

Worker Rights 101



About CPLEA

The Centre for Public Legal Education Alberta, also known as CPLEA, is a not-for-profit, non-government organization committed to making the law understandable for Albertans. We offer **free** legal information and learning resources in plain language.

Our resources increase awareness and understanding of the law and empower Albertans to take action and, ultimately, gain better access to justice.

Visit www.cplea.ca to learn more about the laws that impact your life.

CPLEA is the operating name for the Legal Resource Centre of Alberta Ltd.

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Introduction

This booklet summarizes key information about legal issues that may arise at work. The law can be complicated, but you **can** understand your rights, responsibilities and legal options.

This guide is a starting point. CPLEA has more information about worker rights and responsibilities freely available online.

Visit CPLEA's website for more resources!

Find more information about worker rights in different formats, including info sheets, FAQs, videos and blog posts.



Get started at cplea.ca/work/

This guide replaces and brings together information formerly found in the following CPLEA documents:

- Human Rights in the Workplace: Resolving Disputes
- Human Rights in the Workplace: Termination of Employment
- Human Rights in the Workplace: What are Human Rights?
- If Your Employment Ends
- Post Employment Guide (You've Lost Your Job ... Now What?)
- Things to Know When You've Lost Your Job
- Your Rights at Work - Discrimination at Work
- Your Rights at Work - Employment Standards Code
- Employment Insurance and Job Loss

Workplace Laws

Many laws apply to workers and employers. Some apply to only certain types of workers, and some apply to only certain industries. It is important to know which laws apply to you.

Federal vs. provincial jurisdiction

The first step in figuring out which laws apply to you is knowing whether your workplace follows *federal* or *provincial* employment laws.



Both the Government of Canada and the Government of Alberta make employment laws about the same topics. Which laws you must follow depends on which industry you work in. The federal government regulates some industries while the provincial government regulates others. Most Alberta workers must follow provincial employment laws.

Below is a list of federally regulated industries. Workplaces in these industries must follow federal employment laws. All other workplaces follow provincial employment laws.

Federally regulated industries:

- The government of Canada and all federal Crown corporations
- Banks (not including credit unions or treasury branches)
- Airports and airlines
- Ships and navigation (including loading and unloading vessels)
- TV and radio stations
- Phone and internet providers
- Transportation between provinces (ferries, trains, trucks or buses)
- RCMP
- First Nations administrations (but *not* all First Nations business activities)

The laws

Now that you know whether to follow federal or provincial employment laws, below are lists of the different laws that apply to workplaces. The rest of this booklet describes your rights and responsibilities under these laws.

Provincial employment laws

Labour Relations Code

Governs the relationships between employees, employers and unions

Employment Standards Code

Sets out minimum standards that employers must follow in their contracts with employees

Occupational Health and Safety Act

Sets out rules about workplace health and safety, including rules for specific industries

Alberta Human Rights Act

Prohibits discrimination based on certain protected grounds and in certain protected areas, including at work

Protection of Privacy Act (POPA)

Access to Information Act (ATIA)

Set out how the provincial government and its agencies deal with personal information

Personal Information Protection Act (PIPA)

Sets out how businesses and organizations deal with personal information

Workers' Compensation Act

Creates the Workers' Compensation Board (WCB) and sets out how workers receive benefits when injured at work

Federal employment laws

Canada Labour Code

Part I: Industrial Relations

Governs the relationships between employees, employers and unions

Canada Labour Code

Part II: Occupational Health and Safety

Sets out rules about workplace health and safety, including rules for specific industries

Canada Labour Code

Part III: Standard Hours, Wages, Vacations and Holidays

Sets out minimum standards that employers must follow in their contracts with employees

Canadian Human Rights Act

Prohibits discrimination based on certain protected grounds and areas, including at work

Privacy Act

Sets out how the federal government and its agencies deal with personal information

Personal Information Protection and Electronic Documents Act (PIPEDA)

Sets out how businesses and organizations deal with personal information



FEDERALLY REGULATED WORKERS

This booklet describes Alberta's employment laws. Find more information about federal employment laws:

- **Canada Labour Program** (minimum standards, workplace health and safety, and labour relations): canada.ca/en/labour-program/
- **Canadian Human Rights Commission** (human rights and discrimination): www.chrc-ccdp.gc.ca

Types of Workers

There are different rules for different types of workers, including employees, independent contractors, youth and union members.

