

Your Rights and Responsibilities at Work

Before the Job

Learn about your rights before you're hired

On the Job

Get answers about pay, time off, overtime and more

Leaving the Job

Find out about temporary leaves or permanently leaving a job

alis.alberta.ca

CAREER PLANNING • EDUCATION • JOBS

» Make the most of your future

Government
of Alberta ■

Alberta ■

Career Practitioners and Educators

This publication is for workers who want to know more about employment rules in the Alberta workplace. It discusses legislation covering workers, their rights before starting a job, their rights and responsibilities on the job, and leaving the job temporarily or permanently.

Inside you'll find answers to questions about

- health and safety on the job
- human rights
- workers' compensation
- pay and pay deductions (including for income tax, Employment Insurance and Canada Pension)
- leave (including maternity/parental and military reservist leave)
- vacations and holidays
- pay records and earnings statements
- rests and breaks while working

All photos in this booklet are for illustrative purposes only. They are not actual photos of any individuals mentioned.

Catalogue Item # 755297

This publication is available to view or order online at alis.alberta.ca/publications. Copies can also be ordered from the Learning Resources Centre by telephone at 780-427-5775 or by fax at 780-422-9750.

For copyright information, contact:

Alberta Employment and Immigration

Career and Workplace Resources

Telephone: 780-422-1794 Fax: 780-422-5319

Email: info@alis.gov.ab.ca

© 2011 Government of Alberta, Alberta Employment and Immigration

This material may be used, reproduced, stored or transmitted for non-commercial purposes. However, Crown copyright is to be acknowledged. It is not to be used, reproduced, stored or transmitted for commercial purposes without written permission from the Government of Alberta, Alberta Employment and Immigration. This publication is not for resale unless licensed with Government of Alberta, Alberta Employment and Immigration. Every reasonable effort has been made to identify the owners of copyright material reproduced in this publication and to comply with Canadian copyright law. The publisher would welcome any information regarding errors or omissions.

Government of Alberta, Alberta Employment and Immigration publications may contain or reference publications, trademark, patent or copyright held by third parties ("third party material"), identified with a credit to the source. This does not grant the user a licence or right to that third party material. Users who wish to reproduce any third party material in this publication should seek permission from that third party.

Information in this publication was accurate, to the best of our knowledge, at the time of printing. However, legislation, labour market information, websites and programs are subject to change, and we encourage you to confirm with additional sources of information when making career, education, employment and business decisions. The material in this publication is intended for informational purposes and is not intended to be used as a source of legal advice.

ISBN 978-0-7785-7319-7

03/2011 – 65M



WHO IS THIS PUBLICATION FOR?

This publication is particularly useful if you're new to the workplace. You could be a young person looking for your very first job. You could be an immigrant, an international student or a temporary foreign worker starting your first job in Alberta. Or you could be starting work again after being out of the job market for a while.

Whatever you do in the workplace, the laws of Alberta and Canada have rules that apply before you're hired, while you're on the job and when you leave a job or are fired or laid off. Think of these rules as workplace rights and responsibilities. Sometimes they cover you as a worker. Sometimes they apply to your employer. And sometimes they apply to both of you.

Temporary foreign workers

If you are a temporary foreign worker, all human rights requirements and employment standards that apply to Canadian citizens and permanent Canadian residents also apply to you. But to work in Alberta, you must meet temporary worker visa, medical and Canadian work permit requirements. For more information, call the Temporary Foreign Worker Helpline toll-free in Alberta at 1-877-944-9955 or go online to employment.alberta.ca/immigration.

Find out more

This book covers the most important laws and regulations about workplace rights and responsibilities. To know more, check the resources listed throughout this publication. See **Key Contacts and Resources** on page 29 for a summary of workplace resources listed by subject.

You can also contact the organizations listed in this publication to formally complain or appeal an employment decision. You don't have to give your name when calling for information. Complaint deadlines are listed on page 28.

Youth employment law handbook

Know Your Rights in the Workplace: A Youth Employment Law Handbook provides in-depth information on employment law. For more information, call the Alberta Civil Liberties Research Centre in Calgary at 403-220-2505 or visit their website at aclrc.com.



The Rules: What is Covered	4
Before the Job Starts	6
Your rights before you're hired	
Protecting your human rights	7
Job-related skills testing	7
Drug and alcohol testing	7
Appearance and dress	8
Social Insurance Numbers	8
Young workers	
Rules for adolescents	8
Rules for young persons	9
International students	
Rules for international students	9
Rules for international post-grads	9
On the Job	10
Special needs and circumstances	
Duty to accommodate	11
Appearance and dress	12
Getting paid	
Minimum wage	12
Regular pay	12
Overtime and overtime pay	12
Vacation pay	12
General holiday pay	13
Equal pay for similar work	13

Table of Contents

Deductions from your pay	
Approved deductions	14
Food, board and clothing deductions	15
Pay records	
Statement of earnings	15
Taking rests and breaks	
Hours of rest and work	16
Knowing what counts as work	16
Taking vacations	16
Staying healthy and safe on the job	
Eliminating and controlling work site hazards	17
Working alone	17
Preventing violence in the workplace	18
Preparing for workplace emergencies	18
Receiving Workers' Compensation coverage	
Who WCB covers	19
Your duties if injured	19
Your employer's duties	19
Organizing and belonging to unions	
Forming a union	20
Paying union dues	20
Responding to other labour relations issues	20
Protecting personal information and privacy	
Collecting and using your personal information	21
Disclosing your personal information	21
Leaving the Job	22
Leaving your job temporarily	
Maternity and parental leave	23
Reservist leave	24
Sick leave	24
Compassionate leave	24
Layoffs and recalls	25
Leaving your job permanently	
Time worked and notice required	26
Just cause	26
Final pay on leaving	27
Filing complaints	28
Key Contacts and Resources	29
Provincial resources	29
Federal resources	33
Alberta Employment and Immigration	34
Index	35

The Rules: What is Covered

The Alberta *Employment Standards Code* sets minimum standards for earnings, minimum wage, hours of work, days of rest, overtime pay, vacation pay, general holiday pay, maternity and parental leave, ending work, and hiring workers under 18.

Besides rules relating to the *Employment Standards Code*, this book describes the workplace rights and responsibilities written in other Alberta laws and codes, including the

- *Human Rights Act*
- *Occupational Health and Safety Code*
- *Workers' Compensation Act*
- *Labour Relations Code*
- *Freedom of Information and Protection of Privacy Act*
- *Personal Information Protection Act*

Entitlements and benefits

The basic requirements of the *Employment Standards Code* are **entitlements**. Entitlements are what your employer must give you. If your employer offers more than the basic entitlement—for example, more vacation time than required by the Code—you are getting a **benefit**.

Find out more about the ***Employment Standards Code*** from *Employment Standards*:

Edmonton: 780-427-3731
Toll-free: 1-877-427-3731

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website: employment.alberta.ca/es

SOME EXCEPTIONS

The Alberta *Employment Standards Code* applies to about 90 per cent of Alberta employers and their workers. Even if it covers your workplace, parts of the Code might not apply to you. For example, the construction industry has different rules for vacation and holiday pay, and on giving notice about a job ending.

If you think different rules might apply to your workplace or industry, call Employment Standards.

Where the *Canada Labour Code* applies

About 10 per cent of Alberta workers and employers fall under the *Canada Labour Code*. That Code applies to you if you work directly for the federal government or if the following describe your employer:

1. Your employer performs a function or duty on behalf of the Government of Canada, which includes most federal Crown corporations and federal special operating agencies.
2. Your employer is a federal undertaking or business, which includes
 - interprovincial trucking
 - broadcasting
 - chartered banks
 - grain elevators
 - air transport
 - feed and feed mills
 - rail and water transport
 - interprovincial pipelines
 - work directly for or on behalf of First Nations

This publication does not discuss federal employment standards. For more information about the ***Canada Labour Code***, contact:

Human Resources and Social Development Canada
Toll-free: 1-800-668-5155

Website: www.labour.gc.ca
Select *Employment Standards*.



Before the



IN THIS SECTION

Your rights before
you're hired

Young workers

International students

Job Starts

YOUR RIGHTS BEFORE YOU'RE HIRED

Protecting your human rights

The Alberta *Human Rights Act* makes it illegal to discriminate or treat people unfairly because of their

- race
- religious belief
- colour
- gender
- physical disability
- mental disability
- age
- ancestry
- place of origin
- marital status
- source of income
- family status
- sexual orientation

These 13 types of discrimination are sometimes called *protected grounds*.

The Alberta Human Rights Commission is an independent government agency that

- fosters equality and reduces discrimination
- provides public information and education programs
- helps Albertans resolve human rights complaints

The *Human Rights Act* protects you when you're applying or competing for a job. It requires that job advertisements, applications, competitions or notices be fair. That means an employer can't refuse your job application or deny you a job interview, for example, because you have a history of mental illness or you are pregnant. Similarly, your religion, your marital status or any of the other types of discrimination listed above can't be held against you when applying.

Human rights employment protection applies to anyone 18 or older. If you are 18 or older, you can't be told you are too young or too old for a job. Specific rules protect workers younger than 18 (see **Young Workers**, page 8).

