



## EMPLOYMENT STANDARDS



### What You Should Know About the Prince Edward Island Employment Standards Act

Most employees on Prince Edward Island are governed by the *Employment Standards Act* and Regulations that set minimum standards for the Island's workplaces.

**Your Rights and Responsibilities at Work**  
**Minimum Wage:** most employees must be paid at least the minimum wage. Contact the Employment Standards Branch at (902)368-5550; toll-free at 1-800-333-4362 or visit [www.peiemploymentstandards.com](http://www.peiemploymentstandards.com) for the current rate.

**Hours of Work:** most employees must be paid overtime pay after working more than 48 hours in any given week. Employees in certain industries must work more than 48 hours in any given week before becoming entitled to overtime pay. Contact Branch for details.

**Over-time Pay:** rate must be at least 1.5 times the employee's regular rate of pay for each hour of overtime worked.

**"Banking" of Overtime Hours:** an employee can choose to accumulate overtime hours as paid time off if the employer agrees. The agreement must be in writing. An employee must receive 1.5 hours of paid time off for each hour of overtime accumulated. Contact Branch for details.

**Pay Periods:** an employee's pay period must not exceed 16 days. Pay day can not be later than five working days from the close of that pay period.

**Pay Stub:** employees must receive a pay statement along with their pay. Employees who receive an electronic pay statement must have confidential workplace access to view the statement and a means of making a paper copy.

**Reporting Pay:** each time an employee is required to report to work, or for a work-related activity, the employee must be paid for at least three hours on their regular pay.

**Rest Periods:** most employees are entitled to:  
 • a daily unpaid break of at least one-half hour after every five continuous hours of work; and  
 • a weekly unpaid break of at least 24 consecutive hours in every week of seven days.

**Paid Vacation:** most employees are entitled to an annual paid vacation of two weeks after each year of employment and then three weeks of annual paid vacation after the employee has completed eight continuous years of the same employer. Part-time employees who have worked for a continuous period of one year can decide to receive vacation pay instead of vacation time after notifying the employer in writing.

**Paid (Statutory) Holidays:** New Year's Day, Islander Day, Good Friday, Canada Day, Labour Day, Remembrance Day and Christmas Day.

**Tips:** tips and gratuities are the property of an employee and cannot be shared with an employer.

**Special Leaves:** most employees are entitled to 10 job-protected leaves:  
 • bereavement leave: one paid day and up to two unpaid days for the death of an immediate family member; up to three unpaid days for the death of an extended family member;  
 • sick leave: up to three unpaid days each calendar year for employees with more than three months but less than five years continuous employment with the same employer. One day of paid sick leave and up to three days of

unpaid leave each calendar year for employees with more than five years of continuous employment with the same employer;  
 • family leave: three unpaid days each calendar year after six months of continuous employment with the same employer;  
 • maternity/parental/adoption leave: unpaid leave of up to 78 weeks. Eligible if employed by the same employer in any 20 weeks of the 52 weeks prior to start of leave and if currently employed by the same employer;  
 • critically ill child leave: unpaid leave of up to 37 weeks within a 52-week period to provide care and support to a critically ill child; must be continuously employed for at least three months and be the parent of the child;  
 • crime-related disappearance / death of a child leave: unpaid leave of up to 52 weeks if the employee's child disappears as a probable result of a crime; 104 weeks if the employee's child dies as a probable result of a crime; must be continuously employed for at least three months and be the parent of the child;  
 • court leave: unpaid leave for jury duty;  
 • compassionate care leave: an unpaid leave of absence of up to 28 weeks to care for someone who is considered to be a family member and has been diagnosed with a condition which has a significant risk of death within 26 weeks;  
 • reservist leave: unpaid leave for an employee who must be absent from civilian employment for military service; must work at least six months for the same employer;  
 • effective 1 November 2019, domestic violence / intimate partner violence / sexual violence leave - 3 paid days and 7 unpaid days per calendar year after three months of continuous employment with the same employer.

