Employment
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IMAGES
## Minimum Employment Standards

### Minimum Wage

**$13.60**

**EXCEPT:**
- $542.00/week for salespeople, and
- $2,582.00/month for domestic employees (living in their employer’s home).

The minimum wage will be rising to $15.00 on October 1, 2018.

### Overtime Pay

**1.5x normal wage**

**EXCEPT:**
When there is an overtime agreement between the employee and employer where, instead of pay, the employee can take an amount of time off equal to 1.5x the overtime worked (time in lieu or flex time).

### Vacation pay

If you have worked for an employer for at least one year, you are entitled to a minimum of 2 weeks of paid vacation. If you have worked for 5 or more years, you are entitled to a minimum of 3 weeks of paid vacation.

**NOTE:** both part-time and full-time employees should receive vacation time and vacation pay.

### Breaks

Employees are entitled to:
- At least 8 hours of rest between shifts.
- At least 30 minutes of rest (paid or unpaid) during shifts that are five or more hours long.
- 1 full day of rest in each 7-day period.

An employee may work a maximum of 12 hours in a day, unless an unforeseeable or unpreventable emergency occurs.

### Maternity Leave

**16 weeks**

If you are pregnant and have worked at your job for at least 90 days, you can take maternity leave starting anytime within 13 weeks of the estimated date of delivery.

You are required to provide at least 6 weeks’ written notice.

### Parental Leave

**62 weeks**

Can be split between two parents or taken by one parent. You must have worked at your job for at least 90 days.

You are required to provide at least 6 weeks’ written notice.

### Hours of Work

**Maximum 12 hours/day**

Must be paid for a minimum of 3 hours, even if you are sent home early.

### When should I be Paid?

At least once per month, and within 10 days of the pay period ending.
INTRODUCTION

Definition of an Employee

An employee is a person who does work for a wage or salary. However, not everyone who does work in exchange for money is considered an ‘employee’. Independent contractors, for example, perform a particular service for a price but are not considered an employee. For more information on whether a relationship is an employer-employee relationship or a contractor-customer relationship see the pamphlet from the Alberta Learning Information Service titled “Employee or Contractor” which is available at:

Employee Rights

The Employment Standards Code and Employment Standards Regulation ensure that employees in Alberta have certain minimum rights. These rights cannot be waived even by agreement between employer and employee. Employees can always agree to have more rights than the minimum required by the Employment Standards Code, but any agreement to have fewer rights will be void. For example, an agreement to be paid less than minimum wage would be void, but an agreement to be paid more than minimum wage would be enforceable.

The minimum rights may be different depending on the type of employment. For example, under the Alberta Employment Standards Regulation, construction workers have certain regulations that apply specifically to them, such as vacation pay at a higher rate (6%) and no requirement that notice be given prior to your job ending or you leaving your job.

NOTE: If you are a member of a union, the terms of your collective bargaining agreement will have the rules of your employment. Consult your union shop steward for more information on the rules and terms of your collective agreement with your employer.

In Alberta, employees generally have the right to:

a. Be paid minimum wage or greater
   (1) See section 9 of the Employment Standards Regulation for the current minimum wage
b. Be paid some form of overtime pay when working overtime hours.
c. Know their work schedule in advance.
d. Be paid at least monthly.
e. Receive vacation pay.
f. Receive holiday pay.
g. Receive their full pay.
h. Take maternity or parental time off.
i. Receive notice before being terminated.
j. Receive notice before wage reduction.
k. Be paid when injured on the job.
l. Not be discriminated against based on any of the protected grounds listed in the Alberta Human Rights Act.
If the employer and the employee agree that there will be more rights than those listed in the Employment Standards Code, then the employee can enforce those rights. This is generally done through an employment contract. If you or another employee wish to dispute or enforce terms of an employment contract it is important to tell the employer and take steps to enforce your rights under the employment contract.

It is best to make sure that all agreements are in writing. If the employment is for a fixed period of more than one year, the contract must be in writing and signed by both the employee and employer in order for it to be enforceable.

Consider consulting with a lawyer if you need help enforcing the terms of your contract, or understanding what they mean if you are uncertain. Civil Claims Duty Counsel and the Edmonton Community Legal Centre are good options if you are unable to afford a lawyer and need legal advice on employment law or other civil matters. See the section titled ‘More Information’ and ‘Help’ for information about how to access these resources.

**HOURS OF WORK AND SCHEDULING**

An employee cannot be required to work more than 12 hours in any 24-hour period unless there is an emergency. There are some exceptions if the employer has a permit for extended work hours.

Employers should notify employees when they will be working by posting a schedule with the start and end time to each shift in an area where employees can see it. Any changes to an employee’s normal shift must be posted 24 hours before the change is to take place. Changes to shifts must also still allow for 8 hours of rest in between shifts.

Certain occupations are also exempted from the rules for hours of work and scheduling, they are listed in the Employment Standards Regulation, section 2(1).

**Rest Periods**

An employer must allow an employee:

- At least 8 hours of rest between shifts.
- At least 30 minutes of rest (paid or unpaid) within every five hours of consecutive employment.
  - Exception: If there is an emergency or it is not reasonable for the employee to take a break, the employee might not receive a rest period.
- One full day of rest in each 7-day period.
  - An employee may agree to work up to 24 days in a row. At the end of a 24-day period, the employer must provide at least four consecutive days of rest.
OVERTIME

Generally, an employee must be paid overtime when he/she works more than 8 hours in a day or more than 44 hours in a single week. The employee will always receive the greater total of overtime hours from either calculation.

For example, if an employee works five 10-hour days (50 hours), this could be calculated as either: 1) 6 hours of overtime above the 44-hour week; OR 2) 2 hours above the standard 8 hours each day, so 10 hours of overtime. Because the employee always receives whichever total is greater, the employee in this case will be paid for 10 hours of overtime.

