

writing, 2004, c. 21, s. 4.

Residual powers

(2) The Director may exercise a power conferred on the Director under section 17.1 even if he or she has delegated it to a person under subsection (1). 2004, c. 21, s. 4.

Hours free from work

18. (1) An employer shall give an employee a period of at least 11 consecutive hours free from performing work in each day. 2000, c. 41, s. 18 (1); 2002, c. 18, Sched. J, s. 3 (10).

Exception

(2) Subsection (1) does not apply to an employee who is on call and called in during a period in which the employee would not otherwise be expected to perform work for his or her employer. 2000, c. 41, s. 18 (2).

Free from work between shifts

(3) An employer shall give an employee a period of at least eight hours free from the performance of work between shifts unless the total time worked on successive shifts does not exceed 13 hours or unless the employer and the employee agree otherwise. 2000, c. 41, s. 18 (3).

Weekly or biweekly free time requirements

(4) An employer shall give an employee a period free from the performance of work equal to,

- (a) at least 24 consecutive hours in every work week; or
- (b) at least 48 consecutive hours in every period of two consecutive work weeks. 2000, c. 41, s. 18 (4).

Exceptional circumstances

19. An employer may require an employee to work more than the maximum number of hours permitted under section 17 or to work during a period that is required to be free from performing work under section 18 only as follows, but only so far as is necessary to avoid serious interference with the ordinary working of the employer's establishment or operations:

1. To deal with an emergency.
2. If something unforeseen occurs, to ensure the continued delivery of essential public services, regardless of who delivers those services.
3. If something unforeseen occurs, to ensure that continuous processes or seasonal operations are not interrupted.
4. To carry out urgent repair work to the employer's plant or equipment. 2000, c. 41, s. 19.

Eating periods

20. (1) An employer shall give an employee an eating period of at least 30 minutes at intervals that will result in the employee working no more than five consecutive hours without an eating period. 2000, c. 41, s. 20 (1).

Exception

- 24 consecutive hours off work in each work week;
or
- 48 consecutive hours off work in every period of two consecutive work weeks.

Exceptional Circumstances

In exceptional circumstances, and **only so far as is necessary to avoid *serious interference with the ordinary working of the employer's establishment or operations***, an employer can *require* an employee to work:

- more than the normal limit of eight hours a day, or the established regular work day if that is longer;
- more than the 48 hours per week (or the greater number of weekly hours agreed to and which are the subject of an approval from the Director of Employment Standards);
- during a required period free from work (see [Hours Free From Work <#free hours>](#)).

Exceptional circumstances exist when:

- there is an emergency;
- something unforeseen occurs that interrupts the continued delivery of essential public services, *regardless of who delivers these services* (for example, hospital, public transit or firefighting services, even if the employee only indirectly supports these services, such as an employee of a company that is contracted to prepare and deliver patient meals to a hospital);
- something unforeseen occurs that would interrupt continuous processes;
- something unforeseen occurs that would interrupt seasonal operations (that is, operations that are limited to or dependent on specific conditions or events--such as winter ski operations);
- it is necessary to carry out urgent repair work to the employer's plant or equipment.

Here are some examples:

- natural disasters (very extreme weather);
- major equipment failures;
- fire and floods;
- an accident or breakdown in machinery that would prevent others in the workplace from doing their jobs (for example, the shutdown of an assembly line in a manufacturing plant).

Here are examples of situations that do not fall under the exceptional circumstances exemption:

- when rush orders are being filled;
- during inventory taking;
- when an employee does not show up for work;
- when poor weather slows shipping or receiving;
- during seasonal busy periods (such as Christmas);
- during routine or scheduled maintenance.

Eating Periods and Breaks

Employers are required to provide eating periods to employees, but they are not required to provide other types of breaks.

Eating Periods

An employee must not work for more than five hours in a row without getting a 30-minute eating