

Fire Fighting Services

February 2017

Part 3, Division 10 of the Employment Standards Regulation (Regulation), makes exceptions to employment standards for firefighters with respect to hours of work, overtime and rest.

Definition of terms

Firefighter

This means an employee who is regularly employed by a municipality or Métis settlement in its fire service and assigned to active duty with respect to fire protection, fire prevention, rescue or emergency medical service offered by that service.

Shift

This means a consecutive period throughout which a firefighter is scheduled to work.

Cycle

A cycle consists of a working cycle, to a maximum of 26 weeks, in accordance with which the firefighter currently works, or 26 weeks if there is no such working cycle.

Hours of work

The maximum daily hours of work that a firefighter may be scheduled to work is 24 hours. The only exception in which a firefighter may work more than 24 hours is if there is an emergency or unforeseen or unpreventable circumstances.

The Regulation exempts firefighters and their employers from certain requirements of the *Employment Standards Code (Code)* related to hours of work in the following ways.

1. It exempts them from the requirement that work hours be confined within a period of 12 consecutive hours in any one work day.

2. It exempts them from the notification requirement as to when work starts and ends, including the requirement that an employer provide least 24 hours' written notice before a shift change, as well as written notice of eight hours of rest between shifts.
3. It exempts them from the provisions dealing with a compressed work week arrangement.

Rest periods

To ensure a firefighter is provided with rest between shifts, the Regulation provides that a firefighter, who has been on duty for 24 hours, may not be scheduled to begin another shift within the 24-hour period immediately following the scheduled ending of that shift.

Again, the only exception in which a firefighter may work past the 24-hour mark, and as a consequence, may not have a full 24-hour period before the beginning of the next shift, is if there is an emergency or unforeseen or unpreventable circumstances requiring the firefighter's work.

Note: A firefighter continues to be entitled to the requirements of daily and weekly rest periods under the Code. Refer to the "Hours of Work, Rest Periods and Days of Rest" Fact Sheet at www.work.alberta.ca/esfactsheets.

Overtime hours

The basic overtime rule of 8/44 that would ordinarily apply to most employees does not apply to firefighters and their employers. Unless an employment contract or collective agreement provides otherwise, firefighters are not entitled to daily overtime hours.

Instead, the Regulation provides that firefighters are entitled to weekly overtime hours. Overtime hours are those in excess of the greater of:

- (a) the firefighter's regularly scheduled work shifts in that work week, and
- (b) an average of 44 hours per week over the firefighter's work cycle.

Example:

- If a firefighter works an extra four hours beyond his regularly scheduled weekly hours of 48, for a total of 52 hours worked in a week, and the average weekly hours in the course of 26 weeks is 42.

Then...

- Applying the overtime formula above – where the firefighter's regularly scheduled hours (48) are greater than an average of 44 hours per week – will result in four overtime hours owed to the firefighter (52 hours minus 48 regularly scheduled hours for that week equals 4 hours overtime).

Some common questions

1. Are volunteer firefighters covered by the Regulation?

No. The Regulation only covers firefighters who are employed by a municipality or Métis settlement.

2. Who else is not covered by this Regulation?

Fire chiefs and deputy fire chiefs, managers, non-firefighting office and administrative personnel are not captured by this Regulation. Firefighters who work for a private company and who are not employed by a municipality or Métis settlement are not covered by this Regulation. Also not covered by this Regulation are firefighters who work in the provincial forest fire prevention services.

3. Does the Regulation mandate any specific shift arrangement?

No. The Regulation exempts firefighters from the requirement in the *Code* that confines hours of work to a period of 12 consecutive hours in any one work day. The Regulation provides employers the flexibility to schedule shifts of up to 24 consecutive hours, depending on their operational and scheduling needs. Employers and employees may therefore negotiate shift arrangements that best meet their unique situations.

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