

Weekly Days of Rest and Sunday Work in Employment Standards Legislation

Jurisdiction	Minimum Weekly Rest Period (General Standard)	Exceptions / Special Cases	Right to Refuse to Work on Sundays
<p>Federal</p> <p><i>(Canada Labour Code, Part III; Canada Labour Standards Regulations)</i></p>	<p>One full day of rest in the week, on the Sunday wherever practicable (s. 173)</p>	<p>A ministerial permit authorizing the working of hours in excess of the maximum hours of work specified in the Code (pursuant to s. 176), may also prescribe the observation of alternate days of rest, having regard to the conditions of employment in the industrial establishment and the welfare of the employees. (s. 8(2) of Reg.)</p> <p>During an averaging period, hours of work may be scheduled and actually worked without affording a weekly day of rest to the employees affected. (s. 9 of Reg.)</p> <p>Day of rest provisions may be disregarded when scheduling the hours of work of west coast,¹ east coast and Great Lakes shipping employees;² motor vehicle operators who have no regularly scheduled daily or weekly hours or whose number of hours differs from time to time;³ railway running-trades employees;⁴ and commission salesmen who are employed in connection with the radio and television broadcasting industry in Canada and who are paid, at least in part, on the basis of a commission.⁵</p>	<p>N/A</p>
<p>Alberta</p> <p><i>(Employment Standards Code; Employment Standards Regulation)</i></p>	<p>One day of rest in each work week; 2 consecutive days of rest in each period of 2 consecutive work weeks; 3 consecutive days of rest in each period of 3 consecutive work weeks; or 4 consecutive days of rest in each period of 4 consecutive work weeks. Every employer must allow each employee at least 4 consecutive days of rest after each 24 consecutive work days. (s. 19)</p>	<p>On at least 4 days in every 28-day period, a person employed as an ambulance attendant must be relieved of on-call duties unless he/she has expressly agreed to be on call. (s. 17.1 of Reg.)</p>	<p>N/A</p>
<p>British Columbia</p> <p><i>(Employment Standards Act; Employment Standards Regulation)</i></p>	<p>32 consecutive hours free from work each week (s. 36(1)(a))</p>	<p>An employer may, instead of giving the period of rest, pay an employee at the rate of time and a half to work during the 32 hour period that would otherwise be free from work. (s. 36(1)(b))</p> <p>An employer of a silviculture worker must implement a shift schedule that consists of no more than five consecutive days of work followed by a day off and which affords, within each month, at least two consecutive days off or at least eight non-consecutive days off. Where work is in a remote camp to which there is no ready access, and where written approval is received from the majority of employees affected, an employer may implement an alternative shift schedule consisting of up to nine consecutive days of work followed by at least two consecutive days off, or of no more than ten consecutive days of work followed by at least four consecutive days off. In this case, employees must receive at least eight days off in a month. (s. 37.9 of Reg.)</p> <p>The <i>Employment Standards Act's</i> minimum rest provisions do not apply to employees who are covered by a collective agreement that contains any provision respecting hours of work or overtime. (s. 3) Moreover, an employer and any of his/her employees may join to apply for a variance from minimum rest provisions. (s. 72)</p>	<p>N/A</p>