Employees vs. independent contractors

There are three types of workers: employees, independent contractors and dependent contractors.

Employees receive wages from an employer for the work they perform. Employees must be loyal to their employer by always working in their employer's best interests and by not competing with their employer. Employees have a right to minimum employment standards, workers' compensation benefits if injured at work and to be part of a union.

Independent contractors are self-employed workers. They do not have an employer and may do work for one or more organizations at the same time. They have different rights under employment laws than employees, including not being entitled to minimum employment standards and not paying source deductions (Employment Insurance premiums, Canada Pension Plan contributions, income tax, etc.).

Dependent contractors are workers with rights somewhere between employees and independent contractors. A dependent contractor may work as an independent contractor for only one organization.

It can be difficult to determine if a worker is a dependent contractor, an employee or an independent contractor. Your job title or how your contract describes your role does not always reflect the type of worker you are. The law looks at the nature of the relationship between you and the organization you're working for. If you seem to be working like an employee, the law will consider you an employee, not a contractor. Employers can face consequences for incorrectly categorizing a worker.



Learn more from CPLEA about the **difference between these workers:**
www.cplea.ca/employee-or-independent-contractor/

Youth

In Alberta, the work youth can do depends on their age.

Youth 12 years old or younger

These youth can only work in “artistic endeavours” if the Government of Alberta issues a permit **and** the youth’s guardian consents to the work.

An artistic endeavour includes:

- recorded entertainment, such as film, radio, video or TV, including commercials
- video recordings for video and computer gaming
- live performances, including theatre and musical performances

The permit may allow the youth to work during normal school hours. The permit will also say the employer must pay the youth for a minimum number of hours at minimum wage or higher.

Youth 13 or 14 years old, or “adolescents”

Adolescents can work in the following jobs:

- delivery person for newspapers, flyers or handbills
- delivery person for small goods or merchandise for a retail store
- clerk or messenger in an office or retail store
- food service employee at a place where food is prepared and served or sold (includes hosting, cashier duties, dish washing, bussing tables, providing customer service, assembling food orders, waiting on tables, sweeping and mopping floors in common areas)
- janitorial assistant or office cleaner
- coach for a recreational athletic club or association
- tutor

The following rules apply:

- The job cannot be harmful to an adolescent’s life, health, education or welfare.
- The adolescent’s guardian must give written consent to the employer before work can start.
- Adolescents cannot work during certain times of the day or for certain lengths of shifts.
- An adult must supervise the adolescent at all times.

Youth 15 to 17 years old, or “young persons”

Young persons can work in more types of jobs, but certain rules still apply:

- An adult must supervise a young person working between 9pm and midnight in retail (selling food, drinks, goods or fuel) or hospitality (hotels, motels or other place providing overnight accommodation).
- They cannot work in retail or hospitality between midnight and 6am.
- They can work in jobs other than retail or hospitality between midnight and 6am **if** their guardian gives written consent **and** an adult supervises them.

There is also a **minimum wage for students**, which is lower than the minimum wage for workers 18 years and older. The minimum wage laws do not apply to casual work you may do, such as babysitting, mowing lawns or shoveling snow.

The minimum wage for students is \$13 per hour, as of June 2025. This applies to the following work:

- work done during a school break (including winter, spring and summer breaks)
- the first 28 hours in a work week (other than work during school breaks)

Example

If a student works 35 hours during the school year while also going to school, the student earns \$13 per hour for the first 28 hours of work and \$15 per hour (adult minimum wage) for the last 7 hours of work in the week. If the student also works during summer break, the student earns \$13 per hour for all hours they work.

The rules for youth workers are set out in Alberta’s *Employment Standards Code* and *Employment Standards Regulation*.

Union members

If you are part of a union, your collective agreement governs the relationship between you and your employer. It will set out important information including:

- your pay, working hours and vacation time
- any benefits you can access
- what to do if you have an issue with your employer, called a **grievance**

The rights, responsibilities and ways to resolve disputes described in this booklet still apply to unionized workers. However, the first step in resolving an issue is to follow the grievance process in your collective agreement.

