Employment Standards
Your Rights and Responsibilities

Would you like to know more about:
• Rules of Payment and Payroll records
• Minimum Wage/Overtime and Minimum Reporting Wage
• Notice of Dismissal, Layoff or Termination
• Paid Public Holidays and Vacation/Vacation Pay
• Maternity Leave and Child Care Leave
• Other Employment Standard Leaves which include; Critical Illness Leave and Death or Disappearance Leave Domestic, Intimate Partner and Sexual Violence Leave (new Sept 1, 2018)
• Employment of Children, Unfair Employer Action and Equal Pay for Equal Work
• Foreign Workers
• Administrative Penalties
  Please note that throughout this guide where applicable any references to the masculine shall include the feminine and any references to the singular shall include the plural.

General Information
For all questions regarding the Employment Standards Act or its regulations, please contact us in one of the following ways:
• By phone, on our toll free line at 1-888-452-2687;
• By accessing our website at the following address: www.gnb.ca/labour, or;
• In person at our nearest Employment Standards office (addresses can be found on our web site).

1. Who is covered by the New Brunswick Employment Standards Act?
Most employers and employees are covered by the Employment Standards Act. The Act does not distinguish among part-time, full-time and casual employees. All employees, which include seasonal and construction workers, are entitled to the minimum employment rights outlined in the Employment Standards Act.

2. How do collective agreements affect the employment standards rights of unionized employees?
Unionized employees are typically subject to a collective agreement. Every collective agreement must provide for at least the minimum employment standards set out in the Employment Standards Act. Unionized employees are encouraged to familiarize themselves with the grievance process under their collective agreement.

3. Does the Employment Standards Act protect those employees that fall under federal jurisdiction?
No, employees who work in areas that fall under federal jurisdiction are covered by the Canada Labour Code. Those areas include but are not limited to the following; railways, pipelines, ferries, radio and television, banks, cable systems, extra-provincial trucking and shipping, Federal Crown Corporations and many First Nation activities.

For more information regarding federally regulated work practices, please contact Human Resources and Development Canada.

4. Are there any workers who are not subject to the provisions set out in the Employment Standards Act?
Yes. By virtue of the occupation or industry in which they work, some people are not subject to the provisions of the Employment Standards Act. These include people who work in a private home for the homeowner (babysitters, home care workers, and construction workers who are employed directly by the homeowner) and independent contractors. In certain situations, people who provide agricultural services to small family farms also are not subject to provisions of the Employment Standards Act.
5. Is an employee entitled to a rest period each week?
Yes, all employees are entitled to a weekly rest period
of at least 24 consecutive hours, if possible on a
Sunday. The only exceptions to this are where:
• the employee is required to cope with an
  emergency; or
• the employee is not usually employed for more
  than three hours in any one day.

6. Does an employee have to work on a Sunday?
An employee who works in certain retail businesses
may be able to refuse to work on Sunday. If this
employee qualifies and wishes to refuse to work on a
Sunday, he must give the employer verbal or written
notice of the refusal at least 14 days before any
Sunday for which the employee refuses to work.

For more information on which employees qualify,
please contact the Employment Standards Branch.

An employer cannot dismiss, suspend, lay off,
penalize, discipline or discriminate against an
employee for refusing to work on a Sunday.

7. Do employees have to be paid for training hours?
Depending on the circumstances, training hours may
be considered regular hours of work and may be
required to be paid when the training is part of a job
requirement.

8. Where an employee makes a claim against his employer,
will the employee’s name be revealed to the employer?
An employee’s name and other pertinent information
are only revealed to the employer with the
employee’s permission. However, in some
circumstances, an investigation cannot proceed
without revealing the employee’s name. In such cases
it will be up to the employee to decide if he wants to
pursue his claim or not.

9. Are employees entitled to food and rest breaks?
Yes. All employees are entitled to food and rest breaks
as required under the Occupational Health and Safety
Act.

For more information regarding breaks, please
contact Work Safe NB.

10. Can an Employment Standards Officer retrieve an
employee’s Record of Employment (ROE)?
No. Employment Insurance Benefits and the Record of
Employment are the responsibility of Human
Resources and Development Canada, a federal
government agency. You may contact them directly
for more information.

Employers and employees may enter into an agreement for greater benefits than provided for in the Employment Standards Act.
Such agreements shall be respected and enforced by the Employment Standards Branch.
This is a guide only. For interpretation and application purposes, please refer to the Employment Standards Act, its regulations and amendments.