

Newfoundland & Labrador

Labour Law Postings

Minimum Wage

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 781/96

Labour Standards Regulations (Amendment)

under the *Labour Standards Act*

(O.C. 96-261)

Under the authority of sections 26, 28, 58 and 66 of the *Labour Standards Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following regulations.

REGULATIONS

Analysis

Short title

1. These regulations may be cited as the *Labour Standards Regulations*. 214/93 s1

Definitions

2. In these regulations
- (a) "Act" means the *Labour Standards Act* ;
 - (a.1) annual Consumer Price Index" means the annual Consumer Price Index for Canada (All items) published by Statistics Canada;
 - (b) "construction industry" means the on-site constructing, erecting, altering, decorating, repairing or demolishing of buildings, structures, roads, sewers, water mains, pipe lines, tunnels, shafts, bridges, wharves, piers, canals or other works;
 - (c) "livestock" means horses, cattle, sheep, goats, swine, fur bearing animals raised in captivity, poultry and other domestic animals kept for farm purposes; and
 - (d) "remote area" means an area in which the only living accommodation for an employee consists of
 - (i) bunk-house accommodation, or
 - (ii) other accommodation of a temporary character which is operated in conjunction with the operations being conducted by an employer.
- 214/93 s2; 12/18 s1

Prescribed profession

- 2.1 For the purposes of paragraph 2(b) of the Act, the practice of hockey as a hockey player in the Quebec Maritimes Junior Hockey League is a prescribed profession. 81/24 s1

Application

3. Except where the contrary is indicated, these regulations apply to all employers and employees and to persons who are parties to a contract of service. 214/93 s3

Observance of public holidays

4. The public holidays of New Year's Day, Good Friday, Memorial Day, Labour Day and Christmas Day required to be observed under paragraphs 14(1)(a), (b), (c), (d) and (e) of the Act shall be observed on the dates proclaimed by the Lieutenant-Governor in Council under section 4 of the *Shops Closing Act*. 214/93 s4

Standard working hours

5. (1) For the purpose of paragraph 21(a) of the Act, "standard working hours" means 40 hours in a week.
- (2) For the purpose of paragraph 21(b) of the Act, "week" means a period of 7 continuous days commencing after midnight on a Saturday. 214/93 s5

Weekly day of rest

6. Section 22 of the Act does not apply to an employee who is
- (a) subject to a collective agreement within the meaning of the *Labour Relations Act* or the *Fishing Industry Collective Bargaining Act*;
 - (b) employed in a remote area of the province and who notifies the employer in writing, and does not revoke that notification in writing, that the employee does not wish section 22 of the Act to apply to the employee; or
 - (c) a crew member of a ferry boat.
- 214/93 s6; 38/22 s1

Rest periods

7. Section 24 of the Act does not apply to
- (a) an employee who is a crew member of a ferry boat;
 - (b) an employee who is subject to a collective agreement within the meaning of the *Labour Relations Act* or the *Fishing Industry Collective Bargaining Act* ; or
 - (c) an employee who works alone and in circumstances where it is impracticable for that employee to take a rest period.
- 214/93 s7

Minimum wage rate

8. (1) For the period of April 1, 2026 to March 31, 2027 every employer shall pay to every employee a wage rate of not less than \$16.35 an hour.
- (2) Effective April 1, 2027 and on April 1 of each year after that, the minimum wage rate shall be calculated as follows:
- (a) the minimum wage rate on March 31 adjusted by the percentage change in the annual Consumer Price Index for the year immediately preceding the year in which the adjustment occurs; and
 - (b) rounding that amount up to the nearest \$0.05.
- (3) Where the calculation under subsection (4) results in an amount that is less than the minimum wage rate on March 31 of that year, the minimum wage rate shall not be adjusted and shall remain at the amount of the minimum wage rate on March 31 of that year.
- (4) Commencing in 2026, each year the minister shall publish notice of the minimum wage rate in the Gazette within 30 days of the release of the Consumer Price Index for December. 12/17 s1; 12/18 s2; 10/20 s1; 75/20 s1; 38/22 s2

Overtime wage rate

9. (1) For the period of April 1, 2026 to March 31, 2027 for the purpose of section 25 of the Act, overtime wages shall be paid at a rate of not less than \$24.53 an hour.
- (2) Effective April 1, 2027 and on April 1 of each year after that, the overtime wage rate shall be calculated as follows:
- (a) the minimum wage rate calculated under subsection 8(4) multiplied by 1.5; and
 - (b) rounding that amount to the nearest \$0.01.
- (3) Commencing in 2026, each year the minister shall publish notice of the overtime wage rate in the Gazette on the same date that the minimum wage rate is published in the Gazette.
- (4) Section 25 of the Act does not apply to a person employed
- (a) in the planting, cultivating and harvesting of farm produce other than the production of fruit and vegetables in greenhouse and nursery operations;
 - (b) in the raising of livestock; or
 - (c) as a live-in housekeeper or baby-sitter where there is an arrangement by which that employee is entitled to time off with pay for hours worked in excess of 40 hours per week.
- 78/14 s2; 12/17 s2; 12/18 s3; 75/20 s2; 38/22 s3

