



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

HOURS OF WORK AND OVERTIME

CANADIAN LANGUAGE BENCHMARK 2

This activity kit, designed to teach newcomers to Ontario in Adult ESL and LINC classes about their legal rights and responsibilities, includes:

<u>Introductory notes for instructors</u>	<u>1</u>
<u>Activities for learners</u>	<u>2-8</u>
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Visit www.cleo.on.ca to download these pages and to find other legal information.

MAY 2010

CLEO thanks
THE LAW FOUNDATION OF ONTARIO
for funding this project.

HOURS OF WORK AND OVERTIME

INTRODUCTORY NOTES

Context outcomes	Get an introduction to the laws about hours of work and overtime. Understand the importance of keeping records of hours worked.
CLB outcomes	 Get information from very basic texts.  Express and respond to a number of requests.
Activities	Working overtime <hr/> Keep track of your hours <hr/> Amalia's hours of work A and B <hr/> Getting help with a legal problem <hr/>

Free companion resource
Your rights at work

The information in this activity kit is based on the CLEO publication called *Your rights at work*. Read the publication before using the activity kit, and keep it on hand for reference as you guide learners through the activities. You can find it on CLEO's web site at www.cleo.on.ca. To order free copies for your class, you can use the online order form or call **416-408-4420, extension 33**.

Please take note

Ontario's *Employment Standards Act (ESA)* is a law that outlines the rights of employees and the responsibilities of employers. The *ESA* sets minimum standards for working conditions. Many employers offer better.

The information in these activities applies to most but not all workers. Not all jobs are covered by the *ESA*, and in some cases only parts of the *ESA* apply. Some industries, such as banks, airlines, trucking and broadcasting, are regulated by the federal government. Learners should get legal advice if they have concerns.

Immigration status does not matter. You do not need to be a Canadian citizen, permanent resident, or holder of a work permit to be covered by the *ESA*.

The information in these activities is not a substitute for legal advice. Every situation is different so learners with concerns should get legal help. They can contact their local community legal clinic. To find the nearest community legal clinic, check Legal Aid Ontario's web site at www.legalaid.on.ca or phone **1-800-668-8258** (toll-free).

Working overtime

A. Read the story.

Isabel is a cashier. She works 8 hours a day, from 2 to 10:30 p.m. She has a 30 minute break at 7 p.m. Her break is unpaid. She works 5 days a week, from Tuesday to Saturday. Isabel works 40 hours a week. She has two days off every week. This is her regular work week.

Sometimes, Isabel's employer asks her to work more hours. Isabel says yes, because she needs the money. Isabel is paid 1 ½ times her hourly rate for each hour of overtime. Overtime is more than 44 hours a week.



B. Comprehension: Please correct the mistakes.

1. Isabel is a cleaner. _____
2. She works 8 hours a week. _____
3. She starts work in the morning. _____
4. She works four days a week. _____
5. She has two 15 minute breaks. _____
6. She has Saturdays and Sundays off. _____
7. She doesn't work on Tuesdays. _____
8. Her regular work week is 42 hours. _____
9. She never works more than 44 hours. _____
10. Her hourly rate is always the same. _____

Keep track of your hours

A. Read the calendar.

Isabel is careful to keep good records of her hours of work. She writes her hours on a calendar. Here are two weeks in July from her calendar.

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
11 Off	12 2 - 7	13 2 - 10:30	14 2 - 10:30	15 2 - 10:30	16 2 - 10:30	17 2 - 10:30
18 Off	19 4 - 7	20 2 - 10:30	21 2 - 11:30	22 2 - 11:30	23 2 - 10:30	24 2 - 11:30

B. Comprehension: Answer the questions.

- How many hours did Isabel work in the first week? _____
the second week? _____
- How many hours of overtime did Isabel work in the first week? _____
the second week? _____
- Isabel must get a 30-minute break after 5 hours of work. What dates did she not get a break? _____

C. Check the information from Isabel's pay stub. Find the mistakes.

Name:	Isabel Rivera-Hall	
Pay period:	June 1 to 24, 2010	
Rate of pay:	\$10.25 an hour	
Overtime rate of pay:	\$12.50 an hour	
	Hours	Wages
Regular hours:	88	\$902.00
Overtime hours:	<u>5</u>	<u>46.14</u>
Total hours:	91	
Total wages (before deductions):		\$948.14

Amalia's hours of work – A

A. Read the information about Amalia's hours of work. Ask your partner for the missing information. Example:

- Did Amalia work on October ____?
- What were her hours?

October						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Write the information on the weeks from her calendar.

Answer your partner's questions.

