paid while on Family Leave?
3. Who are considered family members?
4. When can employees take Family Leave?
5. What is considered reasonable verification?
6. Can employees who do not take any Family Leave this year use six days next year?
7. Can employees take part of a day as Family Leave?

READING ABOUT UNPAID LEAVES

READING E: Read about the two leaves and compare how they are the same or different on the chart below.

COMPASSIONATE LEAVE: Compassionate Care Leave provides employees the opportunity to assist a family member who is critically ill and requires care and support for several weeks. Compassionate Leave is up to eight weeks, and it is an unpaid leave. Employees who have worked with the same employer for at least 30 days qualify for this leave.



Employees must provide a certificate from a doctor indicating that a family member has a serious medical condition, has a significant risk of death in the next 26 weeks and needs care and support.

Employees can take the leave to care for and support a family member without the fear of job loss. Employees can take the leave in one or two periods. Each period must be at least one week long. The need for this type of leave is unpredictable. Generally, employees must give one pay period of notice before the leave. They must provide their employer with a doctor's certificate as soon as possible. Employees are still entitled to Compassionate Care Leave even if they are unable to give notice. Employees who wish to return to work before their leave has ended must give their employer 48 hours' notice that they are returning to work.

BEREAVEMENT LEAVE: Bereavement Leave allows employees unpaid time off to deal with the death of a family member without fear of job loss. Employees who have worked for an employer for 30 days qualify for Bereavement Leave.



Employees are allowed up to three unpaid days of Bereavement Leave for the death of a family member. As with all the leaves, employees who want to take Bereavement Leave do not need permission. However, they must provide employers with as much notice as possible.

An employer can request reasonable verification of the family member's death. This will be different in every situation. For example, an obituary from a local newspaper could reasonably verify the need for this leave.

SORT THE FACTS FROM THE READING INTO THREE CATEGORIES:

Compassionate Leave only	Bereavement Leave only	True for both

TERMINATION OF EMPLOYMENT

PRE-LISTENING: Brainstorm with your partner. What common words are used when an employee decides to leave the employer or when the employer decides that the employee has to leave? Use the pictures below as clues to give you some ideas of the expressions or idioms related to termination of employment. (For example, the picture of "Arnold Schwarzenegger" in "Terminator" might remind you of the word "to terminate")



TERMINATION OF EMPLOYMENT

It is often difficult to leave a job. Jobs can end for four main reasons. It can be the employee's decision, an employer's decision, a decision that they make together, or a decision that the company needs to make.

Employees can decide to leave a job. An employee usually tells the employer. They tell the employer that they want to leave. They need to _____ at least one week's _____. One week after they tell the employer, they can leave the job. When they _____ or _____, they do not work for the employer anymore.

Sometimes an employee does not tell the employer. They _____ _____ _____. They might get angry at the employer and _____ _____. This means they walk out of the building and never work for the employer again. Or, they might be a new employee. When they are a new employee, they have 30 days to decide if the job is a good job for them. When they have worked less than 31 days, they can tell the employer that they will not come to work the next day. They do not have to _____ _____.

The employer can decide that the employee is not a good worker for the company. When the employee has worked less than 31 days, the employer can tell the employee to go home and not come back. They might be angry. They can tell the employee "_____ _____!", and the employee has to leave. The employer does not have to _____ the employee _____. There are other words which have the same meaning as "_____ _____." The employee could be _____, _____, **given the** _____, or **given the** _____. The employer could also say "**There's the** _____." All of these mean the same thing. The job is over, and the employer is not happy with the employee.



When an employee says "I _____ _____ _____," the listener does not know if the employee and employer left each other happily or not. The listener knows only that the employee is not working there anymore.

Sometimes the employee does not want to leave, and the employer does not want the employee to leave. But there might not be enough money. The employee could be _____ _____ because there is not enough work. This means that the employer might want to hire the employee again when the company has more money. But if the employer does not think the employee will be hired again, the employee

is _____, _____, or _____. (Was the use of bold lines deliberate?)

TERMINATION OF EMPLOYMENT

READING A: Employers or employees can decide to end an employment relationship at any time. In most cases, the legislation requires that the person ending the employment give notice.

A layoff is a temporary break in employment where employees are likely to return to work. Employees who are permanently laid off have been terminated. Employers do not need to provide notice to employees that they are being laid off. However, if the layoff is longer than eight weeks in a 16-week period, the layoff becomes a termination and notice is required.



Employees who have worked for an employer more than 30 days but less than one year must give at least one week's notice before the last day they plan to work. After employees have completed one full year with the same employer, at least two weeks' notice is required. When employers wish to terminate employees, they must give notice of termination or pay wages equal to what would normally be earned during the notice. This is often called "wages in lieu of notice". The notice period varies depending how long employees have worked. The amount of notice employers must provide employees depends on the length of time that employee has worked for them.

