

The Education and Compliance Initiative focuses on promoting awareness and ensuring employers are in compliance with the requirements contained in the Employment Standards Code and Regulation. Through education of Alberta's employers, Employment Standards will encourage voluntary compliance with the Code and Regulation.

Education and Compliance meetings form a key element of each Employment Standards Officer's duties. These meetings are viewed as an opportunity for employers and employees to learn about their rights and obligations in the workplace and to voluntarily correct any compliance issues. The overall objectives of this initiative are to promote a level playing field for Alberta's employers and employees and obtain ongoing compliance with employment standards legislation. This document is intended to provide the details of this program.

Selection of Employers for Education and Compliance

Employers identified for an Education and Compliance meeting are selected from active complaints filed with Employment Standards. Factors considered in selecting an employer include:

- The number of previous valid complaints;
- An employer's history of failure to adhere to the Employment Standards Code and Regulation; and
- The nature of the complaints filed. For example, complaints involving the minimum wage, unauthorized deductions, overtime pay, general holiday pay, vacation pay and employment of children. Generally, termination pay complaints will not be considered as issues to be addressed through the compliance initiative.

Initial Education and Compliance Meeting

An Employment Standards Officer will contact the employer to arrange a date and time for an initial meeting. The purpose of the meeting will be to:

- Resolve any active complaints against the employer;
- Answer questions regarding the interpretation and application of the Employment Standards Code and Regulation;
- Provide copies of relevant Employment Standards information;
- Provide the employer with Employment Standards posters for display where employees can access them; and
- Conduct a payroll review to see if the employer is complying with the Code and Regulation. The payroll review will consist of a random sampling of employment records.

The officer will complete an Education and Compliance Inspection Report during the meeting and supply the employer with a copy.

If it is determined that the employer is in compliance, the officer will advise the employer that the matter will be concluded.

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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

Addressing Issues of Non-Compliance

If, during the initial meeting, it is determined that the employer is not adhering to the Employment Standards Code and/or Regulation, the officer will:

- Discuss the specific infraction(s) with the employer and recommend participation in an Employment Standards workshop;
- Advise the employer that from the date of the Education and Compliance Inspection Report, they must comply with the Code/Regulation;
- Set a date for a follow up meeting and review of employment records; and
- Advise the employer that if no improvement towards compliance is demonstrated, they will be requested to perform a retroactive self-audit of employment records for all current employees.

Compliance Meeting Follow Up

An Employment Standards Officer will schedule a follow up meeting within 90 days from the date of the initial Education and Compliance meeting.

- If the second review of employment records reveals the employer is complying with employment standards legislation, the officer will advise the employer that the matter is concluded.
- If no improvement towards compliance is demonstrated, the employer will be advised that a retroactive self-audit of employment records must be completed for all current employees. Should this be the case, the employer will be asked to sign a Self-Audit Agreement.
- If an employer agrees to perform the self-audit of employment records, they will be requested to forward proof of payment along with calculations detailing how these payments were arrived at. A return visit may be scheduled to verify employer calculations and amounts paid.
- If an employer refuses or fails to complete a self-audit of payroll records, Employment Standards may conduct an audit. A 10% fee will be applied to any audit conducted by Employment Standards as per Section 59 of the Employment Standards Regulation.