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
17 Off	18	19 7 a.m. - 3:30 p.m. <u>8</u> hours	20	21	22 7 a.m. - 3:30 p.m. <u> </u> hours	23
24	25 7 a.m. - 3:30 p.m. <u> </u> hours	26	27 7 a.m. - 4:30 p.m. <u> </u> hours	28 7 a.m. - 5:30 p.m. <u> </u> hours	29	30 Off

B. Now read the information from Amalia's pay stub. Fill in the missing information.

Name:	Amalia Karjadi	
Pay period:	October 17 - 30, 2010	
Rate of pay:	\$12 an hour	
Overtime rate of pay:	\$_____ an hour	
	Hours	Wages
Regular hours:	_____	\$ _____
Overtime hours:	_____	\$ _____
Total hours:	_____	
Total wages (before deductions):		\$ _____

Amalia's hours of work – B

A. Read the information about Amalia's hours of work. Ask your partner for the missing information. Example:

- Did Amalia work on October ____?
- What were her hours?

October						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Write the information on the weeks from her calendar.

Answer your partner's questions.

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
17	18 7 a.m. - 3:30 p.m. <u>8</u> hours	19	20 7 a.m. - 3:30 p.m. __ hours	21 7 a.m. - 3:30 p.m. __ hours	22	23 7 a.m. - 3:30 p.m. __ hours
24 Off	25	26 7 a.m. - 4:30 p.m. __ hours	27	28	29 7 a.m. - 5:30 p.m. __ hours	30

B. Now read the information from Amalia's pay stub. Fill in the missing information.

Name:	Amalia Karjadi	
Pay period:	October 17 - 30, 2010	
Rate of pay:	\$12 an hour	
Overtime rate of pay:	\$_____ an hour	
	Hours	Wages
Regular hours:	_____	\$ _____
Overtime hours:	_____	\$ _____
Total hours:	_____	
Total wages (before deductions):		\$ _____

Getting help with a legal problem

A. Read the story.



Diego works as a cleaner. He usually works 40 hours a week. Last week his supervisor asked him to work overtime, and he agreed. When he got his pay stub, he noticed a problem.



B. Unscramble the words to make sentences.

1. my pay overtime Where's ?

2. get we overtime Do pay ?

3. sure not I'm . the Ask supervisor .

4. company time for and half overtime doesn't The pay a .

5. legal I some help need .

C. Fill in the blanks with words from the story.

1. Do we get overtime _____?

2. I need some _____ help.

3. The company doesn't pay _____ and a half for overtime.

4. I got the same pay for my regular _____ and my overtime _____.

5. I'm not sure. Ask the _____.

D. Practise the conversations in the story with another student.

Workers who have low incomes may be able to get help from a community legal clinic. To find the nearest community legal clinic, check Legal Aid Ontario's web site at www.legalaid.on.ca or phone their toll-free number, **1-800-668-8258**.

Getting help with a legal problem

E. Read the story. Fill in the speech bubbles.



Diego works as a cleaner. He usually works 40 hours a week. Last week his supervisor asked him to work overtime, and he agreed. When he got his pay stub, he noticed a problem.



TEACHING NOTES

Curriculum connections

LINC/Adult ESL:

Theme: Employment

Topic: Working in Canada

Theme: Canadian Law

Topic: Employment Law

Theme: Community & Government Services

Topic: Counselling & Advocacy

Vocabulary

employer, worker, hours, hourly, break, regular, overtime, time and a half, work, get, get paid, need, calendar, more than, pay stub, pay period, rate of pay, total, supervisor, company, legal aid, community legal clinic

Working overtime (page 2)

You can ask learners what they know about hours of work, breaks, and days off. You can read the story as a class. More advanced learners can read the story individually and then answer the questions below. They can check their answers with a partner.

Note: The regular work day cannot be more than 13 hours and the regular work week cannot be more than 48 hours.

Answers:

B.

1. *Isabel is a cashier.*
2. *She works 8 hours a day.*
3. *She starts work in the afternoon.*
4. *She works five days a week.*
5. *She has a 30 minute break at 7 p.m.*
6. *She has Sundays and Mondays off.*
7. *She works on Tuesdays.*

Or:

She doesn't work on Sundays and Mondays.

8. *Her regular work week is 40 hours.*
9. *Sometimes she works more than 44 hours.*
10. *Her hourly rate is not always the same.*

Or:

Her hourly rate for overtime is 1½ times her regular hourly rate.

**Keep track of
your hours
(page 3)**

This activity reinforces the importance of keeping good records. You can elicit that this involves recording hours, keeping documents such as pay stubs, reconciling one's own records with pay stubs, and hanging on to them in case there's a mistake.

Learners can read the calendar and you can ask questions. Learners can practise forming questions. Remind learners that Isabel's breaks are unpaid. See the ESL activity kit *Breaks at work* CLB 1/2 for more information on laws about breaks.

Make sure learners distinguish between hours which are merely in excess of Isabel's regular work week, and hours which are paid as overtime hours.

See **Diego's pay stub** in the ESL activity kit *Laws about pay* CLB 2 for an activity involving a closer look at the components of a pay stub, including information about deductions.

Answers:

B.