Employees can also agree to averaging agreements, which allow employees to work fewer days a week but longer hours. The most common type of averaging agreement is called an hours of work averaging agreement. Under an averaging agreement an employee can work up to a maximum of 12 hours per day and a maximum average of 44 hours a week. Averaging agreements must be approved by the majority of affected employees and will apply for a period of 1 to 12 weeks, or longer with a permit. The agreement can be cancelled or renegotiated at any time, but an individual employee cannot leave the agreement without the other employees affected by it.

Individual employees may also enter into a flexible averaging agreement with their employer. Flexible time means an employee works more than their scheduled hours in a day, but it is not considered overtime. Instead the employee gets time off with pay at their regular wage. Flexible time must be used before the end of the averaging period or be paid out at their regular wage rate. The employee cannot exceed 10 hours a day or 44 hours a week under a flexible averaging agreement. And the averaging period cannot be longer than 2 weeks.

Amount of Overtime Pay

Employees must be paid at least one-and-a-half (1.5) times their regular wage for overtime pay (often called “time and a half”).

An employee may agree to take time off instead of being paid overtime. For every hour of overtime worked the employee will be entitled to 1.5 hours off at a later time. This is often referred to as “flex time” or “time in lieu”. Time off in place of overtime pay must be taken within 3 months of the end of the pay period in which it was earned. The time off must be taken at a time that the employee would otherwise have worked. If the employee does not take the time off within 3 months, the employer must pay them for the overtime worked. If an employee worked overtime hours and quit or was fired before taking this time off, the employer must pay them overtime.

Exemptions from Rules for Hours of Work and Overtime Pay

NOTE: Some employees are exempt from rules dealing with hours of work, rest periods, days of rest, and overtime pay (such as farm employees, certain types of salespeople, and managers/supervisors) (for a full list of all exemptions see Employment Standards Regulation, Part 1).
PAYMENT OF WAGES

Minimum Wage

Employees have the right to be paid at least minimum wage. In Alberta, an employee has the right to a minimum wage of $13.60/hour. The minimum wage rate for salespeople is $542.00/week, and $2582.00/month for domestic employees.

NOTE: On October 1, 2018, the minimum wage rate will rise to $15.00/hour. The minimum wage rate for salespeople will rise to $598.00/week, and $2848.00/month for domestic employees.

For the most up to date information on the minimum wage see section 9 of the Employment Standards Regulation, available at: https://www.canlii.org/en/ab/laws/regu/alta-reg-14-1997/latest/alta-reg-14-1997.html.

Generally, an employee must be paid for at least 3 hours every time they report for a shift, whether they are sent home early or not.

NOTE: There are some employees who do not need to be paid minimum wage.

Exemptions from Minimum Wage

These employees do not have to be paid minimum wage:

a. Real estate brokers;
b. Securities sale person;
c. Insurance sales person paid entirely by commission;
d. Students in work experience programs that have been approved by the Minister of Advanced Education;
e. Students in off-campus education programs specified in the School Act;
f. Extras in a film or video;
g. Counsellors or instructors at an educational or recreational non-profit camp for children or handicapped individuals or for religious purposes; and

Time of Payment

An employee usually has the right to be paid wages, overtime pay, and any other pay earned no later than 10 days after the end of each pay period. Employees must be paid at least once a month.

A statement of earnings must be given to the employee at the end of each pay period. The statement should show:

a) The number of regular hours and overtime hours worked;
b) The rate of pay for regular time and for overtime;
c) The earnings paid and the source of the earnings
d) Any deductions from earnings and the reason for those deductions; and
e) Time off taken instead of overtime pay.
When an employer fires or lays off an employee with notice or pay, then all unpaid wages must be paid within three days after the last day of employment. When an employee is fired with cause, the employer must pay the employee’s earnings no later than 10 days after the last day of employment.

**Length of a Shift**

Generally, an employee must be paid for at least 3 hours of work every time he or she reports for a scheduled shift. Again, some employees are exempted from this rule.

School bus drivers, part-time employees in certain non-profit recreation and athletic programs, and adolescent employees who work on school days must be paid for at least 2 hours of work per day.

**Reduced Wages**

Notice is required before your wages can be reduced. Employers must notify an employee if the employee’s wage rate, overtime rate, vacation pay, general holiday pay, or termination pay is to be reduced before the start of the employee’s pay period in which this reduction will take effect.

If the employer does not give proper notice, the employee is entitled to the wage they received before the reduction until the end of the pay period.

**DEDUCTION**

An employer must take off money from each pay cheque for Income Tax, Employment Insurance, and the Canada Pension Plan. Additional money can only be taken from an employee’s earnings under certain conditions, such as with written permission from the employee or a Court Order. These deductions could be made for things like union dues, charitable donations, child support, garnishment and other amounts permitted by statute.

NOTE: An employer cannot deduct money for faulty workmanship or employee uniforms. They also cannot deduct money for cash shortages/loss of property if someone other than the employee had access to the cash or property.

**EMPLOYMENT RECORDS**

Employers are required to keep an up-to-date employment record of each employee including information like: hours worked, wage rate and the date employment started. For a full list of information the employer must maintain, see the *Employment Standards Code* s 14. The record must be kept for a full 3 years from the date each record is made.
TERMINATION, NOTICE, TRANSFER, AND DEMOTION

Termination Notice and Pay

An employer must give an employee advanced written notice if their employment is being terminated without cause. The Employment Standards Code sets out the minimum amount of notice (or pay instead of notice) the employee should receive based on how long they have worked for the employer.