What Employers Can and Can't Ask

Alberta's *Human Rights Act* prevents employers from asking you questions about the 13 protected grounds during job interviews, on job application forms, when checking references, or when using other ways of collecting information about you. You can refuse to answer such questions or just write "not applicable."

While employers can't ask your age, they can ask if you are at least 18 since specific rules apply if you're younger. Though employers can't ask about your ancestry, where you were born or what country you come from, they can ask if you are allowed to work in Canada. If you already have a Social Insurance Number (SIN) or can apply for one, it usually means that you can work in Canada. Rules on the use of SINs require you to provide the number to your employer once you're hired but not before.

Job-related skills testing

Some jobs require physical co-ordination, strength or the ability to handle stress. An employer can test you for job-related skills during the hiring process but must give the same tests to everyone being hired for similar work. Tests must relate to the job. So, if you're applying for a labour job, an employer can't test your keyboarding skills. If you're looking for office work, an employer can't test whether you can lift a certain weight.

Drug and alcohol testing

You can't be tested for drugs and alcohol use *before* you're hired. You can be tested for drugs and alcohol *after* hiring if your employer can show the test is reasonable, justifiable and doesn't violate your human rights.

Appearance and dress

Employers can't make appearance and dress a concern before you are hired. But, once you're hired, the Alberta Human Rights Commission lets employers set standards for neatness, grooming, safety and health in the workplace as long as it doesn't interfere with your religion or well-being.

For questions about **human rights** or to **file a complaint**, contact the confidential inquiry line at the Alberta Human Rights Commission:

North of Red Deer: 780-427-7661

Red Deer south: 403-297-6571

Toll-free: dial 310-0000 and enter the local area code and phone number

Deaf and hard of hearing callers with TTY call 780-427-1597 in Edmonton, 403-297-5639 in Calgary or 1-800-232-7215 toll-free in other Alberta locations.

Website: albertahumanrights.ab.ca

Because of confidentiality concerns, the Commission can't receive or reply to complaints of discrimination by email or through the Internet.

Security checks and bonding

Before starting a job, you may need to complete a security check through the local police service. A security check is required if you're working with children, persons with disabilities and the elderly, or if you're handling money or confidential information. For some jobs, where it's important to protect against fraud or theft, your employer may check if you are bondable (whether you can be insured through your employer to handle sums of money).

Social Insurance Numbers

You need a Social Insurance Number (SIN) to work in Alberta and elsewhere in Canada or to collect certain payments, such as from Employment Insurance (EI) or the Canada Pension Plan (CPP). You don't have to give out your SIN before you're hired. But once you're hired, your employer needs your SIN to record deductions taken from you and payments made for you by your employer for income tax, CPP and EI. If you don't have a SIN, contact a Service Canada office to apply for your number or download an online application form.

For information about **Social Insurance Numbers**, contact **Service Canada**:

Phone: 1-800-206-7218 toll-free

Deaf and hard of hearing persons with TTY call 1-800-529-3742 toll-free.

Website: servicecanada.gc.ca

Choose *Social Insurance Number (SIN)* under *Programs and Services for You*.

YOUNG WORKERS

Rules for adolescents (12, 13, and 14 years old)

If you're 12, 13 or 14 years old, you

- can be hired for approved work that's not dangerous to your life, health, education or welfare
- must have written permission from your parent or guardian before you begin work
- can work only two hours on school days and eight hours on non-school days
- can't work between 9 p.m. and 6 a.m.
- can't work during regular school hours unless enrolled in an approved off-campus education program, such as Alberta's Work Experience and Registered Apprenticeship programs

Approved work includes

- making deliveries for a retail store
- delivering newspapers or flyers
- working as a clerk in offices or retail stores
- working in certain jobs in the restaurant and food services industry if you, your parent or guardian, and your employer have signed a safety checklist before you start work (Your employer keeps one copy and sends the other to Alberta Employment and Immigration.)

For work that doesn't follow these rules, your employer needs to complete and have you sign an application for a permit. You won't be able to start work until the permit has been granted by Alberta Employment and Immigration. The permit still has the restriction that you can work only two hours on school days and eight hours on non-school days and that you can't work between 9 p.m. and 6 a.m. or during regular school hours.

Rules for young persons (15, 16 & 17 years old)

If you're 15, 16 or 17, you can't work between midnight and 6 a.m. unless

- you have written permission from your parent or guardian
- you always have a co-worker or supervisor 18 or older within eyesight and hearing distance

If you're 15, you can't work during school hours unless you're enrolled in an approved off-campus education program. Such programs include Alberta's Work Experience and Registered Apprenticeship programs, which both have options for you to earn school credits while working in approved job placements.

If you're 15, 16 or 17, between midnight and 6 a.m. you can't work in a

- place that sells food or drink
- retail store
- retail business selling gas or other petroleum or natural gas products
- hotel or motel

When working in such places between 9 p.m. and midnight, you must always have an adult employee (18 or older) within eyesight and hearing distance. (See also *Working Alone*, page 17.)

To learn more about employment rules for adolescents and young persons, contact Employment Standards:

Edmonton: 780-427-3731
Toll-free: 1-877-427-3731

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website: employment.alberta.ca/es

Tips on workplace topics

You can download tip sheets on working and workplace topics—including health and safety on the job and how to be a good employee—from the Alberta Learning Information Service website at alis.alberta.ca/tips. You can search tips by topic, keyword or audience.

INTERNATIONAL STUDENTS

Rules for international students

If you're an international student studying full time at a post-secondary institution that has an off-campus working agreement with Citizenship and Immigration Canada, you can get an Off-Campus Work Permit. The permit lets you work up to 20 hours a week during the school year and full time during breaks, such as summer and winter holidays.

Rules for international post-grads

If you're an international student who has recently completed a post-graduate program of at least eight months in Canada, you may get a Post-Graduate Work Permit. It lets you work in Canada for a period after graduation to gain work experience in your field of study.

To find out more about employment rules for international students, contact Citizenship and Immigration Canada:

Phone: 1-888-242-2100 (in Canada only)

For TTY service, call 1-888-576-8502 in Canada from 8 a.m. to 4 p.m. local time.

Website: cic.gc.ca

Click *Study* in left-hand column, then *Work Permits for Students*.

Your first three months

During your first three months on the job, you or your employer may end employment without written notice. Don't confuse this with working for free or a trial period before you're officially hired and on the payroll—something an employer can't request and you can't offer. You must be paid during orientation and training. If hired, you're entitled to pay and other *Employment Standards Code* entitlements. Employment Standards doesn't cover you if you're enrolled in officially recognized unpaid work experience programs, such as through a school board, but other rules apply to protect you.

On the Jo



IN THIS SECTION

Special needs and
circumstances

Getting paid

Deductions from
your pay records

Taking rests
and breaks

Staying healthy and
safe on the job

Receiving Workers'
Compensation coverage

Organizing and
belonging to unions

Protecting your personal
information and privacy



SPECIAL NEEDS AND CIRCUMSTANCES

Under Alberta's human rights law, *both* you and your employer share responsibilities for helping make sure people of different abilities and backgrounds are respected and accepted where you work. You and your employer are partners in making sure human rights requirements, such as the ones listed below, are followed in your workplace.

Duty to accommodate

Employers have a legal duty to give all Albertans equal opportunity in the workplace by protecting human rights related to the 13 types of discrimination listed under **Protecting Your Human Rights** on page 7.

To protect your rights, your employer may have to modify

- rules
- standards
- policies
- workplace attitudes or cultures
- workplace environment

If you feel you require changes in these areas to meet your specific needs, talk to your employer.

Changes and adjustments could involve

- buying or modifying tools, equipment or aids
- altering the premises to make them more accessible
- altering some job duties
- providing flexible work schedules
- offering rehabilitation programs
- providing time off for recuperation
- approving a transfer to a different job
- hiring an assistant
- using temporary workers
- relaxing requirements to wear a uniform

The human rights requirement to change workplaces in such ways is called the **duty to accommodate**. Employers have a duty to accommodate up to the point of undue hardship. Undue hardship occurs if meeting your particular needs would cause great difficulty for your employer, such as spending unreasonable amounts of money or seriously interfering with the business. Usually, your employer must provide some accommodation.

Disability Related Employment Supports

Alberta Employment and Immigration offers Disability Related Employment Supports (DRES) to help you if you have a disability. Types of DRES available for you and your employer to help meet workplace needs include

- workplace supports, such as a job coach, work site modifications or technology
- job search supports, such as a sign language interpreter so you can attend a job search workshop if you're deaf or hard of hearing
- education supports, such as sign language interpreters, tutors, note takers, readers or other help, if you're taking post-secondary, upgrading, skills training courses or labour market programs
- assistive technology, which might include software to read material if you have difficulty reading

To learn more about DRES, call the **Alberta Career Information Hotline** at 1-800-661-3753 toll-free in Alberta or 780-422-4266 in Edmonton. Deaf and hard of hearing callers with TTY can call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations. Or, go to employment.alberta.ca/dres.

Appearance and dress

Provided they don't interfere with your religion or well-being, your employer can set reasonable rules for appearance and dress. This can include meeting rules for neatness, grooming, safety and health.

