

Red tape reduction

Employment Standards Information for Albertans

Objective

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

We are reducing red tape for businesses by ensuring processes are streamlined and not used in unnecessary circumstances.

Changes

What is changing	What it means	Effective date
How employers handle group terminations of 50 or more employees.	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.	August 15, 2020
Simpler rules for layoffs.	Employers have more flexibility and clarity. 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>) Specific timing requirements for written temporary layoff notice are removed.	August 15, 2020 November 1, 2020

<p>Rules for termination.</p>	<p>Employers can save money on manual payroll processes by giving employees termination pay within either</p> <ul style="list-style-type: none"> ○ 10 consecutive days after the end of the pay period in which termination occurred, or ○ 31 consecutive days after the last day of employment 	<p>November 1, 2020</p>
<p>Rules for collective agreements.</p>	<p>Employers and employees will have increased flexibility.</p> <p>Employers and bargaining agents can agree to alter provisions such as hours of work confined, work times, rest periods, days of rest and overtime hours under an hours of work averaging arrangement.</p>	<p>November 1, 2020</p>
<p>Simpler rules for hours of work averaging (arrangements (AA))</p>	<p>Employers will save time and money.</p> <p>Employers must provide two weeks' notice before starting an hours of work arrangement without employees' consent. Employers and employees can agree on how to handle missed shifts or schedule changes. There will no longer be a maximum term for averaging arrangements.</p> <p>Employees are entitled to overtime if the hours of work exceed:</p> <ul style="list-style-type: none"> ● 8 hours in a work day, if the scheduled hours for that day are less than 8 hours, or ● the daily scheduled hours, if 8 or more hours are scheduled, or 	<p>November 1, 2020</p>

	<ul style="list-style-type: none"> • 44 hours in a week, if the averaging period does not exceed one week, or • an average of 44 hours in a week if the averaging period exceeds one week. <p>If the averaging arrangement can specify whether daily overtime thresholds apply.</p>	
Rules for deductions	<p>Employers will spend less to recoup overpayments.</p> <p>Employers can deduct overpayment caused by a payroll calculation error without an employee's written authorization. The employee must be notified in advance. Employers can also deduct overpayment of vacation pay paid in advance without an employee's written authorization.</p>	November 1, 2020
Average daily wage (ADW) calculations.	<p>Employers will find it easier to calculate holiday pay.</p> <p>Employers can calculate average daily wage as the total wages averaged over the number of days worked in the four weeks before a general holiday, or the four weeks ending on the last day of the pay period immediately before the general holiday. Vacation pay and general holiday are no longer included in the average daily wage calculation.</p>	November 1, 2020
Rules for workers under the age of 18.	<p>Employers will save time and money.</p> <p>The list of youth jobs in the Regulation is expanded to include positions usually approved by Director permit. This includes</p>	November 1, 2020

	<p>positions in the restaurant and food services industry, on the condition that youth workers are working with someone at least 18 years old and have their parents' consent. Light janitorial work in offices, coaching and tutoring are also added.</p>	
Simpler rules for administrative penalties.	<p>Employers will have more time (up to 30 days) to make the payment if they receive an administrative penalty.</p> <p>The Director can reduce penalty amounts, depending on the situation. The limitation for progressive penalties is reduced to two years.</p>	November 1, 2020
Ministerial variances and exemptions (MVEs).	<p>Employers will operate in a more responsive regulatory environment.</p> <p>The Minister has expanded authority to grant MVEs, there are no set term limits on orders and there is the option to renew MVEs.</p>	<p>September 30, 2020</p> <p>August 15, 2020</p>
Director variances and exemptions	<p>Employers will operate in a more responsive regulatory environment.</p> <p>The Director has increased authority to grant variances and exceptions and across a wider range of provisions.</p>	September 30, 2020
Rules on accrued vacation.	<p>Rules have been clarified to confirm employees can continue to accrue vacation time on a legislated leave.</p>	November 1, 2020
Rules for rest periods.	<p>More flexibility in how employers can provide breaks to their employees.</p> <p>Rest periods can be taken at a time agreed to by an employee and employer. If the parties cannot</p>	November 1, 2020

	agree an employer must provide a 30-minute break for every five hours of shift time for any shift over five hours long.	
Written statement of earnings.	Employers will save time and money in deciding between electronic or paper pay statements. Electronic pay statements will be acceptable so long as the employee has confidential access and can print a paper copy.	November 1, 2020

More information

If you have questions or concerns about these changes, you can contact government.

For questions relating to employment rules if you are not part of a union, contact the Employment Standards Contact Centre: 1-877-427-3731 or <https://www.alberta.ca/contact-employment-standards.aspx>

For questions relating to rules that involve unions, contact the Employee Labour Relations Support program: <https://www.alberta.ca/employee-labour-relations-support-program.aspx>.