<table>
<thead>
<tr>
<th>Duration of employment</th>
<th>Notice required prior to termination</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3 months</td>
<td>No notice required</td>
</tr>
<tr>
<td>3 months- 2 years</td>
<td>1 week</td>
</tr>
<tr>
<td>2-4 years</td>
<td>2 weeks</td>
</tr>
<tr>
<td>4-6 years</td>
<td>4 weeks</td>
</tr>
<tr>
<td>6-8 years</td>
<td>5 weeks</td>
</tr>
<tr>
<td>8-10 years</td>
<td>6 weeks</td>
</tr>
<tr>
<td>10 years +</td>
<td>8 weeks</td>
</tr>
</tbody>
</table>

Employers almost always owe notice beyond the minimums set out in the Employment Standards Code however. The purpose of notice is to ensure people have enough money to survive until they can find similar employment. Therefore, the courts have determined that the amount of notice should be specific to the individual employee whose employment is being terminated. The courts have generally found the minimum reasonable, notice period to be 3 months and the maximum notice period to be 24 months. They have set out a number of factors that must be considered in each case.

Factors to be considered when determining how much notice is required:
- The type of employment;
- the length of employment;
- the age of the employee;
- the availability of similar work;
- and the experience, training and qualifications of the employee.

The employer’s specific financial situation is irrelevant in determining the notice period required.

Usually employers will choose to pay the employee the amount of money the employee would have made during the notice period, rather than have them continue to work for them. To determine this amount the employer must include: normal salary, bonuses the employee historically received during the notice period, health benefits, vacation pay, pensions and RRSPs, non-salary compensation (such as the personal use of a company car) and any other compensation the employee would have received during the notice period. Employers are also responsible for any short or long-term disability costs that arise during the notice period unless they get you to sign a release.
Employees are under an obligation to attempt to mitigate the damage caused to them by the termination. This means that they should be attempting to find new employment during the notice period. This obligation is not to find any employment however, but rather similar employment to the job they lost.

Consult a lawyer if your employment was terminated and you were only given the Employment Standards Code minimum notice or you believe you are entitled to additional notice than was provided.

**Employees are NOT entitled to notice or termination pay when they:**
- Have been fired for just cause;
- Have been employed for three months or less;
- Are employed for a specific length of time or for a specific task for less than 12 months (does not apply to employees who work in oil well drilling);
- Refuse to take an offer for reasonable replacement work;
- Refuse to take work that is made available because of a seniority system;
- Are not given work because there is a strike or lockout at their workplace;
- Are employed casually and can choose to work or not to work when asked by the employer;
- Are a seasonal employee, and the season is over;
- The employment contract is now impossible for the employer to perform because of unpredictable and/or unavoidable causes that could not have been controlled;
- Work in the construction industry (see section 5 of the Employment Standards Regulation for definition of what counts as the “construction industry”); or
- Work clearing land by cutting, removing, burning or other methods of disposing of trees and/or brush.

**Just Cause**

An employer can terminate an employee for “just cause”. If the employee is terminated for “just cause” the employer does not have to give notice or termination pay. There are a number of reasons that could qualify as ‘just cause’, but whether a reason qualifies as ‘just cause’ will depend greatly on the circumstances of each case. Some examples could include:
- Falsified qualifications (e.g. lying about having a valid driver’s licence)
- Engaging in sexual harassment
- Stealing or being dishonest

**Transfers and Demotions**

Generally, an employer cannot demote or transfer an employee without reasonable notice or the consent of the employee. If an employer does this, the employee may be able to treat this as a constructive dismissal and ask for termination pay.

NOTE: Rules dealing with notice and termination pay do NOT apply to construction workers, seasonal workers, or those employed for a fixed period of time.
Constructive Dismissal

In some situations, employees may find they have been constructively dismissed and are entitled to termination pay. This means that the employer has changed the employee’s job so significantly that it no longer corresponds to the contract of employment agreed upon. For instance, if the compensation is significantly reduced or the tasks the employee does no longer match what they were hired to do. The test is whether a reasonable person in the employee’s circumstances would consider the changes imposed by the employer to have substantially changed the employment contract.

If you believe you have been constructively dismissed you should consult a lawyer before taking action, as an employer will not be required to provide you with notice pay if you stop working and it is later found by a court that you were not constructively dismissed.

Employee Notice to an Employer

If an employee wants to quit their job they are required to give advanced notice to their employer before they quit. How much notice is required depends on how long the employee has worked for the employer. If an employee has worked for more than 3 months and less than 2 years, they are required to give at least one week’s notice. Employees who have worked for more than 2 years must provide 2 weeks’ notice.

<table>
<thead>
<tr>
<th>Duration of Employment</th>
<th>Notice required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0- 3 months</td>
<td>None</td>
</tr>
<tr>
<td>3 months- 2 years</td>
<td>1 week</td>
</tr>
<tr>
<td>2 years+</td>
<td>2 weeks</td>
</tr>
</tbody>
</table>

There are some situations where the employee does NOT have to give notice:
- There is an established practice in the industry that quitting does not require notice to be given;
- The employee quits because their health or safety would be in danger if they continued to work for the same employer;
- The contract of employment is impossible to perform because of unpredictable or unavoidable causes that are beyond the employee’s control;
- The employee has worked for the employer for 3 months or less;
- The employee is temporarily laid off;
- The employee rejected an offer of reasonable alternative work and got laid off;
- The employee is not getting work because of a strike or lockout at the employee’s place of employment;
- There is an agreement where the employee can choose either to work or not to work when asked to work; or
- The employee quits because of a decrease in wage rate, overtime rate, vacation pay, general holiday pay or termination pay.

Temporary Layoffs

Employers wishing to maintain an employment relationship with an employee may temporarily lay them off by giving written notice. Notice must be given one week prior to the
date the layoff will commence for employees who have been employed for less than two years, or two weeks for employees that have been employed for over two weeks. If unforeseen circumstances prevent this much notice, notice must be given as soon as is practicable in the circumstances. The notice must include the start date of the layoff and sections 62-64 of the Employment Standards Code.

