



# Know Your Contract

## Article 28 – Payment of Wages and Allowances

### Article 28.01

This sub-section of Article 28 states “In accordance with the Employment Standards Act, no employee is required or expected to work for free.” This language was added to the 2019-2022 Collective Agreement to address concerns raised during the bargaining survey we launched in the fall of 2018.

That survey found that “...over half (63%) of respondents reported that in order to complete their daily tasks they work through breaks, many reported having to stay after their designated work hours (43%) and, unsettlingly, nearly half of employees who reported performing extra work outside their regular hours reported that they were not generally compensated for it.”<sup>1</sup>

Similarly, the bargaining survey we launched in the fall of 2021 found that “41% (N=49) were not generally compensated or paid overtime for work done outside of their regularly scheduled hours while 27% (N=32) that they sometimes are, and 30% (N=26) that they always are.”<sup>2</sup>

### Should you be working for free?

The short answer is no. The long answer is that working through your coffee breaks and lunch and putting in extra time after work is not good for your work/life balance. Working for free after hours cuts into your personal and family time and working for free is not good for your economic wellbeing.

Additionally, working for free hides workload issues from the employer. Consider this: If you work for free, VIU has no data upon which to base any decisions around hiring additional FTEs. If you think your department needs additional staff, you are not helping by working for free.

### Workload Overload

If your workload is overwhelming and you are skipping coffee/lunch breaks or working late to stay on top of things, stop. The issue *might* be the way you prioritize your daily tasks, so take a moment to reflect on the way you work and make any changes you deem necessary. If you are *still* struggling to stay on top of your work, you must talk to your supervisor about the situation.

### How do I get compensated for overtime?

Article 16.02, Overtime Entitlement, states “An employee will be entitled to compensation for authorized overtime after work in excess of a standard work day.” The key phrase here is *authorized*. Your supervisor must be aware of, and approve, overtime.

Article 16.03, Recording of Overtime, states “Employees shall record starting and finishing times for overtime worked on a designated form. It is the employee’s responsibility to identify premium pay claims.”

Article 16.01 defines the overtime premium pay claims to which you are entitled.

### Questions?

Our Collective Agreement and a list of stewards is available at <https://cupe1858.org/>.

### Endnotes

<sup>1</sup> From “CUPE Local 1858 Vancouver Island University Bargaining Survey Overview 2018” by Anusha Balram, 2018.

<sup>2</sup> From “CUPE 1858 Vancouver Island University Bargaining Survey Analysis February 2022” by Anusha Balram, 2022.