

Hours of Work, Overtime, Meal and Other Breaks

Jurisdiction	Standard Hours	Maximum Hours	Averaging Agreements ¹	Overtime (OT) Rate ²	Right to Refuse OT	Time Off in Lieu of OT Wages ³	Minimum Rest Periods	Meal and Other Breaks
Federal ⁴	8 in a day; 40 in a week	48 in a week ⁵	Yes ⁶	1 ½ times reg. rate	No	No	1 day per week ⁷	<i>Not specified</i>
Alberta ⁸	8 in a day; 44 in a week	12 consecutive hours in a day ⁹	Yes	1 ½ times reg. rate	No	Yes	8 hours between shifts; 1 day per week (average) ¹⁰	½ hour during each shift in excess of 5 consecutive hours of work ¹¹
British Columbia ¹²	8 in a day; 40 in a week	N/A ¹³	Yes	1 ½ or 2 times ¹⁴ reg. rate	No	Yes	8 consecutive hours between shifts ¹⁵ ; 32 consecutive hours in a week ¹⁶	½ hour after each 5 consecutive hours of work ¹⁷
Manitoba ¹⁸	8 in a day; 40 in a week ¹⁹	N/A	~ ¹⁹	1 ½ times reg. rate ²⁰	~ ²¹	Yes	24 consecutive hours in a week ²²	½ hour after each 5 consecutive hours of work ²³
New Brunswick ²⁴	44 in a week	N/A	No	1 ½ times min. wage	No	No	24 consecutive hours in a week ²⁵	½ hour after each 5 consecutive hours of work
Newfoundland and Labrador ²⁶	40 in a week	14 in a day ²⁷	No	1 ½ times min. wage ²⁸	No	Yes	8 consecutive hours in a 24-hour period ²⁹ ; 24 consecutive hours in a week ³⁰	1 hour immediately after each 5 consecutive hours of work ³¹

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Northwest Territories ³² and Nunavut ³³	8 in a day; 40 in a week	10 in a day; 60 in a week ³⁴	~ ³⁵	1 ½ times reg. rate	No	No	1 day per week ³⁶	½ hour after each 5 consecutive hours of work ³⁷
Nova Scotia ³⁸	48 in a week	N/A	Yes ³⁹	1 ½ times reg. rate	No	No	24 consecutive hours in a 7-day period ⁴⁰	<i>Not specified</i>
Ontario ⁴¹	44 in a week	8 in a day (or employee's regular work day if more); 48 in a week ⁴²	Yes	1 ½ times reg. rate	No	Yes	8 hours between shifts ⁴³ ; 11 consecutive hours in a day ⁴⁴ ; 24 consecutive hours in a week or 48 consecutive hours in a 2-week period ⁴⁵	½ hour after each 5 consecutive hours of work; an employer and an employee may agree to split the break into two periods totalling at least 30 minutes during that period. If an employer provides another type of break, such as a coffee break, and the employee must remain at his/her workplace during that break, the employee is deemed to be performing work during that time.
Prince Edward Island ⁴⁶	48 in a week ⁴⁷	N/A	No	1 ½ times reg. rate	No	No	24 consecutive hours in a 7-day period ⁴⁸	½ hour after each 5 consecutive hours of work
Quebec ⁴⁹	40 in a week	N/A	~ ⁵⁰	1 ½ times reg. rate	Yes (limited) ⁵¹	Yes	32 consecutive hours in a week ⁵²	½ hour after each 5 consecutive hours of work ⁵³ . If an employer provides another type of break, such as a coffee break, the employee is deemed to be at work during that time.

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Saskatchewan ⁵⁴	8 in a day; 40 in a week	44/week ⁵⁵	~ ⁵⁶	1 ½ times reg. rate	Yes (limited) ⁵⁷	No	8 consecutive hours in a 24-hour period ⁵⁸ ; 24 or 48 consecutive hours ⁵⁹ in a 7-day period (for employees who usually work 20 hours or more in a week)	½ hour within every 5 consecutive hours of work for employees working 6 hours or more ⁶⁰ . Where necessary for medical reasons, an individual employee is entitled to take a meal break at another time. If an employer provides another type of break, such as a coffee break, it is deemed to be time worked.
Yukon ⁶¹	8 in a day; 40 in a week ⁶²	N/A	~ ⁶³	1 ½ times reg. rate	Yes ⁶⁴	Yes	8 consecutive hours between shifts ⁶⁵ ; 2 days per week ⁶⁶	½ hour after 5 consecutive hours of work for employees who work 10 hours or less on that day; ½ hour after 6 consecutive hours for employees who work more than 10 hours on that day. ⁶⁷

General exclusions: Most jurisdictions exclude a number of occupations and industries from legislated minimum employment standards.

