



What can my employer deduct from my earnings?

By law, your employer must deduct money from your earnings to cover:

- income taxes,
- Canada Pension Plan (CPP),
- Employment Insurance (EI), and
- court-ordered garnishes or judgments.

No other deductions are allowed without advance written permission or through a collective agreement.

Your employer is not allowed to deduct the following from your earnings:

- faulty work (e.g. spoiled food),
- uniforms,
- breakage (e.g. a broken plate), or
- cash shortages*/loss of property (e.g. 'dine-and-dash').

**If more than one individual has access.*



Notice

How much notice is needed if I quit my job?

Depending on the length of your employment, you'll need to provide 1 or 2 weeks' written notice.

90 days or less	no requirement
Between 91 days and < 2 years	1 week notice
2 years or more	2 weeks' notice

How much notice is needed if my boss lets me go?

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

Dismissal for just cause	no requirement
90 days or less	no requirement

Your employer cannot require you to use banked overtime or vacation time during the notice period, unless agreed to otherwise.

If you are asked to leave immediately, after receiving written notice, your employer must pay you what you would have earned for the full notice period.



How long is a regular work day?

Rules apply for work days longer than 8 hours.

Typically, no one should be working more than 12 hours in a row. If you're working a split shift, your work hours need to remain within a 12-hour period. So, if you start work at 9:00 am, you shouldn't be expected to work past 9:00 pm.

What is a split shift?

A split shift is when your work day consists of 2 or more separate periods of work, with a break of more than 1 hour in between.



Do I get breaks at work?

You must be provided with **at least 30 minutes of rest within every five hours of work, unless:**

- an accident occurs or urgent work is required,
- there are other unforeseeable or unpreventable circumstances, or
- you belong to a union and different break arrangements have been made through your collective agreement.

You and your employer can decide if your break is taken all at once or is split up in to two 15-minute periods.

Breaks can be paid or unpaid, at your employer's discretion.

What if I can't take breaks?

If you cannot take breaks during your shift or your employer does not allow you to leave the premises during your break, you must be paid for that time.



When can I expect to be paid?

Your employer must commit to regular pay periods. You must be paid within 10 days of the end of each pay period and provided with a statement of earnings and deductions. A pay period cannot be longer than one month.

If your employer has defined a 2-week pay period, you should expect to receive your first payment within 24 days of your start date. From then on, you can expect an average of 2 payments per month.

Find more detailed information about Alberta's Employment Standards at alberta.ca/EmploymentStandards



Need support? Let's talk.

The Employment Standards Contact Centre is your direct line to the answers you need.

780-427-3731
within Edmonton

1-877-427-3731
toll free from anywhere in Alberta

Ask a question online at alberta.ca/ESquestions

If you think your employer is not following the rules, talk with your employer first, and show them this guide for reference. If your issue is not resolved, see alberta.ca/EScomplaints for details on how to file a complaint.

Disclaimer: In the event of any discrepancy between this information and Alberta Employment Standards legislation, the legislation is considered correct. This guide is not a comprehensive list of Alberta's Employment Standards.

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EMPLOYMENT STANDARDS GUIDE

for the Hospitality Industry

Effective January 1, 2018

Overview

This brochure covers the basic employment standards for the hospitality industry.

Here, you'll find answers to questions about pay, breaks, vacation and more.

Further information about Alberta's Employment Standards is available at alberta.ca/EmploymentStandards



How old do I have to be to work in hospitality?

You can start working in limited restaurant and food service roles **at the age of 13**, but will require written permission from a parent or guardian, and cannot sell or serve alcohol.

These roles include:

- Host/hostess
- Cashier
- Dishwasher
- Bussing tables
- Server
- Customer service
- Assembling food orders
- Light cleaning

Based on your age group, there are specific rules for working at night or on school days in the hospitality industry:

- **13 - 14 year olds:** you can work up to 2 hours after regular school hours, but not between 9:00 pm and 6:00 am. On non-school days, you can work up to 8 hours, with the same nighttime restrictions.
- **15 - 17 year olds:** you can work between 9:00 pm and 12:01 am with adult supervision. You can't work between the hours of 12:01 am and 6:00 am.

Updated rules on youth employment are effective **June 1, 2018**.



Can I expect to be paid for...

Job training?

Yes. If you are receiving on-the-job training, you are performing a service for the employer and are entitled to be paid for all hours spent in training.

Meetings?

Meetings directly related to your work must be paid. This applies to both mandatory and optional meetings.

Note: See the Minimum call-out pay section of this guide for what you are entitled to for short meetings. If attending a meeting involves putting in overtime, overtime pay applies.

What can I expect to be paid?



Minimum wage

Your employer must pay you no less than minimum wage (lowest hourly rate).

Alberta general minimum wage:

\$13.60/hour, effective October 1, 2017

\$15.00/hour, effective October 1, 2018



Vacation and vacation pay

After 1 year on the job, you're entitled to 2 weeks' paid vacation. Vacation pay is 4% of your wages.

After 5 years on the job, you're entitled to 3 weeks' paid vacation. Vacation pay increases to 6% of your wages.



Minimum call-out pay

If you're called in for a meeting or to work a shift but then sent home, you must be paid whichever works out to be more:

- your hourly wage multiplied by the time actually worked, or
- 3 hours at a rate of **at least** minimum wage.

Employee example:

The following is an example of two employees who were called in for a 2-hour shift on May 10 (a non-holiday). Employee A has an hourly wage of \$25/hr and Employee B has an hourly wage of \$18/hr.

