

permission to work overtime, it would be advisable to have a discussion with your manager and discuss your workload or, in certain cases, whether it would be more appropriate to be working Field hours.

What If My Supervisor Is Aware Of The Time I Am Working But Will Only Pay Me Straight Time, Not Overtime, Because He Did Not Approve It In Advance?

- The Labour Standards Act (Section 8) states that if the Employer is aware of an employee working overtime and they do nothing to stop it, then permission is considered to be granted.

Does All Overtime Earned Have To Be Paid Out?

- No, Article 15.05 allows you to receive Time Off in Lieu of Overtime payment if you and your supervisor mutually agree to it.

If I Choose To Take Overtime Earned As Time Off In Lieu Of Payment, Is It Taken At Straight-Time?

- No, the time that you are entitled to is calculated the same as though it was going to be paid out. For example, if you worked (one) 1 hour overtime at the rate of two (2) times your pay, you would be entitled to take two (2) hours (paid straight-time) off work.

What Happens If My Supervisor Questions Me About “Excessive Use of Overtime”?

- Explain to he/she why you have been working overtime.
- If the meeting feels disciplinary, accusatory, or makes you feel vulnerable

about upholding your rights, contact your Labour Relations Officer.

- At any time you may contact your Labour Relations Officer for advice, guidance, or just to inform us of workload pressures or working conditions.

What Are The Consequences Of Not Tracking My Overtime?

- Those who are tracking their overtime may be singled-out as being inefficient, having performance problems, or in severe situations, be accused of lying about time worked.
- Management is unable to see workload concerns. If Management does not recognize workload as an issue, it will make it tougher for the Union to argue in collective bargaining that staffing levels are too low and workload is too high.
- You are not getting compensated for your personal time that you gave to the Employer.



Fair Day's Work Fair Day's Pay

Members of HSAS are committed to helping others, which is why they choose to do the work they do. Many members, however, allow themselves to be exploited by their Employer, in terms of how much time they spend at work in order to accomplish the many tasks they or their Employers expect to be done.

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Why track overtime?

Workload Measurement

- Management consistently tells us that overtime rates are the biggest indicator of workload.
- If a high number of staff are working overtime, or if a few people in an area are working large amounts of overtime, it signals to management that staffing levels are too low, or workload is unbalanced amongst colleagues.
- If staff **appear** to not be working overtime, management assumes there are no problems with workload.
- The more overtime we correctly report, the more we indicate to management how serious our problem of retention and recruitment is.

Management Expectations

- When overtime is correctly tracked, you help set the expectations of your supervisor. They begin to learn what can and cannot be accomplished during your shift.
- When overtime is not tracked by the employee, but they are still working the extra time and accomplishing more, management may assume that the employee is a better worker and may use that employee as a benchmark for all other employees. The level of work being accomplished by that employee will raise management's expectations of everyone else in your work group, despite the fact that the person might be putting in an extra hour every day. If management is not aware of the actual time being put in, they are left to make assumptions about the worker.

- If Management is aware that you are working overtime and does not direct you to cease and desist, then the Employer is obligated to pay you or allow you to bank the time at the prevailing overtime rate.

It's Your Right

- It's the law for employers to pay overtime (Labour Standards Act).
- The conditions and rates for which overtime must be paid have been collectively bargained for you. The employer has agreed to the terms under Article 15.04.

What Governs The Employers' Obligation To Pay Overtime?

- Labour Standards Act
 - * Section 6: Hours of work and overtime pay
 - * Section 7: 10-hour day
 - * Section 8: Meaning of "permit any employee to work"
 - * Section 9: Averaging
 - * Section 10: Observance of a public holiday
 - * Section 12: Employer not to require employee to work overtime
 - * Section 13: Period of rest
 - * Section 13.1: Work schedules
 - * Section 13.2: Break between periods of work
 - * Section 13.3: Meal breaks
- Collective Agreement
 - * Article 15: Hours of Work
- Labour Standards often overlaps with our Collective Agreement

It's Your Personal Time and Health

- When you work overtime, you are giving up your own personal time to the employer and it may impact your ability to balance your work life with your home life.
- The laws regarding overtime are in place for many reasons, one of which is the fact that the more you work, the more you are strained physically, mentally, and emotionally. Working overtime will likely impact your fitness in these areas.

When Do You Track Overtime?

- **Any hours worked in addition to eight (8) hours in any day or one hundred and twelve (112) hours in any three week period, or 224 hours in a six (6) week period for field hours staff. (This includes that extra 15 minutes you had to work to finish up with a client).**
- **This includes you being on site and expected to be available to respond to client needs during breaks or when you do not take a break or shorten your allowed breaks.**
- **Any shift in excess of six (6) consecutive days (some local LOU's regarding schedules may allow this).**
- **Any shift changed within the posted and confirmed schedule [per Article 15.03(c)].**

Does Your Supervisor Have To Approve All Overtime Prior To It Being Worked?

- For the most part, yes, wherever possible.
- In emergency situations where it is not practical/possible to attain permission, overtime may be worked without first seeking permission.
- If you often find yourself in a situation where it is not possible to seek