Notes:

- ¹ Refers to whether the legislation allows employers and employees to agree to average hours of work over a specified period, thus affecting the manner of calculating overtime entitlement (and maximum hours of work, in the federal jurisdiction). Various conditions may apply (e.g., employee approval process, government permits, etc.).
- ² The overtime rate is payable for each hour or part of an hour that an employee works in excess of the standard hours of work.
- ³ Indicates whether legislation in different jurisdictions specifically allows agreements to provide compensatory time off in lieu of overtime wages. Various conditions may apply (e.g., agreement of both the employer and employee).
- ⁴ *Canada Labour Code*: sections 169 to 177; *Canada Labour Standards Regulations*: sections 4 to 9.
- ⁵ The maximum hours may be exceeded, but only to the extent necessary to prevent serious interference with the ordinary working of the industrial establishment affected, in cases of accident to machinery, equipment, plant or persons; urgent and essential work to be done to machinery, equipment or plant; or other unforeseen or unpreventable circumstances. An employer may be authorized to exceed maximum hours of work by obtaining a ministerial permit.
- ⁶ The *Canada Labour Code* also includes “modified work week” provisions.

- ⁷ Where possible, the rest period must be on Sunday.
During an averaging period, hours of work may be scheduled and actually worked without regard to the minimum rest period requirement.
- ⁸ *Employment Standards Code*: sections 16 to 24; *Employment Standards Regulation*: section 2.
- ⁹ Unless an accident occurs, urgent work is necessary or other unforeseeable or unpreventable circumstances occur; or the Director of Employment Standards issues a permit authorizing extended hours of work.
- ¹⁰ An employee is entitled to at least one day of rest in each work week, or to either two consecutive days of rest in each period of two consecutive work weeks, three consecutive days of rest in each period of three consecutive work weeks, or four consecutive days of rest in each period of four consecutive work weeks. An employer must provide an employee at least four consecutive days of rest after 24 consecutive work days.
- ¹¹ Unless an accident occurs, urgent work is necessary or other unforeseeable or unpreventable circumstances occur; different rest provisions are agreed to in a collective agreement; or it is not reasonable for the employee to take a rest period.
- ¹² *Employment Standards Act* (ESA): sections 3, 31 to 43 and 72.
If a collective agreement addresses matters relating to hours of work and overtime, the corresponding provisions of the ESA do not apply.
An employer and any of its employees may apply to the Director of Employment Standards for a variance of the provisions relating to split shifts, maximum hours of work, hours free from work and overtime wages for employees not working under an averaging agreement.
- ¹³ However, an employer must ensure that an employee working a split shift completes it within 12 hours of starting work.
An employer must not require or allow an employee to work excessive hours or hours detrimental to the employee's health or safety.
- ¹⁴ Employees are entitled to two times their regular wage rate for any time worked in excess of 12 hours in a day.
- ¹⁵ Unless an emergency situation arises.
- ¹⁶ If the employer does not provide the employee with the required rest period, it must pay the employee 1 ½ times the regular wage for time worked by the employee during the 32 hour period he/she would otherwise be entitled to have free from work.
Special rules relating to rest periods apply to employees working under an averaging agreement.
- ¹⁷ A meal break must be counted as time worked if the employee is required to work or to be available for work during that period.
- ¹⁸ *Employment Standards Code* (ESC): sections 9 to 20 and 45 to 50; *Minimum Wages and Working Conditions Regulation*: section 17.
- ¹⁹ If it is provided for under a collective agreement or approved by order of the Manitoba Labour Board, an employer may increase the daily standard hours of work or, in the case of shift work, the daily or weekly standard hours of work without paying the overtime wage rate. The Board may also authorize, for all or part of the year, varied daily, weekly or monthly standard hours of work that it considers fair and reasonable.
- ²⁰ Overtime does not include time that an employer provides an employee as a break if the employee is not required to stay on the business premises or be on duty during the break.
- ²¹ The ESC specifies that "the management rights of an employer do not include an implied right to require an employee to work overtime", except in defined emergency situations.
- ²² Under certain circumstances, an employer and the bargaining agent may apply to the Manitoba Labour Board to have the business exempted from the day of rest requirement.
- ²³ The minimum work break may be shortened through a collective agreement or by order of the Manitoba Labour Board.
- ²⁴ *Employment Standards Act*: sections 14 to 17.1; *Minimum Wage Regulation*: section 4; *General Occupational Health and Safety Regulation*: section 8.
- ²⁵ Unless the employee is not usually employed for more than three hours in any one day or if the Director of Employment Standards is of the opinion that the employee is required to cope with an emergency.
Where possible, the rest period is to be taken on a Sunday or, if the Director approves, to be accumulated and taken later, either a part at a time or all together. However, this does not authorize any work to be performed on Sunday that is now prohibited by law.
- ²⁶ *Labour Standards Act*: sections 21 to 26; *Labour Standards Regulations*: sections 5, 7 and 9.
- ²⁷ Except in the case of an emergency that constitutes an imminent hazard to life or property.
- ²⁸ The overtime rate does not apply where an employer grants an employee's request to change his/her work schedule with one or more other employees, if the change in work schedule results in the employee working hours in excess of the standard hours of work.
- ²⁹ Except in the case of an emergency that constitutes an imminent hazard to life or property.
- ³⁰ Unless the employee is subject to a collective agreement, the employee or the employer has been exempted by the Minister of Labour, or the employee is engaged in emergency work.
Where possible, the rest period must be taken on a Sunday.
- ³¹ A different meal break may be provided by contract of service between the employer and the employee.

