

Field Catering, Geophysical Exploration & Other Miscellaneous Services Overtime Hours and Pay

April 2015

Part 3, Division 2 of the Employment Standards Regulation (Regulation) replaces section 21 of the *Employment Standards Code* (Code) for employees in field catering, geophysical exploration, surveying, logging and lumbering, and road maintenance activities.

Instead of the usual payment of overtime after 8 hours a day or 44 hours a week, employees in these job categories may work up to 10 hours a day, to a total of 191 hours a month before overtime is payable.

Definition of terms

Field catering

This means work performed or services provided in the operation of field camps that provide food services or accommodation.

Geophysical exploration

This means the application of a physical science in the determination of geologic or other conditions for the location of oil, natural gas, coal or other minerals.

Land surveying

This means the practice of land surveying within the meaning of the *Land Surveyors Act*.

Logging and lumbering

This means:

- the cutting of primary timber products,

- the sawing of primary timber products into rough lumber, or
- the planing of rough lumber, and
- work incidental to any of them that is performed at or in the immediate vicinity of the logging and lumbering.

Road maintenance activities

This means road construction, road maintenance and the removal of snow from roads when the employees are employed by a municipal district or a Métis settlement.

Urban municipality

This means a city, town, village, summer village, or hamlet that has a population of 1,000 or more.

Work day

This means a 24-hour period ending at midnight, or a 24-hour period as established by the consistent practice of an employer.

Work month

This means a calendar month, or the period from a time on a specific day in a month to the same time on the same day in the following month as established by the consistent practice of an employer.

Application of this fact sheet

The exemptions contained in Part 3 Division 2 of the Regulation apply to:

- (a) Employees engaged in an undertaking that consists of:
- field catering,
 - geophysical exploration but not including a professional member or member-in-training, as defined in the *Engineering and Geoscience Professions Act*,
 - land surveying, or
 - logging and lumbering;

provided the undertaking does not take place within an urban municipality or within 16 km of an urban municipality.

- (b) The respective employers of the employees referred to in clause (a) while acting in the capacity of employer, and

- (c) Employees of a municipal district or Métis settlement employed in road construction, road maintenance or the removal of snow from roads and to their respective employers while acting in the capacity of employer.

Hours of work and overtime

Overtime arises when hours of work exceed 10 in a work day or 191 in a work month. It is important to note that the overtime rules will only apply where the field catering, geophysical exploration, land surveying or logging and lumbering takes place more than 16 km outside of an urban municipality. For a definition of urban municipality, refer to the Definition of Terms section above. Where the majority of the work takes place within 16 km of an urban municipality, overtime is payable after 8 hours per day or 44 hours per week.

If an employee works less than 191 hours of work in the first or last month of employment, overtime will arise after 10 hours in a day, or 44 hours in a week, whichever is greater. It is important to note that these special rules apply only in the first or last month of employment where an employee has worked less than 191 hours of work. If the employee has worked 191 hours of work, the overtime threshold of 10 hours in a work day or 191 hours in a work month applies.

Note: Section 16 of the Code, which confines an employee's hours of work within a period of 12 consecutive hours in a work day, does not apply to geophysical exploration.

Recordkeeping

Employers must maintain daily records of all regular and overtime hours worked. The only exception applies to employees and their employers who are exempted from this obligation by section 2 of the Regulation.

Maximum number of hours an employee may work in a day

Employment Standards legislation does not restrict hours of work per day in the geophysical exploration industry. This is because section 16 of the Code, which confines an employee's hours of work within a period of 12 consecutive hours in a work day, does not apply to geophysical exploration. The employer and employee must comply with safe work practices in accordance with the *Occupational Health and Safety (OHS) Act* and OHS Code. Under OHS legislation, an employer must ensure the health and safety of its workers. This includes monitoring hours of work if extended hours of work can affect the health and safety of a worker or their co-workers. Workers have a right and a responsibility to refuse work if it appears unsafe.

For information about fatigue and safety, please see the Workplace Health and Safety Bulletin, "Fatigue and Safety at the Workplace," at <http://work.alberta.ca/documents/WHS-PUB-ERG015-1.pdf>. A copy of this publication can also be obtained from any OHS office in Alberta. To find an office near you, please phone the OHS Contact Centre toll-free at 1-866-415-8690.

Number of days worked before getting a day off

An employee must receive one day off in a week of 7 days. These days off can be accumulated, allowing an employee to work a maximum of 24 consecutive days followed by 4 consecutive days off.

Travel time and time waiting at a worksite

Activities that are considered to be hours of work include: travelling from base to a worksite and return, time travelling from one job site to another job site, and time that an employee is required to wait at a worksite at the employer's direction.

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