

Work Schedules and Time Away from Work

Labour Standards information for the restaurant and foodservices industry

Did You Know?

A change in an employee's schedule occurs when: the posted time for work to begin or end changes; the posted shifts are changed; or one schedule expires and is replaced by another. In these cases, the employer is required to provide employees with at least one week's written notice of the change.

A work schedule is not considered to be changed when: an employee asks for the change to accommodate personal needs; an employee is asked to work unscheduled hours where the employer could not have reasonably predicted the need to schedule staff for these hours one week in advance; or an employee is sent home early because of a lack of work that could not reasonably have been foreseen a week in advance. The employee may be eligible for minimum call-out pay in the cases of unscheduled hours or if the employee was sent home early. See the *Special Provisions Sheet* for more information about minimum call-out.

1. Work schedules.

Employers must give employees notice of when their work begins and ends in blocks of at least one week (but could be for longer periods). A week is Saturday midnight to Saturday midnight.

The notice should be in writing and posted no later than Saturday in a place easily seen by employees. The schedule must identify the times when work starts and ends, the time for each meal break, and where work is done in shifts, when each shift begins and ends.

Where two split shifts are scheduled in a day, it is limited to a 12-hour period. The total time cannot be more than 12 hours from the start of one shift, including the break between the shifts, to the end of the second shift.

2. Changes in work schedules.

If there is to be a change to the schedule, the employer must give employees one week's notice of the change in writing.

Notice of the change in the schedule is not required where a 'sudden or unusual occurrence or condition' arises that could not have been planned for by an employer exercising reasonable judgment.

3. Breaks between shifts.

Employees are entitled to at least a period of eight consecutive hours of rest in any period of 24 hours. Employees must receive this break unless there is an emergency.

4. Short-shifting.

Short-shifting occurs when an employee is scheduled to work more than one shift in a 24-hour period. Except where there is a permit allowing for a modified work schedule, employees are eligible for overtime pay after eight hours in a 24-hour period. See the *Overtime Sheet* for more information.

5. Meal breaks.

Most employees who work more than six hours or more get an unpaid meal break of at least 30 minutes within every five hours of work. Employees do not have to be paid for meal breaks, but if an employee has to do some work or be at the employer's disposal during the meal break, the employee must be paid for the time.

Did You Know?

A server on a meal break, who is still expected to serve customers, is at the employer's disposal and must be paid.

6. Coffee breaks.

Coffee breaks and rest breaks are provided at the discretion of the employer. If rest breaks are provided, employees must be paid for the time taken.

(see over)



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This publication is part of a series developed in cooperation by the Canadian Restaurant and Foodservices Association and Saskatchewan Labour. For more information, visit www.labour.gov.sk.ca or www.crfa.ca.



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7. Weekly rest period.

In the restaurant and foodservices industry, employees who usually work 20 hours or more per week, must get at least 24 consecutive hours away from work once every seven days.

8. Permits.

Employers may be able to obtain a permit from the Director of Labour Standards to:

- vary the requirement to post a work schedule or a change in a work schedule;
- allow employees to take their meal break at another time, or allow the employer to not give a meal break at all if the employee is allowed to eat while working;
- vary the requirement to provide employees who work more than 20 hours per week to get one day off per week.

Note: This publication is not a legal document. The original Act and Regulations should be consulted for all purposes of interpretation and application of the law.



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