

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.

