

Weekly Days of Rest and Sunday Work in Employment Standards Legislation

Jurisdiction	Minimum Weekly Rest Period (General Standard)	Exemptions/Derogations	Special Cases*	Right to Refuse to Work on Sundays
<p style="text-align: center;">Federal</p> <p style="text-align: center;"><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.</p> <p>(s. 173)</p>	<p>A ministerial permit authorizing the working of hours in excess of the maximum hours of work specified in the Code 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.</p> <p><i>(s.171, 176 and s.8 (2) of Reg.)</i></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.</p> <p><i>(s. 9 of Reg.)</i></p>	<p>Day of rest provisions may be disregarded when scheduling the hours of work of</p> <p>a) <u>west coast</u>,¹ <u>east coast and Great Lakes shipping employees</u>;²</p> <p>b) <u>motor vehicle operators</u> who have no regularly scheduled daily or weekly hours or whose number of hours differs from time to time;³</p> <p>c) <u>railway running-trades employees</u>;⁴ and</p> <p>d) <u>commission salesmen</u> who are employed in connection with the radio and television broadcasting industry in Canada and paid on the basis of a commission or a salary plus commission.⁵</p>	<p style="text-align: center;">N/A</p>
<p style="text-align: center;">Alberta</p> <p style="text-align: center;"><i>(Employment Standards Code; Employment Standards Regulation)</i></p>	<p>1 day of rest in each work week;</p> <p>2 consecutive days of rest in each period of 2 consecutive work weeks;</p> <p>3 consecutive days of rest in each period of 3 consecutive work weeks; or</p> <p>4 consecutive days of rest in each period of 4 consecutive work weeks.</p> <p>Every employer must allow each employee at least 4 consecutive days of rest after each 24 consecutive work days.</p> <p>(s. 19)</p>	<p style="text-align: center;">N/A</p>	<p>On at least 4 days in every 28 day period, a person employed as an <u>ambulance attendant</u> must be relieved of on-call duties unless he/she has expressly agreed to be on call.</p> <p><i>(s. 17.1 of Reg.)</i></p>	<p style="text-align: center;">N/A</p>

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<p>British Columbia</p> <p><i>(Employment Standards Act; Employment Standards Regulation)</i></p>	<p>32 consecutive hours free from work each week.</p> <p>(s. 36(1)(a))</p>	<p>An employer and any of his/her employees may jointly apply in writing to the Director of Employment Standards for a variance from minimum rest provisions.</p> <p>(s. 72)</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.</p> <p>(s. 36(1)(b))</p>	<p>An employer of a <u>silviculture worker</u> must implement a shift schedule that consists of no more than 5 consecutive days of work followed by a day off and which affords, within each month, at least 2 consecutive days off or at least 8 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 9 consecutive days of work followed by at least 2 consecutive days off, or of no more than 10 consecutive days of work followed by at least 4 consecutive days off. In this case, employees must receive at least 8 days off in a month.</p> <p>(s. 37.9 of Reg.)</p> <p>The Act's minimum rest provisions do not apply to <u>employees who are covered by a collective agreement</u> that contains any provision respecting hours of work or overtime.</p> <p>(s. 3)</p>	<p>N/A</p>
<p>Manitoba</p> <p><i>(Employment Standards Code; Minimum Wages and Working Conditions Regulation)</i></p>	<p>24 consecutive hours in each week.</p> <p>(s. 45)</p>	<p>The Manitoba Labour Board may by order exempt a business</p> <ul style="list-style-type: none"> a) from providing employees a weekly day of rest, for a specified period (s. 46)⁶; or b) if the employer and the bargaining agent for the employees of the employer's business apply jointly in writing for such an exemption. (s. 47) <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.</p> <p>(ss. 48, 49)</p>	<p>Weekly rest day provisions do not apply to persons employed:</p> <ul style="list-style-type: none"> A) As <u>security personnel, caretakers, or power engineers</u> who live in the building in which they are employed; b) In <u>supervisory, managerial or confidential positions</u>; c) In case of an emergency⁷ (s. 9 of Reg); or d) <u>Domestic workers, home care and residential care workers</u>⁸. 	<p>Certain retail business employees.</p> <p>(s. 81)⁹</p>

