

August 28, 2009



CITY COUNCIL COMMITTEE REPORT

TO: MAYOR & COUNCIL

FR: Sharen McDowall, Human Resources Manager

RE: Rest/Coffee Breaks - Human Resources Policies

BACKGROUND:

Work hours and breaks are commonly regulated in employment standards statutes and are also usually dealt with in employment policies; they tend to be uniform for large segments of an employer's workforce. However, Coffee Breaks are not regulated by the employment standards act.

The rest break/coffee break policy was amended in 2005 in an attempt to put some controls in place. The amended policy allowed for employees to go to restaurants on their breaks. The new policy requires employees to take their breaks at their workplace/worksites unless they have permission from their supervisor. The new policy clearly states that if breaks are granted they shall take it at their worksite.

An employee must not work for more than five hours in a row without getting a 30-minute eating period (meal break) free from work. The law does not require an employer to provide any breaks in addition to this eating period. However, if the employer does provide another type of a break, such as a coffee break, and the employee must remain at his or her workplace during the break, the employee must be paid at least the minimum wage for that time. If they are allowed to leave the workplace during the breaks for their own personal business the employer is not required to pay the employee.

The attached policy was circulated for comment and discussion with the Managers and the policy was agreed to by the Managers for implementation. It was agreed that in order for the policy to be effective, that the departments would have to be consistent in the enforcement and control of the breaks. It was reiterated that the breaks are a privilege not a benefit.

BUDGET:

N/A

COMMUNICATION PLAN:

Approved policy will be circulated to all Managers to implement.

RECOMMENDATION:

THAT Council of the City of Kenora hereby approves the new Human Resources Rest Breaks Policy #HR – 2-16; and further

THAT three readings be given to a by-law for this purpose.