

# **CBDC Business Start-Up Course**

## ***Lesson Eleven – Employment Law***

**Presented by Community Business Development Corporations and  
Nova Scotia Works**



**Community Business Development Corporation**  
**Corporation au bénéfice du développement communautaire**



**NOVA SCOTIA WORKS**

Employment law deals with both the employer's and the employee's actions, rights, and responsibilities, as well as their relationship with one another. Discrimination, workplace safety and standards, and workers' compensation fall under employment law. Likewise, employee benefits, retirement and pensions, compensation and much more, are part of this broad legal area.

### **Why should you care about employment law?**

As an employer it is your responsibility to ensure your employees' rights under employment law are protected. It's also up to business leaders and managers to create a healthy work culture that encourages communication, ideas, growth, and work-life balance. Following employment law is a minimum requirement for cultivating an environment that fulfills, motivates, and inspires employees each and every day.

If that's not reason enough, not knowing your legal obligations as an employer can cost you in other ways. The following facts speak for themselves:

- Hundreds of employment lawsuits are filed every day
- The hourly rate for a lawyer to defend a lawsuit varies from \$200.00 for a junior lawyer to \$600.00 for senior counsel
- Most employment lawsuits are won by the plaintiff
- One in five employment law jury verdicts is for over a million dollars
- If you're audited or a complaint is filed against you under your provincial labour standards code, pay may be ordered dating back several months (such as for unpaid vacation pay). In the case of an audit, pay could be ordered for a number of employees

This section provides the information you need to fulfill the rights of your employees and protect your business.

### **Federal and Provincial Legislation**

#### **Are you covered by federal or provincial legislation?**

If your company falls into one of the following sectors, you are most likely to be a [federally regulated employer](#):

- Chartered banks
- Marine shipping, ferry, and port services
- Transportation across provincial borders
- Airlines

- Telephone, telegraph, and cable systems
- Radio and television broadcasting
- Uranium mining and processing
- Businesses dealing with protection of fisheries as a natural resource
- First Nation activities
- Federal Crown corporations

All other employers are **provincially regulated**.

### Links to Legislation

Follow the links below to the legislation that applies to you and contact your provincial government if you are provincially regulated.

Area of Regulation	Legislation applicable to <u>federally</u> regulated employers
Employment legislation for workers	<a href="#">Canada Labour Code</a>
Employment legislation for unionized workers	<a href="#">Canada Labour Code</a>
Human Rights Legislation	<a href="#">Canadian Human Rights</a>
Occupational Health and Safety Legislation	<a href="#">Environmental and Workplace Health</a>
Privacy Legislation	<a href="#">Privacy Laws in Canada</a>

### Provincial Labour Standards Code

Provincial Labour Standards legislation sets out the minimum employment rules in your province that employers and employees have to follow. It also sets out rules specific to the recruitment of workers and the hiring of foreign workers.

These rules include minimum standards for wages, deductions from pay, vacation pay, overtime pay, holidays with pay, leaves, ending employment, and other things. It is not legal for employers and employees to agree to terms, conditions, and benefits that offer less than the legislation offers. However, employers can give their employees greater benefits than those set out in the legislation.

There are exemptions for certain kinds of work (exempting those individuals from the entire Code or certain provisions of the Code).

For more information, check out the labour standards in your province.

In addition, people might have recourse through the courts to deal with workplace issues. For example, an employee might file a court claim against his employer seeking damages for wrongful dismissal. Or an employer might file a court claim against her employee to recover a debt the employee owes the employer. For more information about pursuing a claim through the courts, you may want to speak to a lawyer.

## **Human Rights**

Your provincial Human Rights Act applies to private businesses as well as to the provincial government, and all its departments and agencies.

However, when doing business with the Government of Canada, or with a business regulated by the federal government, your provincial Human Rights Act does not apply. Instead, there is a Canadian law called the Canadian Human Rights Act applies.

Your provincial Human Rights Act protects individuals from discrimination under characteristics like the following:

- Age
- Race
- Colour
- Religion
- Creed
- Ethnic, national, or aboriginal origin
- Sex (including pregnancy)
- Sexual orientation
- Physical disability
- Mental disability
- Family status
- Marital status
- Source of income
- Irrational fear of contracting an illness or disease
- Association with protected groups or individuals
- Political belief, affiliation, or activity

Human Rights Acts can also prohibit harassment based on any of these characteristics and prohibits sexual harassment in all areas of public life.

Human Rights Acts can also prohibit discrimination in several areas, including employment. For example, in refusing to hire, continue to employ or promote a person, in the posting of job advertisements, or the criteria used for hiring. It also prohibits harassment of individuals based on one of the thirteen prohibited groups.

Human Rights Acts can also:

- protect equal pay for the same or similar work performed by males and females,
- prohibit individuals who can grant or deny a benefit or advancement to another from engaging in unwelcome sexual solicitation with the person who is seeking or receiving the benefit, and
- protect individuals who have made complaints under the Act or who have assisted with the complaint process from retaliation.

Contact your provincial government to find a copy of your Human Rights Acts to determine what protections exist in your province.

For information about the federal Canadian Human Rights Act, visit the Canadian Human Rights Commission at [www.chrc-ccdp.ca](http://www.chrc-ccdp.ca). If you are not sure which law applies, call the Canadian Human Rights Commission at 1-877-269-7699.

## **Occupational Health and Safety**

### **Occupational Health and Safety: Occupational Health and Safety Legislation**

Health and safety in the workplace is protected by [Nova Scotia's Occupational Health and Safety Act and Regulations](#). All employers in Nova Scotia have a general duty to do all that is reasonable and practical to ensure the safety of workers and others who are present in the workplace.

For quick reference access [the Small Business Safety Toolkit](#). The kit provides easy-to-use, step-by-step guidelines and sample forms to identify hazards and develop a safety plan to keep everyone safe on the job.

## **Workplace Safety**

Looking for quick information business owners need to know about workplace safety? [Click here.](#)

### Workers Compensation (WorkSafeNB/WorkplaceNL)

Your Worker's Compensation Board or equivalent sets the standard for workplace injury insurance. They provide workplace injury insurance for employers, representing workers across your province.

Worker's Compensation works to inform and inspire Atlantic Canadians in the prevention of workplace injury. These organizations also support those whose lives are touched by workplace injury in the event it occurs and champions a timely return to safe and healthy work.

[The Workers Compensation Act](#) or equivalent in your province provides the legal framework for the administration of the WCB's prevention, return to work, assessment, and compensation programs.

Worker's compensation legislation is complimented by the Occupational Health and Safety Act. Contact your provincial government to learn more about occupational health and safety, or [click here.](#)

Lesson Eleven of the CBDC Business Start-Up Course has covered the topic *Employment Law* and touched on the subjects of: why you should care about employment law, federal and provincial areas of responsibility, human rights, and occupational health and safety. The next lesson in this part of this course is *Lesson Twelve – Compensation & Benefits*.