

Employment and labour matters for Canadian retailers

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Grow | Protect | Operate | Finance

Moderator and speaker:



Larysa Workewych
Senior Associate, Toronto
+1 416 863 4613
larysa.workewych@dentons.com

Speakers:



Arianne Bouchard
Partner, Montreal
+1 514 878 5892
arianne.bouchard@dentons.com



Jennifer Thompson
Partner, Calgary
+1 403 268 6376
jennifer.a.thompson@dentons.com



Victoria Merritt
Senior Associate, Vancouver
+1 604 443 7139
victoria.merritt@dentons.com

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Key employment standards consideration

Hours of work and scheduling refusals

Province	Meal breaks	Minimum daily hours	Hours free from work
Alberta	<p>Employee is entitled to one 30-min paid or unpaid break after the first 5 hours of work for shifts that are between 5 and 10 hours long.</p> <p>Shifts <10 hours, employee is entitled to two 30-minute breaks.</p> <p>Breaks can be split into 2 periods of 15 minutes, with agreement</p>	<p>Employees must be paid at least 3 hours of pay at the minimum wage each time they are required to report to work, come to work for short periods, or are sent home early by the employer.</p>	<p>Employees entitled to at least 1-day free from work each week.</p> <p>Work weeks can be combined (e.g. 2 consecutive days of rest in each period of 2 consecutive work weeks).</p> <p>Employee entitled to at least 4 consecutive days of rest after each period of 24 consecutive work days.</p>
BC	<p>Every 5 consecutive hours, must last at least ½ hour</p>	<p>If employee reports for work, must be paid 2 hours at regular wage</p> <p>(or, if scheduled to work <8 hours, 4 hours)</p>	<p>Employee must either have at least 32 consecutive hours free from work each week OR be paid 1 ½ times the regular wage rate.</p> <p>Employee must have at least 8 consecutive hours free from work between shifts.</p>

Hours of work and scheduling refusals

Province	Meal breaks	Minimum daily hours	Hours free from work
Ontario	<p>Every 5 consecutive hours, must last at least ½ hour</p> <p>Employees can alternatively receive two breaks within the 5 consecutive hours that equal at least ½ hour</p>	<p>If an employee reports for work and regularly works more than 3 hours a shift but ends up working less than 3 hours, must be paid 3 hours of wages</p>	<p>Employees must have at least 24 consecutive hours off each week and 11 consecutive hours off work each day.</p> <p>Employees must receive at least 8 hours off between shifts (unless employee works split shifts or total time worked on shifts is 13 hours or less).</p>
Quebec	<p>Every 5 consecutive hours, must last at least ½ hour</p> <p>Without pay – unless the work is required to remain at their work station</p>	<p>If an employee reports for work and regularly works more than 3 hours a shift but ends up working less than 3 hours, must be paid 3 hours of wages.</p> <p>Exceptions : force majeure or when the worker is hired for < 3 hours.</p>	<p>Employee must either have at least 32 consecutive hours free from work each week.</p> <p>No rules regarding minimum hours off between shifts.</p>

Overtime and averaging agreements

- In all jurisdictions, employees are entitled to overtime under employment standards legislation, unless they are an exempt employee (for example, managers).
- However, the thresholds and pay requirements differ between provinces, so necessary to consult each jurisdiction's employment standards legislation.
- Length of service and type of payment (i.e., hourly vs salaried) is not relevant for overtime eligibility.

Province	Threshold	Wage rates	Other options?
Alberta	Weekly: over 44 hours Daily: over 8 hours	Time-and-a-half	- Banked time (1:1) - Overtime agreements - Averaging arrangement
BC	Weekly: over 40 hours Daily: over 8 hours	Time-and-a-half Double time for any time worked over 12 hours during a day.	- Time banks (same rates) - Averaging agreements
Ontario	Weekly: over 44 hours Daily: N/A	Time-and-a-half	- Banked time (1.5 hours for every 1 hour worked) - Averaging agreements
Quebec	Weekly: over 40 hours Daily: N/A	Time-and-a-half	- Banked time (1.5 hours for every 1 hour worked) (upon employee's request) - Authorization to average - Averaging agreements

Vacation entitlements

- In all jurisdictions, employees are entitled to both vacation time and vacation pay.
- Vacation pay is owed on all “wages” – definitions vary between provinces but generally will include commission payments and certain types of bonuses.
- Agreements to provide excess vacation time will be enforced by employment standards, should ensure employment agreements and vacation policies are compliant.
- Vacation pay starts accruing immediately, vacation time is earned after completion of vacation entitlement year.

