Federal Post

Federal Government Adds Exemptions and Modifications to Hours of Work Provisions, Repeals Penalties for Breaches

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The federal government recently published regulations amending the *Exemptions from and Modifications to Hours of Work Provisions Regulations and the Administrative Monetary Penalties* (*Regulations*). (For further information on the exemptions, please see our *Federal Post* from December 16, 2021, Federal Government Publishes Exemptions to New Hours of Work and Notice of Schedule Requirements under *Canada Labour Code*.)

The *Regulations* provide additional exemptions from and modifications to the hours of work provisions requiring employers to provide:

- 96 hours' notice of work schedule
- 24 hours' notice of shift change
- 30-minute breaks every five hours of work
- eight-hour rest periods between work period or shifts

The amendments reflect feedback from public consultations that noted certain employee classes should be added, removed or modified.

The *Regulations* have added exemptions and/or modifications to specified classes of employees in the following sectors:

- banking
- telecommunications and broadcasting
- rail transportation
- air transportation

Employers in these sectors should review the *Regulations* to determine the nature of the exemptions and/or modifications and the classifications of employees to whom they will apply.

The Regulatory Impact Statement outlines that the stated objective of the Regulations is to support the implementation of the hours of work provisions in the *Canada Labour Code* in order to balance the operational realities of certain industries with the legislative goal of providing employees with work-life balance and more predictability in relation to their hours of work.

The Regulations also repeal the provisions of Schedule 2 in the Administrative Monetary Penalties Regulation that set out penalties for breaches under the Exemptions Regulations, effective immediately.

The amendments related to rail transportation, banking, and telecommunications and broadcasting come into force on January 4, 2024, with the amendments related to air transportation coming into force on June 4, 2024.

A full analysis of the changes can be found in the *Canada Gazette*. If you have any questions related to the Regulations, please contact your regular Hicks Morley lawyer.