The meal break requirement does not apply to an employee who is subject to a collective agreement or to an employee who works alone, and in circumstances where taking a rest period is impracticable.

³² *Labour Standards Act*: sections 4 to 11; *Labour Standards Meal Regulations*: sections 1 to 3.

³³ *Labour Standards Act*: sections 4 to 11; *Labour Standards Meal Regulations*: sections 1 to 3.

³⁴ The maximum hours of work may be exceeded in the following cases: an accident to machinery, equipment, plant or persons; urgent and essential work to be done to machinery, equipment or plant; or other unforeseen or unpreventable circumstances; but only to the extent necessary to prevent serious interference with the ordinary working of the industrial establishment.

In some cases, a Labour Standards Officer may authorize extended hours of work.

³⁵ With the authorization of the Labour Standards Officer, the standard and maximum hours of work in a day and in a week may be averaged for a period of one or more weeks.

³⁶ Where possible, the rest period must be on Sunday.

³⁷ An employee taking a meal break must not work during that period.

A Labour Standards Officer may exempt, by written waiver, any employer or employee from the meal break provisions.

³⁸ *Labour Standards Code (LSC)*: sections 40(4) and 61 to 67; *Minimum Wage Order (General)*: sections 9 to 12.

³⁹ Employers and employees may agree to average hours of work where there is a pre-determined, fixed cycle of work that repeats over a specific period of time. For this agreement to be valid, it must meet certain conditions provided for by policy of the Department of Environment and Labour of Nova Scotia. For instance, there must be a greater benefit to the employee, in the form of an extended period of time off; otherwise the employer has violated the LSC.

⁴⁰ An employer in an industrial undertaking must, where possible, grant the period of rest simultaneously to all employees in the establishment and grant the day of rest on Sunday.

An employer can require more than six consecutive days of work: if the Director of Labour Standards permits it; or in the case of an accident, in the case where work is required to be done to the machinery or establishment, or in the case of an occurrence beyond human control, but only so far as is necessary to avoid serious interference with the ordinary operation of the employer's undertaking.

⁴¹ *Employment Standards Act, 2000*: sections 17 to 22.2; *Exemptions, Special Rules and Establishment of Minimum Wage*: section 6.

⁴² The daily maximum hours of work may exceed eight hours if the employee's regular workday is longer than eight hours. This limit may also be extended if the employer and employee make an agreement that the employee will work a specified number of hours in excess of the daily limit.

The limit to weekly hours of work may be exceeded if: the employer and the employee make an agreement that the latter will work a specified number of hours in excess of the weekly limit; the employer receives an approval from the Director of Employment Standards (or is waiting for the approval and meets certain conditions) to exceed the weekly maximum hours of work (the authorization may cover some or all employees); and the hours worked do not exceed the number of hours specified in either the agreement or the approval.

In order for an agreement to exceed daily or weekly maximum hours to be valid in the case of a non unionized employee, the employer must provide the latter with the most recent document describing the employee's rights prepared by the Director of Employment Standards, and the agreement must contain a statement in which the employee acknowledges that he/she received the document.

Furthermore, in exceptional circumstances (e.g., emergencies, urgent repair work), an employee may be required to work more than the maximum hours of work, but only so far as is necessary to avoid serious interference with the ordinary working of the employer's establishment or operations.

⁴³ Unless the total time worked on successive shifts does not exceed 13 hours or unless the employer and the employee agree otherwise.

⁴⁴ This requirement does not apply to an employee who is on call and is called in during a period in which he/she would not otherwise be expected to perform work for the employer.

⁴⁵ In exceptional circumstances (e.g., emergencies, urgent repair work), an employee may be required to work during a rest period, but only so far as is necessary to avoid serious interference with the ordinary working of the employer's establishment or operations.

⁴⁶ *Employment Standards Act (ESA)*: sections 15 and 16.