Find out more about the duty to accommodate or appearance and dress requirements from the Alberta Human Rights Commission:

North of Red Deer: 780-427-7661

Red Deer south: 403-297-6571

Toll-free: dial 310-0000 and enter the local area code and phone number

Deaf and hard of hearing callers with TTY call 780-427-1597 in Edmonton, 403-297-5639 in Calgary or 1-800-232-7215 toll-free in other Alberta locations.

Website: albertahumanrights.ab.ca

Because of confidentiality concerns, the Commission can't receive or reply to complaints of discrimination by email or through the Internet.

GETTING PAID

The *Employment Standards Code* sets the minimum wage you must be paid each hour, whether paid a salary, commission or wages. Whether you are full time, part time, casual, commissioned, salaried, or a student or pieceworker, the Code also states when and how you are to be paid regular pay, overtime pay, vacation pay and general holiday pay. When your workplace has a union, a collective agreement may set when and how you're paid.

Minimum wage

Alberta's minimum wage applies to most industries and workplaces. The rules differ in some industries and some types of work (for example, some salespeople and live-in domestic workers). Minimum wage does not include tips, bonuses and allowances. If you work less than a three-hour shift, you must be paid for at least three hours at minimum wage.

Regular pay

Your employer can pay you weekly, every second week or monthly (the longest pay period allowed). You must be paid no later than 10 days after the end of each pay period. Your employer can pay you

- in cash
- by money order
- by cheque
- by direct deposit into your bank account

For direct deposit, your employer may ask for

- the name of your bank or credit union
- your bank account number or a blank, unsigned cheque with the word VOID written across it

Overtime and overtime pay

You're entitled to time-and-a-half (1.5 times your regular hourly wage) for overtime work. In most industries, you must work more than eight hours a day and more than 44 hours a week before overtime applies. In certain industries or jobs—for example, if you're a manager or supervisor or work in oil-well servicing—there may be different rules for overtime and hours worked.

Sometimes, instead of paying overtime, your employer may let you take time off equal to the overtime you worked. When you're hired, ask and understand how overtime is paid.

Vacation pay

Your vacation pay depends on how much you earn and how long you have worked for your employer. Vacation pay is a percentage of your regular wages. This means your vacation pay is not increased or decreased by

- overtime pay
- general holiday pay
- bonuses
- expense allowances

After working one year for the same employer, you're entitled to two weeks of vacation pay or an amount equal to four per cent of your regular pay. If you have worked less than a year when you leave, your vacation pay is four per cent of your earnings. When working in construction or brush clearing, your vacation pay equals six per cent of your wages.

Your employer can pay out vacation pay at any time but must provide your vacation pay no later than the first scheduled payday after your vacation begins.

General holiday pay

Alberta's nine general or statutory (stat) holidays are:

- New Year's Day
- Alberta Family Day
- Good Friday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day

Your employer may also decide to treat some other days, such as Boxing Day, as holidays. Most workers, including supervisors and management, are entitled to general holiday pay. Some workers, such as farm and ranch workers, are not.

If a holiday falls on your regular workday, you're entitled to be paid at least at your average daily wage even though you have the day off work. To be eligible for holiday pay, you must have

- worked for your employer for at least 30 working days or shifts in the 12 months before the general holiday
- worked your last scheduled shift before, and the first scheduled shift after, the holiday (you're still eligible if you have your employer's permission to be absent for either or both of these shifts)
- not refused to work on the general holiday when asked to do so

When a general holiday falls during your annual vacation, your employer must extend your vacation by one day with pay or give you a paid day off before your next annual vacation starts.

Working as a contractor

If you contract to work for a certain time or on a certain task, you may be considered self-employed. In this case, different rules for pay, hours of work, tax deductions, Employment Insurance, Canada Pension Plan and Workers' Compensation may apply. If a temporary employment agency hires you, you may be called a contract worker, but in that case you're usually an employee, not a self-employed contractor.

Find out more by viewing, downloading or ordering the publication *Employee or Contractor? Know the Difference* at alis.alberta.ca/publications.

More information about pay and minimum wage is available from Employment Standards:

Edmonton: 780-427-3731

Toll-free: 1-877-427-3731

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website: employment.alberta.ca/es

Equal pay for similar work

Under Alberta's human rights law, men and women working in the same place and doing the same or similar work must be paid at the same wage. Differences in pay must be based on experience, education or job performance, not on whether you're male or female.

Pay for working on a holiday

Your Situation

You are entitled to general holiday pay and you work on the holiday.

The holiday is your regular day off but you work on the holiday.

Your Employer Must Pay

Regular rate of pay **plus** time and a half (1.5 times) regular pay. In some cases, your employer can give you a day off plus a regular day's pay, instead of paying time and a half.

1.5 times your regular rate of pay for each hour worked.



DEDUCTIONS FROM YOUR PAY

Usually you will not be paid your total or gross pay, which is your pay before any deductions are made. Instead, you will be paid a net pay—the amount that is left once your employer has deducted your income tax, Canada Pension Plan contributions, payments (premiums) for Employment Insurance and any other deductions from your gross pay.

The *Employment Standards Code* limits what your employer can deduct from your pay. There are some deductions that are not allowed, even if you agree in writing. For example, your employer can't take deductions for faulty workmanship or deduct for cash shortages or loss of property where more than one person has access to the cash or property.

This section also explains other deductions, such as for food, board and clothing, that might be taken from your pay.

Approved deductions

Deductions from earnings may include

- **Income tax deduction**—the amount your employer takes off for federal and provincial income taxes. The amount deducted depends on whether you are single or have children or other dependants. Tell your employer if your number of dependants changes.
- **Canada Pension Plan (CPP) contribution**—the amount, depending on your earnings, that you contribute toward your CPP if you're 18 years or older. You contribute every year until you retire—aged 60 at the earliest.
- **Employment Insurance (EI) contribution**—the amount, depending on your earnings, that you contribute toward EI.
- **Garnishee deduction**—the amount deducted if there is a judgment or court order against part of your pay. (A person who is owed money by you obtains a court order and a specific amount of money is removed from your pay and sent to the person who obtained the court order.) Besides the courts, the usual sources of garnishees are the Canada Revenue Agency and Alberta's Maintenance Enforcement Program.
- **Union dues**—the amount deducted and sent to a union if the workplace has a union and payment is authorized by the collective agreement between your union and your employer.

Other deductions, which you must approve in writing, may include

- life insurance coverage
- extended health care plan payment
- disability insurance coverage

Keeping your own employment information

Keeping your own records, including your pay stubs, is helpful if you need to clarify something with your employer about pay for the hours you have worked or if you decide to file an official complaint.

- dental plan payment
- parking fee
- contribution to charities
- social club membership
- pension plan contributions other than CPP

Food, board and clothing deductions

When providing food, board or clothing, your employer can charge you, up to certain limits. For the most current information on food, lodging and clothing deductions, visit employment.alberta.ca/es. Click on *Alberta's Standards*, then select *Minimum Wage and Deductions From an Employee's Wages*.

If you have questions about deductions, first talk to your supervisor or employer. If you need more information, contact Employment Standards:

Edmonton: 780-427-3731
Toll-free: 1-877-427-3731

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website: employment.alberta.ca/es

PAY RECORDS

Your employer must provide a **statement of earnings and deductions** (pay stub or pay slip). The pay slip is given to you with your paycheque or when a direct deposit is made in your bank or credit union. Your employer must also answer any questions you have about how your earnings are calculated.

Statement of earnings

Although your pay stub may vary from employer to employer, it must include

- your name
- pay period covered by the statement
- wage rate and overtime rate
- general holiday pay
- regular hours worked and earnings from regular hours
- overtime hours worked and earnings from overtime hours
- time off earned and taken instead of overtime
- the amount of each deduction from earnings and reason for each deduction

Your employer may decide also to include the following information on your pay stub:

- **Total earnings or gross pay**—the total pay before deductions in the latest pay period.
- **Net pay or net earnings**—the amount you receive after deductions are taken from total earnings.
- **Vacation pay**—the amount set aside or paid by your employer in the latest pay period for your vacation pay.

If you have questions about pay records, contact Employment Standards:

Edmonton: 780-427-3731
Toll-free: 1-877-427-3731

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website: employment.alberta.ca/es

Completing TD1 forms

When you start a new job, even a part-time or summer job, your employer has you complete and sign both a *Personal Tax Credits Return Form (TD1)* and an *Alberta Personal Tax Credits Return (TD1AB)*. Your employer uses this to determine your deductions from your pay stub and record your name, address and Social Insurance Number (SIN). If your total yearly income from all of your employers is less than the total claim amount on these forms, your employer doesn't have to deduct tax from your earnings. But your employer still has to deduct Employment Insurance (EI) and possibly Canada Pension Plan (CPP) from your pay even if you didn't earn enough to pay income tax. (See **Approved Deductions**, page 14.) If your employer deducts too much EI or CPP, you can reclaim the overpayments when you file your income tax return. Special deduction rules may apply for certain jobs, such as commissioned salespeople. If you're unsure about your deductions, check with the Canada Revenue Agency online at cra.gc.ca or by phone at 1-800-959-8281 toll-free.

TAKING RESTS AND BREAKS

Hours of rest and work

You need adequate breaks while at work and between shifts. See **Required Breaks and Rest Periods** at right.

