



PROFESSIONAL CONSTRUCTORS

AVERAGING AGREEMENT POLICY

Purpose:

This policy is in place to ensure Acres meets its business requirements in a timely, efficient, cost effective and safe manner, and that we align with all applicable labour and employment laws.

At Acres we are committed to a safe and productive workplace during our unique and accelerated work season. Our work and the unpredictability of weather requires flexibility in our work schedules.

For Acres to meet the need for flexibility in our workplace and projects, the BC Employment Standards Act allows Acres and its employees to enter into "Averaging Agreements" – agreements that permit hours of work to be averaged over a period of one, two, three or four weeks; and also allows some flexibility in hours of work without overtime pay through the use of these averaging agreements.

Employees may agree to work up to 12 hours in a day, averaging 40 hours in a week, without being paid overtime.

Scope:

This policy and its related procedures cover all Acres non-manager employees.

Policy:

Rules for Averaging Agreements

In order to be valid, an averaging agreement must:

- Be in writing;
- Specify the number of weeks (one to four) over which hours will be averaged;
- Specify the work schedule for each day covered by the agreement;
- Specify the number of times the agreement may be repeated;
- Specify a start date and an end date for the agreement; and
- Be signed by the employer and the employee before the start date.

The hours scheduled must not average more than 40 per week over the period of the agreement; and the employee must receive a copy of the agreement before the agreement takes effect.

Acres Averaging Agreements do not have to be filed with the Employment Standards Branch.

Overtime under an Averaging Agreement

An Acres employee working under an averaging agreement must be paid the following rates of overtime:

- Time-and-a-half for hours worked outside of the schedule after eight in a day;

Example 1: An Acres employee whose work schedule calls for a 10 hour shift works 12 hours.

The employee must be paid time-and-a half for the extra two hours added to the work schedule for that day.

- Double time for all hours worked over 12 in a day; and

- Time-and-a-half for all hours worked in excess of an average of 40 hours per week over the period covered by the agreement.

Example 2: An Acres employee who works a schedule of four 10-hour days per week over a four-week period is asked to come in on another day for 8 hours. The employee must be paid time-and-a-half for the extra hours worked.

Rest Periods

Employees must have 32 consecutive hours free from work for each week of the schedule and 8 consecutive hours free from work each day.

The 32-hour rest periods can be taken in the same week, in different weeks, or consecutively at any time during the term of the schedule. An employee who is required to work within the 32-hour rest period must be paid time-and-a-half for all hours worked within that period.

Changing an Averaging Agreement

At an employee's written request, an employer and an employee can agree to alter the averaging agreement as long as the total hours scheduled in the agreement remains the same.

Variations

The BC Employment Standards Act permits Acres and its employees to agree to vary the number of weeks in an averaging agreement by applying to the Employment Standards Branch for a variance.

ACRES AVERAGING AGREEMENT

This Averaging Agreement allows Acres and the employee to enter into a written agreement to average hours of work over a one to four week period.

Project Name: _____

Employee Name: _____

Project Start Date: _____ Project End Date: _____

Hours per Day: _____

Averaging Agreement length of time (1-2-3-4 weeks): _____
Specify the number of times this Averaging Agreement may be repeated: _____

This Averaging Agreement will:

- not average more than 40 hours per week;
- use “weeks” which run Sunday through Saturday; and
- not require hours of work which average more than 40 hours per week over the period of the agreement.
- be kept by Acres for two years after the employment of the employee terminates.

An Acres employee is still entitled to overtime pay while working under an averaging agreement for:

- all hours worked outside of the schedule which exceed eight hours in a day (at time-and-a-half);
- all hours worked in excess of 12 hours a day (at double time);
- all hours worked in excess of an average of 40 hours per week over the period covered by the agreement (at time-and-a-half); and
- any hours of work during the 32 hour rest period (at time-and-a-half). However, the 32 hour rest period need not be scheduled during each week, but can be scheduled consecutively at any point during the schedule.

Agreement and Approval:

Employee Name:	Employee Signature:	Date:

Manager Name:	Manager Signature:	Date: