



Guide to Labour Standards

in Nova Scotia

Immigrant Services Association of Nova Scotia (ISANS)

ISANS is a leading community organization that welcomes immigrants to Nova Scotia. Working in partnership, we offer services and create opportunities to help immigrants to participate fully in Canadian life.

ISANS was created by the merger of Metropolitan Immigrant Settlement Association (MISA) and Halifax Immigrant Learning Centre (HILC) – together we have a combined experience of over fifty years serving immigrants in Nova Scotia. We are the largest immigrant-serving agency in Atlantic Canada with over 115 staff members from more than 30 countries. We offer services in an inclusive manner, respectful of, and sensitive to, diversity. We make partnership, professionalism and accountability a priority in every aspect of our work.

This labour standards manual was developed by ISANS in partnership with the Department of Labour and Advanced Education to help Temporary Foreign Workers in Nova Scotia understand their employment rights.

Temporary Foreign Worker (TFW) Support Program

ISANS has a Temporary Foreign Worker (TFW) Support Program. If you are a TFW in Nova Scotia, you may be eligible for some of the following services:

- One-on-one counselling
- Information/referrals to Labour Standards, employment rights, and community resources
- immigration information
- employment counseling
- translation services
- information sessions and group presentations
- other ISANS programs and services

ISANS Contact Information

Phone: 902-423-3607

Toll-free in NS: 1-866-431-6472

Email: tfw@isans.ca

Website: www.isans.ca/employment/temporary-foreign-worker-support-program

ISANS Guide To Labour Standards

As a worker in Nova Scotia you have the same rights and responsibilities as any other employee in the workplace. You are protected under Nova Scotia's labour standards. The Government of Nova Scotia enforces labour standards rules through its Labour Standards Division. This booklet will give you information about the Labour Standards Division and the Labour Standards rules.

You will also find information on other government and community resources.

There are many ways to contact the Labour Standards Division. If you have a question or a concern, don't hesitate to call, email or drop in to their office.

Toll-free in NS: 1-888-315-0110

Halifax area: 902-424-4311

Email: LABRSTD@novascotia.ca

Fax: 902-424-0648

Website: novascotia.ca/lae/employmentrights

Walk in

Halifax Office

5151 Terminal Road
7th Floor, Halifax, NS

Mail

Halifax Office
Labour Standards
PO Box 697
Halifax, NSB3J 2T8

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Labour Standards

What are Labour Standards?

Labour standards are minimum employment rules that must be part of your work contract. These minimum employment rules are based on the Labour Standards. Employers and employees have to follow these rules. Employers can give you more than these Labour Standards (e.g. paid sick days, additional vacation time), but they cannot give you less.



Like every other worker in Nova Scotia, as a Temporary Foreign Worker (TFW), you are protected by and must follow these minimum employment rules. If you think the rules or the terms of your contract are not being followed, you can contact the Labour Standards Division.

What does the Labour Standards Division do?

- answer questions about the Labour Standards rules from the public by phone, email and in person
- give presentations on the Labour Standards rules to employers, employees and recruiters
- investigate and resolve Labour Standards complaints

Did you know?

When you contact Labour Standards, your call is confidential – they won't ask for your name and/or share your information

When would you contact the Labour Standards Division?

You can contact them any time you have a question about your employment rights or you want to file a labour standards complaint.

If you wish to file a complaint, they can sometimes do this without using your name. If you are nervous about contacting them someone else can call on your behalf.

An ISANS Temporary Foreign Worker Support Program Counsellor can also help you contact the Labour Standards Division.

What are the Labour Standards rules?

There are minimum employment rules. Some rules are specific to the recruitment and hiring of Temporary Foreign Workers (TFW). These are important rules that you need to know:

- employers and recruiters cannot take or keep your property, including your passport or your work permit
- employers and recruiters cannot charge you, in any way, fees for helping you find employment
- in most cases your employer cannot reduce or eliminate the terms or conditions of your employment, like wages and hours of work, even if you agree to the change
- most Nova Scotia employers need to be registered with the Labour Standards Division in order to recruit and hire TFWs
- most recruiters must be licensed to recruit TFWs to work in Nova Scotia

Did you know?