Knowing what counts as work

You are working when providing a service for your employer, including time you spend

- in meetings or training, if your employer requires you to attend
- travelling between job locations

Taking vacations

After working 12 months for an employer, you are entitled to vacation with pay. See **Minimum Vacation Entitlement**, bottom right. Keep in mind that

- your employer has the final say on when you take vacation if you can't agree on a vacation time
- you can take vacations in one unbroken period or in shorter periods of not less than a day
- if you want to take only part of your annual vacation, ask your employer in writing
- when working in construction or brush clearing, your vacation pay should be equal to six per cent of your wages

STAYING HEALTHY AND SAFE ON THE JOB

By working together, you and your employer can make your workplace healthy and safe. That's important throughout your working career but it's particularly important when you're a younger worker. If you are 15 to 24, you are one-third more likely than someone 25 or older to be injured at work. For this reason, it is especially important for young workers and their employers to pay attention to workplace health and safety.

If a workplace is unsafe, provincial Occupational Health and Safety officers can require changes, shut down equipment or stop work entirely.

Required breaks and rest periods

Time Period	Break or Rest Requirement
More than 5 hours	You are entitled to at least 30 minutes of rest, paid or unpaid. (It can be taken in one unbroken period or several shorter periods totaling at least 30 minutes).
12 hours	Maximum work period in a day, except in emergencies and some industries, such as geophysical exploration and oil-well servicing.
8 hours	Minimum rest period between shifts (for example, moving from the night shift to the day shift).
24 hours	Minimum period for being notified of a shift change.
1 day	Minimum rest period for each week. Rest days can be saved for use at one time within a four-week period.
24 consecutive days	Maximum consecutive days you can be required to work. This period must be followed by four days in a row of rest.

Minimum vacation entitlement

Length of Employment (with one employer)	Minimum Vacation
After 1, 2, 3 or 4 years	2 weeks
After 5 years	3 weeks

Eliminating and controlling work site hazards

Alberta's *Occupational Health and Safety Code* requires employers to eliminate or control hazards. Most workers are covered by this Code. Those not covered include domestic workers (such as nannies and housekeepers), farmers and certain agricultural workers, and those who use their home as their workplace. Federal government workers and those who work in federally regulated industries, such as banks and air travel, are covered by federal laws. (See *Where the Canada Labour Code Applies*, page 4.)

Looking for health and safety information?

X-treme Safety: A survival guide for new and young workers provides workplace health and safety information, checklists and tips for those new to the workplace. View, download or order your copy at alis.alberta.ca/publications.

Your responsibilities

On the job, you must make sure you

- work safely and co-operate with your employer by following health and safety rules
- use appropriate safety and personal protective equipment
- take part in health and safety training
- report unsafe working conditions to your employer or supervisor

Your employer's responsibilities

On the job, your employer must

- protect your health and safety
- assess and control workplace hazards
- inform you of any danger on the work site
- develop safe work practices and make sure they are followed
- make sure you have proper skills and training to do your job safely
- keep equipment in safe working order
- label and store hazardous chemicals properly
- monitor you if you are exposed to certain chemicals (and, in some cases, require health examinations)
- report workplace deaths and serious injuries to Alberta Workplace Health and Safety

If you're concerned about health and safety issues in your workplace, talk to your supervisor. If your concerns aren't resolved, speak to your supervisor's boss. If the situation still doesn't change or improve, call the Workplace Health and Safety Contact Centre.

Working alone

With some exceptions, it is legal in Alberta to work alone but your employer must take steps to keep you safe, such as assessing the hazards of not being accompanied when doing particular work. Your employer, supervisor or co-worker must keep in touch with you through appropriate, regular contact while you are working alone. You must also be given an effective means of communication, such as a cellphone, two-way radio or alarm, so that you can reach help.

Special rules on working alone apply to workers aged 15 to 18. (See *Young Workers*, page 8.)

For more information or to report concerns about workplace health and safety issues, including working alone, call the Alberta Workplace Health and Safety Contact Centre:

Edmonton: 780-415-8690
Toll-free: 1-866-415-8690

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website: employment.alberta.ca/whs

"Can I be fired for refusing to work in unhealthy or unsafe working conditions?"

No. It's against Alberta law to fire a worker for refusing to work in unhealthy or unsafe working conditions that violate the *Occupational Health and Safety Code*.

Preventing violence in the workplace

Workplace violence, whether threatened or carried out, is a workplace hazard.

Your role

As a worker, you can help prevent workplace violence by

- treating your co-workers, clients and the public with respect and dignity
- helping your employer develop policies and procedures to prevent violence
- taking part in education programs
- reporting workplace violence

Your employer's role

To prevent violence in the workplace, the *Occupational Health and Safety Code* requires employers to

- identify potential workplace violence in their hazard assessment
- develop policies and procedures to prevent and respond to workplace violence, including how it will be investigated, documented and reported
- teach workers how to recognize workplace violence and respond appropriately, including where to get help

Employers must ensure that workers who complain about workplace hazards, including violence, are not penalized.

The Alberta Human Rights Commission responds to complaints of workplace harassment related to any of the 13 grounds protected under Alberta's human rights law. These grounds relate to race, religious belief, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

Workplace violence and harassment resources

To learn more about **workplace violence and harassment**, go to

- Alberta Human Rights Commission at albertahumanrights.ab.ca (type in "information sheets" and select *Human Rights and Employment*)
- Alberta Workers' Compensation Board at www.wcb.ab.ca
- Alberta Workplace Health and Safety at employment.alberta.ca/whs
- Alberta Learning Information Service at alis.alberta.ca/tips

Preparing for workplace emergencies

It's best for everyone if injuries and emergencies in the workplace can be prevented, but sometimes they happen. When they do, it's important to be ready to respond.

Your employer's role

Employers need to have a plan for emergencies, such as fires, that may require rescue or evacuation. Your employer's emergency response plan must

- be in writing
- be shared with all affected workers
- be kept up-to-date and reflect current circumstances in the work site
- designate workers who will provide rescue services and supervise evacuation procedures in an emergency

Employers must provide designated rescue and evacuation workers with

- emergency response training
- appropriate personal protective clothing and equipment, if required
- exercise drills to competently carry out their duties
- a first aid plan

Your role

You can contribute to emergency preparation and response in your workplace by

- asking if your employer has an emergency response plan
- knowing where the plan is kept
- reading and reviewing the plan
- knowing your responsibilities in an emergency
- making sure you have proper training and equipment if your employer asks you to provide rescue services or supervise an evacuation
- suggesting improvements to the plan

If you have questions about emergencies in the workplace, contact Workplace Health and Safety:

Edmonton: 780-415-8690

Toll-free: 1-866-415-8690

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website:

employment.alberta.ca/whs for information or to file a complaint online about an unsafe condition

RECEIVING WORKERS' COMPENSATION COVERAGE

Most Alberta industries are required to provide workers' compensation coverage. Regardless of your age, the Alberta Workers' Compensation Board (WCB) provides this no-fault liability and disability insurance for work-related injuries and illnesses. You may want to ask your supervisor or employer if you are covered by WCB.

Workers' Compensation

- pays you disability payments for lost wages (based on 90 per cent of your net earnings), up to a maximum
- pays your medical expenses whether or not you as a worker are responsible for the work-related injury or illness
- helps with your treatment program
- helps you, if injured, gradually return to your regular job through modified work programs
- pays funeral expenses and survivor benefits in case of workplace-related death

Who WCB covers

WCB covers you as a worker whether you are

- full time
- part time
- casual or temporary (including foreign workers)
- on contract
- a subcontractor (if considered an employee, not an independent contractor)
- working on commission
- an apprentice

Your duties if injured

If you are injured or require medical attention at work

- see a doctor immediately
- tell your employer what happened
- if necessary, have your employer complete a WCB Employer's Report of Injury form

Your employer's duties

Your employer pays all of the contributions toward WCB—nothing is deducted from your wage or salary.

Your employer must

- tell you about your WCB coverage
- report any injuries to WCB, including reporting when you return to work after an injury
- help you return to work following an injury (see **Duty to Accommodate**, page 11)

For more information about **workers' compensation**, or to find out whether your industry is covered, contact the Workers' Compensation Board of Alberta:

Edmonton: 780-498-3999

Toll-free: 1-866-922-9221

Deaf or hard of hearing callers with TTY call 780-498-7895 in Edmonton or 1-866-922-9221 toll-free and enter 780-498-7895.

Website: www.wcb.ab.ca

“Is there a waiting period before WCB coverage begins?”

No. If your employer is in an industry that must have Workers' Compensation coverage, you are covered as soon as you start your job.

Workplace health and safety online

You can access health and safety e-learning programs, training, publications, video clips and other resources at employment.alberta.ca/whs (select the *Education and Promotion* tab).

ORGANIZING AND BELONGING TO UNIONS

Unions are organizations that act on behalf of workers for improved wages, benefits and working conditions. The Alberta *Labour Relations Code*, administered by the Alberta Labour Relations Board, oversees

- how unions are formed
- how a worker can join a union
- the rights of employers, workers and unions in unionized workplaces
- how you can access a grievance procedure if you feel your union's collective agreement or rights on the job have been violated

Under this Code, most Alberta workers have the right to form or join unions and collectively bargain with their employer. Workers not covered by this Code include farm and ranch workers, domestic workers, certain professionals (such as doctors, dentists and lawyers), workers under federal labour rules, and the self-employed. Separate labour laws cover provincial workers, police officers and workers in some post-secondary institutions.

