

After you review this material, you may choose to complete the Self-Help Kit Request for Payment form manually or on your computer.

The Self-Help Kit is the first step in trying to settle your dispute for outstanding earnings. The Self-Help Kit provides you and your employer with information on basic employee/employer rights and responsibilities in the workplace. If you believe you have not received your proper earnings, please write a letter to your employer explaining your complaint. You may use the attached Request for Payment form for this purpose or you may write your own letter.

Keep a copy of all correspondence sent.

MUST A SELF-HELP KIT BE USED IN ALL CIRCUMSTANCES?

An employee is not required to use the Self-Help Kit in the following circumstances:

- Your employment terminated more than five months ago.
- Your employer has ceased operations by way of a business closure or receivership.
- You have received an NSF cheque from the employer.
- You do not want your name to be released to the employer.

You may access [Employment Standards information](#) on the various categories of minimum standards and entitlements, and print copies of any relevant Employment Standards information for your records and to provide copies to your employer.

Whether you choose to write your own letter or use the Self-Help Kit Request for Payment form, include the following important information:

- Date and sign your letter, ensuring your full name and address are included.
- Outline what your claim is for (wages, overtime, vacation pay, etc.).
- How much you believe is owed and why.
- Notification to the employer that failure to resolve the dispute may result in a written complaint being filed with Employment Standards.
- Copies of any Employment Standards information relevant to your concern.
- A copy of the form letter from Employment Standards to your employer, the Employment Standards Fact Sheet on Complaint Resolution Process and the Employment Standards Guide, all of which are included in the Self-Help Kit.

IMPORTANT FACTS TO REMEMBER

Using the Self-Help Kit to request payment from your employer does not mean you have filed a complaint with Employment Standards. Allow your employer 10 days to respond to your letter or Request for Payment form. If you do not receive a response from your employer, you must complete the Complaint by Employee form to file a written complaint with Employment Standards.

Remember, you must file a written complaint with Employment Standards within six (6) months of your last day of employment. If more than six (6) months has passed, the Director of Employment Standards may grant an extension if the Director considers there were extenuating circumstances. For example, the Director has extended time limits when:

- Through illness or incapacity an employee was unable to file a claim.
- An arbitration award held that no remedy was provided for an employee under a collective agreement.

To request an extension to file a complaint, you may write a letter outlining your extenuating circumstances to:

**Alberta Human Resources and Employment
Director of Employment Standards
Main Floor, 9940 – 106 Street
Edmonton AB T5K 2N2**

In the event you need to file a complaint, please provide Employment Standards with a copy of the Request for Payment form or the letter you gave to your employer. To assist in our investigation, please enclose any other records you may have, including hours of work, pay stubs, a copy of your federal Record of Employment form, letters from your employer, overtime agreements, etc.

If you have questions about the Self-Help Kit or the complaint resolution process, please contact the Employment Standards Contact Centre at (780) 427-3731. To be connected toll-free, province-wide, call 310-0000 and then dial (780) 427-3731.

Request for Payment

From:

yyyy/mm/dd

Date of Request: _____

Employee
Phone Number: _____

To: Name and Address of Employer

Employer
Phone Number: _____

According to the Employment Standards Code, I believe I am entitled to the following:

Wages From	Wages To	Number of Hours	Rate of Pay	Amount Owing
_____	_____	_____	_____	_____

Overtime From	Overtime To	Number of Hours	Rate of Pay	Amount Owing
_____	_____	_____	_____	_____

Vacation Pay	From	To	\$	x	%	=	\$
_____	_____	_____	_____	_____	_____	_____	_____

General Holiday Pay	_____	\$	_____
(List specific days)	_____	\$	_____
	_____	\$	_____

Total General Holiday Pay ► \$ _____

Termination Pay	_____	\$	_____
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Other (Please explain)	_____	\$	_____
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Total Owing: ► \$ _____

If you require more space please attach another sheet.

I am requesting payment in the amount of \$ _____

Please respond to this request within 10 days. If you fail to respond, or if we are unable to resolve this matter, I may file a complaint with Employment Standards, Alberta Human Resources and Employment.

Sincerely,

Letter from Employment Standards to the Employer

Attached is a letter from a current or former employee of your company requesting payment of outstanding earnings they believe are due under the Employment Standards Code. The employee has been asked to enclose an Employment Standards Complaint Resolution Fact Sheet, an Employment Standards Guide and other information related to their concern(s). This information provides an overview of the minimum standards established by the Employment Standards Code and Regulation and describes the complaint resolution process.