CALCULATING MINIMUM CALL-OUT PAY		
	EMPLOYEE A	EMPLOYEE B
1) Hours worked at regular hourly rate	2 hours x \$25/hr = \$50	2 hours x \$18/hr = \$36
2) 3 hours worked at minimum wage*	3 hours x \$15/hr = \$45	3 hours x \$15/hr = \$45
Minimum call-out pay (the greater of 1 and 2)	\$50	\$45

*This example assumes a minimum wage of \$15/hour.



General holiday pay

You are entitled to general (statutory) holiday pay unless you miss your scheduled shifts right before or after the general holiday without your employer's consent, or didn't work the general holiday when required to.

If you **work** on a general holiday, you are entitled to either:

- at least your average daily wage* plus at least 1.5 times your wage rate for hours worked

OR

- your regular wage rate for hours worked and applicable overtime **plus** a day off (on a normal work day) with pay that's at least your average daily wage.*

If you **don't work** on a general holiday, you are entitled to at least your average daily wage.*

Average daily wage is 5% of an employee's wages, vacation pay and general holiday pay earned in the 4 weeks leading up to the general holiday. Overtime is not included in average daily wage calculation.

Employee example:

An employee makes \$20/hour. Her vacation pay is paid out on each cheque. In the 4 weeks (28 days) leading up to the July 1 holiday (between June 3 and June 30), she worked 141 hours.

CALCULATING AVERAGE DAILY WAGE		
	CALCULATION/DETAILS	TOTAL
Wages	Hours worked in previous 28 days x Hourly wage	141 hours x \$20/hr = \$2820
Vacation pay	4% of Wages	\$2820 x .04 = \$112.80
General holiday pay (from previous general holidays)*	There were no general holidays between June 3 and June 30	\$0
Average daily wage	5% of (Wages + Vacation pay + General holiday pay)	(\$2820 + \$112.80 + \$0) x .05 = \$146.64

*Any general holiday pay paid out in the previous 4 weeks.

CALCULATING GENERAL HOLIDAY PAY		
	CALCULATION/DETAILS	TOTAL
If the employee doesn't work on the general holiday	Average daily wage	\$146.64
If the employee works on the general holiday	(Hours worked x Hourly wage x 1.5) + Average daily wage	(8 hours x \$20/hour x 1.5) + \$146.64 = \$386.64
	OR	
	(Hours worked x Hourly wage) + Paid day off at a rate of average daily wage	(8 hours x \$20/hour) = \$160 + Day off at \$146.64

General holidays

Alberta has 9 official general holidays (statutory holidays). These are:

New Year's Day	January 1
Alberta Family Day	Third Monday in February
Good Friday	Friday before Easter
Victoria Day	Monday before May 25
Canada Day	July 1, except when it falls on a Sunday, then it is July 2
Labour Day	First Monday in September
Thanksgiving Day	Second Monday in October
Remembrance Day	November 11
Christmas Day	December 25



Job-protected leaves

Employees are eligible for most job-protected leaves after 90 days of employment with the same employer.* You must provide your employer with written notice as soon as possible, stating the intention of taking leave. Certain leaves have additional requirements.

The following outlines the maximum length for each unpaid job-protected leave available to employees in Alberta:

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

*Employees are eligible for reservist leave after 26 weeks of employment.

Find more information on how it all works at alberta.ca/EmploymentStandards

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Overtime pay for overtime work

Overtime pay is owed for all hours worked over 8 hours a day or 44 hours a week, **whichever is greater**. Unless there is a banked overtime agreement in writing, your employer must pay you **at least 1.5 times** your regular hourly rate for overtime worked.

If you have a banked overtime agreement, you must be given time off at a rate of **1.5 hours for each overtime hour worked**, paid at your regular wage rate.

Your employer must follow the minimum standards for paying overtime. Written or verbal agreements between an employer and employee to not pay overtime are **not** allowed.

Some employees are not eligible for overtime hours and pay, including professionals, managers, supervisors, select salespersons and waged, non-family farm and ranch employees. Visit alberta.ca/EmploymentStandards for a complete list of overtime exemptions and exceptions.

Employee example:

STANDARD OVERTIME PAY								
	SUN	MON	TUES	WED	THURS	FRI	SAT	TOTAL
Hours worked	10	9	Day off	Day off	8	10	9	46 hours
# of hours > 8-hour daily max.	+ 2	+ 1	-	-	-	+ 2	+ 1	6 hours
Standard overtime pay is calculated as the greater of either daily or weekly overtime hours.							Weekly overtime	46 - 44 = 2 hours
							Daily overtime	6 hours

Tips

Tips are not considered wages, and not covered under the Employment Standards Code. Each workplace decides how tips are to be handled.



Averaging agreements

Averaging agreements enable you to work longer scheduled hours per day at your regular wage rate in exchange for days off.

There are two types of averaging agreements:

1. **Hours of Work Averaging Agreements (HWAA)** allow for modified work schedules. For example, employees may work longer scheduled daily hours in exchange for more days off. These can be agreements between an individual employee or group of employees and an employer.

Note: You may become part of a group agreement if you are hired into a group that has one in place.

2. **Flexible Averaging Agreements (FAA)** allow for flexible working arrangements where employees get

time off for extra time worked on an hour-for-hour basis. FAAs may only be requested by employees who work at least 35 hours a week.

Only one **work schedule** can be in the averaging agreement and must be provided in advance. Employees can't be scheduled for more than 12 hours a day or 44 hours a week. Overtime is calculated differently under averaging agreements.

To **enter an agreement** with an employer there must be an agreement signed by the individual wishing to enter the agreement or with group majority consent, or as part of a collective agreement. Either party is able to **exit** the agreement with appropriate notice.

Note: An individual can't choose to leave a group agreement. Entering or exiting a group agreement is by majority decision.

Visit alberta.ca/EmploymentStandards for more information on averaging agreements.