



This fact sheet 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 2002

FIRST JOB/ENTRY-LEVEL WAGE RATE

- The **First Job/entry level minimum wage** rate is \$6 per hour.
- This only applies to employees with no paid work experience before Nov. 15, 2001.
- After they have worked for a total of 500 hours with one or more employers, these employees are entitled to the regular minimum wage rate.
- Only actual hours of paid work experience count. Other compensation, such as allowances, statutory and annual vacation pay, whether required to be paid or not, do not qualify as hours of paid work experience.
- First job/entry-level employees are entitled to receive the First Job/Entry-level wage rate regardless of how they are paid, e.g. hourly wage, salary, commission or piece rate.
- The First Job/Entry-level wage rate does not apply to 'non-hourly' rates set under the Employment Standards Regulation. These include piece rates for fruit and vegetable picking; daily rates for live-in home support workers and live-in camp leaders; and, monthly rates for resident caretakers in apartment buildings.

Questions and Answers

1. I had a job last year for two weeks; can an employer hire me at \$6 an hour?

No. If you had paid employment before November 15, 2001 you are not eligible for the First Job/Entry-level wage rate.

2. If I hire someone for his or her first job, am I required to keep his or her minimum wage at \$6.00 per hour for 500 hours?

No. An employer cannot pay less than \$6.00 per hour but can choose to pay more than the First Job/Entry-level wage rate.

3. We hire salespeople on commission. We pay commission or minimum wage - whichever is higher. What is the minimum wage for inexperienced workers we might hire?

Workers who come under the First Job/Entry-level wage rate would be entitled to their sales commission or \$6 per hour - whichever is higher until they have worked for 500 hours.

4. I want to take on first-time workers for three months of work but I can't promise work after that. Is this legal?

As a courtesy you should make it clear to prospective employees that the work is only going to be for a limited time and that you are providing this work as an opportunity to build employment experience.

5. Can I advertise a job as being just for First Job/Entry-level workers?

Yes. Advertising based on work experience is not prohibited under the B.C. Human Rights Code. You cannot advertise a job with a restriction based on age, gender or any ground prohibited under the Human Rights Code.

If you are unsure about employment advertising, you can contact the BC Human Rights Tribunal at 1-800-663-0876 or 250-387-3710 or 604-660-6811

6. What does paid work experience mean?

Paid work experience means time spent working as an employee and receiving wages for hours worked.

'Wages' includes commissions and piece rates where earnings have been declared to Canada Customs and Revenue Agency.

7. How are overtime hours and paid time off for a stat holiday counted?

Overtime hours are counted as hours worked. An hour of overtime -- regardless if it is paid at time-and-one-half or double time -- counts as an hour worked.

8. Does casual work like cutting lawns and babysitting count?

Cutting lawns or babysitting on a casual basis would not normally be considered paid employment. Providing child care for which earnings have been declared would be counted as paid employment. Working for a business and doing work that employees normally do, such as picking fruit, would be considered paid employment.

9. How can I show an employer I have previous paid work experience?

Proof of previous employment can include any of the following:

- Record of employment
- Pay stubs or a T4 slip.
- Written confirmation from a previous employer.
- Other reasonable proof acceptable to the employer such as a verbal reference.

10. What if an employee doesn't have pay stubs or a record of employment?

Proving previous employment is the employee's responsibility. However, employers should be prepared to accept reasonable proof.

A good rule for employers would be to assess information the same way they would treat information on a resume.

If an employer does not accept an employee's information and it is later determined that the employee has reasonably proved he/she had paid employment, the employer could be required to make up the difference in wages.

11. If I work for fewer than 500 hours and I go to a new job, do I have to work for another 500 hours to be entitled to the general minimum wage?

No - you will become entitled to receive the general minimum wage as soon as you have reached 500 hours of total paid work experience.

12. I have worked outside BC - does this count.

All paid employment, regardless of where you worked counts. This includes work in B.C. Canada or another country.

13. What is to stop employers from hiring first-time workers and laying them off as soon as they reach 500 hours work?

The *Employment Standards Act* does not tell people how to run their businesses or who they can employ. They have a right to dismiss an employee with or without cause and this hasn't changed.

Under the Act, an employer would not have cause for dismissing an employee if the only reason for dismissal was because that person had more than 500 hours of work experience.

14. If an employee with 490 hours of paid work experience is given a \$50.00 bonus by his/her employer, does the bonus move the employee closer to the 500-hour threshold?

No. Only actual hours of work experience count. Payment of wages not related to hours of work or allowances, or benefits do not count as hours of work.