Depending on your job, you may have to join a union within a certain time. To work in "closed shops," which are quite common in the construction industry, you must belong to a union before you work.

Forming a union

Workers interested in working collectively for labour relations purposes can create a new trade union. To do this, workers must prepare a constitution and bylaws and file them with the Labour Relations Board. The *Labour Relations Code* says how workers can ask for a democratic vote in their workplace to certify or remove a union as a bargaining agent.

No employer or union can take action against you or other workers who try to form or remove a union.

Paying union dues

Unions can collect dues from their members. If you agree in writing to have dues collected, the Code lets your employer collect them and pass them on to the union. On religious grounds, you can ask the Labour Relations Board for permission not to belong to a union or to pay union dues (but you must pay an amount equal to the dues to a registered charity).

Responding to other labour relations issues

You can contact the Labour Relations Board about other labour relations issues, including

- unfair labour practices
- strikes and lockouts
- collective bargaining
- mediation to settle labour-management disputes

The Board produces an overview of labour relations called *A Guide to Alberta's Labour Relations Laws*, available at alrb.gov.ab.ca.

For more information on forming and belonging to unions, contact the Alberta Labour Relations Board:

Edmonton: 780-427-8547

Toll-free: dial 310-0000 and enter 780-427-8547

Website: alrb.gov.ab.ca

"If I am on strike or locked out, am I still an employee? Can I get my job back once the strike or lockout is over?"

Yes. Although not entitled to pay, you can't be fired for being on strike or locked out by your employer. When the strike or lockout ends, you are entitled to get your job back.

PROTECTING YOUR PERSONAL INFORMATION AND PRIVACY

Alberta has two acts dealing with the collection, use and release of personal information. You're covered by the *Personal Information Protection Act (PIPA)* if you work in the private sector. You come under the *Freedom of Information and Protection of Privacy Act (FOIP)* if you work for the provincial government or for other public agencies, such as school boards and hospitals.

Privacy legislation recognizes that an employer needs to collect, use and disclose certain personal information about you when you are applying for work and after you are hired.

Collecting and using your personal information

When collecting your personal information, your employer must tell you why it's needed and how it may be used or disclosed. Employers may only collect work-related information about you.

Although your employer will usually collect personal information directly from you, the law does allow your employer to collect information about you from others. For example, your employer may collect information about you from previous employers when checking references.

The most common types of personal information an employer collects about you are

- name, address, telephone number, date of birth
- Social Insurance Number
- resumé and references
- education history
- information about your dependants (for such things as health and life insurance)

Your employer normally uses personal information for

- employment, including recruiting, hiring and firing workers
- payroll and benefits, including hours worked and scheduling shifts
- performance evaluation
- training and development programs
- workplace health and safety programs

Disclosing your personal information

A few people at your work, such as your supervisor or those handling payroll, may have the authority to access your personal information to do their job.

Some provisions in privacy legislation do allow your employer to disclose your personal information. These include

- providing information to the Canada Revenue Agency for tax purposes
- sharing information with an insurer that provides employee benefits
- publishing your business contact information in a company phone book or website
- contacting family in an emergency
- co-operating with a law enforcement investigation
- passing along information to a third party when you make the request, such as confirming your salary for a bank
- disclosing information when required by law, such as during an investigation into a workplace accident

You have a right to

- request access to your own personal information and to receive an explanation for any information that is not given
- know how your personal information has been used or released
- ask for a correction if there are mistakes in your personal information

For information on the **Personal Information Protection Act (PIPA)**, contact the Access and Privacy Branch, Service Alberta:

Edmonton: 780-644-7472

Toll-free: dial 310-0000 and enter 780-644-7472

Website: pipa.alberta.ca

To make a complaint about workplace privacy in the private sector, first talk to your employer, then contact the Office of the Information and Privacy Commissioner:

Calgary: 403-297-2728

Toll-free: 1-888-878-4044

Website: oipc.ab.ca

Deaf or hard of hearing callers with TTY can reach Alberta government offices by dialing 780-427-9999 in Edmonton or 1-800-232-7215 in other Alberta locations.

For information on the **Freedom of Information and the Protection of Privacy Act (FOIP)**, contact the Access and Privacy Branch, Service Alberta:

Edmonton: 780-427-5848

Toll-free: dial 310-0000 and enter 780-427-5848

Website: foip.alberta.ca

To make a complaint about workplace privacy in the public sector, first contact your FOIP co-ordinator (to find your FOIP contact, go to foip.alberta.ca and click on *Directory of Public Bodies*) then contact the Office of the Information and Privacy Commissioner:

Edmonton: 780-422-6860

Toll-free: 1-888-878-4044

Website: oipc.ab.ca

Deaf or hard of hearing callers with TTY can reach Alberta government offices by dialing 780-427-9999 in Edmonton or 1-800-232-7215 in other Alberta locations.

Leaving th



IN THIS SECTION

Leaving your
job temporarily

Leaving your job
permanently

Filing complaints

ne Job

LEAVING YOUR JOB TEMPORARILY

You may decide to take weeks, months or even years off work. If your employer agrees, you may return or be rehired later, but your employer doesn't have to rehire you. There are only two situations when you're entitled to return and your employer must take you back after temporary leave. One is after maternity or parental leave. The second is after reservist leave.

Maternity and parental leave

If you are a full-time or part-time employee and you have worked at least 52 weeks in a row for one employer, Alberta's *Employment Standards Code* entitles you to

- 15 weeks of unpaid maternity leave and 37 weeks of unpaid parental leave
- return to your job or an equivalent job after your maternity or parental leave
- work your usual number of hours and not be laid off or forced to resign because of your pregnancy or childbirth

As a new parent through birth or adoption, you may qualify for maternity or parental pay under the Government of Canada's Employment Insurance (EI) program. See *Becoming a Parent Guide*, page 24.

For information on maternity and parental leave, contact Employment Standards:

Edmonton: 780-427-3731
Toll-free: 1-877-427-3731

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website: employment.alberta.ca/es

Maternity and parental leave under Alberta's *Employment Standards Code*

Entitlement	Who Claims	Length	Start Date
Unpaid maternity leave	Birth mother	Up to 15 weeks	From 12 weeks before due date to date of child's birth
Unpaid parental leave	<ul style="list-style-type: none">• Birth mother• Father• Adoptive parent <p>Can be taken by one of the parents or shared by two parents if employers are notified.</p>	Up to 37 consecutive weeks	<p>When maternity leave is finished.</p> <p>Fathers or adoptive parents can start leave any time within 52 weeks after the child is born or adopted.</p>

“If I haven’t worked for the same employer for 52 weeks in a row and don’t qualify for maternity leave, can I be fired because I am pregnant?”

Under human rights law, even if you haven’t worked for someone for 52 weeks in a row, your employer can’t fire you, lay you off, reduce hours of work or make you resign because you’re pregnant or have given birth.

Your employer must accommodate health effects of pregnancy and childbirth. Even if you don’t qualify for maternity or parental leave, under the *Employment Standards Code*, you will be able to take sick leave as needed provided you give reasonable notice.

For more information about **human rights law and pregnancy in the workplace**, contact the Alberta Human Rights Commission. (See **Key Contacts and Resources**, page 29).

Giving notice about maternity or parental leave

When taking maternity or parental leave, you must give your employer written notice of at least

- six weeks before taking leave
- four weeks before you plan to return to work
- four weeks if you decide to change the day you are returning to work

Your employer doesn’t have to allow you to return to work after maternity or parental leave if you did not

- give proper notice
- report for work the day after the leave ended

“When can I return to work after giving birth?”

You must take at least six weeks off work after giving birth unless you have a medical certificate that says returning to work sooner won’t endanger your health.

Becoming a Parent guide

Becoming a Parent in Alberta answers many questions about maternity and parental leave and Employment Insurance benefits. To view or download this publication, visit **employment.alberta.ca/es** (select *Publications* from the left-hand menu).

Reservist leave

If you are a reservist in the Canadian Forces and are called for service outside the country or for an emergency inside Canada, your employer must provide you with unpaid leave and let you return to your job once your deployment ends. Reservists are also entitled to up to 20 days (taken in a row or over several shorter periods) each calendar year of unpaid leave for military training. You must provide your employer with at least four weeks’ written notice both before the start and end of your leave. You’re entitled to reservist leave once you’ve worked for your employer full time or part time for at least 26 weeks.

For information on reservist leave, contact Employment Standards:

Edmonton: 780-427-3731

Toll-free: 1-877-427-3731

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website: employment.alberta.ca/es

Sick leave

Though not required to do so by law, many Alberta employers provide sick leave or long- and short-term disability benefits.

Employers have a duty under Alberta’s *Human Rights Act* to accommodate employees with disabilities. (See **Duty to Accommodate**, page 11.)

Compassionate leave

As with sick leave, Alberta’s *Employment Standards Code* doesn’t entitle you to paid or unpaid bereavement or compassionate leave for such things as attending a funeral or caring for a dying relative, but some employers offer such leave as part of their benefit plans.