**Notice of Termination:** employers who terminate an employee without just cause must give the employee written notice or pay in lieu of written notice:  
 • less than six months of continuous employment – no notice required;  
 • six months to five years continuous employment – two weeks;  
 • five years to 10 years continuous employment – four weeks;  
 • 10 years to 15 years continuous employment – six weeks;  
 • more than 15 years continuous employment – eight weeks

Employees who resign with between six months and five years of continuous employment must provide one week of written notice to the employer and after five years of continuous employment must provide two weeks of written notice. An employee who resigns within six months of continuous service is not required to give notice.

**Pay Deductions:** an employee's pay is subject only to permitted deductions. Contact Branch for details.

**Youth Employment:** employees under 16 years have special rules. Contact Branch for details.

**Other Provisions:** other employment rules are not listed on this poster. To obtain more information or a complaint form or to obtain a free copy of the Guide to Employment Standards, contact the Employment Standards Branch at Tel: (902)368-5550 or toll free at: (1-800) 333-4362; Fax: (902)368-5476 or visit [www.peiemploymentstandards.com](http://www.peiemploymentstandards.com)

**This poster is a guide only. The reader is strongly advised to consult the Employment Standards Act and Regulations or Youth Employment Act. Where any difference exists between this poster and the legislation, the legislation will be considered correct.**

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## INJURIES AT WORK



### In Case of Injury at Work

**WOMEN**  
 See a doctor if you need medical care and tell the doctor that you were hurt at work. Tell your supervisor or employer about the injury.

Report the injury to the WCB using a Worker's Report - Form 6. The form is available at [www.wcb.pe.ca](http://www.wcb.pe.ca), through your employer or at the WCB office.

The Workers Report / Form 6 is required whether you miss time from work or not.

**EMPLOYERS**  
 Report the injury to the WCB within three days of being notified.

Report the injury to the WCB using WCB Online Services at [www.wcb.pe.ca](http://www.wcb.pe.ca) or complete the Employer's Report - Form 7, available on the WCB website or at the WCB office.

The Employers Report / Form 7 is required whether the worker misses time from work or not.

Report all **serious** workplace injuries, as defined under section 36.1 of the Occupational Health and Safety (OHS) Act, immediately to the 24hr OHS Emergency Line at 902-628-7513.

**REPORTING OPTIONS**

Form 6 and 7 are available on the WCB website at [www.wcb.pe.ca](http://www.wcb.pe.ca)

File by mail to: **Workers Compensation Board of PEI**  
 14 Weymouth Street, PO Box 757  
 Charlottetown, PE C1A 7L7  
 File by fax at 1-902-368-5696  
 Employers may file electronically through WCB Online Services at [www.wcb.pe.ca](http://www.wcb.pe.ca)  
 For more information call the  
 Workers Compensation Board toll-free in Atlantic Canada at 1-800-237-5049 or phone 902-368-5680.

## OCCUPATIONAL HEALTH COMMITTEES

# SAFETY REPRESENTATIVE

### Do you know your health and safety responsibilities?

- Participate in **regular inspections and investigations** of incidents
- Make **recommendations** to the employer for improvements on health and safety issues
- Encourage workers to **first report hazards and concerns** to their supervisor
- A **safety representative** is required in workplaces with 5-19 workers
- A **full committee** is required in workplaces where there are 20 or more workers

**For more information**  
 902-368-5680 or toll-free 1-800-237-5049  
[ohs@wcb.pe.ca](http://ohs@wcb.pe.ca)  
**WCB.PE.CA**

Workers Compensation Board of PEI

September 2023

## JOINT HEALTH AND SAFETY COMMITTEES



**What is a joint health and safety committee?**  
 A joint health and safety committee (JHSC) is composed of worker and employer representatives. Together, they should be mutually committed to improving health and safety conditions in the workplace. Committees identify potential health and safety issues and bring them to the employer's attention and must be kept informed of health and safety developments in the workplace by the employer. As well, a designated worker member of the committee inspects the workplace at least once a month.