If your employer must submit a Labour Market Impact Assessment (LMIA), you cannot be charged for this

Wages and Deductions

Wages come in different forms. For most jobs, your employer must pay you at least minimum wage for your work. Minimum wage is set by the provincial government. Minimum wage is different in every province.

Did you know?

You can find the current minimum wage rate for NS at www.novascotia.ca/lae/employmentrights or by calling 1-888-315-0110

It is important to know that in most cases your employer must:

- pay you for your work
- pay you at least monthly for your time worked
- only take required deductions from your pay
- pay you for costs that are written into your contract for work, for example transportation costs to and from Canada

Examples of Wages

✓ Sahid is paid by his employer on the 15th and the 30th of each month (bi-monthly). This is okay because he is being paid twice a month.

✗ Lee arrives at work. It is not busy. Her employer asks her to wait for an hour to see if it gets busier. After an hour her employer sends her home because there is no work to do. The next week, when Lee gets her pay, she notices her employer did not pay her for the one hour he had asked her to wait. Lee contacts Labour Standards for help.

Deductions From Your Pay

Your employer may take some deductions from your pay, even if the deductions take your pay below minimum wage. For example:

- federal & provincial income tax
- Employment Insurance (EI) and Canada Pension Plan (CPP)
- Employers may take additional deductions as agreed in your work contract

These other kinds of deductions cannot take your pay below minimum wage. Some of these deductions you must agree to in writing, for example, deductions for damages caused by you as an employee. Your employer cannot deduct from your pay, the cost of recruiting you and bringing you to Canada.

Contact Labour Standards if you have questions about deductions from your pay.

Examples of deductions

✓ Ahmed notices on his paystub that his employer deducted \$7 for medical benefits. Ahmed checks with his employer and with his employment contract. The employment contract shows that the medical plan is part of his wage package. This deduction is okay because a medical plan is a benefit to Ahmed.

✓ Jorge has an agreement with his employer that he can buy company product or services from his workplace and the employer will deduct the cost of this from his pay. This deduction is okay because Jorge and his employer have a written agreement to deduct these purchases from his pay.

✗ Jonald's employer deducts \$50.00 cash from his pay. Jonald thinks his employer is taking this money from him to pay for the costs of bringing Jonald to Canada. He contacts Labour Standards for help.

✗ On every pay cheque, Maria notices \$20.00 has been deducted from her pay to cover the costs of breakage. Maria never signed an agreement saying the employer can take deductions for breakage. She contacts Labour Standards for help.

Vacation Time

What is Vacation Time?

For most jobs, after you have worked with your employer for 1 year your employer must give you 2 weeks' vacation time.

Nova Scotia has 7 paid holidays each year (also called paid or statutory holidays). For a complete list of the dates and eligibility requirements visit www.statutoryholidays.com/statutory-holidays-2015.pdf

Within 10 days of leaving your job your employer must pay you any vacation pay you earned but did not receive.



Overtime Pay

What is Overtime Pay?

Overtime is any hours worked in one week over 48 hours. As a worker you may be paid for these additional hours.

Examples of Overtime pay

✓ Franco earns \$14 an hour and he usually works 48 hours a week. This week, his supervisor asked him to work an extra 4 hours because they were very busy. This means he worked 52 hours in this week. His employer pays him for 48 hours at \$14 per hour and 4 hours at \$21 per hour.

✗ Teresa is called in to work a 12 hour shift to replace a sick co-worker. She has already worked 48 hours this week. When she receives her paystub she notices she was not paid overtime for the extra 12 hours she worked for her co-worker. Teresa contacts Labour Standards for help.

Did you know?

Overtime rules are different for construction workers, supervisors and some farm workers

The overtime rules do not apply to live-in care givers.

Breaks and Periods Of Rest

What is a Break?

A break is time off work during a shift. Your employer must provide you with a 30 minute break for every 5 hours you work.

Did you know?

Your employer does not normally have to pay you for breaks. However, if your employer tells you to stay at the job site during your break, this will likely be considered work. |

What is a period of rest?