Province	Vacation Pay	Vacation Time
Alberta	4% of yearly wages 6% (after 5 years employment)	2 weeks 3 weeks (after 5 years employment)
BC	4% of yearly wages 6% (after 5 years employment)	2 weeks 3 weeks (after 5 years employment)
Ontario	4% of yearly wages 6% (after 5 years employment)	2 weeks 3 weeks (after 5 years employment)
Quebec	4% of yearly wages 6% (after 3 years employment)	2 weeks 3 weeks (after 3 years employment)

Statutory holidays

- In all jurisdictions, employees are entitled to statutory holidays:
 - **New Year's Day**
 - **Family Day** (except Quebec)
 - **Good Friday or Easter Monday** (date depends on the applicable provincial employment standards legislation)
 - **Victoria Day** (National Patriots' Day in Quebec)
 - **Quebec National Holiday** (Quebec only – subject to special rules)
 - **Canada Day**
 - **Civic Holiday** (BC only, known as British Columbia Day in BC)
 - **Labour Day**
 - **National Day for Truth and Reconciliation** (BC only)
 - **Thanksgiving Day**
 - **Remembrance Day** (BC and AB only*)
 - **Christmas Day**
 - **Boxing Day** (ON only)
- Employees can be scheduled to work on statutory holidays, but certain payment rules apply.

Pay transparency

- British Columbia
 - Employees are permitted to disclose their pay to other employees and job applicants.
 - Employers must publish pay transparency reports annually by **November 1**.
 - Job postings must include a wage or salary range.
- Ontario
 - Employees are permitted to disclose their pay to other employees.
 - **Starting July 1, 2025**, employment agreements must include an employee's starting wage, pay period and pay date
 - **Starting January 1, 2026**, job postings must disclose total compensation or a range of expected compensation (maximum range of \$50,000 CAD), unless the expected compensation or upper limit of the range is greater than \$200,000 CAD.

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Labour relations in the retail environment

Unionization in the retail sector

- Unionization rate in the retail sector has hovered around **12%** over the last 5 years.
- Most retail unionization is in the food and beverages subsector, with the retail and wholesale sector (including warehousing) also seeing significant retail unionization rates.
- Low unionization rates as compared to other industries can be explained by many factors, including:
 - Multiplicity of locations.
 - More transient workforces due to higher turnover.
- Increasing interest in unions among retail and service workers that originated in COVID-19 pandemic, seeing union drives at major retailers across Canada.

The background of the slide features a close-up, slightly out-of-focus image of crumpled yellow paper. A solid purple rectangular overlay with rounded corners is positioned on the left side, extending towards the center. The text 'Human rights in the retail context' is written in white, sans-serif font within this purple area.

Human rights in the retail context

Human rights considerations

- All provinces have human rights legislation – two considerations for retailers:
 - Protections against discrimination in the provision of services.
 - Protections against discrimination in employment.
- Common grounds where challenges arise for retailers:
 - a) Citizenship
 - b) Religion/Creed
 - c) Disability/Handicap
 - d) Family Status (not a protected ground in Quebec)

The background of the slide features a close-up, slightly out-of-focus image of yellow crumpled paper. A solid purple rectangular overlay with rounded corners is positioned on the left side of the image, extending from the top edge. The text 'Privacy considerations' is written in white, sans-serif font within this purple area.

Privacy considerations

Privacy – issue-spotting in retail sector

- Class actions and privacy complaints relating to alleged misuse of personal information on the rise.
- The “collection, use and disclosure” of personal information is protected under privacy legislation – these obligations apply to employee personal information too.
- Access requests are increasingly common, including by employees who may have commenced or be considering commencing legal proceedings.
- Privacy commissioners in Canada increasingly strict with respect to meaningful consent in relation to the collection of customer information.
- Should have privacy policies in place for both (a) employees and (b) the public.
- Retention policies & data protection measures should safeguard employee personal information.

Thank you



Larysa Workewych
Senior Associate, Toronto
+1 416 863 4613
larysa.workewych@dentons.com



Arianne Bouchard
Partner, Montreal
+1 514 878 5892
arianne.bouchard@dentons.com



Jennifer Thompson
Partner, Calgary
+1 403 268 6376
jennifer.a.thompson@dentons.com



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