**What is the joint health and safety committee's role?**  
 The committee is an advisory body that helps to stimulate or raise awareness of health and safety issues in the workplace, recognizes and identifies workplace risks and develops recommendations for the employer to address these risks. To achieve its goal, the committee holds regular meetings and conducts regular workplace inspections and makes written recommendations to the employer for the improvement of the health and safety of workers.

**Why are joint health and safety committees important?**  
 Joint health and safety committees assist in providing greater protection against workplace injury and illness and deaths. Joint health and safety committees involve representatives from workers and employers. This co-operative involvement ensures that everything possible is done to identify and eliminate or mitigate workplace health and safety hazards.

Joint health and safety committees are a key element of a well-functioning workplace internal responsibility system.

### Which workplaces must have joint health and safety committees?

No. of Workers	Legislative requirement
1 to 5	You are not required to have a JHSC or a health and safety representative unless a designated substance regulation applies to your workplace.
6 to 19	You are required to have one health and safety representative who is selected by the workers they represent. If a designated substance regulation applies to your workplace, you are required to have a JHSC.
20 to 49	You are required to have a JHSC. The committee must have at least two (2) members.
50 plus	You are required to have a JHSC. The committee must have at least four (4) members.

Name	Department	Contact Information

## EMPLOYMENT INSURANCE



### Employment Insurance | Service Canada

Employment Insurance (EI) provides regular benefits to individuals who lose their jobs through no fault of their own (for example, due to shortage of work, or seasonal or mass lay-offs) and are available for and able to work, but can't find a job.

Always apply for EI benefits as soon as you stop working. You can apply for benefits even if you haven't yet received your record of employment. If you delay filing your claim for benefits for more than 4 weeks after your last day of work, you may lose benefits.

**Do You Qualify?**  
 The information below should be used as a guideline. We encourage you to apply for Employment Insurance (EI) benefits as soon as possible and let us determine if you're eligible.

You need to demonstrate that you:  
 - were employed in insurable employment  
 - lost your job through no fault of your own  
 - are affected by flooding or wildfires  
 - have been without work and without pay for at least 7 consecutive days in the last 52 weeks  
 - have worked for the required number of insurable employment hours in the last 52 weeks or since the start of your last EI claim, whichever is shorter  
 - are actively willing and capable of working each day  
 - are actively looking for work (you must keep a written record of employers you contact, including when you contacted them)

To prove your eligibility and to receive payments you may be asked to, you're required to complete bi-weekly reports by internet or telephone. Failure to do so can mean a loss of benefits.

You may not be eligible for EI benefits:  
 - if you voluntarily left your job without just cause  
 - if you were dismissed for misconduct  
 - if you're unemployed because you're directly participating in a labour dispute (for example, a strike, lockout or other type of conflict)  
 - during a period of leave that compensates for a period in which you worked under an agreement with your employer, more hours than are normally worked in full-time employment

**If you're in jail**  
 You're not entitled to receive EI benefits while you're confined to a jail, penitentiary or other similar institution.

If you've been incarcerated but are later found not guilty by a court of law on all counts in relation to the event that led to your incarceration, your qualifying period and benefit that led to your extended unemployment providing necessary proof.

Once you've applied for EI benefits, you'll be asked to provide us with proof that you were confined to a jail, penitentiary or other similar institution and that you were not found guilty of the offence(s) for which you were being held.

For a qualifying period or benefit period to be extended, you'll be asked to, you're required to complete bi-weekly reports by:  
 - a letter from the institution where you were incarcerated, specifying the dates of your incarceration  
 - documentation showing that no other outstanding charge(s) in relation to the event(s) that originally led to the incarceration exist, to confirm the time served is not being credited to any other charge(s) in relation to the original event or any other subsequent event  
 - proof that you have not been found guilty of the charge(s) from the original event that led to your incarceration  
 Keep these documents in a safe place. We'll contact you and provide you with instructions on how to submit them.

