

Employees have a right to refuse overtime – except in emergencies

Under Article 8.04 of the UNA Provincial General Agreement, Employees have a right to refuse overtime – but not in an emergency, when the Employer can assign mandatory overtime.

Members who are concerned that the Employer is using mandatory overtime improperly, or that they are being asked to work too much overtime, need to inform UNA as soon as possible so that an appropriate response can be made.

Article 8:04 states:

- (a) The Employer shall endeavour to minimize the use of mandatory overtime.*
- (b) The Employer may request an Employee to work a reasonable amount of overtime. Should the Employee believe that the Employer is requesting the Employee to work more than a reasonable amount of overtime, then the Employee may decline to work the additional overtime, except in an emergency, without being subject to disciplinary action.*
- (c) An emergency is a circumstance that calls for immediate action.*
- (d) The Employer shall take reasonable steps to avoid a staffing situation which may become an emergency prior to requiring overtime.*

Since “reasonable” is not defined in this article, it is up to Employees to use their own judgment determine if the Employer’s request is unreasonable. If you believe you are being asked to work an unreasonable amount of overtime, you should contact your Local executive or UNA Labour Relations Officer immediately.

Can the employer ask you to work anyway? Yes, the Employer may use mandatory overtime in the event of an emergency. If you believe you have been asked to work mandatory overtime for something that is not a true emergency, or that the Employer has not taken reasonable steps to avoid a staffing situation that has resulted in an emergency, you should also contact your Local executive or UNA Labour Relations Officer immediately.

You can contact your UNA Local Executive or Labour Relations Officer at 1-800-252-9394.