Collecting EI while on temporary leave

Eligible workers who are let go from work temporarily (more than seven days) may be able to collect Employment Insurance (EI). If you qualify, EI also provides temporary financial help if you are

- pregnant or caring for a newborn or adopted child, or have recently given birth
- sick, injured, or in quarantine, receiving below 60 per cent of your usual pay and, if not for this condition, would otherwise be available for work
- providing compassionate care for a family member who is seriously ill with a significant risk of death within 26 weeks
- an apprentice taking in-school technical training

To collect EI, you must have worked, paid into EI and earned the required insurable hours in the qualifying period.

When you leave your job temporarily, your employer must prepare and give you a Record of Employment (ROE) within five days of your last pay period. The ROE shows when you were employed, what you were paid and why you stopped work.

You need an ROE to collect EI benefits. The information provided on your ROE is used to decide how much EI you can collect and for how long. If your employer refuses to issue an ROE, contact EI.

For more information on **applying for Employment Insurance benefits while on temporary leave**, call Service Canada (phone 1-800-206-7218 toll-free) or go to **servicecanada.gc.ca**. (Select *Programs and Services for You* . Under *All Canadians* choose *Employment Insurance*.)

Layoffs and recalls

Your employer can temporarily lay you off for up to 59 days without giving a termination notice. If you have a break of more than seven days, your employer can issue an ROE so that you can apply for Employment Insurance. If you're not recalled within 60 days, your employer must give you a termination notice or termination pay (see **Required Notice**, page 26, and **Payment Time Once Notice Is Given**, page 27). If you do not return to work within seven days of receiving a written recall notice, you are not entitled to termination notice or termination pay.

If you still have questions about temporary leave, contact Employment Standards:

Edmonton: 780-427-3731
Toll-free: 1-877-427-3731

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website: employment.alberta.ca/es

LEAVING YOUR JOB PERMANENTLY

You may decide on your own to leave a job permanently to take other work, to study or for other reasons.

Maybe your employer asks you to leave your job. Possibly you're laid off because there is no work for you. Sometimes, rather than laying you off, an employer might ask you to leave because of something you did or did not do. The words often used in that case is that you're "let go," "fired," "dismissed" or "terminated."

Your employer can't fire you for discriminatory reasons, even if you've been given proper notice. For example, an employer can't fire you because of your sexual orientation.

Time worked and notice required

If you decide to leave your job, you must give your employer written notice. If your employer asks you to leave your job, your employer must give you written notice. There are some exceptions. Call Employment Standards if you have questions. The notice required by both you and your employer depends on how long you have worked continuously for your present employer.

Once you give notice, your employer can't reduce your pay or any other conditions of your employment—for example, overtime rate or vacation pay.

Your employer can ask you to stop working immediately or partway through a notice period instead of giving notice. But then your employer must pay you the amount you would have earned if you had worked during the notice period.

Just cause

Your employer can ask you to leave your job without giving notice with just cause, if it is shown or proven, for example, that you have

- falsified qualifications
- engaged in sexual harassment
- a competing interest such as setting up a similar business
- not followed health and safety requirements
- engaged in theft, fraud or dishonesty
- demonstrated insolence (disrespectful behaviour) or insubordination (refused to obey instructions)

When just cause is used as a reason for firing, your employer must make sure your human rights are protected. This means your employer must follow the requirements of Alberta's *Human Rights Act* that make it illegal to discriminate on any of the 13 protected grounds. (See **Your Rights Before You're Hired**, page 7.)

Required notice

Length of Employment	Notice You Must Give	Notice Your Employer Must Give
3 months or less	No notice	No notice
More than 3 months but less than 2 years	1 week's notice	1 week's notice
More than 2 years but less than 4 years	2 weeks' notice	2 weeks' notice
More than 4 years but less than 6 years	2 weeks' notice	4 weeks' notice
More than 6 years but less than 8 years	2 weeks' notice	5 weeks' notice
More than 8 years but less than 10 years	2 weeks' notice	6 weeks' notice
More than 10 years	2 weeks' notice	8 weeks' notice

No notice required

From You	From You or Your Employer	From Your Employer
If you stop work for personal health or safety reasons	If you have been employed three months or less	If you refuse the employer's offer of reasonable alternate work
If you leave because of reductions in <ul style="list-style-type: none"> • wage rate • overtime rate • vacation • general holiday or vacation pay 	If the layoff is temporary (less than 60 days) If work is <ul style="list-style-type: none"> • in the construction industry • of a fixed term or task of less than 12 months • seasonal • casual 	If work is unavailable because of strike or lockout If you are terminated for just cause

Final pay on leaving

When you leave a job permanently, you are entitled to receive your final pay within certain time periods. See **Payment Time Once Notice Is Given**, below.

More detailed information about **pay when a job ends** is available from Employment Standards:

Edmonton: 780-427-3731

Toll-free: 1-877-427-3731

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Website: employment.alberta.ca/es

Payment time once notice is given

Notice Situation	When Pay is Due
Your employer gives notice or payment instead of notice	3 calendar days after your last day of work
No notice is required from your employer	10 calendar days after your last day of work
You give notice	3 calendar days after your last day of work
No notice is required from you	10 calendar days after your last day of work
You're required to give notice but don't	10 days after the date when notice would have ended if notice had been given

Applying for EI after leaving your job permanently

Eligible workers who are let go permanently from their job may be able to collect Employment Insurance (EI). To qualify, you must have worked a certain number of hours within the past year. Once you've been let go permanently from your job, to collect EI you must be available and looking for other work. For this reason or because you may not have worked enough insurable hours, usually you can't claim EI if you are a full-time student.

To apply for Employment Insurance payments when you leave your job permanently, your employer must prepare and give you a Record of Employment (ROE). The ROE says when you were employed, what you were paid and why you stopped work.

Your employer must give you an ROE five days after the end of the pay period when you had your first day without pay. Besides being necessary for you to be eligible to collect EI, the information on the ROE helps determine how much EI you can receive and for how long.

If your employer refuses to issue an ROE, contact EI.

For more information on **applying for Employment Insurance after leaving your job permanently**, call Service Canada at 1-800-206-7218 toll-free or go to servicecanada.gc.ca. (Select *Programs and Services for You*. Under *All Canadians* choose *Employment Insurance*.)

FILING COMPLAINTS

The government agencies mentioned throughout this book make sure rules on employment rights and responsibilities apply in your workplace. If you feel you've been treated unfairly in your workplace, you can make formal, written complaints or appeals to these agencies within certain time limits. (See **Complaint Deadlines**, below). You can't be fired from your job for filing complaints or helping an investigation into a complaint.

Have an Employment Standards complaint?

Employment Standards has a self-help kit and complaint form to help workers resolve employment standards complaints. Get them at Employment Standards offices, by phone at 780-427-3731 in Edmonton or 1-877-427-3731 toll-free in Alberta, or online at employment.alberta.ca/es. (Click *Filing a Complaint*, then scroll to the *Employee Self-Help Kit*.) If you're unable to resolve the complaint on your own, you'll need to fill out the Complaint by Employee form found on the Employment Standards website.

Complaint deadlines

To contact the following agencies, see **Key Contacts and Resources**.

Agency	Deadline for Filing Complaint
Workers' Compensation Board	Within 1 year of a decision
Alberta Human Rights Commission	Within 1 year from the date of the alleged incident of discrimination
Employment Standards	6 months after the date you are let go or terminated from your job
Privacy Commissioner	
<i>Alberta's Personal Information Protection Act</i>	30 days from the day you receive a decision about your access request
<i>Freedom of Information and Protection of Privacy Act</i>	60 days from the day you receive a decision about your access request
	Complaints about how your personal information is used, collected or disclosed can be made at any time.

A black and white photograph of a woman with shoulder-length dark hair, wearing a headset with a microphone. She is smiling and looking towards the camera. She is wearing a vertically striped button-down shirt. She is holding a dark-colored folder or binder in front of her, with her right hand pointing to it. The background is a bright, slightly blurred indoor setting.

Key Contacts and Resources

PROVINCIAL CONTACTS

For questions about

Contact

Employment Standards

- deductions from earnings
- filing complaints
- general holidays and holiday pay
- hours of work and rest
- maternity and parental leave
- minimum wage
- overtime and overtime pay
- payment of earnings
- pay records
- reservist leave
- termination and termination pay
- vacations and vacation pay
- workers under age 18

Alberta Employment and Immigration Employment Standards Contact Centre

Edmonton: 780-427-3731
Toll-free: 1-877-427-3731

Deaf or hard of hearing callers with TTY call
780-427-9999 in Edmonton or 1-800-232-7215
toll-free in other Alberta locations.

Website: employment.alberta/es

Human Rights

- appearance and dress codes
- employer's duty to accommodate
- employment testing, including testing for physical strength, psychological testing, physical and mental health medical exams, and drug and alcohol testing
- equal pay for same or similar work
- fairness in hiring
- fairness in job interviews
- inclusive workplaces
- leave for pregnancy, childbirth, adoption
- personal and sexual harassment
- religious beliefs
- respect in the workplace
- workplace discrimination
- workplace harassment and violence

Alberta Human Rights Commission

Northern Regional Office (north of Red Deer)
800 Standard Life Centre, 10405 Jasper Avenue
Edmonton, Alberta T5J 4R7

Confidential Inquiry Line
Phone: 780-427-7661
Fax: 780-427-6013

Southern Regional Office (Red Deer south)
Suite 310, 525-11 Avenue SW
Calgary, Alberta T2R 0C9

Confidential Inquiry Line
Phone: 403-297-6571
Fax: 403-297-6567

Deaf or hard of hearing callers with TTY call
780-427-1597 in Edmonton, 403-297-5639 in Calgary
or 1-800-232-7215 toll-free in other Alberta locations.

