

Maternity and Parental Leave

The *Employment Standards Code* provides mothers, fathers and adoptive parents with parental leave. In addition, birth mothers are eligible for maternity leave.

Eligibility Requirements

Employees must have 52 weeks of continuous employment with their employer to be eligible for maternity or parental leave. This applies both to full and part-time employment.

If a pregnant employee has less than 52 consecutive weeks of employment, and is therefore not entitled to maternity leave, an employer cannot arbitrarily lay her off, terminate her employment, or require her to resign because of pregnancy or child birth.

Under human rights law, employers are required to accommodate the health-related consequences of an employee's pregnancy and childbirth up to the point of undue hardship, regardless of how long she has worked for the employer. Contact the Alberta Human Rights and Citizenship Commission for further information on these rights and responsibilities.

Length of Leave

- Birth mothers can take up to 52 weeks of unpaid, job-protected leave from employment, made up of 15 weeks of maternity leave and 37 weeks of parental leave.
- Fathers and adoptive parents are eligible for 37 weeks of unpaid, job-protected parental leave. Adoptive parents can take parental leave when they adopt a child under the age of 18.

If both parents are employees, the 37 weeks of parental leave may be taken entirely by one of the parents, or can be shared between the mother and father. If the leave is to be shared, the employer must be notified.

Notice Requirements

- Employees must give their employers at least six weeks' written notice to start maternity or parental leave.
- Employees must provide at least four weeks' written notice to return to work or to change the date they will be returning to work. This notice must be provided at least four weeks before the end of the leave to which employees are entitled.

- If an employee fails to provide the required notice or fails to report to work the day after the leave ends, the employer does not have to reinstate the employee unless the failure to notify the employer is due to unforeseen or unpreventable circumstances.

Employment of Adolescents and Young Persons

Adolescents are 12, 13 and 14 years old. They may be employed to:

- make deliveries for a retail store,
- deliver newspapers or flyers,
- be a clerk in an office or retail store, or
- perform some jobs in the restaurant and food services industry,

if the employment is not injurious to the adolescent's life, health, education or welfare. The parent or guardian of any adolescent must agree to the employment and provide written consent to the employer.

Adolescents can only work 2 hours on a school day and a maximum of 8 hours on a non-school day. They cannot work between the hours of 9:00 pm and 6:00 am.

Young persons are 15, 16 and 17 years old. They must work with one or more adults between 9:00 pm and midnight and cannot be employed between midnight and 6:00 am at, or in connection with:

- any retail store selling food or beverages or any other merchandise,
- a retail business selling gasoline or other petroleum products, or
- a motel, hotel, inn, etc.

Young persons can be employed in any other business between midnight and 6:00 am but must be in the continuous presence of one or more adults and the employer must have the written permission of the young person's parent or guardian.

Farm Workers and Domestics

Farm workers are entitled to their agreed wages; notice of termination of employment; and maternity and parental leave. Domestic employees are entitled to minimum wage; general holidays and general holiday pay; vacations and vacation pay; notice of termination of employment; maternity and parental leave; and a day of rest each week.

For more Employment Standards information, visit humanservices.alberta.ca/es or call the Employment Standards Contact Centre at **780-427-3731** (Edmonton), or toll-free at **1-877-427-3731**.



TTY Deaf Relay, call **780-427-9999** in Edmonton. Other locations call **1-800-232-7215**.

Employment Standards guide

Do I qualify for parental leave?

What is my overtime pay?

Do I get general holidays off?

When do I get paid?

Alberta's *Employment Standards Code* sets out the minimum standards that apply to employees and employers under provincial jurisdiction.

This guide was prepared to highlight key employment standards. If you have questions or require more information, see the contact information on the back cover.

Minimum Wages

- The general minimum wage in Alberta is \$9.95 per hour.
- The minimum wage for liquor servers is \$9.05 per hour. (Liquor servers are those employees serving alcohol as a regular part of their job).
- For certain salespersons the minimum wage is \$397.00 per week.
- For domestic employees the minimum wage is \$1,893.00 per month.
- School bus drivers, an adolescent (12, 13 or 14 years old) employed on a day when required to attend school and part-time employees in certain non-profit recreation or athletic programs are entitled to not less than 2 hours pay at the minimum wage if they are employed for less than 2 hours.

All other employees are entitled to not less than 3 hours at the minimum wage if they are employed for less than 3 hours and they are available to work for the full 3 hours.
- A deduction for a meal or lodging cannot reduce the minimum wage by more than the following amounts: \$3.27 per meal consumed and \$4.31 per day of lodging.

Payment of Earnings

Employees must be paid not later than 10 days after the end of each pay period.

