

Employment Standards

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Employment Standards Act¹

Under the [Employment Standards Act BC](#) (*the Act*), the law sets standards for payment, compensation and working conditions in most workplaces. The purpose is to promote open communication, fair treatment and work-life balance for employees.

The Act applies to employees, regardless of whether they are employed on a part-time, full-time, temporary, or permanent basis. However, not every work issue or type of work is related to B.C. employment standards, so it is important to understand what is applicable.

Definitions

The Provincial Government of B.C. has set up a [Guide to the Employment Standards Act and Regulation](#) to help interpret the Act and Regulation. The guide is meant to help provide a clear understanding of the law but is not a legal document.

For example, you can find definitions of specific terms used that include what an “employee” or “employer” is. This would be a good resource to refer to when trying to determine if the *Employment Standards Act* is relevant to your situation.

Employment Standards and Workplace Safety

The following links are some of the main topics related to Employment Standards.

- [Taking Time Off](#)
Employees can take time off work for vacation or for life situations.
- [Quit, Fired, or Laid Off](#)
Both employees and employers can end employment.
- [Getting Paid for Work](#)
Employees must be paid for the work they do.
- [Hours of Work and Overtime](#)
Employers schedule work hours for employees.
- [Statutory Holidays](#)
Employees get paid for statutory holidays if they qualify.
- [Hiring Employees](#)
Employers must provide employment agreements that meet all minimum standards.

¹ <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards>

- [Temporary Foreign Workers](#)
Foreign workers in B.C. are protected from unfair practices
- [Forms and Resources](#)
Available forms for more details about specific standards
- [Workplace Rights](#)
Employers need to follow laws and regulations to protect themselves and their employees. Depending on their role, they have certain obligations they must follow.

Industries, Workplaces, and Types of Work Covered Differently

Several types of workplaces, workers and professions set their own standards or are **federally-regulated**. See the following link for a list of federally regulated industries and workplaces under the *Canada Labour Code*.

[Federally Regulated Industries and Workplaces](#)

Below are other types of workplaces, workers and professions that set their own standards:

- [Independent Contractors / Self-Employed](#)
Self-employed workers are responsible for setting their own workplace standards. It is important to determine whether as a worker you are considered an employee or an independent contractor under the Act.
 - The Employment Standards Branch has prepared a “[Employee or Independent Contractor](#)” factsheet to assist with determining whether someone is considered an employee or independent contractor
 - Be sure to take note of the:
 - Common misconceptions
 - Examples
 - Four-Point Test for Determining Status²
 - *Susan Ward*, a writer that covers small business topics, has summarized a standard four-point test used by the CRA to determine which type of relation exists:
 - *Control* – Who makes the decisions
 - *Ownership of Tools* – Who supplies the tools
 - *Chance of Profit or Risk of Loss* – What’s your financial involvement
 - *Integration* – How does the business relationship work?
 - Taxes and advantages of an independent contractor
 - Independent contractors have the potential for tax deductions and a self-employed person can generally deduct all reasonable business expenses
 - Benefits for Employers
 - Contractors must pay for their own Canada Pension Plan CPP/QRP contributions and they don’t receive benefits packages or pensions³