**You need at least 420 hours of insurable employment to qualify for EI**  
 Number of hours of insurable employment required to qualify for EI

The qualifying period is the shorter of:  
 - the 52-week period immediately before the start date of your claim, or  
 - the period from the start of a previous benefit period to the start of your new benefit period, if you applied for benefits earlier and your application was approved in the last 52 weeks

**Exception:** In some cases, the qualifying period may be extended to a maximum of 104 weeks if you weren't employed in insurable employment or if you weren't receiving EI benefits.

Based on the unemployment rate in your area, you'll need between 420 and 700 hours of insurable employment during the qualifying period to qualify for regular benefits.

**Information you need to apply**  
 Make sure your information is accurate before submitting it. A common mistake, like misspelling your parent's last name at birth, can delay the processing of your claim.

Do not enter your parent's first name, married name, or date of birth.

To complete the online EI application, you will need the following information:  
 - your social insurance number (SIN)  
 - if your SIN begins with a '9', you will need to supply proof of your immigration status and work permit  
 - the last name at birth of 1 of your parents  
 - your mailing and residential addresses, including postal codes  
 - your complete banking information to sign up for direct deposit, including:  
 - the name of your financial institution

**MINIMUM WAGE**

**EMPLOYMENT STANDARDS ACT**  
 Chapter E-6.2  
**MINIMUM WAGE ORDER**

Pursuant to section 5 of the *Employment Standards Act* R.S.P.E.I. 1988, Cap. E-6.2, Council approved the following Minimum Wage Order made by the Employment Standards Board:

**1. Minimum rate**  
 The minimum rate of wages for all employees to whom section 5 of the *Employment Standards Act* R.S.P.E.I. 1988, Cap. E-6.2, applies shall be:

**\$16.00 per hour effective October 1, 2024.**  
 (EC139/96; 513/99; 195/02; 518/05; 361/06; 153/08; 238/09; 249/10; 68/11; 271/14; 701/14; 700/15; 78/17; 644/17; 653/18; 764/19; 670/20; 876/21; 656/22; 840/23)

**2. Board and lodging**  
 (1) The maximum amounts that may be deducted from the wages of an employee to whom section 5 of the *Employment Standards Act* applies where the employer furnishes board and lodging are as follows:

(a) for board and lodging .....	\$61.60 per week
(b) for board only .....	\$49.50 per week
(c) for lodging only .....	\$27.50 per week
(d) for single meals .....	\$4.25 per meal

**Idem**  
 (2) No charge is to be made for a meal not received by an employee. In no case shall the employee's pay, after board and lodging deductions, be a lesser amount than the minimum rate less the price schedule shown in this Order.  
 (EC139/96; 238/09; 644/17; 764/19; 670/20)

**3. Deduction for uniforms or footwear**  
 Revoked by EC631/10. (EC572/98; 631/10)

**4. Cash shortages**  
 Revoked by EC631/10. (EC572/98; 631/10)

**Employers** have the right to set clear definitions of job descriptions and the requirements and qualifications of employees in filling a particular job description, and business priorities. An employer also has the right to hire the most qualified person for the job regardless of the grounds of discrimination outlined in the *Prince Edward Island Human Rights Act*.

A positive work environment is one which embodies principles of mutual respect for diversity and actively promotes the welfare of individuals from certain groups. The employer should be a cooperative effort between the employer and employee in respecting one another's rights. If both sets of rights are pursued in a genuine, conscientious, and active manner, the goal of creating a positive work environment characterized by mutual respect and equality may be better achieved.

**Employer Responsibilities**  
 An employer has comprehensive responsibilities, including:  
 • a work environment that permits open communication and dialogue  
 • policies and policy implementation plans to enhance workplace rights such as a sexual harassment policy  
 • equal pay for equal work  
 • awareness of legislation which pertains to employment (i.e. *Employment Standards Act*, *Human Rights Act*)

These responsibilities will be discussed further throughout this guide.

**Part I: Employment Hiring and Recruitment**  
 Employers must understand that in order for the employment recruitment process to be free of discrimination, employment advertising, interviews, or other considerations cannot be based solely on a person's race or ethnicity. Wages may be based on the quantity or measure of performance.