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<p>Manitoba</p> <p><i>(Employment Standards Code; Minimum Wages and Working Conditions Regulation)</i></p>	<p>24 consecutive hours in each week (s. 45)</p>	<p>On application by the employer, the Manitoba Labour Board may exempt by order, for a specified period, a business from providing employees a weekly day of rest if satisfied that doing so would be an undue hardship to the employer; would be of little or no benefit to the employees owing to the remote location of the business; in the case of a business that operates only part of the year, would unduly restrict the operation of the business; or would cause severe loss to the business owing to the circumstances in which it operates. (s. 46)</p> <p>A business may also be exempted by order of the Manitoba Labour Board if an employer and the bargaining agent for the employees of the employer's business apply jointly in writing for such an exemption. (s. 47)</p> <p>In both cases, the board may include terms and conditions in an order. It can also vary or revoke the order. Moreover, employees who are affected by an order and work on what would otherwise be a day of rest are entitled to another day off without pay, on a day specified by the employer. (ss. 48, 49)</p> <p>Weekly rest day provisions do not apply in case of an emergency, where an occurrence beyond human control affects the life, health or safety of an individual, or interrupts or threatens to interrupt the provision of an essential government service or public utility, the provision of municipal or health services, or work urgently required to be done in respect of the employer's business to the extent necessary to avoid serious interference with its ordinary operation. Moreover, an employee may be required to work by his/her employer to meet or relieve a need relating to an emergency where a state of emergency is declared under the <i>Emergency Measures Act</i>. (s. 9 of Reg.; ss. 19, 20 of Act)</p> <p>Domestic workers as well as home care and residential care workers are entitled to at least 36 consecutive hours free of work, in each week.⁶ However, at the employer's request, a home care or residential care worker can agree to perform work during the 36 hours; time spent performing work can be added to a rest period in the following eight weeks or be paid at not less than the overtime rate.⁷</p>	<p>Certain retail business employees (s. 81)⁸</p>
<p>New Brunswick</p> <p><i>(Employment Standards Act)</i></p>	<p>24 consecutive hours weekly, to be taken, if possible, on the Sunday. With the approval of the Director of Employment Standards, rest periods may be accumulated and taken later, either part at a time or all together. (s. 17(1))</p>	<p>Weekly rest provisions do not apply if the employee, in the opinion of the Director of Employment Standards, is required to cope with an emergency, or if the employee is not usually employed for more than three hours in any one day. (s. 17(1))</p> <p>Parties to a collective agreement can agree to a benefit, privilege, right or obligation in lieu of a provision of the <i>Employment Standards Act</i>. (s. 4(2))</p> <p>Under certain circumstances, an employer may apply to the Director of Employment Standards to be exempted from a provision of the <i>Employment Standards Act</i>. (s. 8)</p>	<p>Certain retail business employees (s. 17.1)⁹</p>
<p>Newfoundland and Labrador</p> <p><i>(Labour Standards Act; Labour Standards Regulations)</i></p>	<p>24 consecutive hours during each week of employment, on a Sunday wherever possible (s. 22)</p>	<p>An employer may apply for and receive a written exemption from day of rest requirements from the Minister of Labour. Such an exemption applies for a specified period and may be subject to certain conditions, including conditions relating to accumulation of periods of rest. (s. 22(3),(4))</p> <p>Weekly day of rest provisions do not apply to employees subject to a collective agreement or to a person employed in a remote area of the province who notifies his/her employer in writing, and does not thereafter revoke that notification in writing, that he/she does not wish these provisions to apply (s. 6 of Reg.). Nor do they apply to an employee engaged in work of an emergency nature that necessitates immediate remedial action. (s. 22(3)(d))</p>	<p>N/A</p>

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<p>Northwest Territories/ Nunavut</p> <p><i>(Labour Standards Act)</i></p>	<p>One full day of rest in a week, on the Sunday wherever practicable (s. 10)</p>		<p>N/A</p>
<p>Nova Scotia</p> <p><i>(Labour Standards Code)</i></p>	<p>24 consecutive hours in every period of seven days; in an industrial undertaking, a period of rest should be granted, wherever possible, simultaneously to all employees, on the Sunday (s. 66(1),(2))</p>	<p>An employer may require an employee to work more than six consecutive days in case of an accident, where work needs to be done to the machinery or establishment of the employer or in the case of an occurrence beyond human control, but only to the extent necessary to avoid serious interference with the ordinary working of the employer's undertaking. (s. 66(3))</p> <p>On application of the employer, the Director of Labour Standards may approve, by order, the substitution of an alternative arrangement in lieu of the weekly period of rest. (s. 66(4))</p>	<p>N/A</p>
<p>Ontario</p> <p><i>(Employment Standards Act, 2000; Exemptions, Special Rules and Establishment of Minimum Wage Regulation)</i></p>	<p>24 consecutive hours in every work week or 48 consecutive hours in every period of two consecutive weeks (s. 18)</p>	<p>An employer may require an employee to work during a period that would normally have to be free from work in order to deal with an emergency; to ensure the continued delivery of essential public services or to ensure that continuous processes or seasonal operations are not interrupted if something unforeseen occurs; or to carry out urgent work to the employer's plant or equipment. The requirement to work in these circumstances only applies as far as is necessary to avoid serious interferences with the ordinary working of the employer's establishment or operations. (s. 19)</p> <p>A residential care worker is entitled to at least 36 hours in each work week free from the performance of any duties for the employer. These hours may be consecutive or arranged otherwise, with the consent of the employee. At the employer's request, a residential care worker can agree to perform work during a free hour; time spent performing work can be added to a rest period in the following eight weeks or be paid at not less than the overtime rate. (s. 21 of Reg.)</p>	<p>Certain retail business employees (ss. 72, 73)¹⁰</p>
<p>Prince Edward Island</p> <p><i>(Employment Standards Act)</i></p>	<p>24 consecutive hours in every period of seven days, on the Sunday whenever possible (s. 16(1))</p>	<p>Most employment standards, including day of rest provisions, do not apply to employees covered by a collective agreement. (s. 2(4))</p>	<p>N/A</p>
<p>Quebec</p> <p><i>(Act respecting labour standards)</i></p>	<p>24 consecutive hours each week (s. 78)</p>	<p>The weekly rest provision does not apply where an employee's working hours, with the authorization of the Labour Standards Commission or under a collective agreement or decree, are staggered on a basis other than a weekly basis. (ss. 78, 53)</p> <p>In the case of a farm worker, a day of rest may be postponed to the following week. (s. 78)</p>	<p>N/A</p>

