

REPEALED by

[Ministerial Order No. 26/2020 \[Labour and Immigration\]](#)

Effective April 24, 2020



ALBERTA

LABOUR AND IMMIGRATION

Office of the Minister

**MINISTERIAL
ORDER
No. 22.2020**

WHEREAS the Lieutenant Governor in Council made Order in Council 080/2020 under section 52.1(1) of the *Public Health Act* (PHA) on March 17, 2020 declaring a state of public health emergency in Alberta due to pandemic COVID-19 and the significant likelihood of pandemic influenza;

WHEREAS Order in Council 080/2020 has effect for 90 days following March 17, 2020 under section 52.8(1)(a) of the PHA;

WHEREAS section 52.1(3) of the PHA authorizes the Minister responsible for an enactment (Minister), to make an order without consultation, to

- (a) suspend or modify the application or operation of all or part of an enactment, subject to the terms and conditions the Minister prescribes, or
 - (b) specify or set out provisions that apply in addition to, or instead of, any provision of an enactment
- if the Minister is satisfied that doing so is in the public interest; and

WHEREAS I am satisfied that it is in the public interest to make such an order in respect of the *Labour Relations Code* (LRC) and the *Employment Standards Code* (ESC), because the LRC and ESC may impede compliance with orders issued by the Chief Medical Officer of Health to combat the spread of COVID-19; and

NOW THEREFORE, I, Jason Copping, Minister of Labour and Immigration responsible for the *Labour Relations Code* and *Employment Standards Code*, pursuant to section 52.1(2) of the *Public Health Act*, do hereby order that:

1. This order applies with respect to the employers at a health care facility described in Chief Medical Officer of Health Order 10-2020, issued under section 29 of the PHA (“CMOH Order 10”),
 - a. work for more than one employer described in CMOH Order 10, or
 - b. work at more than one worksite described in CMOH Order 10.
2. The following provisions apply in addition to and notwithstanding any provision of the ESC and LRC:

- (1) Notwithstanding any agreement, including a collective agreement, for the purposes of complying with CMOH Order 10,
 - (a) an employer that employs an employee who normally works at more than one worksite but is restricted to working at one worksite in accordance with CMOH Order 10 must determine which worksite the employee will be providing services having regard to the following criteria:
 - i. the employee's preference,
 - ii. the needs of the employer, and
 - iii. the needs of the health care sector to protect public health.
 - (b) An employer of a worksite at which the employee will no longer be providing services must
 - i. place the employee on an unpaid leave of absence,
 - ii. issue the employee a Record of Employment, and
 - iii. allow the employee to return to work within a reasonable period of time after CMOH Order 10 is no longer in effect.
 - (c) If an employee's total hours are reduced as a result of working for only one employer or at only one worksite in accordance with CMOH Order 10 and the employee wishes to work additional hours at the worksite at which they will continue to provide services
 - i. The employer of that worksite must increase the employee's scheduled hours of work so far as reasonably possible, up to the maximum of a full-time-equivalent position, so the employee's hours at that worksite are equal to the hours the employee would have worked but for CMOH Order 10,
 - ii. If the employee has not been scheduled for hours of work equal to the hours the employee would have worked but for the CMOH Order 10, the employer must provide the employee the opportunity to work additional hours as overtime, if available, on a priority basis to all other employees whose total hours are not reduced as a result of compliance with CMOH Order 10, and
 - iii. If requested, the employee must provide the employer with evidence of the hours the employee worked prior to the CMOH Order 10.
 - (d) Nothing in this order changes an employee's entitlement to benefits with an employer. For greater certainty,
 - i. An employer of a worksite at which the employee will no longer be providing services must continue the employee's group benefits, if any, pursuant to the terms of the governing Collective Agreement, if any, and subject to the terms and conditions of the employee's group benefits plan, if any.
 - ii. The employer of the worksite at which the employee will continue to provide services is under no obligation to increase the employee's group benefits irrespective of the hours worked by the employee.


- (2) For greater certainty, it is not a contravention of the LRC or ESC or an agreement, including a collective agreement, for an employer or employee or bargaining agent of an employee to comply with this Order.
- (3) For greater certainty, if there a dispute between an employer, employee or bargaining agent of an employee about the application of this Order, the parties may utilize any available complaint or dispute resolution process to resolve the matter, including filing a grievance or employment standards complaint in respect of the employer's compliance with this Order.

This Order comes into effect on the date set out below.

This Order lapses, unless it is sooner continued by an order of the Lieutenant Governor in Council under section 52.811(3) of the PHA, at the earliest of the following:

- (a) 60 days after Order in Council 080/2020 lapses under section 52.8(1) of the PHA;
- (b) when this Order is terminated by the Minister under section 52.811(2) of the PHA because the Minister is satisfied that this Order is no longer in the public interest; or
- (c) when this Order is terminated by the Lieutenant Governor in Council under section 52.811(1)(c) of the PHA.

DATED at Edmonton, Alberta this 10 day of April, 2020.



Jason Copping
Minister of Labour and Immigration