Most employees are entitled to time off work each week. Your employer must give you a period of 24 consecutive hours (a full day) off work every week.

Examples of Breaks and Periods of Rest

- ✓ Tuuli works in her employer's home. She's given every Sunday as her rest period.

- ✗ Sasha works 6 hour shifts. Her employer says her workplace is too busy for employees to take breaks. Sasha contacts Labour Standards for help.

Leave From Work

What is a Leave?

You may need to take time off work. This is called taking a leave. Some leaves are protected under the Labour Standards Code. This means that when you return from the protected leave your employer must give you your job back.



All protected leaves under Labour Standards are unpaid, which means your employer does not have to pay you while you are on your leave.

Did you know?

You can qualify for multiple leaves under the Code (e.g. pregnancy, bereavement, compassionate care)

Examples of leaves

✓ Marina finds out that her mother, who lives in Jamaica, is seriously ill. Her employer gives her 8 weeks of unpaid Compassionate Care leave from work to care for her mother in Jamaica. When Marina returns to work after her leave her employer gives her the same position, pay and benefits that she had before she left.

✗ Fernando has a sick child at home and asks his employer if he can stay home from work for 2 days to take care of her. His employer says he will be fired if he doesn't show up for work.

Under the Labour Standards Code, Fernando is entitled to take up to 3 unpaid days per year to attend medical appointments or to care for a sick relative. Fernando contacts Labour Standards for help.

Terminating Employment

What Is Terminating Employment?

You or your employer may want to end your employment.

When Your Employer Ends Your Employment

Your employer must give you notice, **in writing**, that they are ending your employment. This written notice will tell you your last day of work.

How much written notice your employer must give you depends on how long you have been employed. For example, if you have been working for your employer for one year, your employer must give you one week's notice that your employment is ending.

Did you know?

Your employer does NOT have the authority to deport you from Canada if they have terminated your employment

During your notice period, your employer:

- must allow you to continue working until the last day of the notice period
- must not change your job, your pay or your hours
- cannot make you take your vacation time

If your employer does not want to give you notice, your employer must give you pay in lieu of (in place of) notice. This means your employer must pay you what you would have received if you worked during the notice period.

There are times when your employer does not have to give you notice or pay in lieu of notice. For example, your employer does not have to give you notice if:

- you have been working for your employer for less than three months
- you work in the construction industry
- you were engaged in behaviors that your employer and Labour Standards do not allow

Examples of the Employer Terminating Employment

✓ Fatima has been an employee for 1½ years. One day her employer tells her there isn't any work available so she is laid off. Her employer asks Fatima to leave immediately and gives her a cheque for an additional week's pay as pay in lieu of notice.

✗ Yousef has been employed with a company for 3 years. His manager suddenly tells Yousef he is fired immediately without pay in lieu of notice. The manager says two other staff members reported unsatisfactory work and also she has heard that his clients are unhappy. Yousef contacts Labour Standards for help.

When You End Your Employment

You must give your employer, in writing, notice that you are ending your job. The Labour Standards Code states how much notice you have to give your employer.

There are some exceptions to giving notice. For example, you do not have to give your employer notice if:

- you have been working for your employer for less than three months
- you work in the construction industry
- your employer changed the terms and conditions of your employment, such as your hours or rate of pay
- Your employer has created an unsafe workplace

Examples of the employee terminating employment

✓ Nikola has been working for her employer for 1 year. She decides to quit her job. On Tuesday at the beginning of her shift, she gives her employer notice in writing that her last day of work will be the following Monday, one week from now.

✗ The employer reads Nikola's notice that she is quitting her job in one week. He tells Nikola that he does not want her to work after today. He tells her to leave the workplace immediately. When Nikola receives her pay, she notices the employer did not pay her for the weeks' notice. She contacts Labour Standards.

Labour Standards Complaint

What is a Labour Standards Complaint?

There are many reasons why a worker might make a labour standards complaint. If you think that your employer is not following the Labour Standards rules you can ask Labour Standards to look into it.



Did you know?

