



Type of law:
CIVIL LAW

Employment



A 2022 Alberta Guide to the Law

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GENERAL

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Minimum Employment Standards

Minimum Wage

\$15.00

EXCEPT \$598.00/week for salespeople, and \$2,848.00/month for domestic employees (living in their employer's home).

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.

*Disclaimer: this chart is only meant to provide a brief overview. Please read the rest of the pamphlet for detailed information.

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 employees. 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: <http://alis.alberta.ca/pdf/cshop/contractor.pdf>

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 yourself and your employer. You 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 (usually at least 1.5 their normal hourly rate).
- 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 you agree with your employer that there will be more rights than those listed in the *Employment Standards Code*, then you 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.

If you are being offered benefits below the minimum guarantee, it is best to ensure they are in writing.

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



Your employer cannot require you to work more than 12 hours in any 24-hour period unless there is an emergency. There are some exceptions if your employer has a permit for extended work hours.

Your employer should notify you of your work hours by posting a schedule with the start and end time to each shift in an area where you can see it. Any changes to your 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 you:

- 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 you to take a break, the employee might not receive a rest period.
- One full day of rest in each 7-day period.
 - You may agree to work up to 24 days in a row. At the end of a 24-day period, your employer must provide you at least four consecutive days of rest.

OVERTIME

Generally, you must be paid overtime when you work more than 8 hours in a day or more than 44 hours in a single week. You will always receive the greater total of overtime hours from either calculation.

For example, if you work 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 you will always receive whichever total is greater, you will be paid for 10 hours of overtime in this case.

You and other employees can also enter into agreements with your employer, which allow you and other 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, you can work up to a maximum average of 44 hours a week before qualifying for overtime pay. The maximum amount of daily hours you can work before qualifying for overtime pay is 8 hours if you were originally scheduled for a shift less than 8 hours long, or the daily scheduled hours if the shift was originally 8 hours or longer. Averaging agreements may be permitted or required by your employer, and will cover a period ranging from 1 to 52 weeks, or longer if authorized by ministerial or directorial order.

Amount of Overtime Pay

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

You may agree to take time off instead of being paid overtime. For every hour of overtime worked you will be entitled to 1 hour off at a later time. This is often referred to as “flex time” or “time in lieu”. You must take time off in place of overtime pay within 6 months of the end of the pay period in which it was earned. The time off must be taken at a time that you would otherwise have worked. If you do not take the time off within 6 months, your employer must pay you for the overtime worked. If you worked overtime hours and quit or get fired before taking this time off, your employer must pay you for the overtime.

Exemptions from Rules for Hours of Work and Overtime Pay

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

You have the right to be paid at least minimum wage of \$15/hour in Alberta. However, the minimum wage for students under the age of 18 is only \$13/hour. The minimum wage rate for salespeople is \$598/week, and \$2848/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>

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 under the age of 18 years old;
- f. Students in off-campus education programs specified in the *School Act*;
- g. Extras in a film or video;
- h. Counsellors or instructors at an educational or recreational non-profit camp for children or handicapped individuals or for religious purposes

Time of Payment

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



Your employer must give you a statement of earnings at the end of each pay period. The statement should show:



- a) The number of regular hours and overtime hours you 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.

If your employment is terminated for whatever reason, your employer must ensure that all your unpaid wages are paid to you. It is your employer's decision whether to pay you within 10 days of the end of your last pay period or within 31 days of your last day of employment.

Length of a Shift



Generally, you must be paid for at least 3 hours of work every time you report 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 you if your wage rate, overtime rate, vacation pay, general holiday pay, or termination pay is to be reduced before the start of the pay period in which this reduction will take effect.



If your employer does not give you proper notice, you are entitled to the wage you received before the reduction until the end of the pay period.

DEDUCTIONS

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* section 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

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



Duration of employment	Notice required prior to termination
0-3 months	No notice required
3 months- 2 years	1 week
2-4 years	2 weeks
4-6 years	4 weeks
6-8 years	5 weeks
8-10 years	6 weeks
10 years +	8 weeks

However, the above may be modified by your employment contract, as you can always agree to longer notice of termination and to more severance pay. If your contract has specific wording about severance pay, it will only be valid if it is equal to or greater than the *Code* minimums.

