

IN THE WORKPLACE

Your employment rights

Many people living in North America get their first jobs during their teen years. You may be a new or experienced person in the workforce. This section can be used to inform you about your rights as an employee so that you can be protected by employment laws which are in place to keep you treated fairly by employers...

At what age can I get a job?

You need to be at least 14 years old, and have at least completed Secondary III.

Am I supposed to be paid for training at my job?

Yes, the minute your new employers ask you to come into work as an employee or employee in training, you are entitled to pay. Even if your employer says that you are doing a trial-run, they are obligated to pay you for your time after your final interview, or from when they say that you are hired.

What is minimum wage?

At the present time, the minimum wage is \$10.35 (**changed it, was \$9.50**) an hour. For employees receiving tips, it is \$8.90 (**changed it, was \$8.25**) an hour. These rates may change.

Does my boss have to give me breaks?

Yes, she or he has to give you a 30 minute break after 5 consecutive hours of work. Unlike what is commonly thought, they do not have to pay you for this 30 minute break unless they ask you to stay at your post, for example, if you are a receptionist who needs to stay by the phone. However, if they grant you a coffee- break at any other point, they then have to pay you for the time spent on that break.

If my boss asks me to run an errand before or after my official hours, do they have to pay me?

Yes, if you do anything required for your job, you are working. If your employer demands you run an errand, he/she must pay for your time.

Can I get paid for sick days?

Getting paid for sick days is not mandatory; your employer can choose to grant you pay for sick days but is not obligated to under the law. You are entitled to taking up to 10 sick days a year without pay however. This means that your employer can't fire you for not showing up due to your own illness, or the illness of a close relative such as a sibling, a parent, a child or a grandparent. You can take an extended leave of absence from work if you have been working

there for more than 3 months if you or someone in your close family has had a serious injury or illness. Taking a leave of absence ensures that you still have your job when you return.

Which employees get vacation time?

Vacation is only given to full time employees and therefore most minors won't be granted vacation days. For first year employees, every full month of employment you are granted a day of vacation at the end of the year. For employees who have worked between 1 and 5 years, 2 weeks of vacation should be provided. Finally, for employees who have worked for longer than 5 years, 3 weeks of vacation can be taken at the end of the year.

How often am I supposed to get paid?

Unless you are a manager, they need to pay you at least every 16 days.

Do I have the right to refuse certain work?

An employee that has a variable schedule may refuse to work if, on a given day: he is asked to work more than 4 hours beyond his regular hours or more than 14 hours per 24-hour period, whichever period is shorter or if he is asked to work more than 12 hours per 24-hour period.

An employee may also refuse to work if, in a given week: he is asked to work more than 50 hours, except if his working hours are staggered. There are exceptions to your right to refuse to work: if there is a possibility that you may jeopardize the life, health or safety of workers or the population or in the case of a risk of destruction of or serious damage to property and buildings. Use your judgment, if there is a serious emergency, then your manager can ask you to stay.

When do I get paid for overtime?

For most employees, overtime compensation is due after 40 hours of work during the same work week. For every hour worked past this point you are entitled to being paid "time and a half", meaning that you would get a 50% increase in pay for those extra hours. You also have the option of asking for paid leave for the equivalent of those hours + 50%. So, if you worked 2 hours overtime and your salary is 10\$ an hour you would have the option of getting paid 30\$ for those 2 hours or getting a paid leave of 3 hours.

Can my boss fire me without any notice?

No, your employer is required to give you written notice of employment termination if you have worked for more than 3 consecutive months.

If you have worked between 3 months and a year, your employer is required to give you a one week notice.

If you worked between 1 year and 5 years, your employer must give you 2 weeks' notice. If he fails to do this, your employer must pay you in full for the notice period that wasn't respected.

Am I too young to sign a contract?

Contracts are agreements between you and another person to give each other something, such as: leases for apartments, cell phone contracts, or gym memberships. Verbal agreements are also considered to be contracts. When you are 18 or older, you may contract with others. If you are under 18, you may also be able to contract with others, but you can usually only enter into a contract for something that benefits you or that is a necessity for life (for example, food, shelter, or medical services). Depending on your financial means and maturity this can include more, such as a cell-phone, or even transportation. For any of these “extras” you have the option of cancelling your contract afterwards, which is why many companies will not let you sign a contract if you are younger than 18.

Can my boss make me give her or him my tips? Or split them with anyone else?

No, your boss can't make you split the tips that you received. If for example, you work at a restaurant and the waitresses decide to give some of their tips to hostesses then that is your choice whether or not you join in, but no one can force you to give away any of the wages you earn. Tips are part of your wages.

What is a lawyer's job?

A lawyer's job is to research the law, present arguments before the court, draft legal papers, counsel, give legal advice, negotiate and draft contracts for their clients. There are lawyers who litigate, which means that they go before the courts and argue cases before judges and there are lawyers who take care of paperwork and rarely see the inside of a courtroom. Once a lawyer takes you on as a client their job is always to protect your interests to the best of their knowledge and ability. Failure to do so can cause them to lose their license to practice law (i.e. their right to be a lawyer).

Can the lawyer tell anybody what I tell her or him?

No, anything you tell a lawyer while they are your lawyer or questioning you to determine whether they want to become your lawyer is protected by law, through what is called lawyer/client privilege. They can lose their licence for telling anyone anything that you tell them.

Are all lawyers the same? Can they make mistakes?

Lawyers typically specialize in different areas of law but if they have a license to practice then they are allowed to represent a client for any type of legal matter.

At what point do I have a right to a lawyer--During questioning or after an arrest?

All Canadians, under the Charter of Rights and Freedoms, have the right to talk to a lawyer, and to retain and give instructions to a lawyer if they have been arrested or detained. All Canadians must be informed of this right and be given a reasonable opportunity to use it. Young people are no exception. The Youth Criminal Justice Act is very clear that you must be given the same

rights that adults have under the Charter and some additional protections, as well.

What is the maximum amount of hours I can work?

There is no maximum of hours for a minor, but there are restrictions on the amount of hours a minor who attends school can work. If you are required by law to be in school, then your employer can't schedule you for hours that you are in school. You also need to be at home between the hours of 11pm and 6 am, unless you deliver newspapers or are a performer/actor. So, employers need to make sure that you clock out in time to make it home on time. Your employer also needs to make sure that your hours are not interfering with your homework.

Can my boss make me work on holidays, school days, or days of religious observance?

The law can't regulate when a boss can schedule its employees. He/she can technically schedule you to work anytime he wants, as long as he doesn't make you go over the maximum hours (see the question on refusal to work) and as long as you aren't required by law to be in school. There aren't any laws protecting people with certain religious beliefs against working on religious holidays or days of the week reserved for religious observance.

Just because your boss isn't breaking the law, doesn't make it right. If he doesn't want to respect the hours of availability you gave him, consider finding a new employer. Your employer can ask you to work on statutory holidays but must give you compensation by either paying you 50% extra for the hours you work on that holiday or by giving a day off within the 3 weeks surrounding the holiday.

Statutory holidays in Quebec

January 1st (New Year's Day), Good Friday or Easter Monday at the employer's choice, The Monday preceding May 25th (National Patriots' Day), June 24th (Provincial Holiday), July 1st, if this date falls on a Sunday: then July 2nd, the 1st Monday in September (Labour Day), The 2nd Monday in October (Thanksgiving), and December 25th (Christmas Day).

How do I file a complaint about my workplace? Can someone my age file one?

You can file a complaint by contacting the Commission des normes du travail.