If you have concerns about how your union represents you, you can make a complaint to the appropriate labour board.



Learn more about **labour relations** or **make a complaint** to the Alberta Labour Relations Board: www.alrb.gov.ab.ca



FEDERALLY REGULATED WORKPLACES

Learn more about labour relations or make a complaint to the **Canada Labour Program**: canada.ca/en/labour-program/

Apply for a Job

Job ads and applications

Employers use job ads and applications to recruit and screen potential employees. The law says job ads and applications cannot **discriminate** against potential employees based on certain personal characteristics, called **protected grounds**.

For example, a job ad or application cannot exclude potential employees with certain characteristics from applying unless that characteristic is a **bona fide occupational requirement**.

Learn more about **discrimination**, including protected grounds and bona fide occupational requirements on page 24.

Employers must also safekeep **personal information** of potential employees. They must only ask for as much information as they need to select a candidate. Employers cannot ask for extensive personal information unless their reason for doing so directly relates to the work.

Learn more about **privacy at work** on page 26.

Interviews

Employers use interviews to get to know potential employees to select the best worker for the job.

Employers cannot discriminate against potential employees during interviews. This means not asking questions about personal characteristics protected by human rights laws, called **protected grounds**.

For example, an interviewer cannot ask if you have or plan to have children. They also cannot ask your age or marital status. They can ask personal questions only if it relates to a **bona fide occupational requirement**.

Learn more about **discrimination**, including protected grounds and bona fide occupational requirements on page 24.

Employers may also ask you to complete a task or perform work as part of the interview process, sometimes called a **working interview**. The law is not clear whether the employer must pay you for this work. If you're completing a small task to help the employer assess your capabilities, they may not have to pay you. If you're completing work tasks that last several hours and are part of the employer's regular, for-profit operations, then the employer may have to pay you at least the minimum wage.



Learn more about **working interviews and the law** on CPLEA's LawNow blog: www.lawnow.org/working-interviews-in-alberta-what-employers-and-job-seekers-need-to-know/

Working Conditions

Alberta laws set out many rules for employers and employees to follow to ensure healthy, safe and fair workplaces.

Employment contracts

An employment contract is a legally binding agreement between you and your employer. It can include many terms of employment, including pay, hours of work, vacation, roles and responsibilities, and severance pay.

It may also incorporate the employer's standard terms and conditions of employment or workplace policies. This means these other documents are also part of your employment contract.

Employment contracts can be in writing or verbal. It is a good idea to have something in writing because it can be hard to prove later on what the verbal agreement was. A written employment contract can be a formal document, but it doesn't have to be. It can also be an offer letter, an email, a text message, or a combination of these things. If something changes later on, like your pay or benefits, it's a good idea to get this change in writing too.

Minimum employment standards laws apply to **almost all** employment agreements. Your employment contract cannot say that employment standards laws do not apply to your work.

You can negotiate the terms of your employment contract with your employer unless a **collective agreement** applies to you. A collective agreement is a type of employment contract that applies to a group of employees who belong to a union. Your union negotiates the terms of a collective agreement with your employer on behalf of the union members.

Minimum standards

Employment standards laws set out minimum standards – minimum terms and conditions that apply to most workers in Alberta. There are minimum standards about pay, working hours, overtime, vacation time, general holidays, leaves of absence, and more.



FEDERALLY REGULATED WORKERS

This section describes minimum standards under Alberta's *Employment Standards Code* only. Minimum standards are different for federally regulated workplaces under the *Canada Labour Code*. Learn more from the **Canada Labour Program** about the minimum standards that apply to you: www.canada.ca/en/labour-program/

Minimum wage

The minimum wage for most adult workers in Alberta is **\$15 per hour**, as of June 2025.

Learn more about the **minimum wage for students** on page 10.

