

High Technology Companies

In British Columbia, there are provisions of the Employment Standards Regulation which apply specifically to the high technology sector.

High technology company

For the purposes of the *Employment Standards Act*, a “high technology company” is a company in which more than 50 percent of the employees are either “high technology professionals” or managers of those professionals, or are employed in an executive capacity.

High technology professional

A “high technology professional” is an employee who:

- Analyzes, designs or develops information systems based on computer or other technologies;
- Analyzes, designs or develops scientific or technological products, materials, devices or processes;
- Carries out scientific research and experimental development; or
- Is engaged as a sales or marketing professional in relation to the above services, systems, products or research.

An employee of a high technology company who is engaged in the retail sale of any of these things is **not** a “high technology professional”.

Hours of work and overtime

The hours of work provisions of the Act, including those governing meal breaks, split shifts, minimum daily pay and hours free from work each week, as well as the overtime and statutory holiday provisions, do not apply to “high technology professionals”.

Employees in “high technology companies” who are not “high technology professionals” are covered by the hours of work, overtime and statutory holiday provisions of the Act.

Averaging agreements

To meet the need for flexibility in the workplace, the Act allows employers and employees to enter into “averaging agreements” - agreements that permit hours of work to be averaged over one, two, three or four weeks. (For more information, see the “Averaging Agreements” factsheet.)

An employee of a high technology company who does not meet the definition of “high technology professional” may agree to average hours of work.

Averaging agreements in the high technology sector differ from other averaging agreements as follows:

- Employees and employers can agree that the work schedule does not have to be specified for each day covered by the agreement. This agreement must be in writing;
- A written request is not required to adjust the work schedule under an averaging agreement;
- The work schedule can average more than 40 hours per week; and
- Daily overtime is only payable after 12 hours worked.