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New Brunswick <i>(Employment Standards Act)</i>	24 consecutive hours weekly, to be taken, if possible, on the Sunday. (s. 17(1))	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)) Under certain circumstances, an employer may apply to the Director of Employment Standards to be exempted from a provision of the Act ¹⁰ . (s. 8)	Weekly rest provisions do not apply a) if the employee, in the opinion of the Director of Employment Standards, is required to cope with an emergency b) if the employee is not usually employed for more than three hours in any one day. (s. 17(1)); or c) when <u>parties to a collective agreement</u> expressly agree to a benefit, privilege, right or obligation in lieu of a provision of the Act (s. 4(2)).	Certain retail business employees. (s. 17.1) ¹¹
Newfoundland and Labrador <i>(Labour Standards Act; Labour Standards Regulations)</i>	24 consecutive hours during each week of employment, on a Sunday wherever possible. (s. 22)	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. In addition, the Minister may exempt the employer from the obligation to grant every employee a minimum period of rest and may vary or revoke this exemption. (s. 22(3),(4), (5))	Weekly day of rest provisions do not apply to: a) <u>employees subject to a collective agreement</u> (s. 6(a) of Reg.); b) a <u>person employed in a remote area of the province</u> who notifies his/her employer in writing, and does not subsequently revoke that notification in writing, that he/she does not wish these provisions to apply (s. 6(b) of Reg.); c) a <u>crew member of a ferry boat</u> (s. 6(c) of Reg.); or d) an employee engaged in work of an emergency nature that necessitates immediate remedial action (s. 22(3)(d)).	N/A
Northwest Territories and Nunavut <i>(Labour Standards Act)</i>	One full day of rest in a week, on the Sunday wherever practicable. (s. 10)	N/A	N/A	N/A

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<p>Nova Scotia <i>(Labour Standards Code)</i></p>	<p>24 consecutive hours in every period of 7 days.</p> <p>In addition, a period of rest should be granted simultaneously to all employees in an establishment on the Sunday (wherever possible).</p> <p>(s. 66(1),(2))</p>	<p>On application of the employer, the Director of Labour Standards may approve by order, with or without conditions, the substitution of an alternative arrangement in lieu of the weekly period of rest.</p> <p>(s. 66(4))</p>	<p>An employer may require an employee to work more than 6 consecutive days:</p> <p>a) in case of an accident;</p> <p>b) where work needs to be done to the machinery or establishment of the employer; or</p> <p>c) 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.</p> <p>(s. 66(3))</p>	<p>N/A</p>
<p>Ontario <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 2 consecutive weeks.</p> <p>(s. 18)</p>	<p>N/A</p>	<p>An employer may require an employee to work during a period that would normally have to be free from work in order</p> <p>a) to deal with an emergency;</p> <p>b) to ensure the continued delivery of essential public services if something unforeseen occurs;</p> <p>c) to ensure that continuous processes or seasonal operations are not interrupted if something unforeseen occurs; or</p> <p>d) to carry out urgent repair work to the employer's plant or equipment,</p> <p>but only so far as is necessary to avoid serious interference 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, either consecutively or as may be arranged with the consent of the worker, free from the performance of any duties for the employer. At the employer's request, a residential care worker can agree to perform work during a free hour; in this case, time spent performing work must be added to a rest period in the following 8 weeks or be paid at not less than the overtime rate.</p> <p>(s. 21 of Reg)</p>	<p>Certain retail business employees.</p> <p>(ss. 72, 73)¹²</p>

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Prince Edward Island <i>(Employment Standards Act)</i>	24 consecutive hours in every period of 7 days, on the Sunday whenever possible. <i>(s. 16(1))</i>	N/A	Day of rest provisions do not apply to employees covered by a collective agreement. <i>(s. 2(4))</i>	N/A
Quebec <i>(An Act respecting labour standards)</i>	32 consecutive hours each week. <i>(s. 78)</i>	The weekly rest provision does not apply where an employee's working hours, with the authorization of the <i>Commission des normes du travail</i> or under a collective agreement or decree, are staggered on a basis other than a weekly basis. <i>(ss. 78, 39, 53)</i>	Farm worker: a day of rest may be postponed to the following week with the consent of the employee. <i>(s. 78)</i>	N/A
Saskatchewan <i>(Labour Standards Act; Labour Standards Regulations)</i>	1 day in every 7 days to every employee who is usually employed for 20 hours or more in a week. <i>(s. 13(1))</i> Establishment where there are more than 10 employees: 2 consecutive days in every 7 days for every employee who is usually employed for 20 hours or more in a week. One of the two days is to be a Sunday (wherever possible). <i>(s. 13(2))</i>	The Director of Labour Standards may grant a permit exempting the employer or any class of employers from the period of rest provisions, subject to any terms and conditions that he/she considers advisable, if these provisions would cause a hardship to the employer, any class of employers or any employees. Such an exemption may be cancelled at any time by the Director. <i>(s. 13(4),(5))</i>	<u>Live-in care providers and live-in domestic workers:</u> an employer must grant a rest period of 2 consecutive days in every period of 7 days, at a time that is mutually acceptable to the employer and the employee. <i>(s. 12(2) of Reg.)</i>	N/A