The hours of work and rest period provisions of the ESA do not apply to employees whose terms and conditions of work are established by a collective agreement.

⁴⁷ The Employment Standards Board may exempt specific employers or industries from the standard work week provisions and may substitute other prescribed standards.

⁴⁸ Where possible, the rest period must include Sunday.

⁴⁹ *An Act respecting labour standards*: sections 52 to 59.0.1, 78 and 79.

⁵⁰ With the authorization of the Labour Standards Commission (Commission des normes du travail) or where provided by a collective agreement or decree, hours of work may be staggered on a basis other than a weekly basis.

⁵¹ Employees may refuse to work more than four hours in excess of their regular daily working hours or more than 14 hours per 24-hour period — whichever is the shortest period. Employees whose hours of work are flexible or non-continuous may refuse to work more than 12 hours per 24-hour period. Employees may refuse to work more than 50 hours per week or, for employees working in an isolated area or in the James Bay territory, more than 60 hours per week unless there is an authorization by the Commission to stagger hours of work on a basis other than a weekly basis.

However, this right of refusal does not apply where there is a danger to the life, health or safety of employees or the population; where there is a risk of destruction or serious deterioration of movable or immovable property or in any other case of superior force; or if the refusal is inconsistent with the employee's professional code of ethics.

It should also be noted that an employer may not dismiss or take reprisals against an employee who refuses to work beyond his/her regular hours in order to fulfill specified parental and family obligations; but this only applies where the employee has taken reasonable steps within his/her power to deal with these obligations otherwise.

⁵² Subject to the provisions relating to the staggering of hours of work on a basis other than a weekly basis.

⁵³ Unless otherwise provided in a collective agreement or a decree.

A meal break must be paid if the employee is not authorized to leave his/her work station.

⁵⁴ *Labour Standards Act* (LSA): sections 5 to 13.4.

⁵⁵ Except in emergency circumstances or if the employee agrees to work extra hours.

However, an employee's hours of work in a day must be confined to a 12-hour period. In addition, an employee may not be required or permitted to report to work more than twice in this period.

⁵⁶ Non-unionized employers must obtain a permit from the Director of Labour Standards. However, in a unionized workplace, such a permit is not necessary where the employer obtains the written consent of the trade union representing the employees and the average number of hours worked by an employee over any agreed to period does not exceed 8 hours in a day or 40 hours in a week, unless the employee is paid overtime for the time worked in excess of those times.

⁵⁷ An employee may refuse to work more than 44 hours in a week, except in emergency circumstances, and is protected against punishment arising from this refusal.

⁵⁸ Except in emergency circumstances. In addition, no employer may punish an employee who refuses to work according to a schedule that does not allow for this 8 hours of rest where no emergency circumstances exist.

⁵⁹ Persons employed in an establishment with more than ten employees are entitled to the longer (2-day) rest period in every seven days; where possible, the rest period must include Sunday.

Under certain terms and conditions, the Director of Labour Standards may grant a permit exempting an employer from the day of rest requirement.

⁶⁰ Employers are not required to provide a meal break where: an accident occurs, urgent work is necessary or other unforeseeable or unpreventable circumstances occur; where the Director of Labour Standards is satisfied that the employer and the majority of employees agree, or where the trade union consents in writing to postpone or forgo a meal break; or where it is not reasonable for an employee to take a meal break.

Where an employer is not required to grant a meal break, employees must be allowed to eat while working once they have worked for 5 hours.

A meal break must be paid if the employee is required or permitted to work or to be at the disposal of the employer during that period.

⁶¹ *Employment Standards Act*: sections 4 to 16.

⁶² Unless the employer is exempted by the Director of Employment Standards, the standard hours of work of an employee working a split shift must be confined to the 12-hour period immediately following the start of the employee's shift.

⁶³ With the authorization of the Director of Employment Standards, the standard hours of work in a week may be averaged over a period of two or more weeks.

⁶⁴ An employee may refuse to work overtime for just cause, provided that the refusal and cause for refusing are given to the employer in writing.

⁶⁵ Unless an emergency situation arises. Under certain circumstances, the Director of Employment Standards may order that the rest period be shortened to 6 consecutive hours.

⁶⁶ Where possible, the rest period must include Sunday. However, if an employer requires or permits an employee to work regularly in excess of the daily standard hours of work, the employer may require the employee to work up to 28 continuous days without a day of rest in addition to seven more continuous days when the additional work is necessary in order to complete a project on which the employee was employed during those 28 days. An employee who has such a work schedule is entitled to at least one day of rest for each continuous seven days of work and to take the accrued days of rest continuously with each other.

⁶⁷ A meal break must be paid if the employee is required to work during that period.