



# Factsheet

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.

October 2003

## High Technology Professionals and High Technology Companies in British Columbia

In British Columbia, there are special Employment Standards rules for the high technology sector.

For the most part, “high technology professionals” are exempt from the parts of the *Employment Standards Act* dealing with hours of work, overtime and statutory holidays. Special rules on overtime apply to employees in “high technology companies” who are not “high technology professionals.”

### High technology professionals

“High technology professionals” are employees who:

- Develop information technology systems;
- Develop scientific or technological products, materials, devices or processes; or,
- Conduct scientific research and experimental development.

The definition also includes sales and marketing of information technology systems, scientific or technological products, materials, devices or processes, or scientific research or experimental development. Employees in retail sales are not “high technology professionals”.

Some of the requirements of the Employment Standards Act which do not apply to ‘high technology professionals’ include:

- Employees are not to work more than five consecutive hours without a 30-minute meal break.
- Split shifts must be completed within 12 hours.
- Minimum daily pay.
- Employees must have 32 consecutive hours free from work each week.

- Overtime pay.
- Employees are entitled to either a paid holiday or extra pay when they work on a statutory holiday.

### High technology companies

For the purposes of the *Employment Standards Act*, a ‘High Technology Company’ is an organization where more than 50 percent of employees are high technology professionals, managers of those professionals, or employed in an executive capacity.

Employees in high technology companies who do not meet the definition of ‘High Technology Professional’ can agree to average hours of work over one, two, three or four weeks.

Special rules for averaging agreements under the *Employment Standards Act* apply in these companies.

Under these special rules:

- Employees and employers can agree that an averaging agreement does not have to schedule work on a daily basis.
- The work schedule can average more than 40 hours per week.
- Daily overtime is payable after 12 hours worked.
- Weekly overtime is payable at time-and-a-half if the total hours worked average more than 40 hours per week over the period covered by the agreement.
- A written request is not required to adjust the work schedule under an averaging agreement.

For more information about averaging agreements, see the factsheet: *Averaging Agreements*, or visit the Employment Standards web site.



#### FOR MORE INFORMATION:

Call: 1 800 663-3316, 612-4100 in Prince George

Fax: 250 612-4121

Web site: [www.labour.gov.bc.ca/esb](http://www.labour.gov.bc.ca/esb)