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Yukon <i>(Employment Standards Act)</i>	2 full days in a week. One of the two days is to be a Sunday (wherever practicable). <i>(s. 12(1))</i>	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 7 additional days, where necessary to complete a project. In such a case, an employee is entitled to at least 1 day of rest for each continuous 7 day period of work. The employee is entitled to take accrued days of rest consecutively. <i>(s. 12(2), (3))</i>	<i>N/A</i>	<i>N/A</i>

* **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 (e.g. architecture, chiropractic, chiropracty, dentistry, law, massage therapy, medicine, optometry, professional engineering, pharmacy, physiotherapy, psychology, public accounting, surveying and veterinary science), managers, sitters, domestics, live-in residential caretakers, agricultural workers, fishermen, hunting guides, various salespersons and brokers, information technology professionals, newspaper carriers, and participants in work-experience programs.

Notes:

¹ *West Coast Shipping Employees Hours of Work Regulations* under the *Canada Labour Code*, s. 7.

² *East Coast and Great Lakes Shipping Employees Hours of Work Regulations, 1985*, under the *Canada Labour Code*, s. 4(2).

³ *Motor Vehicle Operators Hours of Work Regulations* under the *Canada Labour Code*, s. 10.

⁴ *Railway Running-Trades Employees Hours of Work Regulations* under the *Canada Labour Code*, s. 4.

⁵ *Broadcasting Industry Commission Salesmen Hours of Work Regulations* under the *Canada Labour Code*, s. 3.

⁶ If the Board is satisfied that applying the statutory rest period to the business would cause 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.

⁷ An employer may require an employee to work overtime where an occurrence beyond human control affects the life, health or safety of an individual; or interrupts or threatens to interrupt: (1) the provision of an essential service by the government, an agency of the government, a municipality or a public utility, (2) the provision of municipal services or health services by an employer, or (3) work urgently required to be done in respect of the business of the employer to the extent necessary to avoid serious interference with the ordinary operation of the business. 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 *Emergency Measures Act*. (s.9 of Reg; ss.19,20 of Act).

⁸ Domestic workers, home care and residential care workers are entitled to at least 36 consecutive hours free of work, in each week. However, at the employer's request, a home care or residential care worker can agree to perform work during the 36 hour period; each hour of work performed during that time must be added to a 36 hour period within eight weeks after the work is performed or be paid at not less than the overtime wage rate (*Domestic Workers Regulation*, ss. 3, 7; *Home Care and Residential Care Workers Regulation*, ss. 4, 6(a)).

⁹ An employee in a retail business establishment that is exempted by a municipal bylaw or a regulation from Sunday-closing requirements, 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 (s. 4.1(2)(b) of the *Retail Businesses Holiday Closing Act*).

¹⁰ The Director may grant an exemption if the employer can show to his/her satisfaction that, in addition to any other requirement that may be established in the *Employment Standards Act*, (1) the employer suffers a special hardship in complying with the provision that is not suffered by other employers and the employee receives other benefits or advantages that can be viewed as reasonable compensation for the sacrifice of the benefit, advantage, privilege or protection offered by the provision in respect of which the exemption is sought, or (2) the employment contract in question was entered into voluntarily and without force or coercion between persons having a close family relationship (s.8 d) and e) of the *Employment Standards Act*).

¹¹ 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 by a municipal by-law or a ministerial permit. 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.

¹² Persons employed in certain retail business establishments may refuse to work on a Sunday. An employee who agrees to work on a Sunday may subsequently 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, the right to refuse to work on a Sunday does not apply to persons employed in an establishment whose primary retail business is to sell prepared meals, rent living accommodation, be open to the public for educational, recreational or amusement purposes, or sell goods and services incidental to, and located in the same business premises as, 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.).

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