



Labour

Travail

HOURS OF WORK AND OVERTIME PAY

Compensation for Hours Worked

Hours of work and setting of maximum hours are regulated by the *Canada Labour Code*. The Code is administered by Human Resources and Skills Development Canada's Labour Program and applies to all workplaces within the federal jurisdiction. This includes some of Canada's major infrastructure sectors, such as interprovincial and international transportation (air, rail, ports and trucking), communications, banking and Crown corporations.

Canada Labour Code

Code provisions are minimum standards only and do not interfere with additional rights or enhanced benefits established by collective agreements, private arrangements or employer policies.

Hours of Work

The standard hours of work are eight hours in a day and 40 hours in a week. The maximum number of hours of work for a week is 48 hours. Certain provisions permit flexibility in applying these standards. As well, special regulations cover certain classes of workers in specific industries such as city and highway transport drivers. However, the Code makes no distinction between full-time, part-time or casual workers.

The maximum time a worker may work each week can be exceeded for exceptional circumstances such as emergency work or averaging of hours. However, hours of work provisions in the Code do not apply to those who have management functions, or to members of specific groups such as the engineering and medical professions.

If the nature of the work necessitates irregular hours, resulting in workers having no regularly scheduled hours or having regularly scheduled hours which vary from time to time, then the employer may average the working hours of workers over a selected period of two or more weeks.

Modified Work Schedules

The term "modified work schedules" includes compressed work weeks and flexible hours of work. For example, workers scheduled to work 10 hours per day, 4 days a week are said to be on a modified work schedule.

An employer may establish a modified work schedule or modify an existing schedule under which the hours of work may exceed the standard hours if workers agree and certain conditions are met. Where there is a trade union involved, there must be written agreement between the employer and the union to adopt a new work schedule or to cancel or modify an existing one.

Overtime and Overtime Pay

Overtime is defined as time worked in excess of the standard hours specified in the Code or Regulations. At least one and one-half (1.5) times the regular rate of pay must be paid for hours worked during overtime.

If the total of daily overtime hours differs from the total of weekly overtime hours, the greater of the two amounts is used in calculating overtime payments. The overtime rate is not necessarily paid after eight hours of work in one day. For example, in a compressed work week consisting of four days of ten hours each, overtime is payable after ten hours in a day and 40 hours in a week. Overtime must also be paid after an average of 40 hours in a week where the schedule consists of two or more weeks.

Compliance

The Code contains provisions designed to support voluntary compliance, which the Labour Program promotes using a range of tools and techniques. If required, it responds to non-compliance situations through various voluntary and non-voluntary measures.

Federally regulated workers are all entitled to one full day of rest each week.

To find out more, call toll-free 1-800-641-4049 or visit labour.gc.ca.

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Fax: 819-953-7260 Online: <http://www.hrsdc.gc.ca/publications>

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Paper: Cat. No.: HS24-75/2010 • ISBN: 978-1-100-51337-9