Website: albertahumanrights.ab.ca

Labour Relations

- collective bargaining
- fair representation by unions
- forming, joining, changing or removing a union
- rights during a strike or a lockout
- settling labour-management disputes
- unfair labour practices
- union membership and dues

Alberta Labour Relations Board

Edmonton: 780-427-8547
Toll-free: dial 310-0000 and enter 780-427-8547

Email: alrbinfo@gov.ab.ca
Website: alrb.gov.ab.ca

For questions about

Contact

Legal Information

- free legal information, advice and referrals over the phone

- alternatives to using the courts
- learn about general court procedures
- locating and filling out court forms
- options and referrals for getting legal advice

Legal Aid Alberta

Edmonton: 780-644-7777
Toll-free: 1-866-845-3425
Website: legalaid.ab.ca

Law Information Centres (LInC)

Calgary: 403-476-4744
Edmonton: 780-644-8217
Grand Prairie: 780-833-4234
Red Deer: 403-755-1469
Website: albertacourts.ab.ca
Select *Court Services*.

Personal Information Private Sector Workers

- accessing or correcting your personal information
- worker consent for release of information

Service Alberta Access and Privacy Branch

Edmonton: 780-644-7472
Toll-free: dial 310-0000 and enter 780-644-7472
Email: pspinfo@gov.ab.ca
Website: pipa.alberta.ca

or

Office of the Information and Privacy Commissioner

Calgary: 403-297-2728
Toll-free: 1-888-878-4044
Email: generalinfo@opic.ab.ca
Website: oipc.ab.ca

Personal Information Public Agency Workers (including government, school boards and hospitals)

- accessing or correcting your personal information
- worker consent for release of information

Service Alberta Access and Privacy Branch

Edmonton: 780-427-5848
Toll-free: dial 310-0000 and enter 780-427-5848
Email: foiphelpdesk@gov.ab.ca
Website: foip.alberta.ca

or

Office of the Information and Privacy Commissioner

Edmonton: 780-422-6860
Toll-free: 1-888-878-4044
Email: generalinfo@opic.ab.ca
Website: oipc.ab.ca

Deaf or hard of hearing callers with TTY can reach Alberta government offices by dialing 780-427-9999 in Edmonton or 1-800-232-7215 in other Alberta locations.

For questions about

Contact

Worker Health

- education for solving workplace health and safety problems
- referrals to enforcement and regulatory agencies
- referrals to advocates and medical specialists

Alberta Workers' Health Centre

Edmonton: 780-486-9009

Toll-free: 1-888-729-4879

Email: info@workershealthcentre.ca

Website: workershealthcentre.ca

Workers' Compensation

- disability payments
- employees, employers and industries covered and not covered
- help returning to work
- medical expenses
- reporting injuries
- records and claims information
- subcontractors (as employees)

Workers' Compensation Board of Alberta

Edmonton: 780-498-3999

Toll-free: 1-866-922-9221

Deaf or hard of hearing callers with TTY call

780-498-7895 in Edmonton or 1-866-922-9221

toll-free and enter 780-498-7895.

Website: www.wcb.ab.ca

Workplace Health and Safety

- emergency response and preparedness plans
- employment and industries not covered under the *Occupational Health and Safety Code*
- filing a complaint
- firing for reporting
- refusing unsafe work
- reporting an injury or fatality
- safety equipment
- safety training
- unsafe equipment
- working alone
- work site hazards and controls
- workplace violence and harassment

Alberta Employment and Immigration

Workplace Health and Safety Contact Centre

Edmonton: 780-415-8690

Toll-free: 1-866-415-8690

Deaf or hard of hearing callers with TTY call

780-427-9999 in Edmonton or 1-800-232-7215

toll-free in other Alberta locations.

Website: employment.alberta.ca/whs

FEDERAL CONTACTS

For questions about

Employment Insurance (EI)

- eligibility requirements
- obtaining a Record of Employment (ROE)

Social Insurance Numbers (SIN)

- applying for or replacing a lost or stolen SIN

Income Security Programs

- applying for Canada Pension Plan (CPP) or Old Age Security (OAS)

Federal Workers

- employment standards
- labour legislation
- workplace health and safety

Income Tax

- personal tax credits, GST or other refundable or non-refundable tax credits
- overpayments such as EI or CPP deductions

Contact

Service Canada

Phone: 1-800-206-7218 toll-free

Deaf and hard of hearing callers with TTY call 1-800-529-3742 toll-free.

Website: servicecanada.gc.ca

Federal Labour Program

Human Resources and Social Development Canada

Phone: 1-800-668-5155 toll-free

Website: www.labour.gc.ca

Canada Revenue Agency

Phone: 1-800-959-8281 toll-free

Deaf or hard of hearing callers with TTY call 1-800-665-0354 toll-free.

Website: cra.gc.ca

Service Canada call centre

For information about federal government programs and services, or to be directed to a Canadian government office, call 1-800-O-Canada (1-800-622-6232). Deaf or hard of hearing callers with TTY call 1-800-465-7735 toll-free.

Help is available Monday to Friday from 8 a.m. to 8 p.m., your local time.

Website: servicecanada.gc.ca

RESOURCES

Alberta Employment and Immigration (AE&I) provides programs and services to support workplaces that are safe, healthy and fair. The department also provides career and workplace information to Albertans, along with financial and health benefits, child support services and employment training to support Albertans in need. To learn more about the department's programs and services, visit employment.alberta.ca.

AE&I resources

ALIS tip sheets

The Alberta Learning Information Service (ALIS) is Alberta's online source for career, education and workplace information. More than 150 easy-to-read articles on career, learning and employment topics can be downloaded from alis.alberta.ca/tips.

Publications

The department has publications on workplace topics including

- *Employee or Contractor? Know the difference*
- *English Express: Employment law protects workers*
- *Let's Talk: A guide to resolving workplace conflicts*
- *X-treme Safety: A survival guide for new and young workers*

You can order these, and other career, learning and employment publications by

- calling the Alberta Career Information Hotline at 1-800-661-3753 toll-free or 780-422-4266 in Edmonton (available Monday through Friday, 8:15 a.m. to 4:30 p.m.)
- visiting the Alberta Learning Information Service (ALIS) website at alis.alberta.ca/publications to view, download or order
- visiting an AE&I service centre. Call the Career Information Hotline to find the centre nearest you.

e-Learning programs

AE&I has interactive, web-based programs to help Albertans learn about employment standards and workplace health and safety. For e-Learning programs on **employment standards**, go to employment.alberta.ca/es and click on *Education and Promotion*. To access **workplace health and safety** e-Learning resources, go to employment.alberta.ca/whs and click on *Education and Promotion*.

AE&I services

Disability Related Employment Supports (DRES)

DRES provides a variety of supports to persons with disabilities and employers accommodating the needs of workers with disabilities. To find out more, call the Alberta Career Information Hotline.

Edmonton: 780-422-4266
Toll-free: 1-800-661-3753

Website: employment.alberta.ca/dres

Health benefits

AE&I provides health benefits for eligible parents with low incomes and their dependant children.

Edmonton: 780-644-9992
Toll-free: 1-877-644-9992

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Email: iscc@gov.ab.ca

Website: employment.alberta.ca/hb

Youth Connections

Youth Connections provides work exploration activities, career and labour market information and other services to help youth ages 16 to 24 explore and achieve their career and employment goals.

Call the Alberta Career Information Hotline to find the Youth Connections office nearest you.

Edmonton: 780-422-4266
Toll-free: 1-800-661-3753

Website: employment.alberta.ca/youthconnections

Government of Alberta call centre

For more information about Alberta government programs and services, call 780-427-2711 in Edmonton or 310-0000 toll-free in Alberta.

Deaf or hard of hearing callers with TTY call 780-427-9999 in Edmonton or 1-800-232-7215 toll-free in other Alberta locations.

Phone lines are open Monday to Friday from 8 a.m. to 6 p.m.

