
Employment

Labour Standards

Common law

Overview

Employment law deals with the rights and responsibilities of employers and employees in the workplace.

Employment law includes:

- Pay and minimum wage
- Leaves from work
- Hours of work
- Ending employment
- Human rights in the employment context.

Objectives

To understand the minimum statutory employment standards in Nova Scotia, and the basics of common law employment considerations.

Agenda

Welcome and group discussion, questions on previous topics.

Presentation on: Employment Law

- Overview of main referral resources for employment law
- Basics of the Nova Scotia Labour Standards Code.

Activities: How would you answer?

Together or individually, research the questions below and explain your answer.

1. I just lost my job and my employer didn't give me a reason. Don't they have to?
2. Does my employer have to pay me for all of my domestic violence leave?
3. My employer has not been paying me the right amount of vacation time for almost 2 years.
4. Can my employer give me a disciplinary letter?

Key Resources

- Powerpoint presentation on employment law, legalinfo.org/employmentlaw
- Guide to the NS Labour Standards Code
- **Nova Scotia Labour Standards**
novascotia.ca/lae/employmentrights/
- Nova Scotia Labour Board
novascotia.ca/lae/labourboard/
- Workers' Compensation Board:
wcb.ns.ca/
- Workers' Adviser NS
novascotia.ca/lae/wap/
- Office of the Worker Counsellor:
workercounsellor.ca/
- [Employment Insurance](#)
- Nova Scotia Human Rights Commission
humanrights.novascotia.ca/
- Canadian Human Rights Commission: chrc-ccdp.gc.ca/index.html
- Occupational Health and Safety:
novascotia.ca/lae/healthandsafety/

Activities: How would you answer?

5. How much notice does an employer have to give when ending employment?
6. How long do I have to file a complaint with Labour Standards?
7. My union is not representing me properly.
8. Does my employer have to give me a place to breastfeed my baby?
9. I am taking compassionate care leave. Can my employer request a medical certificate?
10. Can I dismiss my employee who refuses to take a First Aid course?

Case example: Discussion

I am writing because I feel that I am being discriminated against and would like to ask for some advice. I was working for a company for 2 years.

As I was working, my early morning appointments were becoming a lot for me to take on as I also have 3 children to get off to school. I was told by coworkers that when I call in my availability for the following week, to let the scheduler know that I am unavailable until 8:30 or 9am weekdays, due to my children. Apparently they do this flexible scheduling for workers with children. When I called in, I was told that they couldn't help that and it was part of the job, even though it has and is being done for a couple of my coworkers. After my interview for the job, I was asked about my availability and who told me about the flexible scheduling.

They haven't received any complaints about me or my work since I started working, and I haven't refused work. I am African Nova Scotian and my coworkers are Caucasian. I have a coworker who goes to work after her child gets on the bus for school and she's home before he gets off the bus and yet, she's still employed. I can't figure out why it's ok for them and not for me? Any information would be greatly appreciated.

Key Laws

- [Canada Labour Code](#)
- [Canadian Human Rights Act](#)
- [Employment Insurance Act \(CAN\)](#)
- [Human Rights Act \(NS\)](#)
- [Labour Standards Code \(NS\)](#)
- [Occupational Health and Safety Act \(NS\)](#)
- [Workers Compensation Act \(NS\)](#)
- [Trade Union Act \(NS\)](#)

Legal Question	Where would you start? Answer key
I just lost my job and my employer didn't give me a reason. Don't they have to?	<u>NS Labour Standards</u> (if provincially regulated workplace & covered work.) or <u>Canada Labour Program</u> - Employment and Social Development Canada Lawyer Referral - employment lawyer
Does my employer have to pay me for all of my domestic violence leave?	<u>Domestic Violence leave</u> , NS Labour Standards - up to 3 days of the leave must be paid by the employer
My employer has not been paying me the right amount of vacation time for almost 2 years.	<u>NS Labour Standards</u> (if provincially regulated workplace & covered work.) Small Claims Court - http://www.courts.ns.ca/Small_Claims_Court/nsscc_home.htm
Can my employer give me a disciplinary letter?	General discussion about employer management of workplace. Lawyer Referral - employment lawyer if appropriate
How much notice does an employer have to give?	Statutory notice periods - <u>NS Labour Standards</u> (if provincially regulated workplace & covered work.) https://novascotia.ca/lae/employmentrights/employernowork.asp Common law - lawyer referral - employer lawyer
How long do I have to file a complaint with Labour Standards?	<u>NS Labour Standards</u> (if provincially regulated workplace & covered work.) Complaints process - 6 month time limit - https://novascotia.ca/lae/employmentrights/process.asp
My union is not representing me properly	Internal union complaints process NS Labour Board (not Labour Standards) https://novascotia.ca/lae/labourboard/
Does my employer have to give me a place to breastfeed my baby?	NS Human Rights Commission - breastfeeding policy, workplace accommodation
I am taking compassionate care leave. Can my employer request a medical certificate?	<u>NS Labour Standards</u> (if provincially regulated workplace & covered work.) Yes - https://novascotia.ca/lae/employmentrights/compassionate-care Employment Insurance - Caregiving benefits - https://www.canada.ca/en/services/benefits/ei/caregiving.html
Can I dismiss my employee who refuses to take a First Aid course?	Legal advice. Lawyer Referral.

Case example: Discussion

Key points: Human Rights Act - discrimination on basis of race, family status. Possible referral to Human Rights Commission and legal information about employer's duty to accommodate. But first, ask some questions: is the workplace provincially or federally regulated? Unionized? How long in workplace? Probationary? Are co-workers who have accommodations doing the same work? If not unionized, would a referral to a union help, to talk about possibly unionizing. What if this person does not want to go to the Human Rights Commission? Is this person still in the workplace (note: "I was working") If so, suggest keeping records/notes/diary of conversations (when? who? what?). May want to see a lawyer for strategic advice. If no longer in workplace: how long ago did the job end? possible referral to Labour Standards, employment lawyer.