**Part II: Employment Hiring and Recruitment**  
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## WORKPLACE HARASSMENT



### Workplace Harassment Regulations Frequently Asked Questions

Every worker has a right to a healthy and safe workplace. To achieve this, employers and workers play a contributing role in creating and maintaining a positive and respectful work environment.

The Workers Compensation Board (WCB) of Prince Edward Island has introduced changes to the *Occupational Health and Safety (OHS) Act* and Regulations on Workplace Harassment.

**What is workplace harassment?**  
 Workplace Harassment is generally defined as any inappropriate conduct, comment, display of attitude or gesture where the person responsible knows, or ought reasonably to know, that the behavior could have a harmful effect on a worker's psychological or physical health or safety. The Workplace Harassment Regulations provides a standard definition for harassment.

**As an employer, what are my responsibilities?**  
 The Workplace Harassment Regulations outline the employer responsibilities. This includes:  
 • Developing a written workplace harassment policy that includes reporting procedures.  
 • Performing a confidential investigation appropriate to the circumstances, when a complaint of harassment is made in the workplace.  
 • Ensuring that sources of harassment are identified and stopped.  
 • Taking reasonable steps to remedy the effects of harassment and to prevent or minimize future incidents.

**As a worker, what are my responsibilities?**  
 Workers can contribute to a harassment free workplace by cooperating themselves in accordance with the standards established in the employer's harassment policy. Workers are required to report incidents of harassment, conducting in the investigation of a harassment complaint and maintain confidentiality throughout the process.

**What is the role of an OHS Officer?**  
 An Officer's role is to ensure an employer has adequate policies, procedures, and training in place to address workplace harassment and takes appropriate actions to remedy any harassment consistent with their obligations as described in the *OHS Act* and *Workplace Harassment Regulations*.

**Are workers eligible for workers compensation benefits for bullying and harassment?**  
 As with any claim, WCB's entitlement team will consider claims for psychological injuries in accordance with the *Workers Compensation Act* and policies. Psychological injury claims are recognized only where the condition has been caused by an "acute reaction" to a "traumatic event" as defined in the Psychological Injuries and Impairment Policy (PIV-01).

**When will the new regulations come into effect?**  
 The Workplace Harassment Regulations come into effect July 1, 2020. To view the Regulations, and other helpful resources on workplace harassment, please visit [wcb.pe.ca](http://wcb.pe.ca).

[wcb.pe.ca](http://wcb.pe.ca) | 902-368-5680 | 1-800-237-5049 | @wcbpei  
 14 Weymouth Street, PO Box 757 | Charlottetown PE | C1A 7L7

**HUMAN RIGHTS CODE**

**Workplace Rights: A Guide to the PEI Human Rights Act for Employers and Employees**

**Introduction**  
 The *Prince Edward Island Human Rights Act* (the "Act") protects the inherent dignity and worth of every human and provides for equal rights and opportunities free of discrimination. The Act prohibits discrimination in employment on the following grounds: age, association, color or race, creed or religion, ethnic or national origin, criminal conviction, family status, marital status, physical or intellectual disability, political belief, sexual orientation, source of income, sex (including pregnancy and sexual harassment) and having filed a complaint or given assistance under the Act.

It is advantageous for an employer-employee relationship and thus an enterprise to be free from prejudice and discrimination.

An effective workplace is developed and maintained by an employer's efforts in providing equal access to employment opportunities and equitable treatment for all in the workplace.

This guide is published by the PEI Human Rights Commission to increase awareness of human rights issues pertaining to employment according to the PEI Human Rights Act. The information outlined in this booklet is intended to act as a general and educational reference for employers and employees on key areas of concern in the protection of human rights and dignity for all in the workplace.

**Part I: The PEI Human Rights Act: Employer and Employee Rights and Responsibilities**  
**Employers' Rights**  
 Employees are entitled to a workplace that preserves their human dignity and is free from discrimination and harassment, and a workplace where each employee's abilities, rather than disabilities, are the focus. Employees are entitled to be considered on an individual basis and not to be excluded because they belong to a particular group.