Employers almost always owe notice beyond the minimums set out in the *Employment Standards Code*. 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 2 weeks and the maximum notice period to be roughly 24 months when your contract does not provide specific entitlement of termination without cause. 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.

Your employer's specific financial situation is generally irrelevant in determining the notice period required.

Usually, your employer will choose to pay you the amount of money you would have made during the notice period, rather than have you continue to work for them. To determine this amount your 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 you 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.

You are under an obligation to attempt to mitigate the damage caused to yourself by the termination. This means that you 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 you 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 what was provided.

You may NOT entitled to notice or termination pay when you:

- 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 your employment for "just cause". If you are terminated for "just cause" your 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 you without reasonable notice or your consent. If your employer does this, you 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, you may find that you have been constructively dismissed and are entitled to termination pay. This means that your employer has changed your job so significantly that it no longer corresponds to the contract of employment you agreed upon. For instance, this could occur if your compensation is significantly reduced or the tasks you do no longer match what you were hired to do. The test is whether a reasonable person in your circumstances would consider the changes imposed by your 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 you want to quit your job, you are required to give advanced notice to your employer before you quit. How much notice is required depends on how long you have worked for the employer. If you have worked for more than 3 months and less than 2 years, you are required to give at least one week's notice. If you have worked for more than 2 years, you must provide 2 weeks' notice.

Duration of Employment	Notice required
0- 3 months	None
3 months- 2 years	1 week
2 years+	2 weeks

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;
- You quit because your health or safety would be in danger if you continued to work for the same employer;

- The contract of employment is impossible to perform because of unpredictable or unavoidable causes that are beyond your control;
- You have worked for the employer for 3 months or less;
- You are temporarily laid off;
- You rejected an offer of reasonable alternative work and got laid off;
- You are not getting work because of a strike or lockout at your place of employment;
- There is an agreement where you can choose either to work or not to work when asked to work; or
- You quit because of a decrease in wage rate, overtime rate, vacation pay, general holiday pay or termination pay.

Temporary Layoffs

If your employer wishes to maintain an employment relationship with you, they may temporarily lay you off by giving written notice. The notice must state that the layoff is temporary, and include the start date of the layoff and sections 62-64 of the *Employment Standards Code* as well as any other provisions from the *Employment Standards Regulations* that might be relevant to your situation.

If you are laid off for 90 days or more in a 120 day period (180 days total if the layoff is caused by the COVID-19 pandemic), your employment may be considered to be terminated unless your employer pays wages or an amount in lieu of wages, or provides benefits to you during the layoff. If your employment contract terminates then termination pay must be provided. In order for this to be true, you must consider yourself as terminated so it is not always best to enforce this as you may be left without a job.

To recall you to work, your employer must provide written recall notice. You must then return to work within seven days of being given notice, or your employment is considered terminated without requiring termination notice or pay.

HOLIDAY AND VACATION PAY

Holiday Pay

If you work on a holiday (i.e. statutory holidays), you are entitled to holiday pay. These are as follows:



New Year's Day	January 1st
Alberta Family Day	Third Monday in February
Good Friday	Friday before Easter
Victoria Day	Monday before or on May 25
Canada Day	July 1

Labour Day	First Monday in September
Thanksgiving Day	Second Monday in October
Remembrance Day	November 11
Christmas Day	December 25

To be entitled to holiday pay, you must work all scheduled shifts the day before and the day after the holiday, unless the employer consented to you 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

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

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 you take a

vacation you can be paid your regular wage while on your vacation or you may receive vacation pay on all paycheques throughout the year.

If you quit, are fired, or are laid off, your employer must pay your vacation pay in the last pay cheque you receive, no later than 31 consecutive days after the last day of your 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*. You can only get more if your employer agrees to provide you more. Employees cannot legally be given anything less, even if they agreed to it. You should always refer to your employment contract to ensure you 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

You are entitled to 5 days of unpaid leave for your own health if you have been employed for the last 90 days with the same employer. Additionally, you are entitled to 16 weeks of unpaid leave each calendar year for long-term illness, injury or quarantine. You 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

MATERNITY LEAVE SUMMARY	
Who can take maternity leave?	Employees who are pregnant.
When am I eligible?	After 90 days of full- or part-time employment
How long is it?	16 weeks.

