

New workplace rules

Information for employers

Objective

The Restoring Balance in Alberta's Workplaces Act supports economic recovery, restores balance in the workplace and gets Albertans back to work.

Changes

What is changing	What it means	Effective date
Simpler rules for calculating general holiday pay that are better aligned with pay cycles.	<p>These changes will save employers time and money and make it easier for them to re-open and will help protect the jobs of Albertans.</p> <p>These changes will help employees get back to work and protects jobs of hardworking Albertans.</p> <p>Employers will no longer have to include vacation pay and general holiday pay in the average daily wage calculation.</p> <p>Average daily wage will be the employees' total wages averaged over number of days they worked in the:</p> <ul style="list-style-type: none">• Four weeks immediately before the general holiday, or• Four weeks ending on the last day of the pay period that occurred just before the general holiday.	November 1, 2020

	The employer can choose which calculation period best aligns with their payroll cycle.	
Simpler rules for group termination notice.	<p>There is one set of rules for all terminations of 50 or more people in a four-week period rather than different requirements depending on the number of staff being terminated.</p> <p>Employers still have to give the Minister of Labour and Immigration four weeks notice, or as much time as is reasonable, when they terminate more than 50 employees at a single location.</p>	August 15, 2020
Rules for payroll.	<p>Employers can correct payroll errors or recover vacation pay paid in advance more quickly because they no longer have to get an employee's written authorization to deduct an amount that was overpaid to them on a paycheck.</p> <p>Employers are still required to notify employees that overpayments will be deducted from their paychecks.</p>	November 1, 2020
Rules for payment of final pay upon termination.	<p>These changes provide employers with more flexibility by reducing costs of off-cycle payments and administrative burdens</p> <p>These changes allow employers to align termination payments with their payroll cycles.</p> <p>Employers will be required to pay an employee within one of the following periods that the employer chooses:</p>	November 1, 2020

	<ul style="list-style-type: none"> ○ Ten consecutive days after the end of the pay period in which termination occurred, or ○ 31 consecutive days after the last day of employment <p>This would better align with pay cycles.</p> <p>The Canadian Payroll Association estimates this change could save Alberta employers \$100 million per year. Writing a separate cheque for termination pay can cost employers an extra \$91 dollars.</p>	
Rules for temporary layoffs (non-COVID related)	<p>Employers can lay employees off for a longer period of time (90 days in total within a 120 day period). COVID-19 related layoffs can continue to be up to 180 consecutive days (established under the <i>COVID-19 Pandemic Response Statutes Amendment Act</i>)</p> <p>While employers are still required provide written notice of a temporary layoff, specific timing requirements for written temporary layoff notice are removed.</p>	<p>August 15, 2020</p> <p>November 1, 2020</p>
More flexible rules for hours of work averaging arrangements.	<p>It will be easier for employers to set up arrangements, create schedules and calculate overtime.</p> <ul style="list-style-type: none"> • Employers can start an hours of work averaging arrangement by giving employees two weeks' notice, without getting employees' consent. • Arrangements can have an averaging period of up to 52 weeks. The Director of Employment Standards will be able to approve extensions past 52 weeks. Under current rules, 	November 1, 2020

	<p>averaging periods can be up to 12 weeks.</p> <ul style="list-style-type: none"> • Arrangements will no longer need to have an end date. • More flexibility to change shifts however, employees must receive 8 hours of rest between shifts. • There is more flexibility for employers to determine how and if daily overtime applies. Overtime is calculated on the greater of weekly or daily overtime hours when daily overtime is included. Averaging period overtime must be paid to the employee no later than 10 days after the pay period that the averaging period ends, which may be as long as 52 weeks, as determined by the employers. 	
Expanding the types of jobs that 13 and 14-year-olds can do	<p>Employers can more easily hire 13 and 14-year-olds for certain types of jobs because they will not need to get a permit.</p> <p>Employers are still responsible for the health and safety of young workers and are required to ensure they are properly trained and capable of doing the work. Parents must still provide consent for 13 and 14-year-olds to work.</p>	November 1, 2020
Changes to administrative penalties.	<p>Employers will have more time to make the payment if they receive an administrative penalty.</p> <p>If employers break rules, they still may receive a penalty, but the amount could be adjusted on a case-by-case basis.</p>	November 1, 2020
Rules for rest periods.	<p>More flexibility in how employers can provide breaks to their employees.</p>	November 1, 2020

	Rest periods can be taken at a time agreed to by an employee and employer. If the parties cannot agree an employer must provide a 30-minute break for every five hours of shift time for any shift over five hours long.	
More flexible rules for variances and exemptions.	It will be easier and quicker for employers to get approval for, and renew a variance or exemption.	November 1, 2020