If the employee is laid off for 60 days or more in a 120 period, their employment is considered to be terminated unless the employer pays wages or an amount in lieu of wages, or provides benefits to the employee during the layoff. If the employment contract terminates then termination pay must be provided.

To recall an employee to work the employer must provide written recall notice. The employee must then return to work within seven days of being given notice, or their employment is considered terminated without requiring termination notice or pay.

HOLIDAY AND VACATION PAY

Holiday Pay

Holiday pay is paid to employees who work on general holidays (i.e. statutory holidays). A list of these general holidays is as follows:

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year's Day</td>
<td>January 1st</td>
</tr>
<tr>
<td>Alberta Family Day</td>
<td>Third Monday in February</td>
</tr>
<tr>
<td>Good Friday</td>
<td>Friday before Easter</td>
</tr>
<tr>
<td>Victoria Day</td>
<td>Monday before or on May 25</td>
</tr>
<tr>
<td>Canada Day</td>
<td>July 1</td>
</tr>
<tr>
<td>Labour Day</td>
<td>First Monday in September</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>Second Monday in October</td>
</tr>
<tr>
<td>Remembrance Day</td>
<td>November 11</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>December 25</td>
</tr>
</tbody>
</table>

To be entitled to holiday pay:
- The holiday must fall on a day when the employee has been scheduled to work
- The employee must work all scheduled shifts the day before and the day after the holiday, unless the employer consented to the employee not working

If a general holiday falls during your yearly vacation, your employer must extend your vacation by 1 day with pay or give you another paid day off before your next yearly vacation.

If you work on a general holiday then your employer must pay you your regular pay for the day, in addition to your wage at a rate of time and a half for the number of hours that you worked on the general holiday. Your employer can also give you a full day’s pay plus an extra day off instead of paying you the additional pay at time and a half.

Even if you do not work on a general holiday you are still entitled to your regular wages for the day.
Vacation Time and Pay

<table>
<thead>
<tr>
<th>Length of Employment</th>
<th>Minimum Amount of vacation Time and Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1 year</td>
<td>No time off until first year is finished, but still entitled to 4% of earnings as vacation pay during the first year.</td>
</tr>
<tr>
<td>1 year- 5 years</td>
<td>2 weeks time off or 4% of regular wage</td>
</tr>
<tr>
<td>5 years +</td>
<td>3 weeks or 6% of regular wage</td>
</tr>
</tbody>
</table>

If you have worked for an employer for at least one year, you are entitled to a minimum of 2 weeks of paid vacation per year. If you have worked for 5 or more years, you are entitled to a minimum of 3 weeks of paid vacation per year.

You are also entitled to vacation pay of 4% of your regular wages; this amount increases to 6% after 5 years of service. Vacation pay can be paid out at any time during the year, but it must be paid by the first payday after the start of your scheduled vacation. So, if an employee takes a vacation they can be paid their regular wage while on their vacation or the employee may receive vacation pay on all paycheques throughout the year.

If an employee quits, is fired, or is laid off, the employer must pay vacation pay in the last pay cheque, no later than ten days after the last day of employment. If you were employed for less than 1 year, you will receive 4% of your earnings for the period that you were employed as vacation pay when your employment terminates. If you were employed for greater than one year, then you will receive any unpaid vacation entitlements from the previous year and either 4% or 6% of your earnings in the current year, depending on the length of your employment.

Your employer must give you your vacation in a single block of time and no later than 12 months after you become entitled to it. You can break your vacation time up into smaller periods if you request to do so in writing and your employer agrees.

Remember that these are the minimum rights guaranteed by the Employment Standards Code and Regulation. Employees cannot legally be given anything less, even if they agreed to it. Employees should always refer to their employment contract to ensure they are not entitled to more benefits than are listed here.

If you have not received vacation pay or any other pay that you are entitled to, contact Employment Standards at (780) 427-3731.
SICK DAYS

An employee is entitled to 5 days of unpaid leave for their own health if they have been employed for the last 90 days with the same employer. Additionally, an employee is entitled to 16 weeks of unpaid leave each calendar year for long-term illness, injury or quarantine. The employee must provide a medical certificate to the employer estimating the time of leave.

Refer to your employment contract to see if you are entitled to any additional sick days or pay for sick days.

MATERNITY AND PARENTAL LEAVE

<table>
<thead>
<tr>
<th>MATERNITY LEAVE SUMMARY</th>
</tr>
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<tbody>
<tr>
<td>Who can take maternity leave?</td>
</tr>
<tr>
<td>When am I eligible?</td>
</tr>
<tr>
<td>How long is it?</td>
</tr>
<tr>
<td>When can maternity leave start?</td>
</tr>
<tr>
<td>Must it be paid?</td>
</tr>
<tr>
<td>How much notice should I give my employer?</td>
</tr>
<tr>
<td>Will I have a job to return to?</td>
</tr>
</tbody>
</table>

A pregnant employee who has worked for the same employer, full- or part-time for 90 days in a row, may take time off for a pregnancy. She has a right to 16 weeks’ unpaid maternity leave, which can begin anytime within 13 weeks prior to her estimated due date. An employee must take at least 6 weeks of maternity leave after the birth of her child, unless an agreement is made with the employer to return to work early and the employee provides medical documentation to indicate that her health will not be endangered.

The employee must be reinstated to her old job or a similar job with the same pay and benefits when she returns to work.

A pregnant employee must give her employer written notice at least 6 weeks before the day she wants to start maternity leave. If the employer asks, she must provide a medical certificate from a physician, showing the expected due date and certifying that the employee is pregnant. If an employee does not give 6 weeks’ notice, she is still entitled to maternity leave as long as she provides her employer with a medical certificate indicating she is
unable to work due to her pregnancy and the estimated due date. This must be provided within two weeks of stopping work.