Employees have the right to a positive work environment which enhances open dialogue and the needs of employees and employment policies that strive to accommodate these needs.

Specifically, the *PEI Human Rights Act* prohibits the following forms of discrimination in employment:  
**Section 6.1** Refusing to employ, or continue to employ an individual based on a discriminatory ground (i.e. hire, promote, dismiss).  
**Section 6.2** (a) Placing terms or conditions on employment that are discriminatory (i.e. pay, benefits, training, promotion, etc.).  
**Section 6.3** Advertising for a job that excludes or only includes certain groups.  
**Section 7** Paying different rates of pay for equal work based on a discriminatory ground.  
**Exceptions**  
**Section 6.4(a) and 14.1(1)(b)** A genuine occupational qualification.  
 Example: A server at a licensed restaurant must be of legal provincial drinking age (19 in PEI).  
**Section 6.4(c)(d)** When special equipment programs are designed and put in place to promote the welfare of certain groups.  
 Example: Youth Employment Programs.

**Employee Responsibilities**  
 Employees have the responsibility to be punctual, and to behave in a respectful and productive manner which meets and exceeds the requirements of the job description outlined by the employer.

**Discrimination in Pay**  
 The *PEI Human Rights Act* states that an employer shall not discriminate between employees by paying one employee less than another for substantially the same work requiring the same level of education, skill, experience, effort and responsibility, and is performed under similar working conditions. When the jobs are "substantially the same", the employer must pay the same rate of pay without regard to age, sex, or any other prohibited ground of discrimination.

**Exception**  
 • Seniority System: Employees who have been employed with the employer longer or have more experience may receive higher pay.  
 • Merit System: Employees may be rewarded for their work through a pay raise.  
 • Quantity or Quality System: Wages may be based on the quantity or quality of production or measure of performance.

**Employers' Rights**  
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**Unlawful Harassment**  
 Unlawful harassment may be described as an action that would extend the employer's duty to accommodate to the point of an unreasonable burden on the employer. Some examples of unlawful harassment may include but are not limited to:  
 a. The accommodation affects safety and health concerns of the enterprise.  
 b. The accommodation affects morale of other employees in the workplace.  
 c. The accommodation affects the financial viability of the enterprise.  
 d. The accommodation contravenes the collective agreement.

Ultimately, it is the employer's responsibility to prove the existence of undue hardship as a result of providing accommodation to an individual.

**Exception**  
 Accommodation may only be denied to an employee if a rule, standard, or practice within the workplace is based on a genuine occupational qualification. A genuine occupational qualification is a requirement necessary to perform the duties of the job correctly and safely. As such, an employee would have to meet this standard in order to fulfill the basic duties of the job. Examples of genuine occupational qualifications include:  
 a. A requirement for a specific age or gender to obtain a provincial driver's license under the *PEI Highway Safety Act*.  
 b. Failure to accommodate an employee based on his or her needs as outlined in the Act, which is not justified by a genuine occupational qualification, is considered a direct contravention of the *PEI Human Rights Act*.

**Disclosure of Medical Information in the Workplace**  
 The process by which an employer obtains and responds to disclosed medical information of an employee is a contentious matter which requires serious and complementary workplace policies to be developed and implemented in order to preserve human rights in the workplace.

An important factor is an employer's right to privacy. Due to the private nature of some psychological and physiological conditions, such conditions must not be divulged at the expense of an employee.

An employer does not have an unconditional right to full disclosure of an employee's medical situation. An employer may only request information as it relates to the specific job of the employee. An employer may not request medical information which is not employment related as a condition of employment.

It is an employee's right to explicitly confidentially concerning the disclosure of private medical information. Therefore, an employer is not permitted to release medical information to anyone other than an authorized person for a specific purpose. Any other communication of medical information is considered a violation of the employee's right to privacy.