When employment ends:

1. If the employer terminates an employee's employment:
 - a) with notice and/or pay in lieu of notice - pay is due not later than 3 days after the last day of work;
 - b) and no termination notice is required to be given - pay is due not later than 10 days after the last day of work.
2. If the employee terminates their own employment:
 - a) by giving a termination notice - pay is due not later than 3 days after the last day of work;
 - b) and no termination notice is required to be given - pay is due not later than 10 days after the last day of work;
 - c) and fails to give the required termination notice - pay is due not later than 10 days after the date on which the notice would have expired had it been given.

Statement of Earnings and Deductions

Employees must receive a detailed written statement of earnings and deductions for their retention each pay period.

An employer may deduct from an employee's earnings amounts permitted by an Act, regulation, judgment, order of a court or amounts personally authorized in writing by an employee.

No deduction can be made from an employee's earnings for (i) faulty workmanship, or (ii) cash shortages or loss of property if anyone other than the employee had access to the cash or property.

Hours of Work

Hours of work must be within a period of 12 consecutive hours in any one day. An exception to this requirement exists for employees in the geophysical exploration and oil well servicing industries.

Hours of Rest

An employer must provide at least one day of rest in each week. Rest days may be accumulated for up to 4 weeks and given as consecutive days off within this 4 week period.

Employees must receive a 1/2 hour rest period, paid or unpaid, during each shift in excess of 5 consecutive hours of work. Some exceptions apply.

Overtime and Overtime Pay

In each week, hours worked in excess of 8 per day must be totalled and the number of hours worked in excess of 44 must be calculated. The greater of the two numbers is the number of hours to be paid at the overtime rate.

An employer must pay an employee overtime pay of at least 1.5 times the employee's wage rate for overtime hours.

Note: Some exceptions apply. Refer to the *Employment Standards Regulation*.

Overtime Agreements

Employees and employers may enter into a written overtime agreement. With an agreement, instead of overtime pay, employees receive time off with regular pay equal to the number of overtime hours worked.

Vacations and Vacation Pay

Employees are entitled to a minimum of 2 weeks' vacation with pay after 1 year of employment and 3 weeks' vacation with pay after 5 years of employment with an employer. Monthly paid employees are entitled to vacation pay based on their current salary. Employees paid other than by the month are entitled to 4% of their regular wages for vacation pay. After 5 years this increases to 6%.

Employees employed less than 1 year receive 4% of their regular wages for vacation pay on termination of employment. Vacation pay may be paid at any time, but not later than the next scheduled pay day after the employee starts vacation. On written request of an employee, the employer may grant an employee's annual vacation in periods of not less than 1 day. The employer has final say over the time when the annual vacation is to be taken. Employees in the construction or brush clearing industries are subject to different rules. For more information contact Employment Standards on the back page.

General Holidays and General Holiday Pay

In Alberta the following are general holidays: New Year's Day; Alberta Family Day; Good Friday; Victoria Day; Canada Day; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; and any other day designated as a general holiday by the employer.

Employees who have worked for an employer 30 days in the 12 month period before the holiday are entitled to general holidays and general holiday pay.

If an employee works an irregular schedule and there is doubt about whether a general holiday falls on a day that would normally have been a work day, review the 9 week period preceding the work week in which the general holiday occurs. If the employee worked on the same day of the week as the day on which the general holiday falls in at least 5 of the 9 weeks, the general holiday is to be considered a day that would normally have been a work day for the employee.

When the holiday falls on a regular work day and the employee is not required to work, the employee will receive a regular day's pay.

If employees are required to work on the holiday and the holiday is a normal day of work, they must receive 1.5 times

their regular rate of wages for each hour worked in addition to receiving a regular day's pay. Alternatively, they may be paid their regular rate for each hour worked on the holiday and receive another regular working day off with pay.

If an employee is on a regular day off and is required to work on the holiday, the employee will receive 1.5 times the regular rate of pay for all hours worked.

If a general holiday falls during an employee's annual vacation, the employer must extend the employee's vacation by one day with pay.

Alternatively, by agreement, the employer must provide an additional day off with pay before the employee's next annual vacation.

Employees in the construction or brush clearing industries are subject to different rules.

Termination of Employment

Employees wishing to terminate their employment must give the employer a written termination notice of at least:

- 1 week, if employed more than 3 months but less than 2 years
- 2 weeks, if employed 2 years or more.

Employers wishing to terminate the employment of an employee must give the employee a written termination notice of at least:

- 1 week, if employed more than 3 months but less than 2 years
- 2 weeks, if employed 2 years but less than 4 years
- 4 weeks, if employed 4 years but less than 6 years
- 5 weeks, if employed 6 years but less than 8 years
- 6 weeks, if employed 8 years but less than 10 years
- 8 weeks, if employed over 10 years,

- OR** the wages the employee would have earned for the applicable period of notice,
- OR** a combination of written notice and the wages the employee would have earned for the applicable period of notice.

Some exceptions apply.

Note: Employers and employees are not required to provide notice if the employee is employed for 3 months or less.