When can maternity leave start?	Anytime within the 13 weeks prior to your estimated delivery date.
Is it paid?	No, but you may be eligible for EI (employment insurance) special benefits.
How much notice should I give my employer?	6 weeks, but can be within 2 with medical documentation.
Will I have a job to return to?	Yes, your employer must have the same, or a similar position with the same or better wage and benefits available for you when you return.

If you are pregnant and have worked for the same employer, full- or part-time for 90 days in a row, you may take time off for your pregnancy. Pregnant employees have a right to 16 weeks' unpaid maternity leave, which can begin anytime within 13 weeks prior to their estimated due date. You must take at least 6 weeks of maternity leave after the birth of your child, unless you made an agreement with your employer to return to work early and you provide medical documentation to indicate that your health will not be endangered.



You must be reinstated to your old job or a similar job with the same pay and benefits when you return to work.

If you are going to take maternity leave, you must give your employer written notice at least 6 weeks before the day you want to start maternity leave. If your employer asks, you must provide a medical certificate from a physician, showing the expected due date and certifying that you are pregnant. If you do not give 6 weeks' notice, you are still entitled to maternity leave as long as you provide your employer with a medical certificate indicating you are unable to work due to your pregnancy and the estimated due date. This must be provided within two weeks of stopping work.

Your employer may also give you written notice to begin your maternity leave if the pregnancy will interfere with your duties, provided it is at least 12 weeks prior to the expected delivery date. Your employer does not have to pay you for maternity leave, unless you have signed an agreement with your employer which states that you will get paid while you are on maternity leave.

Employment Insurance While Pregnant

If you are pregnant, you may be able to collect Employment Insurance (EI) maternity benefits while you are 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. You must have worked at least 420 hours in the last year (until September 24, 2022) to collect, and show that your 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

PARENTAL LEAVE SUMMARY	
Who can take parental leave?	A parent of a newborn or newly adopted child under the age of 18.
When am I eligible?	After 90 days of full- or part-time employment.
How long is it?	62 weeks in total. This time can be split between two parents or taken only by one.
When can parental leave start?	After the child is born or adopted.
Do I have to use it within a certain time?	Yes, parental leave must be used within 78 weeks of the date of birth, or the date an adopted child is placed with the parent.
Is it paid?	No, but you may be eligible for EI (employment insurance) parental benefits.
How much notice should I give my employer?	6 weeks.
Can I share the parental leave with my partner?	Yes, but you should tell your employer if you will be doing this.
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.
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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 420 hours of insurable work (until September 24, 2022), 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

COMPASSIONATE CARE LEAVE	
When am I eligible?	After 90 days of part-time or full-time employment.
Who can take compassionate care leave?	Family members of a person who is at significant risk of death in the next 26 weeks because of serious illness.
How long can the leave be?	27 weeks total.
How much notice should I give my employer?	2 weeks notice, unless the circumstances make it impossible to give this much notice.
Do I need to give my employer any other documents?	Yes, you will need a certificate from a physician certifying that your family member is in danger of death within 26 weeks and that they require the care or support of one or more family members.
Is it paid?	No, but you may be eligible for 6 weeks of EI benefits while on compassionate care leave.

Will I have a job to return to?	Yes, your employer must provide you with the same, or similar, position with the same pay and benefits when you return from compassionate care leave.
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If you have worked for the same employer part-time or full-time for 90 consecutive days, you 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 they require the care or support of one or more family members. You must provide this certificate to their employer. Except in emergency situations, this certificate should be provided prior to beginning leave.

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

Like maternity and parental leave, EI benefits may be 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

PERSONAL AND FAMILY RESPONSIBILITY LEAVE SUMMARY	
Who can take Personal and Family Responsibility Leave?	Employees needing to deal with personal sickness, or to meet their family responsibilities.
When am I eligible?	After 90 days of full- or part-time employment.
How long is it?	Up to 5 days per calendar year.
Is it paid?	No, unless agreed to in the contract.
How much notice should I give my employer?	As much notice as is reasonable and practicable in the circumstances.

If you have worked for the same employer part-time or full-time for 90 consecutive days, you 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, foster parent, or guardian;
- 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

LONG TERM ILLNESS AND INJURY LEAVE SUMMARY	
Who can take Long Term Illness and Injury Leave?	Employees dealing with illness, injury or quarantine.
When am I eligible?	After 90 days of full- or part-time employment.

