##

## HOURS OF WORK AND OVERTIME

[Organization Name] is committed to ensuring that all employees are compensated, at minimum, as per the standards outlined in the Yukon *Employment Standards Act*.

DEFINITIONS

“Overtime” means hours of work in excess of the standard hours of work.

“Standard hours of work”: the working hours of an employee shall not exceed eight hours in a day and 40 hours in a week.

POLICY

At [Organization Name], a work week consists of (Insert #) hours for full time employees.

[Organization Name] employees will at times be requested to work hours above their usual hours of work.

Hours of Work and Overtime Provisions for Employees Not Classified as Managers

For the purposes of this policy, hours worked beyond an employee’s usual number of hours but below the overtime threshold of 40 hours weekly or eight hours daily will be paid in straight time.

If an employer requires or permits an employee to work hours in excess of the threshold of 40 hours per week or eight hours daily the employee will be paid at a rate of time and one-half the employee’s usual rate of pay. An employer shall make reasonable efforts to give an employee who is required to work overtime reasonable advance notice of this requirement.

When Overtime is not Applicable

As per the Yukon Employment Standards Act, 2002, section 4, overtime is not applicable to the following individuals:

* An employee who is a member of the employer’s family;
* A travelling salesperson;
* An individual whose duties are primarily of a supervisory or managerial character;
* A member or student of those professions designated by the regulations as professions to which overtime does not apply; and
* Those other persons or classes of persons designated by the regulations as persons or classes of persons to which overtime does not apply.

Overtime Provisions for Managers (not a legal requirement, delete if not applicable)

This special provision applies to managers who may be required to work beyond their regular work hours to fulfill their responsibilities. [Organization Name] will compensate their managers and supervisors straight time for the extra hours worked each week (above 40). This special provision exceeds the entitlement in Yukon’s *Employment Standards Act*, and may be subject to change at [Organization Name]’s sole discretion, with the appropriate notice of the change being provided.

Managers are required to disclose the extra hours worked each week to their own direct manager.

Hours Free from Work

Employees will, whenever practicable, have at least 48 hours free from work each week. Whenever practicable Sunday shall be one of the normal days of rest in the week. Except for emergencies, an employer shall ensure that each employee has a rest period of at least 8 consecutive hours free from work between each shift worked.

Overtime Banking (delete if not a program)

Overtime banking is permitted at [Organization Name] by written agreement between the employer and the employee, or majority of employees, or by collective agreement. If overtime banking is used, the following conditions must be met:

* Employees receive one and one-half hours time off at regular pay for each hour of overtime;
* Employees must take time off within a 12 month period if agreed, or within the calendar year if there is no agreed upon period;
* Either party can change the agreement with one month’s written notice; and
* The employer must give the employee a copy of the written agreement.

Employees of [Organization Name] may request in writing to participate in a banked overtime program. To be paid their banked overtime, they may request one of the following:

* That part or all the wages in the time bank are paid out
* Time off with pay (at a time agreed to with [Organization Name])
* That [Organization Name] closes out the agreement altogether and pays the employee their overtime bank (this option must be in writing)

[Organization Name], provided it gives employees one month’s written notice, may close the overtime bank. [Organization Name] will do one of the following:

* Pay the employee the balance of the wages in the overtime bank
* Permit the employee to take time off with pay with the overtime bank total
* Pay part of the overtime bank to the employee and pay the rest of the wages as time off with pay for the employee

If the employee is separated from [Organization Name] before they have taken the extra time, the employee will receive the overtime banked on their final pay cheque.

Averaging Agreement (delete if not a program)

[Organization Name] has put into place averaging agreements which allows greater flexibility in the workplace for the scheduling of hours of work. if employees are needed to work more hours to fulfill deadlines and complete duties. With the employee’s written or electronic agreement only, their hours of work may be averaged over one, two, three, or four weeks for the purposes of calculating their entitlement to overtime pay.

Employees may agree to work up to 12 hours in a day, while averaging no more than 80 hours in a two-week period. Each averaging agreement will have a valid start date and end date and [Organization Name] will not exceed these parameters. All averaging agreements must be signed before they start. The agreement will also contain the number of weeks that the hours will be averaged; the proposed work schedule for the days in the agreement; and how many times the agreement would be repeated.

Overtime is paid at time-and-a-half if an employee works more than the hours specified in the averaging agreement (e.g. 80 hours in a two week period), or when an employee works more than 8 hours less than the hours specified when a general holiday occurs during that period (e.g. 72 hours in a two week period that includes a general holiday).