

ubc science co-op 

# Labour Laws and Human Rights

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# Labour Law

- Generally, labour law covers:
  - Industrial relations: certification of unions, labour-management relations, collective bargaining and unfair labour practices
  - Workplace health and safety; and
  - Employment standards: including holidays, vacations, working hours, unjust dismissals, minimum wage, layoff procedures, severance pay.
- Federal or Provincial regulations



# Federal Regulation

- Federal level – Canada Labour Code
- Administered by the Labour Program of HRSDC
- You're under Federal Laws if you work at:
  - Banks
  - Radio, television broadcasts, cable
  - Inter-provincial and transportation services
  - Air Transport, aircraft operations
  - Federal Public Service and Crown corporations

# Provincial Regulation

- BC Laws: <http://www.bclaws.ca/>
- In BC, it is the Employment Standards Act
  - Administered by the Employment Standards Branch
- Acts vary slightly from province to province but cover the same basic principles (i.e. minimum wage, hours of work, overtime)



# Employment Standards Act

## *Who is covered?*

- Most occupations except for:
  - Doctors
  - Lawyers
  - Engineers
  - Architects
  - Chartered Accountants
  - Self-employed
  - Professional Consultants
  - Independent Sales Agents



# Wages

- Minimum wage \$10.45/hour
- Paid at least 2 times/month
- Must be paid within 8 days after pay period
- Paid in full within 48 hr of termination/fired; within 6 days if you quit



# Wages Cont'd

- Paid in cash, cheque, money order, or direct deposit
- Deductions - Income tax, Canada Pension Plan and Employment Insurance
- Employer required to provide written wage statement



# Hours of Work

- After 5 hr of work -entitled to 1/2 hr meal break
- Start work-must be paid for at least 2 hours
- Statutory holiday-day off with pay
- Working on a statutory holiday: Entitled to 1.5 times regular wage & equivalent day off with pay





## Hours of Work Cont'd

- Standard: 8 hours/day; 40 hr/week
- After 8 hours of regular work, next 3 hours overtime at 1.5 regular wage
- Double time for anything over 12 hours
- May bank overtime-check with employer procedures -may receive equivalent time off with pay.
- Overtime with pay must be authorized in advance

# Who are High Tech Professionals?

- Develop information technology systems
- Develop scientific or technological products, materials, devices or processes
- Conduct scientific research and experimental development
- Sales and marketing of the above



# High Tech Exemption

- Exemption from parts of act dealing with hours of work, overtime and statutory holidays
  - Overtime pay
  - 32 consecutive hours free from work each week
  - Entitled to a paid holiday/extra pay for working on a statutory holiday



# BC Employment Standards Act

***The employer is not required to:***

- Give coffee breaks
- Pay for sick leave
- Give termination notice if employed less than 3 months or for “just cause”



## More Information

- Employment Standards Act:  
<http://www.labour.gov.bc.ca/esb/esaguide/welcome.htm>
- Fact Sheet Index:  
<http://www.labour.gov.bc.ca/esb/facshts>
- High-Tech Fact Sheet:  
[http://www.labour.gov.bc.ca/esb/facshts/high\\_tech.htm](http://www.labour.gov.bc.ca/esb/facshts/high_tech.htm)

# Human Rights Laws

- Basic principle:

*Every individual should have an equal opportunity with other individuals to make for her/himself the life s/he wishes to have consistent with obligations as a member of society without being discriminated against.*

# Human Rights Laws Cont'd

- Federal – Human Rights Act
- Provincial – BC Human Rights Code
- Which law applies? Ask where the action took place and which level of government regulates that area

# Discrimination: What Is It?

- Treating individuals and groups unfairly based on prejudice, ignorance, fear, and stereotypes
- Discrimination on any of the 13 prohibited grounds is illegal
  - *Race, Colour, Ancestry, Place of origin, Religious beliefs, Gender, Physical disability, Mental disability, Age, Marital status, Family status, Source of income, Sexual orientation*





# Canadian Human Rights Act

## Employment:

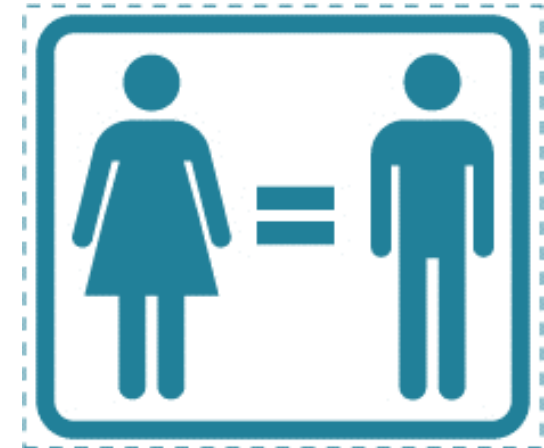
- Cannot refuse to employ or refuse to continue to employ a person or discriminate against a person with respect to employment or any term or condition of employment because of any of the grounds of prohibited discrimination



# Canadian Human Rights Act Cont'd

## Discrimination in Wages:

- Equal pay issue
- A job performed by an employee of one sex cannot be paid at a rate that is less than the rate of pay of which an employee of the other sex is employed *for similar or substantially similar work*



# Prohibited Grounds of Discrimination

- Age
- Ancestry
- Colour
- Disability
- Family status
- Marital status
- National or ethnic origin
- Political belief
- Race
- Religion
- Sex
- Sexual orientation
- Unrelated criminal conviction

# Harassment: What Is It?

- A form of discrimination
- Linked to the 13 grounds
- Behaviour that is unwelcome
- Negative impact on individual or group
- May involve an abuse of power
- Single or repeated incidents



# Harassment: Key Points

- Often involves an abuse of power
- Discriminatory
- Unwelcome
- Negative job or study consequences
- Impact, not intent, is most important



# Canadian Human Rights Act

## Harassment:

- Every person has the right to be free from harassment in the workplace
- Refers to unwanted comments or conduct that detrimentally affect the work environment
  - Touching
  - Leering, suggestive remarks
  - Reprisal for rejection of sexual advances
  - Sexually explicit pin-ups and graffiti
  - Degrading jokes and comments

# Dealing With Harassment: What Can I Do?

- Listen to your intuition; don't go along with the behaviour
- If safe, tell the person to stop
- Keep a written record
- Record health related problems
- Report the incident (supervisor, HR)
- **CONTACT YOUR CO-OP COORDINATOR**



# UBC's Policy on Discrimination and Harassment

- Linked to BC Human Rights Code
- Designed to be remedial, not punitive
- Provides for informal and formal complaint processes
- Most complaints handled informally
- One year time limit to register complaint



# Contacts

- UBC Equity Office  
[www.equity.ubc.ca](http://www.equity.ubc.ca)
- BC Human Rights Coalition  
1202-510 Hastings St, 604-689-8474  
[www.bchrcoalition.org](http://www.bchrcoalition.org)
- BC Human Rights Tribunal  
1170-605 Robson St, 1-888-440-8844  
[www.bchrt.bc.ca](http://www.bchrt.bc.ca)
- Canadian Human Rights Commission  
301-1095 West Pender St, 604-666-2251  
[www.chrc-ccdp.ca](http://www.chrc-ccdp.ca)