How long is it?	Up to 16 weeks per calendar year.
Is it paid?	No, unless agreed to in the contract.
How much notice should I give my employer?	Notice must be given as soon as reasonable.
Do I need to give my employer any other documents?	Yes, you must provide a medical certificate to your employer which includes an estimated return date.
Will I have a job to return to?	Yes, your employer must provide you with the same, or similar, position when you return from leave.

If you have worked 90 days either full- or part-time with your current employer, you qualify for long term injury and illness leave. You are entitled to up to 16 weeks of job protection for long term illness or injury. You 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.



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

You may be eligible for up to 15 weeks of EI benefits during the leave. Long term illness and injury leave is one week longer to account for the EI waiting period. If you have a group insurance plan, you should inquire with your employer to see if additional benefits are available to you.

BEREAVEMENT LEAVE

BEREAVEMENT LEAVE SUMMARY	
Who can take Bereavement Leave?	Employees who have suffered the loss of a family member.
When am I eligible?	After 90 days of full- or part-time employment.
How long is it?	Up to 3 days per calendar year.
Is it paid?	No, unless agreed to in the contract.

How much notice should I give my employer?	Notice must be given as soon as reasonable.
Do I need to give my employer any other documents?	Medical certificates are not required but employers can set out their own rules for documentation.
Will I have a job to return to?	Yes, your employer must provide you with the same, or similar, position with the same pay and benefits when you return leave

If you have worked 90 days either full- or part-time with your current employer, you may qualify for bereavement. You are 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.

You 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. You are eligible for all the following leaves if you have worked 90 days either full- or part-time with your current employer, with the exception of reservist leave. For a full explanation of the following leaves visit <https://www.alberta.ca/employment-standards.aspx>

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



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

You are also eligible for up to 36 weeks of unpaid, job protected leave to take care of a critically ill child family member. You 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. You may also be eligible for income support via the Parents of Missing or Murdered Children grant.

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

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 you may take leave include: 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 – You are eligible for unpaid reservist leave if you are a reservist and have been employed by your current employer for 12 consecutive weeks. You are eligible for 20 days of leave a year for training, and as much time as necessary for national or international deployment. You should obtain documentation from your commanding officer confirming the length of leave. You should give notice 4 weeks before leave unless deployment is urgent. You should also give 4 weeks' notice before returning to work. If you are on your annual training you 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

Your employer has an obligation to ensure the health and safety of yourself and other employees and to provide safe worksites to the extent that it is reasonably practicable for them to do so.



You are not required to work if you will be at risk of imminent danger, or if doing so will put someone else in danger. You should tell your employer about unsafe conditions as soon as possible. If the unsafe conditions continue after you report them to your employer, you can also report unsafe working conditions to an Employment Standards officer for investigation. Your employer **cannot** discipline you because you refuse to do imminently dangerous work in accordance with the *Occupational Health and Safety Act*. If you are disciplined or fired because you refuse to work in accordance with the *Act* then you are entitled to voice a complaint to an Employment Standards officer. It is important that you 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 you are unable to resolve matters with your employer, Employment Standards staff can investigate the matter after they receive a written complaint. If you want

to file a complaint with Employment Standards, you must file it while employed or within six months of the date on which your 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.



However, your employer may have a valid reason for discriminating. If there is a reasonable requirement for the job that you cannot meet because of a particular characteristic, your employer does not have to accommodate you if it will cause them undue hardship. 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 your employer may not have to accommodate you if you are blind.

If you have been discriminated against, you may make a complaint to the Alberta Human Rights Commission.

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

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

The *Employment Standards Code* also prohibits your employer from discriminating against you if you assert your rights under the *Act*, make a complaint under the *Act*, or give evidence in any hearing or proceeding under the *Act*.

EMPLOYMENT 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 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 at least 420 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, by phone at 1-800-206-7218, or by visiting the Service Canada center closest to you.

WORKERS' COMPENSATION

If you were injured on the job and are unable to work as a result, you can apply to the Workers Compensation Board (WCB) for benefits. If the claim is accepted, you may be paid up to 90% of your 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 you 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 their claim, they 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 of the decision 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 toll-free at 1-800-427-0115.