Website: programs.alberta.ca

Index

- access request for personal information, 20–21, 28, 31
- accommodate, duty to, 11–12, 24
- adoption leave, 23–25
- age of employee, as protected ground, 7, 11, 18, 26
- Alberta Employment and Immigration, 30, 32, 34
- alcohol and drug tests, 7
- alone, working, 9, 17
- ancestry, as protected ground, 7, 11, 18, 26
- appearance and dress codes, 8, 12
- applications for work permits, 1, 8–9
- apprentices, 9, 19, 25
- articles (tip sheets) on workplace topics, 9, 34

- background checks, 8
- Becoming a Parent in Alberta*, 24
- benefits, definition of, 4
- bereavement leave, 24–25
- bonding of employees, 8
- breaks and work hours, 16
- bullying in the workplace, 18

- call centres for government offices, 33–34
- Canada Labour Code*, 4
- Canada Pension Plan (CPP), 8, 14–15, 33
- Canada Revenue Agency, 15, 33
- career contacts and resources, 34
- Career Information Hotline, 11, 34
- child support payments (MEP), 14
- childbirth leave, 23–25
- Citizenship and Immigration Canada, 9
- Civil Liberties Research Centre, Alberta, 1
- clothing and appearance codes, 8, 12
- colour of skin, as protected ground, 7, 11, 18, 26
- commission, employees on, 12, 19
- compassionate care leave, 24–25
- complaints
 - about bullying and harassment, 18
 - about employment standards, 28
 - about health and safety, 17–18, 32
 - about human rights, 7–8, 18, 28, 30
 - about information privacy, 21, 28, 31
 - about Workers' Compensation Board, 19, 28, 32
 - deadlines and how to file, 28
- construction workers, 4, 12, 16, 26
- contacts and resources, 30–34
- contract workers, 13, 19
- country of origin, as protected ground, 7, 11, 18, 26

- date of birth (age), as protected ground, 7, 11, 18, 26
- deductions from pay, 14–15, 20
- disabilities, as protected ground, 7, 11, 18, 26
- disability insurance, WCB, 19
- Disability Related Employment Supports, 11, 34
- discrimination, protected grounds against, 7, 11, 18, 26
- dress and appearance codes, 8, 12
- drug and alcohol tests, 7
- duty to accommodate, 11–12, 24

- e-Learning programs, contacts and resources, 34
- earnings statements, 14–15
- emergencies in the workplace, 18
- Employee or Contractor? Know the Difference*, 13, 34
- employee records, 14–15
- employment agencies, workers from, 13
- Employment Insurance (EI)
 - benefits, 8, 23–25, 28
 - contacts and resources, 33
 - deductions, 14–15
- employment law, overview of, 4
- Employment Standards Code*, 4, 14, 23–24
- Employment Standards, contacts and resources, 4, 28
- entitlements, definition of, 4
- equal pay for similar work, 13
- evacuation and emergency plans, 18

- family leave, 23–25
- family status, as protected ground, 7, 11, 18, 26
- federal government
 - contacts and resources, 9, 33
 - employees under federal legislation, 4, 17
 - Social Insurance Numbers (SIN), 7–8, 33
 - tax deductions, 14–15, 33
 - See also* Employment Insurance (EI)
- firing. *See* termination
- foreign students, 9
- foreign workers, temporary, 1, 19
- Freedom of Information and Protection of Privacy Act (FOIP)*, 20–21, 28

- garnishee deductions, 14–15
- gender, as protected ground, 7, 11, 18, 26
- general holidays, 13
- government departments, contacts and resources, 30–34

- harassment in the workplace, 18
- hazards, workplace, 17–18
- health and safety
 - breaks and rest periods, 16
 - complaints about, 17
 - contacts and resources, 17, 18, 32, 34
 - emergency preparedness, 18
 - employers' safety checklists for young workers, 8
 - resources on, 9, 17, 19, 34
 - responsibility for, 17–18
 - termination due to violations of, 26
 - unsafe working conditions, 16–17
 - violence and abuse, 18
 - working alone, 9, 17
 - young workers, 8–9, 16
 - See also* Workers' Compensation Board (WCB)
- Health and Safety Contact Centre, Workplace, 18, 32
- health benefits for parents with low income, 34
- holidays, 13
- Hotline, Career Information, 11, 34
- hours
 - for young workers, 8–9
 - minimum hours, pay for, 12
 - of work and rest, 16
 - overtime, 12
 - records of, 14–15
- Human Rights Act*, 7, 24, 26
- Human Rights Commission, 7–8, 12, 18, 28
- human rights, contacts and resources, 8, 12, 28
- human rights, protected grounds, 7, 11, 18, 26

- illness, leave for, 24–25
- income source, as protected ground, 7, 11, 18, 26
- income tax deductions, 14–15, 33
- Information and Privacy Commissioner, 21, 28, 31
- information privacy, 20–21, 28
- injured workers, 17, 19
- international students, 9
- international workers, temporary, 1, 19

- job applications, protected grounds for, 7, 11
- job loss. *See* termination
- job-related tests, 7

Know Your Rights in the Workplace, 1

labour law, federal, 4
labour relations, provincial, 20, 30
labour union membership and dues, 14, 20
layoffs and recalls, 25
leave, permanent. *See* termination
leave, temporary, 23–25
legal information, contacts and resources,
1, 31
legislation, overview of employment, 4
lockouts and strikes, 20, 26
lodging and food deductions, 15
low income families, health benefits for, 34

Maintenance Enforcement Program, 14–15
marital status, as protected ground, 7, 11,
18, 26
maternity leave, 23–25
mental disability, as protected ground, 7,
11, 18, 26
military reservist leave, 23–24
minimum pay (salary, wage, commission),
12
minimum vacation entitlement, 16
minimum wage, 12–13

notices

during first three months on job, 9
layoffs and recalls, 25
maternity or parental leave, 24
reservist leave, 24
return to work, 24
termination by you or employer, 26–27
vacation period, 16

Occupational Health and Safety Code,
17–18, 32

Off-Campus Work Permit, 9
online resources and contacts, 30–34
orientation and training pay, 9
overpayments on CPP or EI, 15, 33
overtime and overtime pay, 12
overtime records, 14–15

parental leave, 23–25

parents with low income, benefits for, 34
pay

after termination notice, 26–27
contacts and resources, 13, 30, 33
deductions, 14–15, 20
disability or sick pay, 24
equal pay for similar work, 13
holiday pay, 13
method of payment, 12
minimum pay for shifts, 12
minimum wage, 12–13
net pay, 14
orientation and training pay, 9
overtime pay, 12

pay periods, 12
records, 14–15
travel time as work hours, 16
vacation pay, 12, 15

pension plan contributions, 15
permits, work, 1, 8–9
personal information protection, 20–21,
28, 31

Personal Information Protection Act (PIPA),
20–21, 28

physical disability, as protected ground, 7,
11, 18, 26

place of origin, as protected ground, 7, 11,
18, 26

pregnancy leave, 23–25

pregnancy, as protected ground, 7, 11,
18, 26

Privacy Commissioner, Information and,
21, 28, 31

privacy of personal information, 20–21, 28
protected grounds (against discrimination),
7, 11, 18, 26

provincial employment law, overview of, 4
provincial government, contacts and
resources, 30–32, 34

provincial tax deductions, 14–15

quitting a job. *See* termination

race, as protected ground, 7, 11, 18, 26
recalls after layoffs, 25

Record of Employment (ROE), 25, 28

records, employment, 14–15

religious beliefs, as protected ground, 7,
11, 18, 26

reservist leave, 23–24

resources and contacts, 30–34

rest periods, 16

room and board deductions, 15

safety. *See* health and safety

school programs, 8–9

security background checks, 8

self-employed workers, 13

Service Alberta, contacts and resources, 31

Service Canada, contacts and resources,
8, 25, 33

sexual harassment, as just cause for firing,
26

sexual orientation, as protected ground, 7,
11, 18, 26

shift work, minimum pay for, 12

shortages, cash, 14

sick leave, 24–25

Social Insurance Numbers (SIN), 7, 8, 33

source of income, as protected ground, 7,
11, 18, 26

special needs, as protected ground, 7, 11,
18, 26

special needs, duty to accommodate,
11–12

statement of earnings and deductions, 15
statutory holidays, 13
strikes and lockouts, 20, 26
students, 8–9
substance abuse tests, 7
support, deductions for child, 14–15

tax deductions and tax forms, 14–15, 33
technology, disability related, 11
telephone call centres, provincial and
federal, 33–34

temporary foreign workers, 1, 19
temporary leaves for employees, 23–25
termination

collecting Employment Insurance after, 28
deadlines for filing complaints about, 28
during first three months, 9
during strikes and lockouts, 20
for filing complaints, 28
for refusing unsafe work, 17
just causes for, 26
protected grounds and, 26
required notice for, 26
termination pay, 27

tests, drug and alcohol, 7

tests, employment, 7

tip sheets on workplace topics, 9, 34

tips and minimum wage, 12–13

trade unions and dues, 14, 20

training periods and pay, 9, 16

travel time as work hours, 16

uniforms, deductions for, 15

unions, labour, 14, 20

vacations, 12–13, 15–16

violence in the workplace, 18

work experience students, 9

work permits, 1, 8–9

work, what counts as, 16

Workers' Compensation Board (WCB), 19,
28, 32

Workers' Health Centre, 32

working alone, 9, 17

Workplace Health and Safety Contact
Centre, 18, 32

workplace modifications, 11–12

workplace supports, disability related, 11,
34

X-treme Safety, 17, 34

young workers, 8–9

Youth Connections, contacts and
resources, 34

Thinking about your future?

Definitely. And wondering —
What do I want from my career?
What jobs are out there? Is continuing
my education and training the right
move for me? Find the answers at ALIS.
Your next steps are just a click away.



alis.alberta.ca

CAREER PLANNING • EDUCATION • JOBS

»» Make the most of **your future**



New to the workplace? Learn about Alberta's workplace rules.

Your Rights and Responsibilities at Work answers your questions about the employment rules workers and employers must follow. You'll find out about employment standards, health and safety, human rights and workers' compensation, as well as key contacts and resources.