



Canada Labour Code Part III

**Complaints, Pay
Deductions,
Reimbursement of
Work-related Expenses
and Wage Recovery**

Application

FEDERAL LABOUR STANDARDS APPLY TO:

Full-time and part-time employees*

Seasonal, temporary and casual employees

WORKING IN

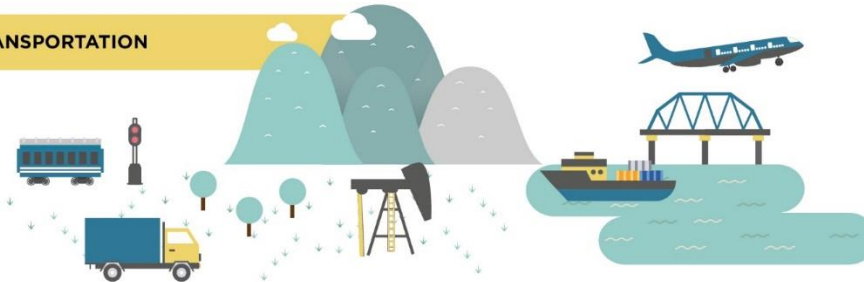
FEDERAL JURISDICTION BUSINESSES AND INDUSTRIES

INTERPROVINCIAL AND INTERNATIONAL TRANSPORTATION

RAILWAYS
ROAD TRANSPORTATION - TRUCKS AND BUSES
AIRPORTS, AERODROMES, AIRLINES AND AIRCRAFT OPERATIONS

MARINE NAVIGATION AND SHIPPING, PORT SERVICES AND MAINTENANCE OF WATERWAYS

FERRIES, TUNNELS, CANALS AND BRIDGES
PIPELINES - OIL AND GAS



GRAIN

BANKING

URANIUM

TELECOMMUNICATIONS AND BROADCASTING

FEDERAL CROWN CORPORATIONS

FIRST NATIONS BAND COUNCILS



GRAIN ELEVATORS FEED AND SEED MILLS FEED WAREHOUSES AND GRAIN-SEED CLEANING PLANTS



i.e **BANK OF CANADA**



URANIUM MINING AND PROCESSING ATOMIC ENERGY



RADIO, TELEVISION, TELEPHONE AND INTERNET



i.e **CANADA POST CORPORATION AND CANADA MORTGAGE AND HOUSING CORPORATION**



CERTAIN COMMUNITY SERVICES ON RESERVES

DID YOU KNOW?

APPROX. 18,000 EMPLOYERS

AND

APPROX. 900,000 EMPLOYEES
(6% OF ALL CANADIAN WORKERS)

ARE SUBJECT TO FEDERAL LABOUR STANDARDS



* This includes unionized workers and temporary foreign workers in federally regulated businesses and industries.

Purpose and Application

- Primary objective:
 - To establish and protect workers' rights to fair and equitable conditions of employment
- Applies:
 - When employee/employer relationship exists
 - Regardless of other laws, customs, contracts or arrangements
 - To interns and student interns
 - To part-time, full-time, seasonal, permanent or casual employment, and temporary foreign workers



Minimum Age: Under Age 18

- Employers may employ persons under age 18 if:
 - Employee, intern or student intern is not required by provincial law to attend school
 - The work is not carried on underground or in a mine
 - The work would not cause them to be employed in or enter a place that they are prohibited from entering under the *Explosives Regulations, 2013*
 - They are not employed as a nuclear energy worker as defined in the *Nuclear Safety and Control Act*
 - They are not prohibited from doing the work under the *Canadian shipping Act, 2001*
 - Work not likely to endanger their health or safety
 - Employee, intern or student intern does not work between 11:00 p.m. and 6:00 a.m.





Complaints

Types of Complaints

- Four types of complaints that can be filed with the Labour Program
 - Monetary complaints
 - Non-monetary complaints
 - Unjust dismissal complaints
 - Genetic discrimination complaints



Types of Complaint : Timelines

- **Monetary complaint:**
 - Must be filed 6 months from the last day your employer was required to pay these amounts;
- **Non-monetary complaint**
 - Must be filed 6 months from the day on which the subject matter of your complaint arose;
- **Unjust dismissal complaint:**
 - 90 days from the day on which the subject matter of your complaint.
 - Employee/ intern must have worked or performed work for a minimum of 12 consecutive months for the same employer;
 - Employee/ intern must not be subject to a collective agreement
- **Genetic discrimination complaint:**
 - 90 days after the day on which the subject matter of your complaint arose.
 - If your complaint is related to third party disclosure and the employer collecting or using the test results without written consent, your complaint must be filed within 6 months from the day on which the subject matter of the complainant's complaint arose.





Pay Deductions

Pay Deductions

- Deductions permitted :
 - Required by federal/provincial law (e.g., taxes, CPP, EI)
 - Authorized by court order (e.g., child support) or collective agreement (e.g., union dues)
 - Specific amounts authorized in writing by employee/ intern
 - Overpayments of wages
- Authorized deduction pursuant to paragraph 254.1(2)(c) of the Code
 - The employer must obtain a written authorization by the employee/ intern consenting to the deduction of a specific amount. For every deduction made, the authorization must be in writing, specify a particular amount, and be given in a way that is truly consensual.