It is an employer's right to be provided medical information from an employee's physician if the medical information concerns the accommodation of specific needs of an employee such as specific treatment plans which necessitate changes in the workplace in order to accommodate.

**Drug and Alcohol Testing**  
 Dependence on drugs or alcohol is a chronic, long term, and sometimes recurring illness. As such, substance abuse is covered under the *PEI Human Rights Act*. However, physical and intellectual disabilities of individuals with substance abuse addictions are entitled to accommodation to the point of undue hardship.

When an employee has a substance abuse problem/addiction that is affecting job performance, the duty to accommodate still applies. Accommodation usually means an employer granting an employee leave to seek treatment and allowing them to return to the same position without discrimination. Accommodation does not however include the employer allowing a worker to be on the job while under the influence, or continuing to employ an employee who refuses to seek treatment for his or her addiction.

The *PEI Human Rights Act* does not contain specific provisions concerning drug and alcohol testing in employment as this area of human rights is still developing. However, recent decisions have determined that it is a serious matter which must be addressed. Random drug testing is prohibited under human rights law, yet, if there is a genuine occupational qualification related to the job, such as in safety sensitive positions, drug and alcohol testing may be permitted.

**Part IV: Harassment and Bullying**  
**Harassment**  
 Harassment may be described as the unwelcome presence of comments and offensive jokes or pictures, to unwelcome physical contact in the workplace. Most human rights laws, including the *PEI Human Rights Act*, only cover harassment if the unwelcome behaviour can be linked to a prohibited ground of discrimination. The most common form of harassment that is covered under human rights law is sexual harassment. Under human rights law, sexual harassment is considered discrimination based on sex. Harassment can also be based on other grounds of discrimination, such as sexual orientation, race, age, physical or intellectual disability.

Consider this scenario:  
 Sarah is Muslim and chooses to wear the niqab (a veil which covers the face). Her office coworkers repeatedly tease and berate her due to her apparel. Sarah is hurt by this behaviour as she finds it insensitive and intolerant. As such, it is affecting her confidence and work productivity and may be contrary to the *Human Rights Act*.

Consider this scenario:  
 Ben is working in an office where his female colleagues are constantly making sexual jokes and references. He is not included in the joking and it is not directed towards him. He finds the joking crude and offensive.

Ben may be experiencing sexual harassment in his workplace. Although he is not the target of the jokes and references, these references create a poisonous and uncomfortable work environment for Ben.

What is considered significant in harassment complaints is not the intent of the alleged harasser but the effect the harassment has on the individual or group suffering from the harassment. Therefore, it is important to create a workplace environment based on mutual respect.

On the *PEI Employment Standards Act* requires every employment agency to develop and make public a Sexual Harassment Policy. This allows employees the opportunity to see what measures are in place in order to report any sexual harassment grievances. Many employers are now including bullying or personal harassment in their Workplace Harassment policies.

Workplace bullying is a type of abusive harassment which is comprised of (usually) repetitive, hurtful and intimidating behavior from one group or person against another. Bullying can be of either a psychological or physical nature.

Bullying in the workplace creates an uncomfortable work environment for the target of the bullying and may have drastic long term effects on the person as well as on the employer. Some of these effects may include:  
 a. negative emotional health  
 b. low employee morale  
 c. high turnover and training costs  
 d. low productivity  
 e. increase in absenteeism  
 f. damage to the public image of the employer/employment agency  
 g. violence

If bullying cannot be tied to a prohibited discriminatory ground, this means that the act of bullying is not covered by the *PEI Human Rights Act*. However, this behavior should not be taken lightly and should be discouraged because it creates the same negative environment for all in the workplace. Employers are encouraged to have policies in place to deal with these situations.

**Part V: Contacting the Commission**  
 If you require more information, you can contact the Prince Edward Island Human Rights Commission.  
 In Person: Street, Charlottetown, PE  
 By Mail: PEI Human Rights Commission  
 PO Box 2000  
 Charlottetown, PE C1A 7H8  
 By Telephone: (902) 368