

What You Should Know About the Prince Edward Island *Employment Standards Act*

Most employees on Prince Edward Island are governed by the *Employment Standards Act* and Regulations that set minimum standards for the Island's workplaces.

Your Rights and Responsibilities at Work

Minimum Wage: most employees must be paid at least the minimum wage. Contact the Employment Standards Branch at (902)368-5550; toll-free at 1-800-333-4362 or visit www.peiemploymentstandards.com for the current rate.

Hours of Work: most employees must be paid overtime pay after working more than 48 hours in any given week. Employees in certain industries must work more than 48 hours in any given week before becoming entitled to overtime pay. Contact Branch for details.

Overtime Pay: rate must be at least 1.5 times the employee's regular rate of pay for each hour of overtime worked.

"Banking" of Overtime Hours: an employee can choose to accumulate overtime hours as paid time off if the employer agrees. The agreement must be in writing. An employee must receive 1.5 hours of paid time off for each hour of overtime accumulated. Contact Branch for details.

Pay Period: an employee's pay period must not exceed 16 days. Pay day can not be later than five working days from the close of that pay period.

Pay Stub: employees must receive a pay statement along with their pay. Employees who receive an electronic pay statement must have confidential workplace access to view the statement and a means of making a paper copy.

Reporting Pay: each time an employee is required to report to work, or for a work-related activity, the employee must be paid for at least three hours at their regular pay.

Rest Periods: most employees are entitled to:

- a daily unpaid break of at least one-half hour after every five continuous hours of work; and
- a weekly unpaid break of at least 24 consecutive hours in every week of seven days.

Paid Vacation: most employees are entitled to an annual paid vacation of two weeks after each year of employment and then three weeks of annual paid vacation after the employee has completed eight continuous years for the same employer. Part-time employees who have worked for a continuous period of one year can decide to receive vacation pay instead of vacation time after notifying the employer in writing.

Paid (Statutory) Holidays: New Year's Day, Islander Day, Good Friday, Canada Day, Labour Day, Remembrance Day and Christmas Day.

Tips: tips and gratuities are the property of an employee and cannot be shared with an employer.

Special Leaves: most employees are entitled to 10 job-protected leaves:

- bereavement leave: one paid day and up to two unpaid days for the death of an immediate family member; up to three unpaid days for the death of an extended family member;
- sick leave: up to three unpaid days each calendar year for employees with more than three months but less than five years of continuous employment with the same employer. One day of paid sick leave and up to three days of unpaid leave each calendar year for employees with more than five years of continuous employment with the same employer;
- family leave: three unpaid days each calendar year after six months of continuous employment with the same employer;
- maternity/parental/adoption leave: unpaid leave of up to 78 weeks. Eligible if employed by the same employer in any 20 weeks of the 52 weeks prior to start of leave and if currently employed by the same employer;
- critically ill child leave: unpaid leave of up to 37 weeks within a 52-week period to provide care and support to a critically ill child; must be continuously employed for at least three months and be the parent of the child.
- crime-related disappearance / death of a child leave: unpaid leave of up to 52 weeks if the employee's child disappears as a probable result of a crime; 104 weeks if the employee's child dies as a probable result of a crime; must be continuously employed for at least three months and be the parent of the child.
- court leave: unpaid leave for jury duty;
- compassionate care leave: an unpaid leave of absence of up to 28 weeks to care for someone who is considered to be a family member and has been diagnosed with a condition which has a significant risk of death within 26 weeks.
- reservist leave: unpaid leave for an employee who must be absent from civilian employment for military service; must work at least six months for the same employer.
- effective 1 November 2019, domestic violence / intimate partner violence / sexual violence leave - 3 paid days and 7 unpaid days per calendar year after three months of continuous employment with the same employer.

Notice of Termination: employers who terminate an employee without just cause must give the employee written notice or pay in lieu of written notice:

- less than six months of continuous employment – no notice required;
- six months to five years continuous employment – two weeks;
- five years to 10 years continuous employment – four weeks;
- 10 years to 15 years continuous employment – six weeks;
- more than 15 years continuous employment – eight weeks

Employees who resign with between six months and five years of continuous employment must provide one week of written notice to the employer and after five years of continuous employment must provide two weeks of written notice. An employee who resigns within six months of continuous service is not required to give notice.

Pay Deductions: an employee's pay is subject only to permitted deductions. Contact Branch for details.

Youth Employment: employees under 16 years have special rules. Contact Branch for details.

Other Provisions: other employment rules are not listed on this poster. To obtain more information or a complaint form or to obtain a free copy of the Guide to Employment Standards, contact the Employment Standards Branch at Tel: (902)368-5550 or toll free at 1(800) 333-4362, Fax: (902)368-5476 or visit www.peiemploymentstandards.com



This poster is a guide only. The reader is strongly advised to consult the *Employment Standards Act* and Regulations or *Youth Employment Act*. Where any difference exists between this poster and the legislation, the legislation will be considered correct.