The minimum wage rule does **not** apply to some workers:

- real estate agents and real estate brokers
- those who trade in securities or derivatives
- insurance agents who receive only commission income
- students who are in a training program, off-campus education program or work experience program
- extras in a film or video production
- counsellors or instructors at a charity/non-profit camp for children or individuals with disabilities, or a religious camp

Three-hour minimum

In most cases, if your employer sends you home from work before you've worked for 3 hours, your employer must pay you for 3 hours of work at (at least) minimum wage.

If you work in the following jobs though, your employer only has to pay you for 2 hours if you've worked 2 hours or less:

- part-time employees in recreational or athletic programs run by a city, town, Métis settlement or a not-for-profit community service organization
- school bus drivers
- students aged 13, 14 or 15 who work when they should be in school
- a caregiver who provides care for less than 2 consecutive hours of work

Working hours and rests

Your employer can only make you work a **maximum of 12 hours** in one workday. However, your employer can require you to work **more** than 12 hours in a day if one of the following happens:

- an accident occurs
- urgent work on a plant or machinery is necessary
- something unforeseeable or unpreventable happens

Your employer must give you **breaks** during your workday. The minimum standard is unpaid 30-minute breaks after every 5 hours of work. Your employer can choose to pay you for your breaks and may also give you two 15-minute breaks instead of a 30-minute break.

Your employer does **not** have to give you a break if:

- an accident occurs
- urgent work is necessary
- something unforeseeable or unpreventable happens
- it is not reasonable for you to take a rest

Your employer must give you **days off to rest** between workdays. Your employer must meet one of the following rules about rest days:

- 1 day of rest in each work week
- 2 consecutive days of rest in every 2 weeks of work
- 3 consecutive days of rest in every 3 weeks of work
- 4 consecutive days of rest in each 4 weeks of work

If you work 24 consecutive workdays, your employer must give you at least 4 consecutive rest days.

The law does not say which days have to be rest days. An employer does not have to give you rest days on the weekend. If weekend work is a job requirement, consider this when deciding whether to take the job.

Note there are **exceptions** to the rules above for certain types of workers.



Learn more from CPLEA about **working hours and breaks**:
www.cplea.ca/working-hours-breaks-overtime/

Overtime

Overtime is premium pay for working extra hours. Overtime pay is 1.5 times your regular pay for each hour of overtime you work.

Overtime hours are the greater of:

- 8 hours in a day **or**
- 44 hours in a week

Example

You work 10 hours every day for 5 days. Using the first method, you've worked 10 overtime hours (10 hours worked minus 8 hours in a workday for 5 days). Using the second method, you've worked 6 overtime hours (50 hours worked minus 44 hours in a work week). Your overtime is the greater amount, which is 10 hours.

Note there are **many exceptions** to the overtime rules. Some employees don't get overtime pay, and some employees have different overtime rules. Your work may also have an **hours of work averaging arrangement**, which averages your work hours over a period of time to calculate overtime, or an **overtime agreement**.



Learn more from CPLEA about **overtime**:

www.cplea.ca/working-hours-breaks-overtime/

Vacations

Workers are entitled to vacations – personal time off from work. Your employer must give you:

- 2 weeks of vacation after each of your first 4 years of employment
- 3 weeks of vacation after 5 years of employment and each year after that

While the law says your employer doesn't have to give you a vacation during your first year of work, many employers allow employees to take time off during that year. Your employer may have a policy about vacation time, or you may negotiate more vacation time than the minimum amount set out in law.

Employers must pay **vacation pay** as follows:

Paid monthly	Normal hours of work in a month divided by 4 1/3
Paid hourly and entitled to 2 weeks' vacation	4% of your wages
Paid hourly and entitled to 3 weeks' vacation	6% of your wages

Some employers pay out vacation pay each pay period, monthly, annually or when you take your vacation. For example, salaried employees often continue to receive their salary when they take a vacation. If an hourly worker receives vacation pay each month, then they don't receive pay while on vacation.

General holidays

General holidays, also known as statutory holidays, are days the government declares to be holidays.

There are nine general holidays in Alberta:

- New Year's Day
- Victoria Day
- Thanksgiving Day
- Family Day
- Canada Day
- Remembrance Day
- Good Friday
- Labour Day
- Christmas Day

Your employer may choose to observe other days as general holidays. For example, many Alberta workplaces recognize the National Day for Truth and Reconciliation on September 30th each year even though it's only a general holiday for federally regulated workplaces.

