

Agreement to Average Work Hours Through a Modified Work Arrangement

A modified work arrangement (MWA) is an agreement between an employer and an employee or a group of employees to have different set hours of work scheduled than the normal 40 hours per week, eight (or 10) hours per day provided for in *The Saskatchewan Employment Act*. An MWA averages weekly regular (non-overtime) hours of work over one to four weeks. Hours of work still will not exceed an average of forty hours in a week without overtime over the course of the “averaging period” (one to four weeks). This flexibility allows a work schedule to be set and agreed to that is consistent with general overtime rules.

MWA's allow employers to arrange more flexible hours of work schedules that meet operational needs without incurring additional overtime, while providing employees an opportunity for more days off work in exchange for working longer daily or weekly hours before overtime.

Know that any arrangement that extends longer than four weeks requires an averaging of hours permit.

General Requirements:

An MWA requires the majority of employees affected to agree to it and sign the agreement form. The agreement then applies to any new employee who is hired into the work group bound by the agreement. If the MWA applies to an individual employee, then only that employee needs to sign the agreement, and a new agreement would be required with any new employee in that position.

MWA's do not apply to managers, professionals, employees who work less than thirty hours on average per week, and other employees who are exempt from overtime under *The Saskatchewan Employment Act* and *The Employment Standards Regulations*. As such, they are not included in the count of the majority of employees and should not sign the agreement form below.

Agreements may be set for up to two years, but may be renegotiated at any time.

The employer must provide the agreement and schedule to each employee to whom it applies, or post it in the workplace or have it available online. The employer must keep a copy of the agreement for up to five years after its expiry.

The work schedule must match the modified averaging of hours arrangement and the employer must share it with each employee being asked for their agreement.

Work Schedules:

Schedules cover the daily and weekly hours of work agreed to by the employer and employee(s). The work schedule must accompany the agreement and forms part of the agreement. The schedule is what's been agreed to in the arrangement, therefore must be set in advance of the agreement. This schedule remains in place as the standard for the length of the agreement.

Work schedules must be in writing and specify the daily work start, stop and meal break times. Individual daily work periods (i.e. shifts) set in the schedule cannot exceed twelve hours. A day is a period of twenty four hours from the start of the shift. Schedules must cover the length of the averaging period in the modified work agreement which are either one, two, three, or four weeks.

Overtime:

Hours worked in excess of the arrangement's schedule are overtime as follows.

- Overtime pay is required for the greater of any time worked in excess of the averaging period (i.e., one, two, three or four weeks) hours or the daily hours if they exceed eight.
- Overtime for work in excess of daily scheduled hours may vary depending on the number of hours agreed to in the schedule for that day. For example, if the schedule in the modified work arrangement indicates a 10 hour day, overtime would be payable after 10 hours for that day, but if the schedule indicates an eight hour day, daily overtime would be payable after eight hours for that day. If the schedule has a shift that has less than eight hour day (e.g., four hours), overtime would occur after eight hours that day, or if the averaging period hours are exceeded. Twelve is the maximum number of hours in a day that can be set in the schedule of the work arrangement.

The weekly hours before overtime is required are reduced by eight hours for each public holiday occurring in the weekly period.

For more information:

For any questions regarding modified work arrangements or averaging of hours permits, please call 1-800-667-1783 or email employmentstandards@gov.sk.ca. Visit saskatchewan.ca for examples and to view a webinar about modified work arrangements.

Agreement to Average Work Hours Through a Modified Work Arrangement - Template (pg1)

Legal business name:		
Operating name: (if different than above)		
Address:		
Street Number and Name		Box/Suite#
City	Province	Postal Code
Phone	Fax	E-mail address
Work/site location: (if different than above)		
Total number of employees affected by the modified work arrangement:		
Information about employees:		
a. Job titles of the employees who will be affected by the arrangement: _____ _____		
b. The employees are represented by a union? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Time period for which the agreement is valid (two year maximum):		
Start date (day/month/year):		End date (day/month/year):
Type of modified work arrangement:		
Refer to section 2-19 of <i>The Saskatchewan Employment Act</i> and section 9 of <i>The Employment Standards Regulations</i> .		
Please select:		
<input type="checkbox"/> 40 hours over one week <input type="checkbox"/> 80 hours over two weeks		
<input type="checkbox"/> 120 hours over three weeks <input type="checkbox"/> 160 hours over four weeks		
Employer signature:		
I, _____ (Print name and title of employer or authorized officer)		
hereby certify that the information contained in this application is true and accurate to the best of my knowledge and the work hours assigned to the employees in this arrangement match the schedule provided to the employees for their agreement.		
_____ (Signature)		

Agreement to Average Work Hours Through a Modified Work Arrangement - Template (pg2)

A work schedule that reflects the agreement must be attached.

List of employees:

We, the undersigned, agree to the modified work arrangement above and the schedule attached that specifies the daily work start and stop times and meal breaks. We understand we may be entitled to overtime for any work in excess of the daily hours (if the set shift exceeds eight) or averaging period hours set in the schedule. We understand the agreement may be renegotiated at any time. Visit saskatchewan.ca for more information about rules regarding modified work arrangements, hours of work, and overtime.

Attach additional pages if required.

Name (please print)	Job Title (please print)	Signature	Date Signed
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If additional signature pages are attached, please indicate how many pages have been added _____.