

# EMPLOYMENT STANDARDS GUIDE

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## COVID-19 job-protected leaves

Job-protected leaves are leaves of absence set out in the employment standards legislation. They allow employees to take time off of work for personal reasons without having to worry about losing their job.

There are three new job-protected leaves related to COVID-19:

- COVID-19 Leave;
- COVID-19 Vaccination Leave; and
- Extended COVID-19 Personal and Family Responsibility Leave.

## COVID-19 leave

Employees are eligible for this leave if they are required to quarantine or self-isolate.

This leave is for the 14-day self-isolation period.

This is an unpaid leave but federal income support may be available. For details, see <https://www.canada.ca/en/services/benefits/covid19-emergency-benefits.html>

This leave came into effect March 5, 2020.

### Eligibility

- Employees are eligible for this leave regardless of their length of service.
- Employees can take this leave more than once, including consecutively.
- If needed, employees may access other leaves immediately after this leave, if they meet the eligibility requirements for those other leaves.
- Employees are not required to provide a medical certificate.
- Employees must provide written notice of intent to take leave to their employer as soon as possible.
- Employees who are ready to return to work do not require written notice to return.
- Employees are encouraged to communicate with their employers regarding their return to work plans.

## COVID-19 vaccination leave

Employees are eligible for this leave if they are receiving a COVID-19 vaccination.

This leave is for up to 3 consecutive hours of job-protected, paid time-off per vaccination appointment. Employers may provide additional time beyond 3 hours per appointment, if necessary, but are not required to.

This is a paid leave, with employers being responsible for ensuring employees do not lose earnings or other benefits while accessing this leave.

Where possible, employees should discuss this leave with their employer prior to booking an appointment.

This leave came into effect on April 21, 2021.

### Eligibility

- Employees are eligible for this leave regardless of their length of service.
- Employees can take this leave more than once.
- If needed, employees may access other leaves immediately after this leave, if they meet the eligibility requirements for those other leaves.
- Employers may require reasonable documentation to take this leave, such as an appointment confirmation.

# EMPLOYMENT STANDARDS GUIDE

- Employers cannot require a medical certificate, record of immunization, or information about underlying health conditions.
- Employees must provide notice of intent to take leave to their employer as soon as possible.

## Extended COVID-19 personal & family responsibility leave

Employees are eligible for this leave if they need to care for:

- quarantined or self-isolated family members
- children who are unable to attend school or child care services as a result of any recommendations or directions of the Chief Medical Officer with respect to COVID-19.

The leave is flexible in length. It ends when the employee's family member or child no longer requires care.

This is an unpaid leave but federal income support may be available. For details, see <https://www.canada.ca/en/services/benefits/covid19-emergency-benefits.html>

This leave came into effect March 17, 2020.

### Eligibility

- Employees are eligible for this leave regardless of their length of service.
- Employees can take this leave more than once, including consecutively.
- If needed, employees may access other leaves immediately after this leave, if they meet the eligibility requirements for those other leaves.
- Employees are not required to provide a medical certificate, but employers may require other reasonable documentation to take this leave.
- Employees must provide notice of intent to take leave to their employer as soon as possible.
- Employees who are ready to return to work do not require written notice to return.
- Employees are encouraged to communicate with their employers regarding their return to work plans.

## Temporary layoffs

In cases where normal business operations are disrupted, employers can temporarily lay off employees. Employers can temporarily suspend employment with the intent of continuing the employment relationship when circumstances improve.

Several changes were introduced in 2020 to help with temporary layoffs related to COVID-19. In Alberta, the maximum duration of a temporary layoff depends on the reason for layoff, and when the layoff occurred.

Reason for layoff	Initial layoff date	Maximum length of layoff	Termination occurs on the:
	Prior to March 17, 2020	60 days total in a 120-day period	61st day
Unrelated to COVID-19	March 17, 2020 – June 17, 2020	120 consecutive days from the initial layoff date	121st consecutive day
	On or after June 18, 2020	90 days total in a 120-day period	91st day
Related to COVID-19	Any date	180 consecutive days from the initial layoff date	181st consecutive day

## COVID-19 INFORMATION

# EMPLOYMENT STANDARDS GUIDE

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If the thresholds are met in the last column above, the employee's employment is considered to be ended, and the employer must pay termination pay if the employee is entitled.

The period of temporary layoff can be extended beyond the maximum days if the employer makes regular payment to or on behalf of the employee, such as continuing to pay wages, employee pensions or benefits. The employee must agree to these payments in lieu of a firm limit of the length of the layoff. If payments in lieu cease and the employee has not been recalled, then termination pay is payable.

## Variations

In exceptional circumstances, such as where employers have been unable to operate due to public health restrictions, employers or employer groups may be granted an extension to the temporary layoff period via a Ministerial Variance or Exemption.

Employers will be asked to provide a rationale as to how COVID-19 restrictions directly impact their ability to operate or recall employees.

## For more information

Job-protected leaves: [alberta.ca/job-protected-leaves.aspx](https://alberta.ca/job-protected-leaves.aspx)

Temporary layoffs: [alberta.ca/temporary-layoffs.aspx](https://alberta.ca/temporary-layoffs.aspx)

Apply for a variance: [alberta.ca/es-variance-minister-order.aspx](https://alberta.ca/es-variance-minister-order.aspx)