

What are Employment Standards?

Employment standards are minimum workplace conditions for employees, both for workers who are members of unions and those who are not. The Employment Standards of New Brunswick (NB) regulate the minimum wage, hours of work, overtime rates, paid leave, statutory holidays, leaves of absence, and notices of termination or layoff, and are protected by the NB **Employment Standards Act (ESA)**. The ESA covers full time, part time, casual, and seasonal employees.

Certain jobs are not covered by the act, such as baby-sitters or handypersons hired in private residences, contractors, or federally regulated employees working in NB. Federal employees include railway and pipeline workers, ferry operators, bank employees, extra-provincial transport truckers, navigation and shipping workers, air transport workers, telecommunications workers, and First Nations governments.

Basic Rights at Work

Wages: The minimum wage in NB is \$11.75 per hour (higher for construction workers and summer camps)

Overtime pay is \$17.63 for minimum wage workers (time and a half) after working 44 hours in a week

Minimum reporting wage: If you are called in to work and you work less than 3 hours, you are entitled to pay for 3 hours. If you work more than 3 hours, you are paid for the hours worked.

Your employer must pay you **at least** every 16 days. The date of pay must include all

wages and commissions earned up to the seventh day before pay. Your employer also must pay you in Canadian dollars (through check, cash, or direct deposit) and must provide a pay stub detailing your pay and deductions. Statutory deductions like CPP and EI **must** be deducted.

Workplace Safety: Most workers in Canada are entitled to financial compensation if they are injured at work through WSIB, though not every company has WSIB coverage. Workers are often eligible for compensation even when they might assume they are not.

Employment Equity: According to section 37.1, of the Act, employers must pay employees equitably regardless of gender. The employer cannot establish or maintain a difference between the pay paid to employees of different genders who are performing work of equal or comparable value. Deviations in pay can only be based on factors like seniority, merit, or commission earnings. If you are a public sector employee, the Pay Equity Act provides further pay equity measures.

Foreign Workers have the same rights and obligations as regular employees under the ESA. There are also additional obligations toward foreign workers to avoid exploitation such as that the employer cannot require you to live on-site.

Work Done by Children: Anyone under the age of 16 cannot work more than six hours hours per day. They also cannot work between 10pm and 6am or in an environment deemed harmful to their health, moral or physical development

For security reasons, anyone under the age of 14 cannot work in industries like forestry,



construction, manufacturing, hotels or restaurants, or theaters and dance halls.

Sick Leave: You cannot be penalized for taking leave you are entitled to. When you return from your leave you should get your old job back with the same responsibilities or a similar job with the same wages.

Emergency Leave and COVID-19:

Quarantine, self-isolation and public health directives, school or daycare closure
This is leave without pay where the employer cannot penalize the employee
An employer cannot demand medical bills/notes to justify the absence.

Parental leave for new parents (including for surrogates and adoption): paid, max 15 weeks if worked over 600 hours in the past 52 weeks.

Bereavement leave You are entitled to up to 5 days of unpaid leave to attend a funeral.

Injury/ EI sick leave: paid up to 15 weeks, if worked over 600 hours in the past 52 weeks.

Caregiver leave: Unpaid, job-protected leave up to 8 weeks per calendar year

Family medical leave: Unpaid, job-protected leave up to 26 weeks in a 52-week period

Critical illness: Unpaid, job protected maximum 37 weeks when caring for a child, 17 weeks when caring for an adult (may be eligible for EI benefits; 15 weeks for child, 35 for adult)

Domestic or sexual violence: 10 days - 15 weeks, first 5 days of each calendar year paid.

Notice of Termination: You must be given **at least two weeks' notice** of termination, or two weeks' pay. There are exceptions to

the notice requirement, such as if your employer provides reasonable cause for termination in writing, you are working on a contract or seasonally and your period of work has ended, or you are retiring. Construction industries are not required to provide two weeks' notice. An employer can also lay off an employee without notice when the layoff is to last six days or less, or there is an unforeseen work shortage or layoff is 6 days or less.

Abusive Action by Employers: Your employer cannot force you to take lie detector tests

You have a right to return to work following a workplace injury

Fight for Your Rights: Report an ESA violation

If you think that your employer is violating your or your coworkers' rights at work under the ESA, contact the ESA branch of the New Brunswick government:

1-888-452-2687 | <https://bit.ly/3fAbEQ9>

There are employment standards offices located in Fredericton, Dieppe, Bathurst, Edmundston, and Saint John.

Join the Fight for Social Justice

For further information, please do not hesitate to contact the **New Brunswick Common Front for Social Justice**.

506-855-8977 | info@frontnb.ca

