

Important changes to Alberta's workplace legislation

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Author: [Brian Thiessen, KC](#)

On May 27, 2019, Alberta's newly elected government:

- Executed an [Order in Council](#) [PDF], amending Alberta's *Employment Standards Regulation* by reducing the minimum wage for student employees; and
- Announced [Bill 2: An Act to Make Alberta Open for Business](#) [PDF], which proposes amendments to the *Employment Standards Code* regarding holiday pay and overtime pay, and to the *Labour Relations Code* regarding union certification votes and labour disputes involving multiple forums.

Some of the proposed changes would reverse amendments to workplace legislation passed by Alberta's previous government.

Announced *Employment Standards Regulation* changes

Reduced minimum wage for youth

- Effective June 26, 2019, a reduced \$13-an-hour minimum wage will apply only to students under the age of 18 who work 28 hours or less per week (for any hours worked beyond 28 hours, the \$15-an-hour minimum wage will apply).

Proposed *Employment Standards Code* changes

The key proposed changes would take effect on September 1, 2019, and are summarized below:

Changes to holiday pay

- To be eligible for holiday pay, employees would have to work for their employer for at least 30 days in the 12 months prior to the statutory holiday.
- Employees would not be eligible for holiday pay if they are absent without consent from work on the first day before, or on the first day after, a holiday.
- The distinction between regular and non-regular work days for holiday pay would be restored, meaning:
- If a holiday falls on a day that is normally a workday for the employee and they worked on the holiday, there are two options for paying employees holiday pay:

- The employee would get 1.5x their regular wage for hours worked *and* average daily wage;
- The employee would get their regular wage rate for hours worked and average daily wage, with one day off work (which would normally be a work day).
- If a holiday falls on a day that is normally a workday for the employee and the employee did not work on the holiday, they would be entitled to their average daily wage.
- If a holiday falls on a day that is not normally a workday for the employee and they work on the holiday, they would be entitled to 1.5x their regular wage rate for hours worked.
- If the holiday falls on a day that is not normally a workday for the employee and the employee did not work on the holiday, they would not be entitled to general holiday pay.

Changes to banked overtime pay

- Overtime banking will be calculated on an hour for hour exchange (currently 1.5x for all overtime hours worked).

Proposed *Labour Standards Code* changes

The key proposed changes would take effect at a later date,^[1] and are summarized below:

- Restores union certification votes to be conducted by secret ballot (currently only requires signed union cards);
- Returns the period for unions to provide evidence of employee support for certification from six months to 90 days; and
- Permits the Labour Relations Board, when making marshalling orders in respect of labour disputes, to consider whether the duty to accommodate is more appropriately investigated through arbitration rather than by the Alberta Human Rights Commission.

Our appreciation goes out to Demi Okuboyejo for her outstanding contributions to this Update.

[1] Changes to the *Labour Relations Code* would take effect on Bill 2 receiving Royal Assent.