Overtime less than 3 hours

10. Where an employee who reports for previously scheduled work or whose employer calls the employee to report to work is required to perform less than 3 hours of work, the employer shall either
- (a) permit the employee to work at least 3 consecutive hours; or
 - (b) pay the employee instead of work for an unworked portion of the 3 hours wages at the minimum wage set out in section 8 or the overtime wage rate as set out in section 9(1), whichever is appropriate for the period unworked.
- 214/93 s10; 38/22 s4

Minimum wage application

11. The minimum rates of wages prescribed by these regulations apply to
- (a) an employee whether paid on the basis of an hourly rate of pay or on the basis of a fixed wage for a week or a month or a part of a month; and
 - (b) an employee whether remunerated either wholly or in part on a commission basis. 214/93 s11

Definition of "family member"

- 11.1 For the purpose of sections 43.13 to 43.16 and subparagraph 43.28(d)(iv) of the Act, the term "family member" means
- (a) a child of the employee's parent or a child of the spouse or cohabiting partner of the employee's parent;
 - (b) a grandparent of the employee or of the employee's spouse or cohabiting partner or the spouse or cohabiting partner of the employee's grandparent;
 - (c) a grandchild of the employee or of the employee's spouse or cohabiting partner or the spouse or cohabiting partner of the employee's grandchild;
 - (d) the spouse or cohabiting partner of the employee's child or of the child of the employee's spouse or cohabiting partner;
 - (e) a parent, or the spouse or cohabiting partner of a parent, of the employee's spouse or cohabiting partner;
 - (f) the spouse or cohabiting partner of a child of the employee's parent or of a child of the spouse or cohabiting partner of the employee's parent;
 - (g) a child of a parent of the employee's spouse or cohabiting partner or a child of the spouse or cohabiting partner of the parent of the employee's spouse or cohabiting partner;
 - (h) a sibling of a parent of the employee or of the employee's spouse or cohabiting partner; (h.1) the spouse or cohabiting partner of a person referenced in paragraph (h);
 - (i) a child of a sibling of the employee or of the employee's spouse or cohabiting partner; (i.1) the spouse or cohabiting partner of a person referenced in paragraph (i);
 - (j) a current or former foster parent of the employee or of the employee's spouse or cohabiting partner;
 - (k) a current or former foster child of the employee or the spouse or cohabiting partner of that child;
 - (l) a current or former ward of the employee or of the employee's spouse or cohabiting partner;
 - (m) a current or former guardian of the employee or the spouse or cohabiting partner of that guardian;
 - (n) an individual who considers the employee to be like a close relative, whether or not the individual is related to the employee by blood, adoption, marriage or cohabiting partnership; and
 - (o) an individual whom the employee considers to be like a close relative, whether or not the employee is related to the individual by blood, adoption, marriage or cohabiting partnership. 59/07 s1; 19/18 s1; 38/22 s5

Definition of "service"

- 11.2 For the purpose of subparagraph 43.17(b)(ii) of the Act, "service" means "Class "C" Reserve Service" as defined in the *Queen's Regulations and Orders for the Canadian Forces* made under the authority of the *National Defence Act* (Canada). 38/09 s1

Designated communicable disease

- 11.3 (1) COVID-19 is designated as a communicable disease for the purposes of Part VII.8 of the Act.
- (2) For the purposes of subsecwtion 43.39(3) of the Act, entitlement to communicable disease emergency leave in relation to COVID-19 is considered to have started on March 14, 2020. 22/20 s1

Notice of termination

12. Section 52 of the Act does not apply to a person employed in the construction industry. 214/93 s12

Non-application of section 57

13. Section 57 of the Act does not apply to a contract of service
- (a) that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance;
 - (b) of a person who is laid off after refusing an offer by the person's employer of reasonable alternate work;
 - (c) of a person who is laid off after refusing alternate work made available to the person through a seniority system;
 - (d) of a person who is on lay-off and does not return to work within a reasonable time after being requested to do so by the person's employer;
 - (e) of a person who is laid off or terminated during or as a result of a strike or lock-out at the person's place of employment;
 - (f) of a person who is employed in the construction industry;
 - (g) of a person who is employed in logging or fishing;
 - (h) of a person employed for seasonal production work in a fish plant to supplement the regular work force in peak production periods;
 - (i) of a person who is employed under an arrangement whereby the person may elect to work or not for a temporary period when requested to do so;
 - (j) of a person who, having reached the age of retirement according to the established practice of the employer, has the person's employment terminated;
 - (k) of a person who is employed on an offshore oil well drilling rig; or
 - (l) where there is continued or uninterrupted employment of an employee as referred to in section 6 of the Act. 214/93 s13; 38/22 s6

Repeal

14. The *Labour Standards Regulations, 1993, Newfoundland Regulation 214/93, are repealed.*