

Law &amp; Policy Group

**GRIST**

# Canada: Alberta revises employment, labour standards

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Changes to Alberta's *Employment Standards Code* and *Labour Relations Code* feature in Bill 32, the Restoring Balance in Alberta's Workplaces Act, 2020 that received Royal Assent on 29 Jul 2020. Some of the Act's labour relations measures have taken effect and others will come into force on 1 Nov 2020. The Act reduces some of the administrative burdens faced by employers, including mass layoffs and labour negotiations.

## Highlights of the Act

### Employment-related measures, effective 15 Aug 2020:

- The duration of a "temporary layoff," unrelated to COVID-19, was extended to 90 days in any 120-day period. Employers no longer have to provide advance notice to employees about such layoffs.
- There is a revised notification requirement for mass terminations of 50 or more employees in any four-week period. Employers must now notify employees four weeks before the first termination takes effect. Previously, the notification requirements varied — from 8 to 16 weeks — depending on the number of terminations.

### Employment-related measures, effective 1 Nov 2020:

- Employers will no longer need to include vacation pay and general holiday pay in the average daily wage calculation. The average daily wage calculation will be determined based on either the four weeks immediately prior to the general holiday, or the four weeks ending on the last day of the pay period immediately before the general holiday. Changes to the calculation could result in a reduction of general holiday pay.

- Employers will have more time to make final payments to terminated employees — they can choose to pay terminated employees either 10 days after the end of the pay period in which the termination occurred, or 31 days following the last day of employment.
- Vacation rights during periods of statutory leaves of absence have been clarified to ensure accumulation of vacation time — in specified situations.
- Employees must be notified in writing about the correction of payroll errors through payroll deductions, but employers no longer have to obtain advance written consent from the employee.
- The penalties applicable to breaches of the regulations have been reduced, and flexible payment terms are available.

### **Changes to unionized workforces, mostly effective 29 Jul 2020:**

- Employer standards rules, such as working hours and the notification of work schedules, may be adjusted subject to agreement between the employer and union.
- Specific timelines for union certification and revocation have been removed.
- The Alberta Labour Relations Board will have the authority to determine if picketing is lawful. Employee union dues will be suspended during an illegal strike, but union dues will continue during an illegal lockout.

Effective dates for other measures are yet to be announced, and include provisions to allow the early negotiation of collective agreements prior to their expiration, revised union arrangements in the construction sector, and a requirement for unions to make financial statements available to their members.

### **Related resources**

- [Employment Standards Code](#) (Alberta Government)
- [Labour Relations Code](#) (Alberta Government)
- [Restoring balance in Alberta's workplaces](#) (Alberta Government, 7 Jul 2020)

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