² <https://www.thebalancesmb.com/are-you-a-contractor-or-an-employee-2948639>

³ <https://www.thebalancesmb.com/are-you-a-contractor-or-an-employee-2948639>

- For example, contractors have to pay their own employment insurance (EI) and WorkSafeBC premiums (if they choose to opt into those systems)
 - EI and WorkSafeBC premiums are required for businesses to cover for their employees, so employers save costs from not having to pay these additional expenses when they hire someone as a contractor
- **Unionized Workplaces**
Unions have collective agreements that set workplace standards for their members.
- **Professionals**
Some members of professional associations and employees aren't covered by B.C. employment standards based on their profession or occupation.
 - **Architects** – *Architects Act*
 - Members (Other than an honorary member) of the **Organization of Chartered Professional Accountants of British Columbia** – *Chartered Professional Accountants Act* or a person enrolled as a student under that act
 - Members of the **Law Society of British Columbia** under the *Legal Profession Act* or a person enrolled as an articulated student under that act
 - A registrant of the **College of Chiropractors of British Columbia** under the *Health Professions Act*
 - A registrant of the **College of Dental Surgeons of British Columbia** under the *Health Professions Act*, other than a registrant who is only authorized under the bylaws of that College to use the title “dental therapist” under that act
 - **A professional engineer**, as defined in the *Engineers and Geoscientists Act*, or a person who is enrolled as an engineer-in-training under the bylaws of the council of **The Association of Professional Engineers and Geoscientists of the Province of British Columbia**
 - A person licensed as an **insurance agent or adjuster** under the *Financial Institutions Act*
 - **A practicing land surveyor, land surveyor associate or land surveyor in training** as those terms are defined in the *Land Surveyors Act*
 - A registrant of the **College of Physicians and Surgeons of British Columbia** continued under the *Health Professions Act*
 - A registrant of the **College of Naturopathic Physicians of British Columbia** established under the *Health Professions Act*
 - A registrant of the **College of Optometrists of British Columbia** established under the *Health Professions Act*
 - A registrant of the **College of Podiatric Surgeons of British Columbia** established under the *Health Professions Act*
 - A person licensed under the *Real Estate Services Act*
 - A person registered under section 35 of the *Securities Act*
 - A registrant of the College of Veterinarians of British Columbia continued under the Veterinarians Act
 - A professional forester as defined in the *Foresters Act*
- **Specific Regulations/Industries**
Some sectors, industries or types of workers have specific regulations that only apply to them.

- Aquaculture
- Commission Sales
- Domestic Workers
- Farm Workers
- High Technology
- Loggers Working in Interior
- Oil and Gas
- Resident Caretakers
- Silviculture Workers (Hired to help with reforestation)
- Taxi Drivers
- Truck Drivers
- Young People
- **Excluded jobs**
Workers performing specific types of duties or receiving certain benefits aren't covered by B.C. employment standards

Employment Contracts

When it comes to [hiring employees](#), employers must provide employment agreements that meet all minimum standards. When someone accepts a job, they enter into an agreement. People can be hired with or without a written contract. If a signed contract is required, it is important to take your time and look over all the details. A contract might include things like⁴:

- Hours of work
- Shift work possibility
- Location of work
- How much vacation you are eligible for
- How much notice you will get if you are fired or laid off

Read the contract carefully and make sure you agree with everything in it. It may be difficult to make changes afterwards if the employer does not agree. Even if you sign something saying you're an "independent contractor", you may still have rights under the Employment Standards Act⁵. [Justice Education Society](#) provides further guidance on employment contracts.

It is not necessary to have an Employment Lawyer look over the contract for you, however if there are things in the contract that you do not understand, you may choose to reach out to a lawyer to clarify in more detail.

Unpaid Internships

Students may come across internship opportunities to provide them with industry experience. Under the [B.C. Employment Standards Act](#), unpaid internships are illegal except if they come under the following two specific exceptions:

⁴ <https://www.justiceeducation.ca/legal-help/working/getting-hired/employment-contracts>

⁵ <https://www.justiceeducation.ca/legal-help/working/getting-hired/employment-contracts>

1. Practicums that offer practical work experience as part of a formal educational requirement
2. Formal training required for certain professions

Interns must be paid [minimum wage](#) if the internship does not fall into the two exceptions above.

For federally [regulated industry industries or workplaces](#), interns and student interns follow the [Federal labour standards](#) and it can be helpful to understand the differences if it applies to your field.

Further Questions

If you are not able to find answers to your questions, you can reach out to the Employment Standards Branch to inquire about your situation or question.

- [Contact the Employment Standards Branch](#)

Sources

1. Province of British Columbia (2020). Employment Standards.

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards>

2. Susan Ward (2019). Independent Contractor vs Employee: Which One Are You?

<https://www.thebalancesmb.com/are-you-a-contractor-or-an-employee-2948639>

3. Just Education Society (2018). Employment Contracts.

<https://www.justiceeducation.ca/legal-help/working/getting-hired/employment-contracts>