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Saskatchewan <i>(Labour Standards Act; Labour Standards Regulations)</i>	<p>One day in every seven days to every employee who is usually employed for 20 hours or more in a week. (s. 13(1))</p> <p>Two consecutive days in every seven days for every employee who is usually employed for 20 hours or more in a week in an establishment where there are more than 10 employees. One of the two days is to fall on the Sunday wherever possible. (s. 13(2))</p>	<p>The director of Labour Standards may grant a permit exempting an employer or class of employers from period of rest provisions, subject to any terms and conditions deemed advisable, if these provisions would cause a hardship to the employer, class of employers, or any employees. Such an exemption may be cancelled at any time by the director. (s. 13(4),(5))</p> <p>A live-in care provider or a live-in domestic worker is entitled to a rest period of two consecutive days in every seven days, at a time that is mutually acceptable to the employer and the employee. (s. 12(2) of Reg.)</p>	N/A
Yukon <i>(Employment Standards Act)</i>	<p>Wherever practicable, two full days in a week. One of the two days is to fall on the Sunday wherever practicable. (s. 11(1))</p>	<p>Where the employer requires or permits an employee to work regularly in excess of the daily standard hours of work, the employee may be required to work up to 28 continuous days without a day of rest, to which can be added a consecutive period of up to seven additional days, where necessary to complete a project. In such a case, an employee is entitled to at least one day of rest for each continuous seven days of work. Accrued days of rest may be taken consecutively. (s. 11(2),(3))</p>	N/A

Additional exclusions: Most jurisdictions exclude a number of occupations and industries from legislated weekly rest provisions. Typical exclusions include students and practising members of designated professions, managers, sitters, domestics, agricultural workers, fishermen, hunting guides, various salespersons and brokers, information technology professionals, newspaper carriers, live-in residential caretakers and participants in work-experience programs.

Notes:

¹ *West Coast Shipping Employees Hours of Work Regulations* under Part III of the *Canada Labour Code*, C.R.C., c. 992, s. 7

² *East Coast and Great Lakes Shipping Employees Hours of Work Regulations* under Part III of the *Canada Labour Code*, C.R.C., c. 987, s. 4(2)

³ *Motor Vehicle Operators Hours of Work Regulations* under Part III of the *Canada Labour Code*, C.R.C., c. 990, s. 10

⁴ *Railway Running-Trades Employees Hours of Work Regulations* under Part III of the *Canada Labour Code*, C.R.C., c. 991, s. 4

⁵ *Broadcasting Industry Commission Salesmen Hours of Work Regulations* under Part III of the *Canada Labour Code*, SOR/79-430, s. 3

⁶ *Domestic Workers Regulation* under the *Employment Standards Code*, M. Reg. 60/99, s. 7; *Home Care and Residential Care Workers Regulation* under the *Employment Standards Code*, M. Reg. 61/99, s. 4

⁷ *Home Care and Residential Care Workers Regulation*, s. 4(2)

⁸ An employee in a retail business establishment that is exempted by a municipal bylaw (or a regulation regarding a territory) from Sunday-closing requirements (under s. 4.1(2)(b) of the *Retail Businesses Holiday Closing Act* (C.C.S.M. c. R120)), and where more than four persons, including the owner, are ordinarily employed, may refuse to work on a Sunday by giving his/her employer at least 14 days' notice.

⁹ An employee may refuse to work on any Sunday if he/she works in a retail business (or part of a retail business) that is exempted from the application of the *Days of Rest Act* under a tourist area exemption or that is prescribed in Schedule A of the Act's *Exemptions Regulation*. An employee who intends to refuse to work on one or more Sundays must give at least 14 days' notice to his/her employer. No employer may dismiss, suspend, lay off, penalize, discipline or discriminate against an employee who exercises his/her right to refuse to work on a Sunday.

¹⁰ Persons employed in certain retail business establishments may refuse to work on a Sunday. An employee who agrees to work on a Sunday may thereafter decline to do so, provided that his/her employer is notified at least 48 hours before the employee was to commence work (s. 73). However, this provision does not apply to persons employed in an establishment whose primary retail business is to sell prepared meals, rent living accommodation, open to the public for educational, recreational or amusement purposes, or sell goods and services incidental to one of these businesses (s. 72). Nor can an employee refuse to work on Sundays if he/she agreed to do so at the time of being hired (although an exception is made for reasons of religious belief or religious observance). Nevertheless, an employer may not make an employee's agreement to work on Sundays a condition of employment if this would be contrary to the constructive discrimination provisions of the *Human Rights Code* (s. 10 of Reg.).