Period of employment:	Notice period:
less than one year	one week
at least one year and less than three years	two weeks
at least three years and less than five years	four weeks
at least five years and less than 10 years	six weeks
at least 10 years	eight weeks



Employers can still either allow the employee to work out this notice period or pay wages in lieu of notice for the same number of weeks. Employers can also allow employees to work part of the notice and pay wages in lieu of notice for the remainder. Effective April 30, 2007, employers cannot keep wages from employees who quit without notice. Employers must pay employees all earned wages within 10 days of the last day of work.

COMPREHENSION QUESTIONS:

1. Is a layoff the same as termination?
2. Do employees need to give notice of termination?
3. Do employers need to give notice of termination?
4. How much notice of termination must employers give to their employees?
5. Can employers pay wages instead of providing notice of termination?
6. Can employers keep employees' wages if employees terminate without notice?

TERMINATION OF EMPLOYMENT

READING B: In the first 30 days of employment, the legislation states that employers and employees have the right to end the working relationship without notice. There are some cases where employers or employees do not need to give notice of termination:

- when employment is for a specific length of time or a specific task or job
- when it is only casual employment and the employees have substantial control over whether they accept shifts or not and are not penalized by employers for choosing not to work
- when employees act in a manner that constitutes willful misconduct, disobedience or willful neglect of duty and the behaviour is not condoned by the employer
- if employees act in a manner that is violent in the workplace or are dishonest in the course of employment
- when employees are placed on a temporary layoff



Employers who want to terminate employees without notice must note that the exemptions can be complex and each case needs to be examined individually to determine if notice is required.

Human rights, workplace safety and health and collective bargaining legislation all have provisions that prevent discrimination and offer some job protection. More information can be found on the “Other Government Agencies” page. There is also civil law covering employment, and a lawyer should be consulted about civil law affecting employment.

Employment is considered continuous during statutory leaves like Parental, Maternity or Compassionate Care Leave. It is also considered continuous during non-statutory leaves, like an educational leave, if the leave was approved by the employer.

Can employers keep employees' wages if employees terminate without notice?

No. Effective April 30, 2007, employers cannot keep wages from employees who quit without notice. Employers must pay employees all earned wages within 10 days of the last day of work.

Effective April 30, 2007, employers cannot have alternate notice policies. A notice policy set under the previous legislation is not valid. The only exclusion is a unionized workplace where a collective agreement has a probationary period that is one year or less.

COMPREHENSION QUESTIONS:

1. Is there a no-notice period?
2. Are there times employers and employees do not need to give notice of termination?
3. Do other laws affect termination?
4. Do parental leaves or other leaves of absence affect notice?
5. Can employers have notice policies for their businesses that are different from the legislation?

SCENARIO # 1: OVERTIME & BREAKS



John works in an office with three other office workers. He has a standard shift of 8 am to 2 pm Monday to Friday, for a total of 30 hours a week. When one of the office workers who works in the evening, Svetlana, goes on holiday, John is asked to work her shift in addition to his. He works a total of 36 hours in the week. His week of work during the week that Svetlana is away is as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
8:00 to 14:00 5:00 to 8:00 (9 hours)	8:00 to 14:00 (6 hours)	8:00 to 14:00 5:00 to 8:00 (9 hours)	8:00 to 14:00 (6 hours)	8:00 to 14:00 (6 hours)

John likes his job, but he is tired of working the split shifts. When he mentions this to one of his co-workers, Nadia, she says, “Well, at least you’re making overtime.”

“No, I’m not,” says John, “It says in my contract: NO OVERTIME.”

“That seems strange,” says Nadia, “Why don’t you phone Employment Standards and check it out?”

What do you think Employment Standards will say about this situation:

- (a) There is no overtime possible because the contract says “NO OVERTIME”.
- (b) There is no overtime because the total hours for the week are less than 40 hours.
- (c) John should receive one hour of overtime for Monday, and one hour overtime for Wednesday, for a total of two hours of overtime. He should be paid time and a half (1.5 times) for these two hours.
- (d) John should make sure that he receives a half hour break, either paid or unpaid, for each five-hour shift. This will make a difference in how much overtime he receives. If the break is unpaid, he will receive half an hour of overtime for Monday and half an hour of overtime for Wednesday.
- (e) C & D.
- (f) John does not need to take breaks or receive overtime if he accepts the shifts.
- (g) It is legally okay for John to work overtime without receiving overtime money or time off because he does not want to talk to his boss about it.



