

EMPLOYMENT STANDARDS FACT SHEET

MINIMUM WAGE EXEMPTION PERMITS FOR PERSONS WITH DISABILITIES

What is a minimum wage exemption permit?

Section 67 of the [Employment Standards Code](#) gives the Director of Employment Standards the authority to issue a permit to an employer to pay a prospective employee less than the minimum wage if the prospective employee has a disability. A permit is not required to employ a person with disabilities who will be paid an amount equal to or greater than the minimum wage.

Before a minimum wage exemption permit will be granted, the Director must be satisfied that the proposed employment arrangement is satisfactory to both the prospective employer and the prospective employee in all circumstances.

Typically, permits are only issued in cases where the prospective employee has cognitive disabilities limiting employability. The intent of the permit program is to provide persons with cognitive disabilities the opportunity to become a productive member of the workforce when that opportunity is not otherwise available.

A permit is **not** required when a person with disabilities is paid less than minimum wage and:

- participates in a job placement through an evaluation and training centre, or
- whose work-related activities are a part of a day program or an assessment and work training program, or
- is a participant in a rehabilitation or therapeutic program.

These activities are not considered to be employment as contemplated by the [Employment Standards Code](#).

Conditions to be met:

In order to determine whether an employment arrangement is satisfactory to both the prospective employee and the employer the Director requires:

- A description of the barrier to employment the placement is intended to resolve and an
- explanation of how the placement will resolve it.

- A detailed description of the prospective employee's job duties and job title
- A description of the opportunities and benefits the job will create for the prospective employee
- An assessment of the productivity of the prospective employee compared to the productivity of other employees who do the same job. This assessment is to be completed by a job placement agency or vocational rehabilitation counselor.
- The wage other employees are paid to perform the same job.
- The amount of time it is anticipated the prospective employee will be paid less than minimum wage.
- An explanation of why the exemption is necessary and the requested wage appropriate.
- The signed agreement of the employer and prospective employee or the prospective employee's guardian

[Click here](#) to access the application form. If an agency is involved in the placement, the form may be completed by the agency.

Note: Permits will not be granted in cases where the application is based primarily on external factors, such as employment availability in the community or economic conditions.

Applying For A Permit

Applications for permits should be addressed to:

Permit Administrator
Alberta Human Resources and Employment
Employment Standards
8th Floor, 10808 – 99 Ave
Edmonton, AB T5K 0G5

Phone: 780/422-2687

Fax: 780/422-8944

This document is provided for general information only. For the purposes of interpretation and application of the law, the *Employment Standards Code* and the *Employment Standards Regulation* should be consulted.

- 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