Employment Standards encourages employers and employees to resolve their disputes without direct government intervention. If you are unable to resolve the matter, your employee may file a complaint with Employment Standards. The complaint will then be assigned to an Employment Standards Officer for investigation.

If you have any questions about minimum standards of employment, or should you require further clarification on the complaint resolution process, please contact our Employment Standards Contact Centre at (780) 427-3731, (toll-free by dialling 310-0000, and then entering the phone number), or visit our website at www.gov.ab.ca/hre/employmentstandards.

Employment Standards

Employment Standards Guide

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

The Employment Standards Code is administered by Alberta Human Resources and Employment, Employment Standards.



■ Employment Standards Office Locations

Suite 150, 717 - 7 Ave. SW Calgary T2P 0Z3 Fax: (403) 297-5843	360, 200 - 5 Ave. S Lethbridge T1J 4L1 Fax: (403) 382-4426
Main Flr, 9940 - 106 St. Edmonton T5K 2N2 Fax: (780) 422-4349	103, 346 - 3 St. SE Medicine Hat T1A 0G7 Fax: (403) 529-3632
102, 111 - 54 St. Edson T7E 1T2 Fax: (780) 723-8200	112, 9621 - 96 Ave. Peace River T8S 1T4 Fax: (403) 624-6552
714, 9915 Franklin Ave. Fort McMurray T9H 2K4 Fax: (780) 743-7226	209, 4920 - 51 St. Red Deer T4N 6K8 Fax: (403) 340-7035
3101, 10320 - 99 St. Grande Prairie T8V 6J4 Fax: (780) 538-5462	5126 - 50 Ave. St. Paul T0A 3A4 Fax: (780) 645-6352

To be connected toll-free to the province-wide information line, call 310 - 0000 and dial (780) 427 - 3731.

Employment Standards Website:
<http://www.gov.ab.ca/hre/employmentstandards>



Deaf or hearing impaired with TDD/TDY units, call 427-9999 in Edmonton. Other locations call 1-800-232-7215

This guide was prepared to provide general information for employees and employers.

If you have further questions or require more information, please contact Employment Standards. Our offices are listed on the back of this pamphlet.

■ Minimum Wages

- The general minimum wage is \$7.00 per hour.
- For certain salespersons the minimum wage is \$280.00 per week.
- 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: \$2.30 per meal consumed and \$3.05 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 failed 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, judgement, order of a court or amounts personally authorized in writing by an employee.

(Statement of Earnings and Deductions Cont.)

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 confined within a period of 12 consecutive hours in any one day. An exception to this requirement exists for employees in the geophysical exploration and oilwell 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 are 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 employed in the *construction industry or brush clearing* are entitled to 6% of their regular wages as vacation pay.

■ 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 employed in the *construction industry or brush clearing* receive 3.6% of their regular wages as general holiday pay.

■ 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

(Termination of Employment Cont.)

- 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.

■ 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. These leaves are available to parents of children born or adopted on, or after December 31, 2000.

Eligibility Requirements

Employees must have 52 consecutive weeks of employment with their employer to be eligible for maternity and/or parental leave under the Code. This applies both to full-time 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 childbirth. 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 4 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 persons 12 but under 15 years of age.

They may be employed to:

- make deliveries for a retail store,
- deliver newspapers or flyers, or
- be a clerk in an office or retail store, 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 persons 15 but under 18 years of age. They cannot be employed between the hours of 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.

Employment is permitted in such premises between 9:00 pm and midnight if the employee works with and is in the continuous presence of at least one other individual 18 years old or older.

Young persons can be employed between midnight and 6:00 am in establishments such as hospitals, manufacturing plants and nursing homes, 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 Domestic Workers

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.

September 2005

EMPLOYMENT STANDARDS FACT SHEET

COMPLAINT RESOLUTION PROCESS

This document will help you understand the process used by Employment Standards when a complaint is filed. There are several points at which fees are, or may be, assessed to recover some of the costs to the Government of resolving disputes. As well, there are deposit requirements if an employer wants to appeal an order issued by an Employment Standards Officer.

Important Information about Filing an Employment Standards Complaint

A complaint by employee must be filed **within six months** of an employee's last day of employment. In extenuating circumstances, the Director of Employment Standards may extend the time for filing a complaint. In all cases, a complaint should be filed as soon as possible.

Before a Complaint is Filed

1. Employees are expected to attempt to resolve their dispute before filing a complaint with Employment Standards. A Self-Help Kit is available from Employment Standards to assist in this process.

