

Five ways to protect yourself as a worker

1) *Get it in writing*

BC law does not usually require you to have a contract with your boss. But it is a good idea to work out the details of your work in a written contract before you start work. When you sign an employment contract, make sure you agree with everything in it. Keep a copy for yourself in case you have a dispute with your employer in the future.

If your contract gives you less than the minimums set out in employment standards law, then you are entitled to receive the minimum set out in law no matter what your contract says. For example, if your contract says you will be paid \$5 an hour, you are still entitled to \$8 an hour under BC's employment standards law.

2) *Your rights and responsibilities as a worker*

Under BC law, you have some definite rights as a worker. Some of these include the right to a meal break, overtime pay, paid statutory holidays, and protection from excessive hours of work.

As a worker, you also have a responsibility to arrive on time for work and to be capable of performing your work. Your employer can fire you if you are always late for work, always do a poor job, or show up drunk at work.

3) *Pay Day*

As a worker in BC, you have a right to the minimum wage. The minimum wage is \$8.00 an hour for most workers but might increase in the future. You also have the right to be paid for any overtime work you do.

BC law requires your employer to pay you at least two times every month. Your employer must give you a written pay slip that shows how many hours you worked, and what deductions your employer has taken from your pay. Under the law, your employer must take deductions from your pay for such things as income tax, unemployment insurance, and pension.

Make sure you keep these pay slips. Also, keep your own record of your hours of work and other details of the work you did. These records are important evidence if you do not agree with your employer about the pay you received and want to make a formal complaint.

4) Holidays and Vacations

Statutory holidays

There are 9 days each year where the law says that workers get days off **with** pay to celebrate special occasions if you have worked full-time for 15 out of the 30 days before the holiday. These are called statutory holidays. For a list of the statutory holidays, you should visit the website of the Employment Standards Branch at:

www.labour.gov.bc.ca/esb/

If you agree, your employer can request that you work a statutory holiday and provide you with another day off work instead. If the statutory holiday falls on your regular day off from work, you should be provided with another day off work. For example, if your normal day off is Monday and the statutory holiday falls on a Monday, your employer must give you another day off with pay.

If your employer insists that you work on a statutory holiday, you have a right to extra pay for that day **in addition** to your regular pay. The extra pay, called Statutory Pay is your regular wage multiplied by 1.5 for all hours you work up to 12 hours. For any hours you work more than 12 hours, your employer must pay you your regular wage multiplied by 2.

Vacation pay

After 5 days of work, all workers in BC have a legal right to paid vacation. After one year of full-time work at the same job, your employer must give you 2 weeks of paid vacation. The longer you work full time at the same job, your employer must give you more paid vacation, up to a maximum of 3 weeks.

5) Leaving your job

Temporary leaves

Under BC law, you can take temporary leaves from work because of illness, pregnancy, and family emergencies, such as the serious illness or death of a family member. Your employer must give you this time off but does not have to pay you while you are away from work.

Leaving permanently

You can quit your job whenever you wish without giving your employer advance notice, unless you agreed in your employment contract to give notice. However, if you had a good relationship with your employer and want him to be a reference in the future, it's a

good idea to give your employer enough notice of your leaving for him to find a replacement.

If you quit, your employer must give you your final pay within 6 days.

If your employer decides to fire you, he or she must tell you in writing in advance. This is called Notice of Termination. After one year of full-time work at the same job, your employer must give you 2 weeks of notice. The longer you work full time at the same job, your employer must give you more notice, up to a maximum of 8 weeks.

Instead of giving you notice, your employer can end your work right away but usually he or she must pay you some money in compensation for the money you won't earn. This is commonly called severance pay. Like notice, the amount of severance pay your employer must pay you depends on how long you worked.

The exception to your employer giving you notice or paying compensation is when your employer fires you for "just cause". This is when your employer fires you for really serious behaviour at work, like stealing, hitting another worker or your boss, or deliberately damaging company property.

Your employer has 48 hours from the time he fires you to provide you with your final pay.

Making a complaint against your employer

If you are unable to resolve employment problems that you have with your employer directly, you can make a complaint against your employer for breaking the BC employment laws. If the Employment Standards Branch decides that your employer has broken any of the employment laws, they can fine your employer between \$500 and \$10,000 for each violation. The fines get bigger with each repeat violation so your employer is motivated to follow BC employment laws which are meant to protect employee rights.

But it's up to you to make employment standards law work. Find out more about your employment rights. You can find out more detailed information on the website of the Employment Standards Branch at: <http://www.labour.gov.bc.ca/esb/>

Their website can provide you with more detailed information about employment standards law in BC. Their website also has information in other languages. If you can't read any of these languages, ask a friend or a settlement worker to translate the information for you.



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