

Expanding into British Columbia, Canada: Key Employment Law Insights

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For international clients seeking to expand into Canada, the management of Canadian employees can be streamlined and simplified by the establishment of strong, employer-friendly employment agreements. This overview focuses on employment law in British Columbia (“**B.C.**”), Canada, and addresses the questions most frequently asked by our international clients. We have previously prepared similar articles for [provincially regulated employers](#) and [federally regulated industries](#).

Each jurisdiction in Canada, including B.C., has minimum standards that employers must follow. While employers and employees may agree to benefits in excess of these minimum requirements, they cannot “contract out” of the minimum standards. As set out below, key areas covered by employment standards legislation include (a) minimum wage; (b) hours of work, rest periods and overtime pay; (c) vacation time, vacation pay and public holidays; and (d) termination of employment.

We are happy to assist with your expansion to Canada. If you have questions about the information below, or need further details on a topic not covered, please do not hesitate to contact us.

Category	Question	Answer
1. Minimum Wage	What is the minimum wage in B.C., Canada?	Effective June 1, 2024, minimum wage rates in B.C. have increased to \$17.40 per hour.
2. Benefit Coverage	Is benefit coverage for employees mandatory?	No – employers are not legally required to offer private health insurance benefits to employees.
3. Termination	Do employers need a reason to terminate an employee?	No – terminations can be processed without a reason (except for discriminatory reasons) upon the provision of working notice of termination or pay in lieu of notice.
4. Notice of Termination	Does “ <i>at-will</i> ” employment exist in Canada?	No – while Canadian law does not recognize “ <i>at-will</i> ” employment, a well-drafted employment agreement can mirror “ <i>at-will</i> ” employment by limiting termination notice entitlements to only statutory notice or pay in lieu of notice,

		which tend to be relatively modest. Absent such an agreement, employees are entitled to substantial amounts in respect of notice pursuant to the common law. Statutory notice is based on an employee's length of employment and, broadly speaking, is roughly one week per year of service up to a maximum of eight weeks. There are additional requirements for notice incurred during group terminations. If 50 or more employees are terminated in a two-month period at a single location, at least eight weeks are owed to all. If more than 101 or 301 employees are terminated at once, then at least 12 or 16 weeks are owed, respectively.
5. Sick Days	Are employees entitled to paid sick time?	Yes – employees are entitled to paid leave for five sick days under “Illness or Injury Leave.” Additionally, employees are entitled to three unpaid sick days. Employees are not able to take partial sick days. Employees may choose when and whether to use paid or unpaid days.
6. Rest Periods	Are there mandatory eating periods for employees?	Yes – a 30-minute meal break is required after an employee has worked for five consecutive hours. Meal breaks are unpaid unless the employee is required to work or be on standby to work during their meal break. Employment agreements may also offer paid meal breaks at the employer's discretion.
7. Overtime	Are employees entitled to overtime pay?	Yes – for every hour worked beyond eight hours in one day or 40 hours in one week, employees must be paid 1.5 times their regular rate of pay. If an employee

		works in excess of twelve hours in one day, they must be paid two times their regular hourly rate for any time over 12 hours. There are several narrow exemptions to overtime pay (i.e., for managerial employees, high-technology professionals (IT) and select salespersons, etc.). Overtime exposure can be managed by the creation of “averaging agreements,” which modify how overtime is calculated. Overtime may also be ‘banked’ and used as paid time off, subject to agreement.
8. Vacation	Are employees entitled to minimum vacation time and pay?	Yes – for employees with fewer than five years of service, a minimum of two weeks of vacation time is required. Employees with more than five years of service are entitled to three weeks of vacation time.
9. Statutory Holidays	Are employees entitled to certain statutory holidays?	Yes – employees are entitled to 11 defined statutory holidays. Most employees (subject to exemptions) are entitled to take these days off work with statutory holiday pay. However, if an employee is required to work on a statutory holiday, they will be paid 1.5 times their regular wage for hours worked up to 12 and double their pay for any hours beyond that. The employee would also be entitled to an average day’s pay. If an employee is granted a day off on a statutory holiday, they will be entitled to an average day’s pay. Employers may substitute another day for a statutory holiday as long as the majority of employees agree. In such cases,

		employees are still entitled to an average day's pay for the substituted day.
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Disclaimer: This article offers general comments on legal developments of concern to business organizations and individuals and is not intended to provide legal advice. Readers should seek professional legal advice on the particular issues that concern them.

Have more questions about expanding into Canada? Please [click here](#) or scan the following QR code to access Aird & Berlis LLP's Market Expansion Dashboard, your one-stop-shop for market expansion resources:



Contact



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Fiona has extensive experience advising international businesses entering the Canadian market. To date, she has advised more than 100 companies expanding into Canada. Fiona advises clients in this space all day, every day. She has been practising for more than a decade and is a regular speaker and writer on market expansion matters. Fiona is proud to have been recognized by *The Best Lawyers in Canada*, *The Canadian Legal Lexpert Directory* and *Benchmark Canada*.

A proactive and comprehensive approach is required to succeed in a new market. Fiona manages teams of other lawyers and patent agents to provide her clients with a full range of legal services to help their businesses grow. She acts as project manager to ensure her clients receive seamless legal services in all relevant areas.

Fiona takes great care to understand her clients' businesses and deliver advice that is tailored to meeting their specific needs. Her responsiveness, dedication to clear communication and hands-on approach show that she is personally invested in the success of her clients.

Fiona is pleased to offer a multitude of resources answering often-asked questions about expanding into Canada, including [this video](#) and [this one-page guide](#), all of which can be found on the [Market Expansion Resources Dashboard](#).

**Michael Horvat**

Partner

Michael is a member of the firm's Workplace Law Group. His practice focuses on all aspects of labour and employment law in both the federal and provincial jurisdictions. He advises employers in a number of industries, including manufacturing, transportation, retail, electrical distribution, construction and financial services, on various matters, including employment standards, human rights, discipline, discharge, union certification, grievances, wrongful dismissal, executive employment matters and transactions, as well as general labour and employment law issues.

Michael represents employers before the courts and administrative tribunals, such as the Ontario Labour Relations Board, the Ontario Superior Court of Justice, the Ontario Divisional Court, the Ontario Court of Appeal, the Grievance Settlement Board, the Canadian Railway Office of Arbitration, the Ontario Employment Standards Branch, the Ontario Workplace Safety and Insurance Board and in grievance arbitration and mediation.

**Bardia Jalayer**

Associate

Bardia is a member of the firm's Workplace Law Group. He advises on employment and labour-related matters, including comprehensive policies and training, and issues within the workplace. Bardia also has experience in dispute resolution matters heard before the Superior Court, the Divisional Court and the Court of Appeal. His clients include employers in unionized and non-unionized workplaces, as well as sporting organizations and player associations.



Quinn Hartwig

Articling Student

Quinn summered at Aird & Berlis in 2023. He recently graduated from the University of Toronto Faculty of Law. Quinn also holds a Bachelor of Arts degree from McGill University where he majored in Sociology, minored in Communication Studies and graduated with Distinction.