Pay Deductions

- Deductions **not** permitted:
 - For damage to property, or loss of money or property, if any person other than the employee/ intern had access to the property or money in question
 - For dismissal, suspension, discipline, lay-off or demotion if garnishment proceedings may be, or have been, taken





Reimbursement of Work-related Expenses

Reimbursement of Work-related Expenses

- Expenses are reimbursed pursuant to section 238.1 of the Code and section 23.1 of *the Canada Labour Standards Regulations*.
 - An employee is entitled to reimbursement of reasonable work-related expenses.



Reimbursement of Work-related Expenses, exceptions

- Expenses that are not required to be reimbursed:
 - Where there is a collective agreement, any expense the employee is required to pay in accordance with the collective agreement or a written agreement between the trade union and the employer
 - Where there is no collective agreement, any expense that the employee is required to pay in accordance with any written agreement between themselves and the employer



How Employers Inform Employees

- Employers are required to inform employees how they can claim reimbursement of expenses on the employment statement.

Employment and Social Development Canada / Emploi et Développement social Canada

PROTECTED WHEN COMPLETED - B

EMPLOYMENT STATEMENT REQUIRED UNDER THE CANADA LABOUR CODE, PART III

An employer must, within the first 30 days of an employee's employment, provide the employee with a written statement containing information relating to their employment.

A) Parties to the employment relationship

Name of employer:

Legal name of employer:

Common name of employer, if different from legal name:

B) Job title of the employee:

Brief description of their duties and responsibilities:

C) Address of the ordinary place of work:

D) Date on which the employment commences:

E) Term of the employment:
Example 1: fixed term contract (start date and end date)
Example 2: permanent status

F) Duration of the probationary period, if any:
For information related to probationary periods please consult the following web page:
Termination layoffs or dismissal - Canada.ca

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G) Description of the necessary qualifications for the position:

H) Description of any required training for the position:

I) Hours of work for the employee:

Week	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1							
2							
3							
4							

Information on the calculation of those hours and rules regarding overtime hours:
Example: no regularly scheduled hours of work

J) Rate of wages or salary:
Example 1: \$26 per hour
Example 2: \$0.45 per mile
Example 3: Additional compensation of \$20 per pick-up/drop
Example 4: Compensation for installation of tarps on a truck: \$26
Example 5: Safety bonus: additional \$0.06 per mile

Rate of overtime pay:
Example: overtime paid at 1.5 x the regular rate of wages
For information on overtime please consult the following web page:
Overtime - Federal regulated workplaces - Canada.ca

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K) Frequency and timing of pay days and the frequency of payment of any other remuneration:
Example: On Thursdays every 2 weeks

L) Mandatory deductions from wages:
For information on deductions please consult the following web page:
Pay and minimum wage, deductions, and wage recovery - Canada.ca

M) Information about how the employee can claim reimbursement of reasonable work-related expenses, if applicable:

Additional information:
Example 1: The employer will drive a truck provided by the employer.
Example 2: The employer's handbook provides additional details related to pay and bonus conditions

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Expenses and Vacation Pay

- An expense reimbursed to an employee does not constitute wages within the meaning of the Code, as the amount is not obtained in exchange for work performed.
- Consequently, there is no vacation pay to be applied to the amount of an expense reimbursed to an employee.

Vacation pay  4%, 6%, 8%




Payment of Work-related Expenses



Reimbursement within 30 days of an employee's submission of the claim to the employer

OR



Reimbursement within the agreed upon time limit set out in the collective agreement or written agreement



Work-related Factors

Connected to the
employee's
performance of work

Enables an employee
to perform work

Condition of
employment or
continued
employment

Required by an
Occupational Health
or Safety Standard

Incurred for a
legitimate business
purpose and not for
personal use or
enjoyment



Reasonable Factors

Connected to the employee's performance of work

Enables an employee to perform work

Incurred at the request of the employer

Any amount incurred beyond the amount necessary

Normally reimbursed by employers in similar industries

Authorized by the employer in advance

Incurred by the employee in good faith

Claim for payment includes documentation



Recovery of Wages

Wage Recovery Process

- Enforcement methods used:
 - Payment order to employer
 - Order to debtor of employer
 - If payment order not paid, or review not requested
 - Payment order to director
 - If review of payment order to employer not requested and money still owing
 - Orders may be filed in Federal Court

- Complaint Unfounded:
 - Notice of Unfounded Complaint issued if found that no amounts are owed within the last six months from when the complaint was received




Wage Recovery: Administrative Review and Appeal

- May request a review of decision:
 - In writing, with reasons and within 15 days of being served a payment order or notice of unfounded complaint
 - Payment of amount in order must be paid to Head of Compliance and Enforcement (Receiver General for Canada)
- The review may result in the decision in question be confirmed, rescinded or varied (in whole or in part):
 - If overturned, case will be assigned to a labour affairs officer
- The resultant reviewed decision may be further appealed to the Board but only on a question of law or jurisdiction.



Questions?

Labour Program Contact

- For more information:
 - Toll-free: 1-800-641-4049
 - <https://www.canada.ca/en/services/jobs/workplace/federal-labour-standards.html>
 - #LabourStandards  @Labour_ESDC