Additional new rules if your employees are part of a union

What is changing	What this means	Effective Date
Employers and unions can agree to alter employment standards rules such as hours of work, notice of work times, days of rest, and overtime hours under hours of work averaging arrangements.	Employers will be able to work with unions to set rules that fit the needs of their business.	November 1, 2020
If employees in the construction industry choose a new union, the existing collective agreement that was agreed to with the previous union will still apply until it expires.	In most cases, employers will have the stability and certainty of keeping their existing agreement with the new union until it is time to negotiate a new one.	July 29, 2020
Employers and employees can renew a collective agreement before it expires.	Employers can renew a collective agreement with their employees at an earlier time, as long as the Labour Relations Board is satisfied that employees have given informed consent.	Not yet in effect
New rules for strikes, lockouts and picketing.	The changes will reduce red tape and restore balance to the relationship between employees and job creators. These rules will help protect employers from economic harm.	

	<p>Immediate filing of the Board's order on a strike, lockout or picketing is required at the request of one of the parties (employer or union).</p> <p>During an illegal strike, the Board may order employers to suspend union dues.</p> <p>During an illegal lockout, the Board may order employers to continue to pay employees' union dues.</p> <p>There will be stricter rules around picketing and secondary picketing.</p> <p>Picketing will be deemed wrongful when it obstructs or impedes a person from crossing a picket line.</p> <p>Also, parties will be required to get approval from the Labour Relations Board before picketing somewhere other than the employer's primary workplace.</p>	<p>July 29, 2020</p> <p>July 29, 2020</p> <p>July 29, 2020</p> <p>July 29, 2020</p> <p>Not yet in effect.</p>
Changes to reverse onus rules.	<p>If a complaint is made against an employer, the employer is responsible for proving they did nothing wrong only when the complaint is about an employee being unfairly terminated.</p> <p>Additionally, unions will be required to prove they did nothing wrong in cases of alleged union coercion or intimidation, or where it is alleged that a union has violated the opt-in provisions.</p>	July 29, 2020
Changes to rules on union certification and revocation.	These changes reduce red tape and restore balance to the relationship between employers	July 29, 2020

	<p>and employees by removing specific rules for timelines around union certification processes, while still requiring the Labour Relations Board to complete certification applications within six months in most cases.</p> <p>Employees, employers and unions retain their rights to have certifications dealt with in an efficient, timely manner.</p> <p>These changes provide certainty to all parties.</p>	
New rules for remedial certification.	Legislation specifies when remedial certification can be used, such as when no other remedy is sufficient to counteract the impacts of the employer's misconduct and the true wishes of employees can't be determined.	July 29, 2020
Updated rules for negotiating a first agreement with a union.	<p>Employers are still encouraged to work with unions to reach agreements and maintain labour peace.</p> <p>The Board will only order first contract arbitration if a certain threshold is met, rendering first contract arbitration as an option of last resort.</p>	July 29, 2020
More flexible rules for industrial construction and maintenance unions to organize their members.	<p>Employers will have less administrative work related to unionized employees in construction (outside of Registration) and maintenance work.</p> <p>The changes will encourage competitiveness and reduce administrative burden with more</p>	Not yet in effect

	<p>flexible rules for industrial construction and maintenance unions to organize their members.</p> <p>Industrial unions will be able to form “all employee units” by representing all employees who work for the same employer, regardless of their trade. In some circumstances, the all-employee unit may be for less than the full complement of employees. These situations would include employees that are not represented by a union, or are already represented by a different union. Consolidation of existing bargaining units will be permitted if specific criteria is met.</p> <p>The Labour Relations Board will be able to apply the build-up principle to account for if a larger workforce is expected in the future. Consolidation of bargaining units will be permitted if certain criteria is met.</p> <p>Building trades unions will continue to certify their members on a craft-by-craft basis. Any international unions and their locals will still follow existing rules in provincial collective agreements.</p>	
<p>More clarity and certainty in rules for major construction projects.</p>	<p>It is easier to start and carry out a major construction project in Alberta.</p> <ul style="list-style-type: none"> • Major projects can be approved by a Minister instead of Cabinet. • Government will have 120 days to respond to a major project application, with the 	<p>July 29, 2020</p>

	<p>possibility of extending the timeline.</p> <ul style="list-style-type: none"> • Project owners can also be principal contractors when negotiating a major project agreement. • Projects can have more than one project agreement and these projects can be renegotiated. • Principal contractors can delegate authority for bargaining, with consent from the Minister of Labour and Immigration. • Maintenance workers are included in major projects, and don't have the right to strike and lockout. • Arbitration will be used to help parties reach and renegotiate collective agreements. 	
<p>Employees will be able to opt-in to pay the portion of union dues that go towards funding political parties and causes.</p>	<p>Employees have increased choice about whether to fund political parties and causes, as the portion of funds being dedicated to such causes will be made distinct from those being spent on core union activities.</p> <p>These changes ensure transparency and protect workers who don't want their dues going to ideological causes.</p>	<p>Not yet in effect</p>