



**EMPLOYMENT
STANDARDS
GUIDE**

Effective September 1, 2019

Alberta Employment Standards Code

*Migrante-Alberta Know Your Rights
Workshop*

What's our rights?

As workers in Alberta, we are entitled to certain rights. There are government legislations that protect workers these rights.

- ✓ Employment Standards Code (ESC)
- ✓ Alberta Labour Relations Law
- ✓ Alberta Human Rights Code
- ✓ Occupational Health and Safety Law

What is the ESC?

The Code sets the MINIMUM conditions of employment for all employees in Alberta

This is for workers who are not covered by a collective agreement or does not have a union.

A union contract cannot be lower than what's in the Employment Standards Code

The Code deals with:

- ✓ Minimum hours of work
- ✓ Minimum wages
- ✓ Overtime pay
- ✓ Vacation
- ✓ Public holidays
- ✓ Termination and severance pay
- ✓ Complaints against prohibited practices

Who is not entitled to the ESC

All Canadian citizens and residents of Alberta (permanent or temporary) are entitled EXCEPT:

- Employees on vocational training or manpower training in the construction industry
- Student who is working during the school - year in an establishment that is chosen by his or her school
- People who goes to work as part of their health, physical or mental rehabilitation
- People in the senior managerial positions
- All workers under federal jurisdiction
- Undocumented migrants

The background features a dark blue field filled with various shades of blue gears of different sizes, some overlapping. On the left side, there is a vertical strip with a colorful, abstract, and textured appearance, possibly representing a gear mechanism or a complex system.

The Standards

Wages

Minimum wage rate

Over 18	\$15/hour
Under 18 and a student	\$13/hour (some exceptions apply)
Under 18 and not a student	\$15/hour

Myth and Facts

WHO'S HELPED BY RAISING THE MINIMUM WAGE?

WHAT PEOPLE THINK

- Teenager
- Works part time after school
- Lives with parents
- Earning extra spending money



THE REALITY

- Average age: **35 years old**
- 88% are not teens.** They're 20 or older
- 36% are **40 or older**
- 56% are **women**
- 28% have children**
- 55% work **full time**
- On average, they **earn half** of their family's total income



Myth and Facts

MYTH	FACTS
Workers will loose their jobs	Higher minimum wage pumps billions to back the economy. Businesses will benefit
Raising minimum wage will raise prices	Greed will raise prices. Other factors contribute to the price increase of commodities. Studies show that wage increase have a very little impact on price increase
Raising minimum wage will hurt small businesses	Local economy benefits the most in minimum wage increase. Big corporations suffocates and drive away small businesses



Part time workers

An employer CANNOT pay the worker less only because he/she do not have regular hours

Payment

Your employers must establish a regular pay period and a regular pay day for employees.

Pay Statement

- Pay periods
- Wage rate (if there is one)
- Gross amount and the calculations
- All deductions (including room & board if there is any)
- Net wage being paid to you

Vacation Pay

1 year and over – Two weeks of paid vacation
(4% of your wage)

5 years and over – Three weeks of paid vacation
(6% of your wage)

Minimum call out pay

3 hours of at least minimum wage

Or your hourly wage multiplied by actual hours
worked

You employer can deduct...

- ✓ Income taxes
- ✓ Canada Pension Plan (CPP)
- ✓ Employment Insurance (EI)
- ✓ Court-ordered garnishes or judgments.

CANNOT deduct

- ✓ Faulty work (e.g. errors in an estimate)
- ✓ Uniforms
- ✓ Breakage (e.g. a broken tool)
- ✓ Cash shortages*/ loss of property (e.g. 'dine-and-dash', 'gas-and-dash')

Duration of work

An employee may work a maximum
Of 12 hours a day

During a regular workday, the worker must
always be available for his / her employer

OVERTIME

Worker must be paid overtime after 8 hours a day
or 44 hours of work per week whichever is greater
(8/44 rule)

Breaks

Coffee breaks

- This is not mandatory.
- The coffee break cannot be deducted from your gross pay.

