

EMPLOYMENT STANDARDS FACT SHEET

AMBULANCE ATTENDANTS

On July 1, 2000 amendments to the *Employment Standards Regulation* come into effect. Several of the changes will affect minimum employment standards for ambulance attendants. This fact sheet identifies the specific changes, addresses some frequently asked questions and reproduces relevant excerpts from the regulation.

Highlights

- 1. Terminology** – The term "ambulance attendant" describes the employees affected by the variance and will include all the professions involved in direct ambulance services.
 - 2. Overtime hours** – Overtime remains payable for all hours in excess of 10 per day and 60 per week; whichever is the greater number of hours.
 - 3. 14-hour night shifts** – A 14-hour night shift is permitted provided that:
 - it starts on or after 4 p.m. on one day and ends before 9 a.m. on the next day, and
 - sleeping accommodation is provided.
 - 4. Payment of overtime on a 14 hour night shift** – A 14 hour night shift, scheduled within the time frames described above with sleeping accommodation, is considered to be 10 hours of work. Two exceptions exist:
 - If the employee provides more than 10 hours of active service, those additional hours will be overtime hours.
 - Parties subject to a collective agreement or by another agreement can agree to *regular pay* for all 14 hours in the night shift.
 - 5. On-call and days of rest** – Employees must receive at least 4 days of rest that are free from on-call duties in each 28-day period, unless the employee specifically agrees to be on-call.
 - 6. When on-call is work** – Generally, being on-call is not considered to be work. This means that wages are not payable for on-call time, although the parties can agree to some form of remuneration for on-call services. An example of an acceptable on-call arrangement that is not work is an employee who carries a pager.
- In the ambulance industry, employees may be required to remain in uniform, or monitor all radio transmissions (whether or not they apply to the employee) while on-call. These additional requirements change the relationship from on-call to work. Therefore, wages become payable.

Some Common Questions

- 1. How is overtime calculated for ambulance attendants?**

Overtime is any hours worked in excess of 10 per day and 60 per week. The greater of the daily total or weekly amount are the number of overtime hours to be paid at the overtime rate.
- 2. I work as an ambulance attendant and am provided with sleeping accommodation. During my last 14-hour night shift, I worked for 12 hours and got 2 hours of rest. Am I entitled to overtime?**

Yes. You are entitled to overtime for any hours worked in excess of 10. In your case, you must receive 2 hours of overtime pay.

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

- 3. I work as an ambulance attendant and am provided with sleeping accommodation. During my last 14-hour night shift, I worked for 8 hours and got 6 hours of rest. Am I entitled to overtime?**

No. You are not entitled to overtime in this situation. You are entitled to be paid for 10 hours at your regular rate of pay.

- 4. I am covered by a collective agreement. I just completed a 14-hour night shift. I worked for 12 hours and had 2 hours of rest between calls. What am I entitled to be paid?**

If a collective agreement (or any other agreement between the parties) states that you are entitled to straight time for all 14 hours, that provision will govern. Otherwise, you are entitled to be paid for 10 hours at straight time and 2 hours at your overtime rate.

- 5. Whenever I am given a day of rest, I am required by my employer to be on-call. Is this permitted?**

On at least 4 days in a 28-day period, an employee must be relieved of on-call duties unless the employee agrees to be on-call.

- 6. I am required by my employer to wear a uniform when on-call. Does my employer have to pay me?**

Yes. An employee is not considered to be working while on-call and carrying a pager. However, when an employer places additional responsibilities on employees during on-call periods, such as wearing of uniforms or continuously monitoring radio calls which are not solely for that employee, the employee is considered to be providing a service for which wages are payable.

Excerpts from the Employment Standards Regulation Part 3, Division 1 – Ambulance Attendants

Application

14 This Division applies to all employees employed as ambulance attendants, and to their respective employers while acting in the capacity of employer.

Substitution for Act

15 Repealed

Overtime hours

16(1) Overtime hours in respect of a work week are

- (a) the total of an employee's hours of work in excess of 10 on each work day in the work week, or
- (b) an employee's hours of work in excess of 60 hours in the work week,

whichever is greater, and, if the hours in clauses (a) and (b) are the same, the overtime hours are those common hours.

(2) This section applies in substitution for section 21 of the Act.

Calculation of hours of work

17(1) Notwithstanding section 16 of the Act, if

- (a) a shift starts at or after 4:00 p.m. on one day and ends not later than 9:00 a.m. on the following day, and

- (b) the employee is provided with sleeping accommodation,

the shift may last up to 14 hours in aggregate.

(2) A shift described in subsection (1) is, for the purposes of determining the number of hours of work, to be considered 10 hours of work.

(3) Notwithstanding subsection (2) but subject to subsection (4), where the employee provides active services for the employer for more than 10 hours during the shift, those excess hours are overtime hours.

(4) Subsection (3) does not apply where a collective or other agreement provides that all the hours in a shift to which subsection (1) applies, whether or not active services for the employer are performed during the shift, are to be compensated at the employee's regular rate of pay.

Relief from on-call duties

17.1 On at least 4 days in every 28-day period, an employee must be relieved of on-call duties unless the employee has expressly agreed to be on call.