You have 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.



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 <https://www.alberta.ca/alberta-supports.aspx> to find the location nearest you. You can also contact *Alberta Works* toll-free at 1-800-232-7215 between the hours of 7:30am and 8:00pm.



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. Contact them at 780-424-4106 or visit <http://boylestreet.org/>.



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 780-423-2285.

The Bent Arrow Traditional Healing Society has an employment program called Journey to Success that helps Indigenous peoples 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, by email at reception@bentarrow.ca or at www.bentarrow.ca.

Oteenow Employment and Training Society provides similar services of employment training for Indigenous peoples. 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 Career Centre to help undergraduate students and recent graduates of the U of A find employment. You can reach the Career Centre by phone at 780-492-4291 or by email at yourcareercentre@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 AND HELP?

Alberta Human Rights Commission 800 - 10405 Jasper Avenue NW Edmonton, Alberta T5J 4R7	Contact: Web: www.albertahumanrights.ab.ca Ph: 780-427-7661
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The Alberta Human Rights Commission will help when an individual has faced discrimination either in the hiring process, during employment or during the termination period.

Alberta Works 10242 105 St NW, Edmonton, AB T5J 3L5	Contact: Web: https://www.alberta.ca/alberta-supports.aspx Ph: 1-800-232-7215
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Alberta Works can help individuals find employment. They also provide income support for students, apprentices and people who are unemployed.

Dial-A-Law (Legal Information on Tape)	Contact: Ph: 1-800-332-1091
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Dial-A-Law is a phone service that gives individuals access to pre-recorded legal information on a wide variety of legal topics including employment.

Edmonton Community Legal Centre Telus House, South Tower: Second floor, 10020 – 100 Street, Edmonton, AB T5J 0N3	Contact: Web: www.eclc.ca Ph: 780-702-1725
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Edmonton Community Legal Centre helps low income individuals with their legal problems through free 45 minute appointments.

Employment Insurance Canada Place, Floor Main 9700 Jasper Avenue Edmonton, Alberta	Contact: Web: https://www.canada.ca/en/services/benefits/ei.html Ph: 1-800-206-7218
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Employment Insurance helps individuals continue to receive an income even when they are unemployed between jobs.

Employment Standards	Contact: Web: https://www.alberta.ca/contact-employment-standards.aspx Ph: 780-427-3731 Toll free: 1-877- 427-3731
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Employment Standards provides information on the applicable employment standards at a workplace, enforces these standards and review complaints.

Lawyer Referral Service	Contact: Toll free: 1-800-661-1095
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When an individual calls, they will speak to an operator and describe the nature of their problem. The operator will then provide them with the contact information for up to three lawyers who may be able to assist them. When contacting these referred lawyers, the first half hour of the conversation will be free since they were referred by lawyer referral service.

Legal Aid Alberta #600, 10320 102 Ave, Edmonton, AB T5J 4A1	Contact: Web: www.legalaid.ab.ca Ph: 780-427-7575
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Legal Aid provides free legal information and their lawyers may represent an individual for a reduced rate if they fit within their low-income guidelines.

Native Counselling Services of Alberta 14904 121a Ave NW Edmonton, Alberta T5V 1A3	Contact: Web: www.ncsa.ca Ph: 780-451-4002
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Native Counselling Services can help guide individuals through the court process and also provide emotional support as well as legal help.

Occupational Health and Safety 10808 99 Ave, Edmonton, AB T5K 0G5	Contact: Web: https://www.alberta.ca/file-complaint-online.aspx Ph: 780-415-8690
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Occupational Health and Safety helps individuals who are being forced to work in unsafe working conditions.

Student Legal Services – Civil Law Project 11036 88 Ave NW Edmonton, AB T6G 0Z2	Contact: Ph: 780-492-8244 Web: www.slsedmonton.com
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The Civil Law Project of Student Legal Services consists of law students who can provide basic legal information on various topics in civil law, such as wills, landlord-tenant matters, employment, and certain small claims. They can also provide information about various resources available if you require more in-depth assistance.

Workers' Compensation Board 9912 107 Street Edmonton AB T5K 1G5	Contact: Web: www.wcb.ab.ca Ph: 780-498-3999
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When an individual is injured at work, Workers' Compensation Board can help them get money in compensation for their injury.