An employer may also give an employee written notice to begin her maternity leave if the pregnancy will interfere with her duties, provided it is at least 12 weeks prior to the expected delivery date. Employers do not have to pay pregnant employees for maternity leave, unless the employer and employee have signed an agreement that the employee will get paid while she is on maternity leave.

**Employment Insurance While Pregnant**

A pregnant employee may be able to collect Employment Insurance (EI) maternity benefits while she is on maternity leave. Biological mothers (including surrogate mothers) who are pregnant or have recently given birth can collect a maximum of 15 weeks of EI benefit payments. The employee must have worked at least 600 hours in the last year to collect, and show that her weekly earnings have decreased by more than 40%. See the section on Employment Insurance for more information on how to apply for benefits.

In addition to maternity leave, pregnant women or their partners are entitled to take parental leave.

**Parental Leave**

<table>
<thead>
<tr>
<th><strong>PARENTAL LEAVE SUMMARY</strong></th>
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<tr>
<td><strong>Who can take parental leave?</strong></td>
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<td><strong>When am I eligible?</strong></td>
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<tr>
<td><strong>How long is it?</strong></td>
</tr>
<tr>
<td><strong>When can parental leave start?</strong></td>
</tr>
<tr>
<td><strong>Do I have to use it within a certain time?</strong></td>
</tr>
<tr>
<td><strong>Is it paid?</strong></td>
</tr>
<tr>
<td><strong>How much notice should I give my employer?</strong></td>
</tr>
<tr>
<td><strong>Can I share the parental leave with my partner?</strong></td>
</tr>
</tbody>
</table>
Can my partner and I take parental leave at the same time?  
Yes, but it is still limited to 62 weeks in total between the two of you. However, if you and your partner have the same employer, the employer is not required to give you parental leave at the same time.

Will I have a job to return to?  
Yes, your employer must have the same or a similar position available for you when you return with the same or better wage and benefits.

Parents are eligible for up to 62 weeks of parental leave; this may be taken by either parent, or shared between them. Adoptive parents may also take 62 weeks of parental leave. Combined with maternity leave, this brings the total time of leave up to 18 months. Parental leave can begin at any time after the birth or adoption of the child, but it must be completed within 78 weeks of the birth or the date an adopted child is placed with the parent. Basic EI benefits for parental leave are 35 weeks at 55% of the claimant’s average weekly insurable earnings, up to a maximum amount. EI benefits can be extended to 61 weeks at 33% of the claimant’s average weekly insurable earnings, up to a maximum amount. To be eligible the employee must have 600 hours of insurable work, and at least 40% reduction in earnings. See the section on Employment Insurance for more information on how to apply for benefits.

### COMPASSIONATE CARE LEAVE

<table>
<thead>
<tr>
<th><strong>COMPASSIONATE CARE LEAVE</strong></th>
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<tbody>
<tr>
<td><strong>When am I eligible?</strong></td>
</tr>
<tr>
<td><strong>Who can take compassionate care leave?</strong></td>
</tr>
<tr>
<td><strong>How long can the leave be?</strong></td>
</tr>
<tr>
<td><strong>How much notice should I give my employer?</strong></td>
</tr>
<tr>
<td><strong>Do I need to give my employer any other documents?</strong></td>
</tr>
<tr>
<td><strong>Must it be paid?</strong></td>
</tr>
<tr>
<td><strong>Will I have a job to return to?</strong></td>
</tr>
</tbody>
</table>
Employees who have worked for the same employer part-time or full-time for 90 consecutive days may be eligible to take up to 27 weeks of compassionate care leave in order to care for a family member who is at risk of death because of illness.

‘Family member’ is defined in section 54.1 of the Employment Standards Regulation:

- Partner (Spouse or common-law partner);
- Child or child of a partner;
- Parent or the parent of a partner;
- Sibling or the sibling of a partner;
- Grandparent or grandparent of a partner;
- Partner of a grandparent;
- Grandchild or grandchild of a partner;
- Partner of a child or grandchild;
- Aunt, uncle, niece, or nephew of the employee or their partner;
- Someone considered to be like a close relative
- There are many other less common situations that count as a family member for the purposes of compassionate care leave, for the full list see section 54.1 of the Employment Standards Regulation available at: https://www.canlii.org/en/ab/laws/regu/alta-reg-14-1997/latest/alta-reg-14-1997.html

In order to take compassionate care leave, you must get a physician to provide a certificate stating that your family member has a serious medical condition with a significant risk of death within 26 weeks, and that he or she requires the care or support of one or more family members. The employee must provide this certificate to their employer. Except in emergency situations, this certificate should be provided prior to beginning leave.

The employee must be reinstated at the same or similar position with equal or greater pay when they return from compassionate care leave. The employee cannot be fired while on compassionate care leave.

Like maternity and parental leave, EI benefits are available for employees who are going on compassionate care leave. See the section on ‘Employment Insurance’ for more information on how to apply.

### PERSONAL AND FAMILY RESPONSIBILITY LEAVE

<table>
<thead>
<tr>
<th>PERSONAL AND FAMILY RESPONSIBILITY LEAVE SUMMARY</th>
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</thead>
<tbody>
<tr>
<td><strong>Who can take Personal and Family Responsibility Leave?</strong></td>
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<td><strong>When am I eligible?</strong></td>
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<td><strong>How long is it?</strong></td>
</tr>
<tr>
<td><strong>Is it paid?</strong></td>
</tr>
<tr>
<td><strong>How much notice should I give my employer?</strong></td>
</tr>
</tbody>
</table>
Employees who have worked for the same employer part-time or full-time for 90 consecutive days are eligible for personal and family responsibility leave. It provides five days of job protection each year for personal sickness or short term care of an immediate family member. Immediate family member means:

- Partner (spouses, common-law partners, or adult interdependent partners);
- Children (including foster children, wards or partner’s children);
- Parent;
- Sibling;
- Grandparent;
- Grandchildren;
- Anyone living with the employee as a member of their family.