Filing a Complaint

2. An employee files a written complaint. When the complaint is accepted for investigation the employer is notified and provided with a copy of the complaint. The employer is requested to review the complaint and to submit any money owing. If the employer responds with payment as requested, this is forwarded to the employee and the complaint is concluded.
3. If the amount forwarded is less than claimed by the employee the employer is expected to provide supporting records or other information to the investigating officer.
4. The officer assesses the information provided and investigates further as necessary.

Officer Determines Employee is Owed Money

5. Where the officer determines that money is owing to the employee, and the employer pays as requested, the complaint is concluded.
6. If the employer disputes the amount owing, the officer will investigate and undertake appropriate

mediation and resolution efforts. If a voluntary resolution can not be achieved the officer will issue a formal order to pay.

7. If a formal order is issued a 10 percent fee, payable to the Crown, will be added to the assessment (minimum fee is \$100).
8. An order of an officer may be paid or appealed to an umpire.

If the order is **paid** the complaint is concluded.

If the order is appealed the appeal must be received by the Registrar within 21 days from the date the order was served.

An appeal from an employer must be accompanied by a deposit equal to the full amount of the order, including the additional fee, as well as the reasons for the appeal.

An appeal from an employee must provide the reasons for the appeal.

9. The Registrar may initiate mediation of the matter to attempt settlement prior to the umpire hearing.
10. An umpire will conduct a hearing where the parties have opportunity to make their case. The umpire will either revoke (cancel), vary, or confirm the order.

If the umpire **revokes** the order the full deposit is returned to the employer including any fees assessed.

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- Contact our Information Centre at: **427-3731**
(Toll-free in Alberta by dialing 310-0000, then 780-427-3731)
- Visit our Web site at: www.gov.ab.ca/hre/employmentstandards

If the umpire **varies** the order the amount shown as owing on the order, and fees, will be adjusted proportionately. If appropriate, any difference will be returned to the employer.

If the umpire **confirms** the order the employee will receive the money owed.

Note: An umpire has the ability to order either of the parties, where their conduct warrants, to pay costs, including all or part of the Government's cost of conducting the umpire hearing.

Officer Determines Employee is Not Owed Money

11. If the officer determines that the employee is not owed any money, the officer will issue a formal "Decision of Officer". The decision, along with reasons, will be served on the employee. The employer will be informed of the decision.
12. The employee may appeal the decision to the Director of Employment Standards. The appeal, with reasons for the appeal, **must** be received by the Director within 21 days from the date the decision was served. The employer will be notified if an appeal is filed.
13. If the decision is appealed, the Director, or an officer appointed by the Director, reviews the file and will either deny or support the appeal. If the appeal is denied, the employee and employer are notified in writing and the file is closed. If the appeal is supported and the employee is found to be entitled to money, the process outlined in points 5 to 10 will be followed.

Alternative Dispute Resolution

14. The Director and/or the Registrar may undertake initiatives for the voluntary resolution of a dispute before the matter is heard in a formal setting. This may involve mediation or any other process agreeable to the parties.

Collecting Money Owed to Employees

15. If there is reason to believe that an employer has failed or is likely to fail to pay what is owed to an employee, a demand for this money may be served on a third party (a bank or anyone else who may owe the employer money). The third party is obliged to pay the amount demanded to the Director of Employment Standards.

This demand may be issued at any time prior to, during, or after a formal order is made by an officer.

If a court judgment was not obtained prior to the demand being issued, the employer has opportunity to appeal to an umpire the amount to be paid to the employee.

16. If an order is not paid or appealed it will be filed in Court and is then enforceable as a judgment of the Court. The judgment can be turned over to a collection agency for collection. If this occurs, a collection agency fee will be payable **in addition to** the full amount of the judgment.

Employment Standards Office Locations

Edmonton Main Floor, Sterling Place 9940 106 Street Edmonton, AB T5K 2N2	Edson 102, 111 - 54th Street Edson, AB T7E 1T2	Grande Prairie 3101 Provincial Building 10320 – 99 Street Grande Prairie, AB T8V 6J4	St. Paul 5126 50 Avenue St. Paul, AB T0A 3A4	Fort McMurray 714 Provincial Building 9915 Franklin Avenue Ft. McMurray, AB T9H 2K4
Peace River 112, Provincial Building 9621 – 96 Avenue Peace River, AB T8S 1T4	Calgary Suite 150, Elveden Centre 717 – 7 Avenue SW Calgary, AB T2P 0Z3	Red Deer Room 209, Provincial Building 4920 – 51 Street Red Deer, AB T4N 6K8	Lethbridge 360 Provincial Building 200 – 5 Avenue S Lethbridge, AB T1J 4L1	Medicine Hat 103 Provincial Building 346 – 3 Street SE Medicine Hat, AB T1A 0G7