- You have to give Labour Standards your complaint within 6 months of the complaint
- In some cases you can make an anonymous or confidential complaint. If you feel you need to keep your identity private, talk to Labour Standards about it. They will explain what they can and cannot do without using your name
- Some complaints cannot be investigated without using your name

How Do You Make a Complaint?

Contact Labour Standards



Tell them about your situation



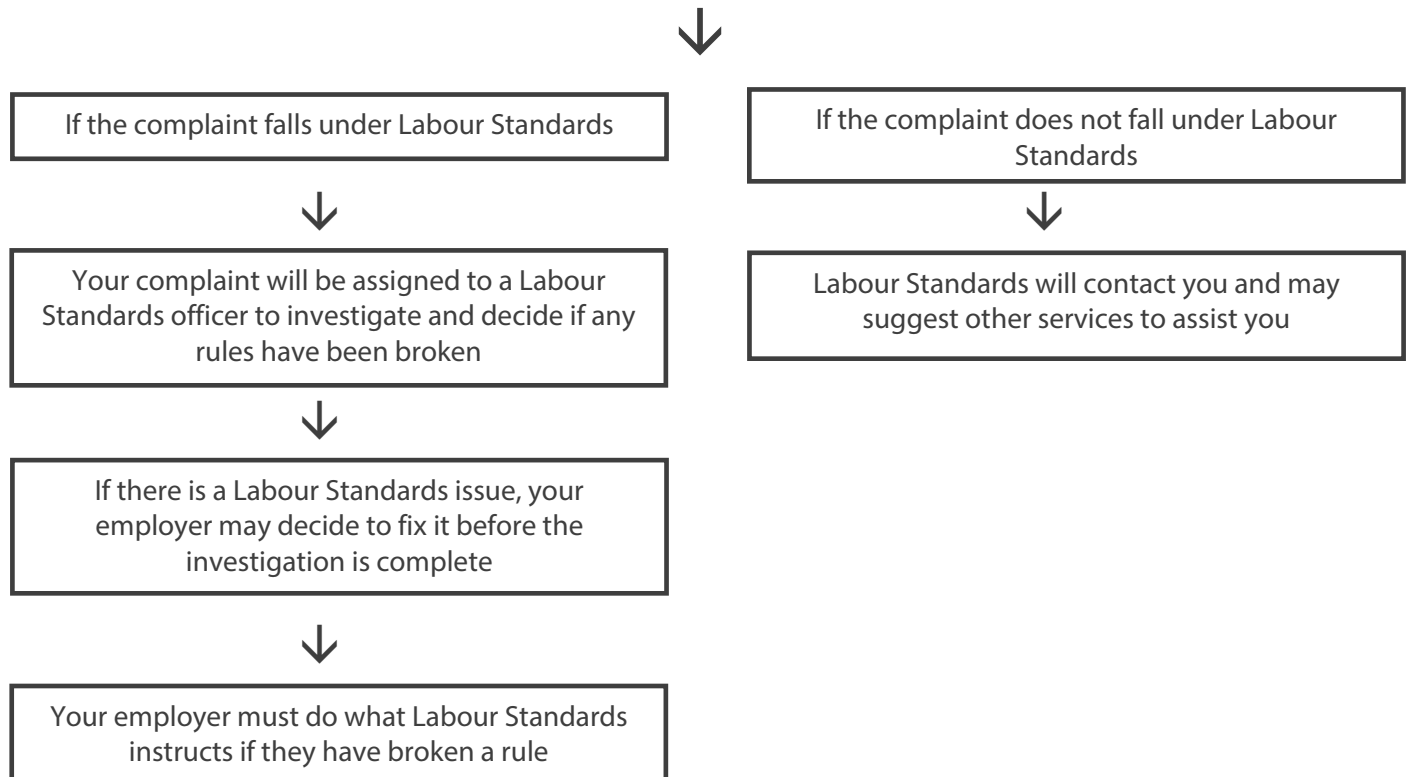
Fill out a complaint form



**Submit the complaint form to Labour Standards.
This is call 'filing' your complaint**

What Happens When You Make a Complaint?