1. *first week: 45
second week: 46*
2. *first week: 1
second week: 2*
3. *Monday July 12 and Monday July 19.*

C. There are three mistakes.

1. *The pay period begins July 11, not July 1.*
2. *The overtime rate of pay is \$15.38 an hour, not \$12.50 an hour.*
3. *The number of overtime hours is 3, not 5.*

**Amalia's hours of work
(pages 4-5)**

This is an activity which provides speaking and listening practice, as well as further reinforcement of the importance of keeping good records. The two weeks from the calendar show Amalia's hours of work for October 17-30, 2010. It may be helpful to learners if you write Amalia's hours of work for one day on the board ("Monday, 7 a.m-3:30 p.m., 8 hours") and elicit that Amalia's break is unpaid.

Each learner works with a partner. One learner has **Amalia's hours of work—A** and the other has **Amalia's hours of work—B**. You can use the calendar in the upper right hand corner of the handout, or a larger calendar you may have in your class, to explain that there are two weeks from the month of October, 2010 on their handouts.

Learners take turns asking and answering questions, working together to complete the missing information on their calendars. Encourage them to do this without looking at each other's handouts. When they're finished, they can compare calendars and check their answers.

You may wish to elicit other questions learners can ask about Amalia's hours, such as:

- How many hours did Amalia work on October ____?
- What were Amalia's hours on October ____?

You may also wish to review the difference between the pronunciation of cardinal and ordinal numbers.

Refer to the ESL activity kit *Hours of work* CLB 1 for another information gap activity involving recording hours on calendars.

See the ESL activity kit *Laws about pay* CLB 2 for an activity involving a closer look at the components of a pay stub, including information about deductions.

Answers:

Complete calendar excerpt and information from pay stub:

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
17	18	19	20	21	22	23
Off	7 a.m. - 3:30 p.m.	7 a.m. - 3:30 p.m.	7 a.m. - 3:30 p.m.	7 a.m. - 3:30 p.m.	7 a.m. - 3:30 p.m.	7 a.m. - 3:30 p.m.
	<u>8</u> hours	<u>8</u> hours	<u>8</u> hours	<u>8</u> hours	<u>8</u> hours	<u>8</u> hours
24	25	26	27	28	29	30
Off	7 a.m. - 3:30 p.m.	7 a.m. - 4:30 p.m.	7 a.m. - 4:30 p.m.	7 a.m. - 5:30 p.m.	7 a.m. - 5:30 p.m.	Off
	<u>8</u> hours	<u>9</u> hours	<u>9</u> hours	<u>10</u> hours	<u>10</u> hours	

Name: Amalia Karjadi
Pay period: October 17 - 30, 2010
Rate of pay: \$12 an hour
Overtime rate of pay: \$18 an hour

	Hours	Wages
Regular hours:	<u>88</u>	\$ <u>1056</u>
Overtime hours:	<u>6</u>	\$ <u>108</u>
Total hours:	<u>94</u>	
Total wages (before deductions):		\$<u>1164</u>

**Getting help with
a legal problem
(pages 6-8)**

This story provides an opportunity to review vocabulary and information about working overtime in the context of a situation in which the minimum standards of the law are not respected.

If you have access to an overhead projector, you may want to make a transparency of the story on page 6 so the class can read it together. You may prefer to start by cutting the story into segments and giving it to pairs or small groups of learners to order.

Learners can practise the conversations in groups of three.

The version of the story with empty speech bubbles can be used in a number of ways. You may wish to use it to introduce the story, eliciting vocabulary and giving learners the opportunity to imagine the conversation, or it can be used as a follow-up activity to the story.

Conversation strips, which correspond to the dialogue in the original story, have been provided on page 13. Learners can work in pairs to match the strips to the pictures. Note that some of the sentences could fit in more than one place in the story. This provides an opportunity to discuss issues of tone and register.

If the version of the story with the empty speech bubbles is used after learners have read the original story, they can copy the dialogue from the original story, or they can work in pairs and write their own dialogue.

You may wish to have the whole class expand on the conversation between Diego and his co-worker, or between Diego and his supervisor. See the activity **Reporting a mistake** in the ESL activity kit *Hours of work* CLB 1 for a sample conversation between two co-workers. You may want to discuss what Diego can do next. If Diego's supervisor is not receptive to his concerns, Diego should get legal help.

Answers:

B.

1. *Where's my overtime pay?*
2. *Do we get overtime pay?*
3. *I'm not sure. Ask the supervisor.*
4. *The company doesn't pay time and a half for overtime.*
5. *I need some legal help.*

C.

1. *pay*
2. *legal*
3. *time*
4. *hours, hours*
5. *supervisor*

Getting help with a legal problem: Conversation strips

Diego	Where's my overtime pay?
Diego	Do we get overtime pay?
Co-worker	I'm not sure. Ask the supervisor.
Diego	I got the same pay for my regular hours and my overtime hours.
Supervisor	The company doesn't pay time and a half for overtime.
Diego	I need some legal help.