SCENARIO # 2: VACATION PAY

An employee, William, has been working as a travel agent for one year. He works full time and makes \$40 000 during this first year, around \$800 a week. He does not receive any vacation pay on his pay cheques during this year. His employer has told him that he can receive his vacation with pay after he has completed one year of service with the company.

After he has completed 12 months with the company, his job assignment changes, and William now works half time and makes \$20 000 a year, or \$400 a week. In his fifteenth month of service, he decides to take his two-week vacation. He receives vacation pay based on his current level of employment, which is half time. He receives his usual two-week pay cheque, which is equal to \$20 000 times 4%, or \$800 as his two-week vacation pay. William is upset because he believes that the vacation pay should be based on his previous year's earnings on his full time salary of \$40 000 a year. He believes he should receive \$40 000 times 4%, or \$1 600, for his vacation pay because he was working more hours the previous year. However, his employer tells him that his vacation pay is based on how much he is currently working. He decides to check this out with Employment Standards.

What do you think Employment Standards will say about this situation:

- (a) The employer is correct. Vacation pay is based on the current year. He gets the same pay as usual during his time off.
- (b) The employee is entitled to 4% of all of his previous year's earnings as vacation pay. He can be paid this amount on every pay cheque or when he takes his vacation.
- (c) The employee should be happy he is getting any vacation pay at all, as it is up to the employer to decide how much he gets.
- (d) The employer does not have to keep any records of employment, so if William cannot produce pay slips to show his previous year's income, he will not have any chance of proving the vacation pay he deserves.



SCENARIO # 3: GENERAL HOLIDAYS

Adriana is a part time employee at a library. She works every Tuesday and Thursday but never on Mondays. Her hours change week to week. Sometimes she works 10 hours a week, sometimes 16. Thanksgiving is always on a Monday. She does not think it is fair that her fellow employees who always work Mondays get more days off than she does. She has asked her employer if she is entitled to general holiday pay for that day or extra time off. He says no. She decides to phone Employment Standards.

What do you think Employment Standards will say about this situation:

- (a) No, general holiday pay applies only to full time employees, not part time.
- (b) General holiday pay is paid only when employees would have been working on the day that is a general holiday. If the holiday was Monday, and they never worked on Monday, they will not receive anything.
- (c) If the employee's hours or wages change from day to day or pay period to pay period, the general holiday pay is five percent of the employee's total wages in the four-week period immediately before the holiday.
- (d) When a general holiday falls on a day that the employee does not normally work, the employers can give employees another day off with general holiday pay before their next annual vacation or at a time they both agree on.
- (e) C & D.



SCENARIO # 4: GENERAL HOLIDAYS

Emmanuel's employer decides to close down the plant over the Christmas break. All employees are expected to take two weeks of unpaid leave during that time. When Emmanuel receives his next pay cheque, he does not see any extra money for the two general holidays (Christmas Day and New Year's Day) that occurred during that time. He asks his employer about it, and his employer replies; "You don't get holiday pay for that time because you weren't working for that pay period." Emmanuel decides to phone Employment Standards.

What do you think Employment Standards will say about this situation:

- (a) The employer is correct. When the employee does not work for a pay period, they do not get paid for general holidays during that pay period.
- (b) The employer has to pay the employee a full day of wages for Christmas Day and New Year's Day because they are both general holidays.
- (c) It is the employer's choice. They can choose to give their employees a Christmas bonus and pay them for Christmas Day and New Year's Day.
- (d) The general holiday pay is five percent of the employee's total wages in the four-week period immediately before the holiday. This means that the general holiday pay for Christmas would be a little higher than the general holiday pay for New Year's Day, because the employee did not work between Christmas and New Year's Day.



SCENARIO # 5: GENERAL HOLIDAYS & LEAVES

Patrick works two jobs and his employers know each other, as both of his jobs are in the same building. His first job is as a warehouse worker, and his second job is as a cleaner. His first job is three-quarters time and his second job is one-quarter time. After the Louis Riel holiday is over, Patrick is surprised to see that only his three-quarter-time job has paid him any general holiday pay. When he asks the one-quarter-time job, his employer replies that Patrick is already being paid by his other employer and that he is not allowed to get paid twice for the same general holiday. Patrick is confused and decides to phone Employment Standards.

What do you think Employment Standards will say about this situation:

- (a) His employer is correct. He can receive pay from only the job which is giving him more hours.
- (b) He should not get any general holiday pay for Louis Riel Day.
- (c) He should get paid a full day's wage from each employer.
- (d) The general holiday pay is five percent of the employee's total wages in the four week-period immediately before the holiday. Each employer should pay him the holiday pay in proportion to how much he has worked for each employer during the four weeks prior to the holiday.