Labour Standards receives the complaint and decides...



Checklist For Temporary Foreign Workers

My Workday

- What are my daily hours of work?
- What days of the week do I work?
- Will I be paid if I start work earlier or work later than my shift?
- How long is my lunch break?
- Do I get any other breaks? Are these breaks paid?
- How much overtime, if any, is required?
- How many regular hours do I work before it's considered to be overtime?
- Am I working beyond the terms laid out in the LMIA?



Pay and Benefits

- How will I be paid? (cheque, direct deposit, cash, etc.)
- How often will I be paid?
- What is my overtime rate?
- Can I receive health or other benefits?
- How much will these benefits cost me?
- When would I be eligible for maternity or other employment insurance benefits?

Taking Time Off

- Do I get paid vacation time or is my vacation pay included in my pay?
- What happens if I am sick? Who do I contact?
- Do I get paid sick days?
- Am I allowed to schedule unpaid time off?

Health and Safety Questions

- What are the risks and dangers of my job?
- How am I protected in the workplace?
- Will I receive job safety training?
- Where are the fire extinguishers and first aid kits located?
- What do I do if there is a fire or other emergency?
- Who do I contact if I get hurt at work?
- Who should I talk with if I have health and safety questions?

Documents

- Is my work permit up to date?
- Is my passport up to date?
- Am I doing the job specified on my work permit?
- Is the information on my work permit correct?
- Is my employer's name accurate? Is the location of employment accurate?
- Is my job title accurate?
- Did I get a new work permit when my responsibility changed? (i.e. promotion)
- Do I have a system for recording my hours worked?

Other Resources

Here is a list of a few other government departments and community agencies that may provide you with information, protection or support as you work and live in Nova Scotia.

Health and Safety Resources

Occupational Health and Safety (OHS) Division

The government of Nova Scotia wants all workers to be able to do their job safely. OHS laws are designed to protect workers' health and safety by preventing work-related illness and injury.

The OHS Division can help you understand how to stay safe in your workplace. OHS staff can answer your questions regarding safe workplace practices and they can work with you and the employer to develop a safer workplace.

If you think your workplace is unsafe talk to your employer about your concerns. If you are not able to resolve your concerns with your employer you can contact OHS for help.

OHS Division Contact Information

Toll-free in NS	1-800-952-2687
Telephone	902-424-5400 (Halifax)
Email	ohsdivision@novascotia.ca
Fax	902-424-0575
Website	novascotia.ca/lae/healthandsafety

Royal Canadian Mounted Police (RCMP)

The Royal Canadian Mounted Police (RCMP) is Canada's national police service; commonly known as 'the Mounties'. The RCMP work alongside local police forces to prevent and investigate crime.

If you wish to report a crime, without giving your name, call Crime Stoppers at 1-800-222-TIPS (8477), text TIP202 + your message to "CRIMES" (274637) or visit Secure Web Tips at crimestoppers.ns.ca.

RCMP Contact Information

Telephone	902-720-5000 (general inquiries)
Website	rcmp-grc.gc.ca/ns
Facebook	Royal Canadian Mounted Police in Nova Scotia

The Workers' Compensation Board of Nova Scotia (WCB)

The Workers' Compensation Board of Nova Scotia (WCB) can provide assistance if you are injured at work. As a Temporary Foreign Worker, you are treated the same as any other worker in NS. Most employers buy WCB insurance as a good work practice. Employers - not workers - are responsible to pay for WCB insurance. An employer is **never** allowed to deduct WCB insurance from a worker's pay cheque.

Ask your employer if they have worker's compensation coverage at your workplace. If your job causes you to get hurt or sick, the WCB can provide medical assistance, income benefits, rehabilitation and return to work help.

If you are at work and you get injured:

- Get first aid right away and then tell your employer immediately.
- See a doctor or health care provider for treatment – they can send the necessary forms to the WCB.
- Tell your employer if you saw a doctor. In order to make sure that WCB reports are done, your employer has to know if you saw a doctor.
- If you must be off work due to your injury, work with your employer and the WCB so that you can safely return to work as soon as you are able.