Personal and family responsibility leave includes attending to personal emergencies and caregiving responsibilities related to a child’s education. Medical certificates are not required but employers can set out their own rules for documentation.

**LONG TERM ILLNESS AND INJURY LEAVE**

<table>
<thead>
<tr>
<th>LONG TERM ILLNESS AND INJURY LEAVE SUMMARY</th>
<th></th>
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<tbody>
<tr>
<td>Who can take Long Term Illness and Injury Leave?</td>
<td>Employees dealing with illness, injury or quarantine.</td>
</tr>
<tr>
<td>When am I eligible?</td>
<td>After 90 days of full- or part-time employment.</td>
</tr>
<tr>
<td>How long is it?</td>
<td>Up to 16 weeks per calendar year.</td>
</tr>
<tr>
<td>Is it paid?</td>
<td>No, unless agreed to in the contract.</td>
</tr>
<tr>
<td>How much notice should I give my employer?</td>
<td>Notice must be given as soon as reasonable.</td>
</tr>
<tr>
<td>Do I need to give my employer any other documents?</td>
<td>Yes, you must provide a medical certificate to your employer which includes an estimated return date.</td>
</tr>
<tr>
<td>Will I have a job to return to?</td>
<td>Yes, your employer must provide you with the same, or similar, position when you return from leave</td>
</tr>
</tbody>
</table>

Long term injury and illness leave is available to employees who have worked 90 days either full- or part-time with their current employer. Employees are entitled to up to 16 weeks of job protection for long term illness or injury. Employees are required to provide a medical certificate, from either a doctor or nurse, before starting leave or as soon as is reasonable and practicable in the circumstances.

Notice should be given to the employer as soon as practicable and include an estimated duration of the leave. Notice should also be given one week before returning, or two weeks before terminating the employment while on leave.

Employees may be eligible for up to 15 weeks of EI benefits during the leave. Long term injury and illness leave is one week longer to account for the EI waiting period.
BEREAVEMENT LEAVE

BEREAVEMENT LEAVE SUMMARY

<table>
<thead>
<tr>
<th>Who can take Bereavement Leave?</th>
<th>Employees who have suffered the loss of a family member.</th>
</tr>
</thead>
<tbody>
<tr>
<td>When am I eligible?</td>
<td>After 90 days of full- or part-time employment.</td>
</tr>
<tr>
<td>How long is it?</td>
<td>Up to 3 days per calendar year.</td>
</tr>
<tr>
<td>Is it paid?</td>
<td>No, unless agreed to in the contract.</td>
</tr>
<tr>
<td>How much notice should I give my employer?</td>
<td>Notice must be given as soon as reasonable. 1 week notice must also be given before returning to work.</td>
</tr>
<tr>
<td>Do I need to give my employer any other documents?</td>
<td>Yes, you must provide a medical certificate to your employer which includes an estimated return date.</td>
</tr>
<tr>
<td>Will I have a job to return to?</td>
<td>Yes, your employer must provide you with the same, or similar, position with the same pay and benefits when you return leave</td>
</tr>
</tbody>
</table>

Bereavement leave is available to employees who have worked 90 days either full- or part-time with their current employer. An employee is entitled to 3 days of unpaid bereavement leave per year, not per incident of bereavement.

Bereavement leave is given for the loss of a family member. For the purpose of bereavement leave, “family” is defined the same as it is under compassionate care leave.

Employee’s should give notice as soon as is reasonable before taking leave. Medical certificates are not required but employers can set out their own rules for documentation.

OTHER LEAVES

There are a number of other leaves which also provide job protection in certain circumstances. An employee is eligible for all the following leaves when they have worked 90 days either full- or part-time with their current employer, with the exception of reservist leave. For a full explanation of the following leaves visit [https://www.alberta.ca/employment-standards.aspx](https://www.alberta.ca/employment-standards.aspx)

**Citizenship Ceremony Leave** – Employees are eligible for a half day of unpaid, job protected leave to attend their own citizenship ceremony.

**Critical Illness Leave** – Employees are eligible for up to 16 weeks of unpaid, job protected leave to take care of a critically ill adult family member. Employees may be eligible for up to 15 weeks of EI payment during this time.
Employees are also eligible for up to 36 weeks of unpaid, job protected leave to take care of a critically ill child family member. Employees may be eligible for up to 35 weeks of EI payment during this time.

**Death or Disappearance of a Child Leave** – Parents and guardians are eligible for unpaid death or disappearance of a child leave, if it is probable the death or disappearance of their child is a result of a crime they did not commit. The leave is 52 weeks for a child who has disappeared and 104 weeks for a child who has died. Employees may also be eligible for income support via the Parents of Missing or Murdered Children grant.

**Domestic Violence Leave** – Employees are eligible for 10 days of unpaid domestic violence leave if domestic violence occurs to them or a partner, someone they are dating, the parent of their child, a relative or someone residing with them who has care and custody over them.

Domestic violence includes: injury or property damage (or the fear of injury or property damage) used to intimidate a person; psychological or emotional abuse; forced confinement; sexual contact coerced by force or threat; and stalking.

The specific purposes for which an employee may take the leave included: to seek medical attention; to obtain services from a victim services organization; to seek counselling; to relocate or to seek legal or law enforcement assistance.

**Reservist Leave** – Employees are eligible for unpaid reservist leave if they are reservists who have been employed by their current employer for 26 consecutive weeks. The employee is eligible for 20 days of leave a year for training, and as much time as necessary for national or international deployment. Documentation should be obtained by the employee from their commanding officer confirming the length of leave. Notice should be given 4 weeks before leave unless deployment is urgent, 4 weeks’ notice should also be given before returning to work. Employee’s on annual training do not need to give notice before returning to work, as the return date will be known when the leave begins.

