



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Employment Standards Act* and Regulation for purposes of interpretation and application of the law.

July 2016

Hours of Work and Overtime

Most employees are covered by the hours of work and overtime provisions explained in this factsheet. Some employees, such as transportation, oil and gas, silviculture, high technology and farm workers, are covered by different provisions, which are explained in the factsheets for those sectors.

Meal breaks

An employee must not work more than five hours in a row without a 30-minute meal break.

An employee does not have to be paid for a meal break unless he or she is required to work or be available for work during a meal break.

Employers are not required to provide coffee breaks.

Split shifts

A split shift must be completed within 12 hours of when the shift started.

Minimum daily pay

An employee who reports for work must be paid for at least two hours, even if the employee works less than two hours.

If an employee who is scheduled for more than eight hours reports for work, the employee must be paid for at least four hours.

If work stops for a reason completely beyond the employer's control, the employee must be paid for

two hours or the actual time worked, whichever is greater.

An employee who reports to work but is unfit for work only has to be paid for time actually worked, even if it is less than two hours.

An employee who is not in compliance with Part 3 of the *Workers Compensation Act*, or the Occupational Health and Safety Regulation, only has to be paid for time actually worked, even if it is less than two hours.

Hours free from work

An employee must have at least 32 hours in a row free from work each week. If an employee works during this period, he or she must be paid time-and-a-half for all hours worked. This means that an employee who works seven days in a week must be paid time-and-a-half for one of the days, even if the employee worked less than 40 hours in total. The employer may pay time-and-a-half on the day with the least number of hours.

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Hours	4	5	5	4	5	5	5
Regular	4	5	5		5	5	5
1½ x				4			
2 x							

An employee is entitled to have eight hours off between shifts unless required to work because of an emergency.

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No excessive hours

An employer must not require or allow an employee to work excessive hours or hours harmful to the employee's health or safety.

Overtime

A week runs from Sunday through Saturday for the purposes of calculating overtime.

Both the number of hours worked in a day and the number of hours worked in a week must be looked at when calculating overtime

Daily overtime

After working eight hours in a day an employee must be paid time-and-a-half for the next four hours worked, and double time for all hours worked in excess of 12 hours in a day. This applies even if the employee works less than 40 hours in a week.

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Hours		8	10	6	13		
Regular		8	8	6	8		
1½ x			2		4		
2 x					1		

Total hours worked in the week: 37

Hours paid at time-and-a-half: 6

Hours paid at double time: 1

Weekly overtime

An employee who works more than 40 hours in a week must be paid time-and-a-half after 40 hours. This applies even if the employee never works more than eight hours in a day.

Only the first eight hours worked each day are used to calculate total hours for weekly overtime.

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Hours		8	7	8	8	7	7
Regular		8	7	8	8	7	2
1½ x							5
2 x							

Total hours worked in the week: 45

Hours paid at time-and-a-half: 5

Averaging agreements

For information on overtime for employees working under averaging agreements please see the *Averaging Agreements* factsheet.

Banking overtime

At an employee's written request, an employer may establish a time bank. Overtime hours are credited to the time bank instead of being paid in the pay period in which they are earned.

An employee may ask an employer at any time to pay out all or part of the wages credited to the bank. The employee may also request time off with pay for some mutually agreed period, or request in writing that the bank be closed.

Upon receiving an employee's request to close the bank, the employer must pay the outstanding balance to the employee.

An employer may close an employee's time bank after giving the employee one month's written notice.

When an employer closes an employee's time bank, the employer must, within six months, either:

- pay the employee all of the overtime wages credited to the time bank;
- allow the employee to use the credited overtime wages to take time off with pay; or
- pay the employee for part of the wages credited to the time bank and allow the employee to use the remainder of the credited overtime wages to take time off with pay.

Overtime must be used or paid out at the rate it was earned. For example, an employee who banks two hours at time-and-a-half is entitled to three hours off or three hours' pay.