WCB Contact Information

Toll-free in Nova Scotia	1-800-870-3331
Telephone	902-491-8999(Halifax), 902-563-2444 (Sydney)
Email	info@wcb.gov.ns.ca
Website	www.wcb.ns.ca

Immigration Support Resources

YMCA Recognizing Enhancing Aligning Community Horizons (YREACH)

YREACH Program provides information, orientation and settlement support to eligible immigrants and temporary foreign workers and their families who are new to communities across the province of Nova Scotia.

YREACH Contact Information

Telephone 902-457-2680

Citizenship and Immigration Canada (CIC)

Citizenship and Immigration Canada (CIC) is the department of the Government of Canada that is responsible for immigration, refugee and citizenship issues. This department processes applications and decides who is eligible for visitor permits, work permits, study permits, temporary resident permits, permanent residency, citizenship and passports in Canada.

Through CIC, you may be able to:

- extend your stay
- change your type of temporary status
- correct problems with your status
- have your accompanying spouse apply for an open work permit (certain conditions apply)
- apply for permanent residency if you qualify for an immigration program

Application forms and information about CIC services are available on the CIC website:
www.cic.gc.ca/english/index-can.asp

CIC Contact Information

Telephone 1-888-242-2100 (CIC Call Centre)

Email question@cic.gc.ca

Nova Scotia Office of Immigration (NSOI)

The Nova Scotia Office of Immigration (NSOI) is the provincial government department that is responsible for nominating immigrants for permanent residency in Canada. They can also answer your questions about immigrating to NS.

NSOI Contact Information

- **Toll free in NS** 1-877-292-9597
- **Telephone** 902-424-5230
- **Email** nsnp@novascoita.ca
- **Website** novascotiainmigration.com
- **Visit** 1741 Brunswick Street, Suite 110A, Halifax, Nova Scotia

Human Rights Resources

Nova Scotia Human Rights Commission (NSHRC)

The Nova Scotia Human Rights Commission (NSHRC) is responsible for administering the Nova Scotia Human Rights Act. The Act protects people from discrimination (unfair treatment).

If you think your human rights have been violated, you can contact the NSHRC to discuss your concerns.

The NSHRC will explain whether the Human Rights Act applies to your situation. If the Human Rights Act applies, the NSHRC can investigate the potential human rights violation, help you understand if you have been discriminated against and help you understand what steps you can take to resolve the matter.

NSHRC Contact Information

- Toll-free in NS** 1-877-269-7699
- Telephone** 902-424-4111 (Halifax)
- Email** hrcinquiries@gov.ns.ca
- Website** humanrights.gov.ns.ca/

Government Programs for TFWs

Service Canada

Service Canada provides access to programs, services, and benefits from the Government of Canada. You can access a variety of services through Service Canada, including:

- Social Insurance Number (a nine-digit number that you need to work in Canada or to have access to government programs and benefits)
- Employment Insurance
- Pensions benefits

Service Canada is also responsible for assessing applications to the Temporary Foreign Worker Program, which helps employers hire temporary foreign workers.

Service Canada Contact Information

Telephone 1-800-277-9914 from Canada and the United States
1-800-255-4786 (TTY if you have a hearing or speech impairment and use a teletypewriter)
1-613-990-2244 (from all other countries, collect calls accepted)

Website servicecanada.gc.ca

Canada Border Services Agency (CBSA)

The Canada Border Services Agency (CBSA) is a federal agency that delivers a variety of programs and services. CBSA officers at ports of entry (e.g. airports) make the final decision on who may enter Canada. With respect to the Temporary Foreign Worker Program, this includes assessing admissibility, work permit eligibility and other documentary requirements.

Meeting all the requirements to work under the Temporary Foreign Worker Program does not guarantee a person's entry into Canada. A prospective temporary foreign worker must also prove to a CBSA officer that he or she is admissible to Canada and meets the requirements for entry to Canada.

CBSA Contact Information

Telephone 1-888-502-9060 (toll-free)

Website www.cbsa-asfc.gc.ca/noncan-eng.html