Meals

30 min. every 5 hours of work

Weekly rest period

Not less than 1 day of rest after each workweek

Part time workers

Like regular employees, part-timers are entitled to the same benefits

When going for vacation

- Vacation must be taken in the 12 months following your date of hiring
- Your employer can set the date of your vacation
- Your vacation notice must be handed 4 weeks before your actual vacation date

Statutory holidays

- January 1st
- Family day (3rd Monday of February)
- Good Friday
- Victoria Day (Monday before May 25)
- July 1st (Canada day)
- First Monday of September (Labour day)
- Thanksgiving (Second Monday of October)
- Remembrance Day (November 11)
- December 25 (Christmas)

Special holiday

Civic Holiday / Heritage day (1st Monday of Aug)

Who is entitled?

If you worked for the same employer for 30 days in the last 12 months

The holiday falls in the worker regular work day

If I worked, will I get paid?

Hours worked x Hourly wage x 1.5 +
Average daily wage

Job protected leave

Maternity leave	16 weeks
Parental leave	62 weeks
Reservist leave	as needed
Compassionate care leave	27 weeks
Bereavement leave	3 days per year
Domestic violence leave	10 days per year
Citizenship ceremony leave	half day – once in a lifetime
Critical illness leave	36 weeks for a child 16 weeks for an adult
Long-term illness and injury leave	16 weeks per year
Personal and family responsibility leave	5 days per year
Death or disappearance of a child leave	52 weeks or 104 weeks

Notice of termination

Employers may not give notice of termination if :

- an employee working for less than 3 months;
- an employee who has committed a serious fault;
- an employee laid off due to an accident;
- an employee whose contract expires;
- an employee hired to carry out a specific task

Uninterrupted service	Length of the notice
3 months to 2 years	1 week
2 years or more	2 weeks

Depending on the circumstances and the length of your employment, your boss must give you between **1 and 8 weeks' notice**.

What if my boss did not give any notice?

The employer must pay the worker his/her wage equal to the notice he or she was entitled.

The background is a dark blue field filled with various sizes of gear silhouettes. On the left side, there is a vertical strip with a colorful, abstract, and textured appearance, possibly representing a gear mechanism or a complex system. The text is centered in the blue area.

How do I file a complaint?

Steps in filing a claim



What's Wrong?

Is your pay cheque not right?

Are you missing overtime pay, or vacation pay, or some other kind of pay?

Did you not get an equivalent job after you came back from maternity leave?

Were you terminated without notice or pay?

Are there deductions on your pay cheque you did not expect?



Do you qualify?

Find out if you qualify to submit a complaint with Employment Standards by answering some questions. Employment Standards cannot help with some issues.



Create an account.

If you qualify, create an account by filling in your personal contact information. You will need this to proceed with submitting a complaint.



Put it in writing.

Complete your complaint by filling in employer and employment history information, estimating any outstanding payments, and describing the problem in writing.



Send a letter to your employer.

Complete and send a Request for Payment letter to your employer.



Give your employer time to respond.

Wait ten days for a response from your employer.



Submit your complaint.

If you do not receive a response from your employer, or are not able to resolve the issue, submit your saved complaint to Employment Standards for review and investigation.

*Your employer cannot punish you for filing
a complaint*

Important Note!

You need to file a complain within six (6) months of the incident

How long does it take

It varies on the load of the Ministry

Information that you might need

About your complaint:

- What happened
- When it happened
- Why it happened
- Who was involved
- Any witnesses
- What are you asking for
- How did you try to solve the problem



About your Job:

- Your SIN
- Copies of pay stubs or paycheques
- Copies of T4 slips
- Notice of termination (if you have)
- Copy of your contract (if you have)
- Copy of ROE
- Copies of warning letters etc.
- Records of hours worked

About your Employer:

- Your employers name, address and telephone number
- The name of our employers bank
- Is your employer still operating
- Does your employer have other branch or other business

You can still file a claim even if you do not have or remember everything

What can WE do

- Our problem is not “personal”
- We are part of society
- We must collectively address issues
- Join groups and organizations
 - Labour Union
 - Community Groups
 - Volunteer
- Educate, Organize, Mobilize

Other important numbers

ES Contact Centre

780-427-3731

Workers Compensation Board (WCB)

780-498-3999

Alberta Human Rights Commission

780-427-7661

MIGRANTE – migrantealberta.ca