

Workers' Resource Centre



#440, 999 – 8 Street SW

Calgary, AB T2R 1J5

403-264-8100

www.helpwrc.org

info@helpwrc.org

Please note that our office is closed at this time
but we are working remotely to help you

Workers' Resource Centre - True as of June 17, 2020

This is to be used for information purposes only and should not
be taken as legal advice

Workers' Resource Centre – WRC

Who are we?

The Workers' Resource Centre is a small not-for-profit, charitable organization that educates and assist workers with their rights in the workplace in Alberta

- Has 7 staff including the Executive Director

WRC has 3 programs:

- Public Legal Education
- Sexual Harassment Advisory Program
- Case Work/advocacy

The WRC is the only organization in Alberta that provides these services

- Currently our only office is in Calgary but can help all Albertans

All WRC services are **FREE!!!!**

Workers' Resource Centre – WRC

What do we help with?

The WRC helps educate and advocate for Albertans with their employment-related rights under:

- Employment Insurance (EI)
- Alberta Employment Standards
- Canada Labour Code
- Alberta Occupational Health and Safety
- Alberta Human Rights in the workplace
- Canadian Human Rights in the workplace
- Workers' Compensation Board (WCB)
- Small claims complaints for contractors

All WRC services are **FREE!!!!**

Alberta Employment Standards (ES)

What is it?

Employment Standards are made by the provincial government and set out the minimum requirements that employers must follow concerning their workers

It states the minimums that employers **have** to do

- Employers cannot do less than what is under Employment Standards Code but they can always do more

Alberta Employment Standards (ES)

Does it cover all workers?

No, not all workers fall under the Employment Standards Code

The **3 groups** of workers not protected by Employment Standards are:

- Workers who work for **federally-regulated industries** (for example, banks, railway, telecommunication, transportation that leaves Alberta and a few others)
 - These workers will fall under the **Canada Labour Code**
- Workers who work in a **unionized workplace**
 - Unionized workers will fall under the **collective agreement** between the employer and the union however Employment Standards is the **minimum** of every collective agreement
- **Self-employed** individuals
 - Whatever is in the contract is what must be followed by both parties
 - If there are issues or a breach of the contract then it may lead to a **small claims** complaint

Alberta Employment Standards (ES)

What does it cover?

It protects workers on a variety of topics such as:

- Minimum wage
- Payment of earnings
- Hours of work and breaks
- Overtime and overtime pay
- Vacations and vacation pay
- General holidays and general holiday pay
- Termination of employment
- Job-protected leaves

Alberta Employment Standards (ES)

Part-time/Full-time

All of these rules apply whether you are full-time or part-time

There is actually no law that states what is considered full-time or part-time, it is completely company policy

Alberta Employment Standards (ES)

Changes due to COVID-19

Creation of a new job-protected leave for employees caring for children affected by school and daycare closures or ill or self-isolated family members

- Extended personal and family responsibility leave
- The 90-day employment requirements is waived
- The leave length is flexible and linked to guidance from the Chief Medical Officer
- A medical note is not required
- The pre-existing personal and family responsibility leave rules continue to apply for all other circumstances
- Job-protected leaves means:
 - You are entitled to this time off
 - You must be hired back at your same rate of pay or better than when you left
 - You must be hired back at the same position or a similar position than when you left
- Job-protected leaves do not need to be paid by the employer

Alberta Employment Standards (ES)

Changes due to COVID-19

Creation of a new job-protected leave for 14 days for employees who are required to isolate (as outlined on the Alberta government isolation requirements page <https://www.alberta.ca/isolation.asp>) or are caring for a child or dependent adult who is required to self-isolate

- The 90-day employment requirements is waived
- A medical note is not required
- The leave length covers the 14-day isolation period recommended by Alberta's Chief Medical Officer and may be extended if the advice of the Chief Medical Officer changes

Alberta Employment Standards (ES)

Changes due to COVID-19

Removal of the 24-hour written notice requirement for shift changes

Removal of the requirement for 2-weeks notice for changes to work schedules for those under an averaging agreement

- This has to do with overtime and workers will know that there is an averaging agreement already in place and their worksite

Alberta Employment Standards (ES)

Changes due to COVID-19

Employers and employees may consider using other available leaves should an employee be required to self-isolate

- Employees can request using their vacation days or banked overtime but employers are not required to grant the request. Alberta Employment Standards only requires employers to provide vacation pay, vacation leave within a year of it being earned or banked overtime within 6 months of it being earned
- Employers can request employee voluntarily take vacation leave and/or use their vacation pay or banked overtime but cannot force them to do so under Alberta Employment Standards

Alberta Employment Standards (ES)

Changes due to COVID-19

Removal of the employer's requirement to provide group termination notice to employees and Unions when 50 or more employees are being terminated

- Individual termination entitlements remain in effect
- Employers must still give group termination notices to the Minister of Labour and Immigration as soon as is practical

Increasing of the maximum time for temporary layoffs from 60 days to 120 days

- This change is retroactive for temporary layoffs related to COVID-19 that occurred on or after March 17, 2020
- If an employer is going to extend the temporary lay off to more than 60 days there needs to be a gesture that is beneficial to the employee that both the employer and employee agree to (for example, 100% employer paid extended health benefits, 100% employer paid pension payments etc.)
- Ideal would be if employer informs employees that temporary lay off will be more than 60 days because if the extension is made on day 60, the agreed upon gesture is retroactive to the first day of the lay off and it may lead to an ES complaint if not done

Alberta Employment Standards (ES)

Termination of Employment

If your employer is permanently laying you off or your temporary lay off ends and becomes permanent, here are the timeframes that need to be followed for notice or payment in lieu of notice/severance pay/termination pay:

- Day 1 to 90 days – 0 days
- 91 days – 2 years – 1 week
- 2 years – 4 years – 2 weeks
- 4 years – 6 years – 4 weeks
- 6 years – 8 years – 5 weeks
- 8 years – 10 years – 6 weeks
- 10 years or more – 8 weeks

Note that you have 6 months from your last day of work to file an Employment Standards complaint

Unionized Workplaces

If you work in a Unionized workplace your Collective Agreement is still in place during this time

Your Collective Agreement supersedes the Employment Standards Code as long as the what is in the Collective Agreement is better than what is outlined in the Employment Standards Code

If something under Employment Standards Code is better than your Collective Agreement (for example, the newly created job protected leave) then Employment Standards Code rules must apply

Important Government Contact Information

Alberta Employment Standards (ES)

- Toll free number to speak to an ES officer – 1-877-427-3731

Need assistance from the Workers' Resource Centre?

If you need assistance, please contact:

Workers' Resource Centre

at 403-264-8100

to make a remote, over-the-phone appointment
with one of the WRC Case Workers