

# Employment

Sooner or later every student considers getting a job. Jill decided to find out whether employment rights are in order not to be taken advantage of in the labour market. She discovered that the New Brunswick Employment Standards Act ensures that the conditions of her employment meet certain minimum standards.

Jill's first concern was about wages. Employees in New Brunswick must receive at least minimum wage for their work. Effective October 1, 1991, the minimum wage is \$5.00 per hour for all hours of work up to and including 44 hours a week. The minimum overtime rate (over 44 hours per week) is \$7.50. There may be instances where a portion of Jill's minimum wage can take the form of a benefit (e.g. room and board). Her employer in such a case must establish that he or she would suffer a hardship if required to pay minimum wage.

Jill must be paid a least every 16 days. If she quits or is fired, all wages and other income benefits must be paid no later than 21 days after the last day of employment.

Jill's wages are not affected by the tips she earns. Your tips are your property. Her employer may require that tips be pooled and then later distributed among all employees. Some establishments impose a gratuity surcharge of usually 15%,

included in the menu price, which is distributed to the employees no later than the next regular pay day. Tips, gratuities and surcharges cannot be withheld or treated as wages by an employer.

There is no limit on the number of hours Jill may work, but her employer cannot force her to work more than 44 hours per week.

If Jill works on public holidays, she must be paid time and one-half her regular wages for the hours worked that day. Provided she qualifies for a paid public holiday, Jill will be paid regular wages if she did not work that day. In order to qualify for a paid public holiday, she must have been working for her present employer for at least 9 months in the 12 months preceding the public holiday. The official public holidays in New Brunswick are New Year's Day, Good Friday, Canada Day, New Brunswick Day, Labour Day, and Christmas Day.

Jill also wants to make sure she has a chance to vacation. Her employer must provide her with annual vacation leave and vacation pay. Generally, vacation pay is 4% of total wages and vacation leave is 2 regular work weeks, or 1 day for each month worked. Vacation pay must be paid at least one day before vacation begins. Jill's employer must allow her to resume her work in the same position and at the same wages that she had before and can-

not dismiss, suspend or lay her off during her leave. However, Jill's employment ends before the regular vacation pay period expires (which in the case for most summer students). Her payment must be made no later than her final pay day. Her employer must still pay an amount equal to 4% of her total wages.

Jill's co-workers, Shelly and Brian are having a baby. Shelly informed her employer about 4 months before the delivery date that she wished to take maternity leave (17 weeks without pay). She had to provide her employer with a medical doctor's certificate to confirm the pregnancy. Jill informed Brian that New Brunswick recently added child care leave to the present employment standards system. Child care leave entitles both working parents 12 weeks to care for a newborn or newly adopted child. Although this is leave without pay, Shelly and Brian could qualify for 10 weeks of paid unemployment insurance benefits.

Jill finally landed a job at Greg's Grocery Garden. So far she's done well, but if Greg should decide to fire her or lay her off, he must do so in writing and give reasons. If Jill has been employed for at least 6 continuous months, two weeks notice must be given. If she has worked for Greg for more than 5 years, 4 weeks notice must be given. Greg

can pay Jill in lieu of giving her any. There are special circumstances where Greg can lay Jill off without notice (e.g. where the layoff is for no more than 6 days and is due to an unforeseeable lack of work).

The Act also sets standards that protects all employees from discrimination. Jill has the right not to be refused a job because of her race, creed, religion, colour, sex, marital status, physical disability, nationality, ancestry, place of origin or age. Employers must always attempt to hire the person with the best qualifications. Victims of discrimination in the work place should contact the Human Rights Commission (Fredericton, 454-2301).

In New Brunswick, employers like Greg are required to give equal pay for equal work. Jill works a great deal more than the rest. Greg is entitled to vary wage payment on the basis of merit and has decided to pay Jill more because of the extra work she does.

Things are going well in the work department for Jill. She and her employer understand her entitlements and have a positive productive employment relationship. If they ever have a debate over the employment standards they know that for interpretation and application purposes, they should refer to the Employment Standards Act. If Greg breaches any employment standards, Jill should contact her

Employment Standards Tribunal of the New Brunswick, Department of Labour. Any further information can be found in the information sheets available from the local standards officer, Department of Labour (Fredericton, 453-2725).

**THIS COLUMN IS INTENDED TO BE USED AS A GUIDE ONLY. IT IS NOT MEANT TO BE A REPLACEMENT FOR PROFESSIONAL LEGAL ADVICE. IF YOU REQUIRE ANY ADDITIONAL LEGAL INFORMATION OR LEGAL COUNSELLING, PLEASE CONTACT A LAWYER.**

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become a "carrier" (capable of transmitting HBV). Carriers of hepatitis B are 250 to 300 times more likely to develop liver cancer. One to five percent of people who acquire HBV will suffer fulminant hepatitis B, extreme shrinking of the liver accompanied by deep jaundice. As many as 65% to 85% of these individuals will die from their illness.

For more information on Hepatitis B please contact the AIDS Resource Centre through the Nursing Faculty.

# PROCTOR POSITIONS AVAILABLE

**FOR THE 1992-93 ACADEMIC YEAR  
IN THE U.N.B.F. RESIDENCE COMMUNITY**

**APPLICATION FORMS MAY BE OBTAINED FROM:**

**Office of the Dean of Residence  
Residence Administration Building  
Fredericton Campus**

**Deadline for receipt of applications  
FRIDAY, JANUARY 24, 1992**

Candidates must submit the following with their completed application form:  
a letter of application;  
a resume;  
a transcript.

A candidate's 1990-91 sessional G.P.A. must be 2.5 or greater.

**TRANSCRIPTS SHOULD BE ORDERED IMMEDIATELY FROM THE REGISTRAR'S OFFICE**