



# Overtime

## Information for SIAST Students

### 1. Overtime pay.

Overtime is payable after employees have worked or have been at the employer's disposal for more than eight hours in a day and/or 40 hours in a week (32 hours in a week with a public holiday). Where an employer permits or requires an employee to be at his or her disposal, the employee is considered to be working and must be paid.

Under labour standards, where an employer has knowledge that an employee is working and the employer does not cause the employee to stop working, the employer has permitted the employee to work.

The overtime rate is 1 ½ times the employee's regular hourly wage.

- A '**day**' is any period of 24 consecutive hours.
- A '**week**' runs from Saturday midnight to the following Saturday midnight.

Unless there is an emergency, an employee can turn down work that would exceed 44 hours in a week.

### 2. Overtime exemptions.

Some employees do not get overtime pay:

- managers (employees are considered *managers* when they supervise or direct other workers, can hire, fire, discipline and promote employees, assign duties and make budgetary decisions, which affect the company);
- employees working north of Township 62, except employees working in La Ronge, Creighton (or within a 10 km radius of these centres) and Uranium City;

- professionals employed in their vocation who are registered or licensed in accordance with a provincial statute and students in those professions while they are learning their profession (doctors, lawyers, accountants, etc);
- people employed by rural municipalities solely in connection with road construction or maintenance, or servicing of road repair or maintenance equipment done on the job, but not employees who service such equipment in a warehouse or repair shop;
- travelling salespersons who earn all of their remuneration by commissions and regularly travel to two or more communities that are at least 20 kms apart;
- employees to whom *The Fire Departments Platoon Act* applies;
- people employed in the logging industry except those who work in an office, saw mill or planing mill;
- people employed as care providers, other than live-in care providers;
- people employed to sell motor vehicles; and
- 'sitters' (sitters are entirely exempt from Labour Standards). A **sitter** is the traditional "babysitter" who comes in on an occasional, short term basis to allow parents time to go shopping, to the movies, etc.

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To contact the Labour Standards Branch:

Visit our website: [www.labour.gov.sk.ca](http://www.labour.gov.sk.ca)

Call: 1-800-667-1783 toll free in Canada fax: (306) 787-4780 in Regina

### **3. Special rules.**

Special overtime rules apply to some types of employment, including:

- ambulance attendants
- fire fighters
- oil truck drivers
- some city newspaper workers
- highway construction workers
- workers employed in commercial hog barns

Please call Labour Standards at 1-800-667-1783 for more information about these exemptions or special rules.

### **4. Calculating an hourly wage for employees on a salary.**

Overtime pay is based on an hourly wage rate. To calculate the hourly rate for employees paid on a monthly basis, multiply the monthly wage by 12, divide the result by 52, and then divide by the regular weekly hours worked (which cannot be more than 40).

The employee's pay stub must show the hourly rate used to calculate overtime payments.

### **5. Permits.**

Labour Standards provides options for flexible hours, short-shifting, and compressed work weeks through the use of permits. To obtain a permit, employers must apply to the Director of Labour Standards. A majority of the affected employees must indicate their agreement by signing the application. If a trade union exists in the workplace, the employer and the union must negotiate a modified hours of work agreement.

### **6. Short-shifting.**

Short-shifting occurs when employees work more than eight hours in any 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.

### **7. Break between shifts.**

Employees are entitled to a period of eight consecutive hours of rest in any period of 24 hours. Employees must receive this break unless there is an emergency. An "emergency" is a sudden occurrence for which an employer could not have planned.