**OCCUPATIONAL HEALTH AND SAFETY**

Employers have an obligation to ensure the health and safety of their employees and to provide safe worksites to the extent that it is reasonably practicable for them to do so.

An employee is not required to work if he or she will be at risk of imminent danger, or if doing so will put someone else in danger. Employees should tell their employer about unsafe conditions as soon as possible. If the unsafe conditions continue after they are reported to their employer, the employee(s) can also report unsafe working conditions to an Employment Standards officer for investigation. The employer CANNOT discipline an employee because they refuse to do imminently dangerous work in accordance with the *Occupational Health and Safety Act*. If an employee is disciplined or fired because they refuse to work in accordance with the Act then that employee is
entitled to voice a complaint to an Employment Standards officer. It is important that an employee tell the absolute truth in the complaint. Making a false complaint could result in a fine or jail time as a punishment.

You can contact Alberta Occupational Health & Safety in Edmonton at 780-415-8690, or file a complaint online through their website.

EMPLOYMENT STANDARDS

When employees are unable to resolve matters with their employer, Employment Standards staff can investigate the matter after they receive a written complaint. Employees who want to file a complaint with Employment Standards must file while employed or within six months of the date on which their employment ended.

Employment Standards provides telephone-counselling services for anyone who has a question concerning employment. Recorded messages and an automated fax-back system are available 24 hours a day. Employment standards advisors are available to speak to you over the phone during regular business hours (Monday to Friday 9am-5pm).

Employment Standards can be reached by phone at 780-427-3731. You can also start an inquiry online at: work.alberta.ca/employment-standards/Employment-Standards-Online-Inquiry.html

DISCRIMINATION

The Alberta Human Rights Act prevents employers from treating certain employees differently than others because of certain personal characteristics, known as the protected grounds.

The protected grounds include:

a. Gender (including pregnancy), gender identity and gender expression;
b. Religious beliefs;
c. Race;
d. Ancestry;
e. Colour;
f. Physical or mental disability;
g. Age;
h. Family status;
i. Marital status;
j. Source of income;
k. Sexual orientation; and
l. Place of origin.

The employer may have a valid reason for discriminating, however, if accommodating the employee will cause undue hardship. If there is a reasonable requirement for the job that the employee cannot meet because of a particular characteristic, the employer does not have to accommodate the employee if it will cause undue hardship on the employer. For example, blindness would fall under the protected ground of physical disability, but if sight is a valid
occupational requirement (e.g. as a driver or pilot) then the employer may not have to accommodate the employee.

If an employee has been discriminated against, they may make a complaint to the Alberta Human Rights Commission.

The Commission can order an employer to stop unfair treatment, pay compensation or reinstate an employee. An employee must submit a written complaint within 12 months of the incident. The commission will attempt to mediate the dispute first. If this fails, a hearing may be scheduled.

You can ask Human Rights Commission representatives questions (anonymously) by telephone at 780-427-7661. If you are unsure if the way your employer is treating you or another employee is discrimination, you can call and ask.

The Employment Standards Code also prohibits employers from discriminating against employees who assert their rights under the Act, make a complaint under the Act, or give evidence in any hearing or proceeding under the Act.

**EMLOYMENT INSURANCE**

Employment Insurance (EI) is a program that provides financial assistance to Canadians who lose their jobs through no fault of their own, and are available for and able to work but unable to find a job.

To be eligible for EI regular benefits, you must have been employed in insurable employment. You must have been unemployed for at least 7 consecutive days out of the last 52 weeks. Generally, you must have worked between 420 and 700 hours in the last year to qualify for EI. How many hours you will need exactly will depend on the unemployment rate in Alberta at the time. You may not qualify for EI if you quit your job without a good reason or are fired for just cause. You should apply for EI benefits within four weeks from the last day of employment to avoid unnecessary delays or loss of benefits. It can take up to 28 days from the date the claim is filed before receiving the first cheque.

You will still have to look for a job and comply with certain conditions (e.g. remaining in Canada and filling out reports) while collecting benefits. It is a good idea to write down the names of all the places where you have applied for a job in case you are audited by Service Canada.

If you wish to apply for EI, then you must collect a record of employment from your employer. If they refuse to give you one, contact Service Canada.

You can apply for EI online at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca), by phone at 1-800-206-7218, or by visiting the Service Canada center closest to you.
WORKERS’ COMPENSATION

If an employee cannot work because of an injury they received at work, they can apply to the Workers Compensation Board (WCB) for benefits. If the claim is accepted, the employee may be paid up to 90% of their net (after deductions) income.

If you suffer a workplace injury or an occupational disease it is important to contact your employer as soon as possible. Your employer is required to report injuries that are likely to prevent you from working for any longer than the remainder of the workday to the WCB. Employees should also report injuries to the WCB themselves. When submitting a report to the WCB make sure it is received within 2 years of the date the injury occurred, or within 2 years of when the employee first learned of the occupational disease. If the report is received after 2 years the claim might be denied.

You can report an injury online at www.wcb.ab.ca, or you can contact WCB over the phone at 780-498-3999. If an employee disagrees with a decision made by WCB on his or her claim, he or she can appeal the decision. If you wish to appeal a decision you must notify the WCB in writing. You should do so within 1 year or your appeal may be dismissed. The employee and/or their representative have the right to view their file in order to prepare for the appeal. You can reach the Office of the Appeal Advisory at 780-498-8640.