SCENARIO # 6: GENERAL HOLIDAYS & LEAVES

Jorge is a taxi driver. His wife has just had a baby, and so Jorge decides to take a Parental Leave. He is absent from work on leave from December 20 until February 31. When he returns to work, there is no mention or indication that he will receive any holiday pay for the three general holidays that have occurred during this time; Christmas Day, New Year's dDy, and Louis Riel Day, which is on February 18 of that year.

He thought that he should still receive money for them because he was still an employee during this time. He decides to phone Employment Standards to find out.

What do you think Employment Standards will say about this situation:

- (a) He receives pay for Christmas Day and New Year's Day, but not for Louis Riel Day. The general holiday pay is five percent of the employee's total wages in the four-week period immediately before the holiday. For Louis Riel Day, 5% of the total wages earned in the month before would not result in any pay because he did not work the month before Louis Riel Day.
- (b) He receives three extra full day's wages when he returns.
- (c) He receives general holiday pay for Louis Riel Day only because it is within two weeks of his return.
- (d) He does not receive any money for general holiday pay because he was on leave.



SCENARIO # 7: BEING SENT HOME EARLY

Thomas works part time as a security guard. He has a contract which states that he will be employed for 12 hours a week, in two six-hour shifts. One day he reports to work and is told that there is no work for him to do. His employer asks him to go home and tells him that he will not be paid for the six-hour shift even though he has showed up for work as agreed. He is upset, as he spends an hour on the bus each way to get to work and now his afternoon is wasted and he will not be paid anything. He decides to phone Employment Standards.

What do you think Employment Standards will say about this situation:

- (a) The employer should pay him for six hours of work as agreed, even though he didn't work.
- (b) All employees are required to be paid for three hours of work if they report to work for a shift that is three hours or more.
- (c) The employer should pay for him for his transportation time and costs.
- (d) If he does not work, he does not get paid. It is that simple.

SCENARIO # 8: BEING SENT HOME EARLY

Stephanie works only one hour a day at her part time job, teaching guitar at a local guitar store. One day she reports to work and is told that her client is not available that she has to go home, and that she will not get paid for showing up. Stephanie thought she heard that employers always have to pay an employee three hours of wages if they cancel a shift, so she decides to phone Employment Standards.

What do you think Employment Standards will say about this situation:

- (a) The employer should pay her for the one hour that she was scheduled to work.
- (b) All employees are required to be paid for three hours of work if they report to work.
- (c) The employer should pay for her transportation time and costs.
- (d) If she does not work, she does not get paid. It is that simple.



SCENARIO # 9: CANCELLED SHIFTS

Chantel has three part time jobs in order to earn a full time income. One Monday, one of her jobs, her job at a hair salon, cancels her Wednesday shift of working from 12:00 to 5:00. She will not get paid for any hours on Wednesday. Chantel is upset because if she had known sooner, she could have picked up extra hours at her second job, but now it is too late. She is wondering if her employers have any obligations to honour the hours of work promised. She decides to phone Employment Standards.

What do you think Employment Standards will say about this situation:

- (a) The employer can cancel shifts or contracts ahead of time and not owe the employee any money as long as they have not showed up for work already.
- (b) The employers must give a week's notice or pay if they cancel within a week.
- (c) The employer has to offer the employee extra shifts or hours to make up for the cancelled hours.
- (d) The employer has to cancel the shift at least 24 hours prior to the start of the shift. If they do so, they owe the employee nothing.

SCENARIO # 10: PUNCHING INTO WORK

Ryan is a very hard worker. He arrives to work 25 minutes early, punches in his time card and starts to work. He notices that it is very busy, so he does not ask his supervisor if he should work but simply punches in and starts. He is proud of the fact that he contributes to the success of the company. When he gets his pay cheque, however, he notices that he is not getting paid for the 25

minutes that he has worked prior to the start of his shift. When he asks his employer, his employer says that he does not have to be paid for this time because it was not on the schedule. The employer rounded off the 25 minutes to 30 minutes and deducted 30 minutes from the total time that Ryan had punched in for. Ryan does not feel that this is right. He decides to phone Employment Standards.

What do you think Employment Standards will say about this situation:

- (a) The employer is correct in deducting 30 minutes.
- (b) The employer can deduct only the 25 minutes that were unscheduled, not 30. Ryan needs to ask permission before working extra minutes or punching in early.
- (c) The employer has to pay for the 25 minutes because Ryan was busy working.
- (d) The employer has to pay for five of the minutes because all employees are expected to punch into work five minutes before their shift starts.

