

## PUBLICATION

### Significant changes to Alberta's Employment Standards & Labour Relations Codes

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On May 24, 2017, the Alberta Government introduced Bill 17, the *Fair and Family-Friendly Workplaces Act*. Bill 17 proposes substantive changes to both the *Alberta Employment Standards Code* (the “ESC”) and the Labour Relations Code. While some of the amendments came into effect in June 2017, most of the amendments came into effect January 1, 2018. Further amendments were also introduced to the Regulations under the ESC.

It is vital for employers and employees to be well informed about the requirements of the ESC and its Regulations. The ESC sets out the minimum standards for employment relations in Alberta. While employers are generally free to provide employees’ rights and benefits above and beyond the ESC, failing to meet these minimum standards can have serious consequences for employers.

Bill 17 amendments are broad and cover various areas and situations.

For example, the amendments add eight new forms of unpaid leave which employers must grant to employees. Each of these leaves have specific requirements. When considering an employee’s request for leave, these provisions must be reviewed in detail.

The amendments to the ESC also affect existing agreements between employees and employers. For example, the calculation of time in lieu of overtime has been altered for parties operating under “overtime agreements”. Also, “compressed work week agreements” are replaced with “averaging agreements” which must meet specific requirements under the ESC. Employers should assure their existing arrangements are compliant with the new standards.

Alberta Government: Make an anonymous Employment Standards tip

The amendments to the ESC and Regulations provide new powers to investigate workplaces with the assistance of employers. Employment Standards officers are now permitted to conduct investigations of workplaces regardless of whether or not a complaint has been filed. Employment Standards implemented an online platform for employees or third parties to submit anonymous tips against employers.<sup>1</sup> Further, the Director of Employment Standards now has the ability to impose fines against employers for non-compliance of the ESC. These factors suggest a considerable advance in the ability of Employment Standards to assure workplaces are

meeting the requirements of the *ESC*.

The above is only a glimpse into the changes brought about by Bill 17. Employers and employees should reflect on how the amendments to the *ESC* and the Regulations affect their workplace. In particular, employers should take this opportunity to review existing employment agreements and policies and ensure they are still “up to code”.

For more information or for assistance through this transitional period, please contact any member of our Employment & Labour Group.

<sup>1</sup>For more information, see Employment Standards Alberta, “Make an Anonymous Employment Standards Tip”, obtained February 1, 2018.