The employee has the right to have a representative at the appeal hearing, which can be a lawyer, an appeals advisor, someone from Student Legal Services, or some other agent (for example, a friend or relative). If you would like the help of Student Legal Services it is important to contact us as soon as possible. The closer to your hearing date that you call, the lower the chance that help will be available. You can reach the SLS Civil Project at 780-492-8244.

If you believe there was a mistake made by WCB regarding your appeal, you can appeal the decision to the Appeals Commission – a separate government entity.

If you believe there was an error in the decision of the Appeals Commission, the decision can be appealed to the Alberta Court of Queens Bench. To appeal you must file an application with the Court and serve it on the Appeals Commission within 6 months of the decision that is being appealed.

YOUTH EMPLOYMENT
There are special rules stating at what ages children can be employed, and in what positions.

Children under the age of 12 are not permitted to work except in special circumstances, such as artistic endeavours, which require a permit.

No adolescent from the ages of 12 to 14 may be employed without the written consent of their parent or guardian. Further, they may only be
employed as clerks, flyer deliverers or in certain positions at retail stores. If they are employed in another position the employer must obtain a permit.

Young persons from the ages of 15 and 17 do not need their parents or guardians consent except to work between 12:01 am and 6:00 am.

Finally, no children who are required to attend school can be employed during school hours unless they are part of an off-campus education program.

These laws will be changing in the new future. For the proposed changes see https://www.alberta.ca/youth-employment-laws.aspx.

JOB TRAINING AND FINDING EMPLOYMENT

There are programs in Alberta that may be able to help unemployed individuals with job training or with finding employment. Alberta Works is a program of the Alberta Government to help unemployed people find and keep jobs, help low-income Albertans cover their basic costs of living, and help employers meet their need for skilled workers. There are several Alberta Works office locations in Edmonton: visit http://humanservices.alberta.ca/ to find the location nearest you. You can also contact Alberta Works by phone at 780-427-9674.

Other programs also exist to help unemployed individuals who are experiencing difficult circumstances.

The Bredin Centre has programs to help with resume building, job search, and other skills. You can reach the Bredin Center at 780-425-3730 or visit their website http://www.bredin.ca/

Boyle Street Community Services has programs for job training and employability. They are also a valuable resource for individuals who are having a difficult time finding a job because of addictions or homelessness.

The Bissell Center has employability and education programs to help individuals facing difficult circumstances. The Bissell Center has a casual day labour program for short-term employment on a day-to-day basis. You can reach their employment office at 780-424-4385.

The Bent Arrow Traditional Healing Society has an employment program called Journey to Success that helps aboriginal people with life management and employment seeking skills. To apply for the Journey to Success program you can reach Bent Arrow by phone at 780-481-3451 or by email at reception@bentarrow.ca.

Oteenow Employment and Training Society provides similar services of employment training for aboriginal people. You can reach Oteenow by phone at 780-444-0911 or online at www.oteenow.com.
Women Building Futures is an organization that can help women with job training for the construction industry and trades work. You can reach Women Building Futures at 780-452-1200 or get more information at www.womenbuildingfutures.com.

The University of Alberta runs the CAPS services to help undergraduate students and recent graduates of the U of A find employment. You can reach CAPS at 780-492-4291 or online at http://www.caps.ualberta.ca.

YouCan Youth Services provides a program to help unemployed youth between the ages of 16 and 22 by providing education programs to help with job searching skills, work experience, and employability. You can reach YouCan online at http://youcan.ca/ or by phone at 780-444-3348.

Careers in Transition is a program that provides help for unemployed individuals to get their General Education Development (GED) diploma. To contact Careers in Transition, you can phone 780-496-9228, or visit their website http://www.citinc.ca for more information.
WHERE CAN I GET HELP OR MORE INFORMATION

Employment Standards (outside Edmonton dial 310-0000 first) [780] 427-3731
http://employment.alberta.ca/SFW/1224.html

Occupational Health and Safety .............................................1-866-415-8690
http://www.employment.alberta.ca/SFW/53.html
  Call if you experience unsafe working conditions

Employment Insurance ..........................................................1-800-206-7218
http://www.servicecanada.gc.ca/eng/sc/ei/index.shtml

Workers’ Compensation Board ..............................................[780] 498-3999
www.wcb.ab.ca
  Call if you were injured at work

Alberta Human Rights Commission ......................................(780) 427-7661
www.albertahumanrights.ab.ca
  Call if you have experienced discrimination in your workplace

Alberta Works ........................................................................1-866-644-5135
https://www.alberta.ca/alberta-supports.aspx
  Call if you need help finding employment

Boyle Street Community Services ............................................(780) 424-4106
http://boylestreet.org/
  Boyle street can provide help finding employment, especially for individuals experiencing homelessness

Bent Arrow Traditional Healing Society ..............................(780) 481-3451
www.bentarrow.ca
  Employment skills training and job search skills training for aboriginal individuals.

Oteenow Employment and Training Society .......................(780) 444-0911
www.oteenow.com
  Employment skills training and job search skills training for aboriginal individuals.

Legal Assistance

Dial-A-Law (Legal Information on Tape) ..............................1-800-332-1091

Edmonton Community Legal Centre .....................................780-702-1725
www.eclc.ca
  Free legal information and help for low-income individuals.
Lawyer Referral Service.........................................................1-800-661-1095
Call to obtain the contact information of 3 lawyers in your area who work in any area of practice including employment law.

Legal Aid Alberta.................................................................780- 427-7575
www.legalaid.ab.ca
Free legal information, lawyers may represent you for a reduced rate if you fit within their low-income guidelines.

Student Legal Services of Edmonton. ..................................780- 492-2226
Civil Law.................................................................780- 492-8244
www.slsedmonton.com

Native Counselling Services of Alberta.................................780- 451-4002
www.ncsa.ca
Court workers provide information on the nature of the criminal charge, rights, and court procedure. Assistance and support with the necessary documents, Legal Aid applications, and other help.