You receive general holiday pay if you've worked for the same employer for at least 30 days in the last 12 months. How much holiday pay you receive depends on whether you work the holiday and whether it's a usual working day for you. Consider these four scenarios:

Scenario	Your pay
You work the general holiday and it's a usual working day for you	1.5 times your usual pay for the hours you work on the general holiday PLUS your average daily wage OR Your usual pay for the hours you work on the general holiday PLUS a paid day off on another normal working day
You work the general holiday but it's not a usual working day for you	1.5 times your usual pay for the hours you work on the general holiday
You don't work the general holiday but it's a usual working day for you	Your average daily wage
You don't work the general holiday and it's not a usual working day for you	Nothing



Learn more from CPLEA about **general holidays**:
www.law-faqs.org/general-holidays-general-holiday-pay/

Job-protected leaves

A job-protected leave is time off work that your employer must allow you to take **if** you meet the requirements for the leave. Your employer cannot end your employment during the leave and must provide you with the same or similar work when you return.

Your employer does **not** have to pay you during your leave. You may qualify for benefits through Employment Insurance or your employer's benefits plan.

Each leave has rules about when and how you must notify your employer that you are taking a leave.



Learn more from CPLEA about the **details of each leave**:

www.law-faqs.org/job-protected-leaves/

Maternity leave

Maximum length: 16 weeks

- | | |
|------------------|---|
| Who can take it? | <ul style="list-style-type: none">• A pregnant employee who's worked for the same employer for at least 90 days• Must provide a medical certificate if the employer asks for one |
|------------------|---|

Parental leave

Maximum length: 62 weeks

- | | |
|------------------|--|
| Who can take it? | <ul style="list-style-type: none">• A parent who's worked for the same employer for at least 90 days• Can take right after maternity leave or within 78 weeks after the child's birth/placement with adoptive parents |
|------------------|--|

Reservist leave

Maximum length: No time limit

- | | |
|------------------|--|
| Who can take it? | <ul style="list-style-type: none">• A reservist who's worked for the same employer for at least 12 weeks• For deployment or activities with the Canadian Forces |
|------------------|--|

Compassionate care leave

Maximum length: 27 weeks

- | | |
|------------------|--|
| Who can take it? | <ul style="list-style-type: none">• An employee who's worked for the same employer for at least 90 days• To care for or support a seriously ill family member (spouse or partner, child or parent)• Must provide a medical certificate |
|------------------|--|

Death or disappearance of child leave

Maximum length: 52 weeks, if it's likely the child disappeared due to crime
104 weeks, if it's likely the child died due to crime

Who can take it?

- A parent who's worked for the same employer for at least 90 days
- A parent charged with the crime that led to the child's death or disappearance is not eligible

Critical illness of child leave

Maximum length: 36 weeks

Who can take it?

- A parent who's worked for the same employer for at least 90 days
- To care for or support a critically ill child
- Must provide a medical certificate

Long-term illness and injury leave

Maximum length: 27 weeks in one calendar year

Who can take it?

- An employee who's worked for the same employer for at least 90 days
- For illness, injury or quarantine
- Must provide a medical certificate with estimated length of the leave

Domestic violence leave

Maximum length: 10 days in one calendar year

Who can take it?

- An employee who has experienced domestic violence and has worked for the same employer for at least 90 days

Personal and family responsibility leave

Maximum length: 5 days in one calendar year

Who can take it?

- An employee who's worked for the same employer for at least 90 days
- For the employee's health or to meet their family responsibilities towards a family member

Bereavement leave

Maximum length: 3 days in one calendar year

Who can take it?

- An employee who's worked for the same employer for at least 90 days
- For the death of a family member (spouse or partner, child or parent)

Leave for citizenship ceremony

Maximum length: Half-day

Who can take it?

- An employee who's worked for the same employer for at least 90 days
- To attend a citizenship ceremony to receive Canadian citizenship

Safe and healthy workplaces

Everyone at work is responsible for creating a safe and healthy workplace. What does a safe and healthy workplace look like?

- Following all occupational health and safety laws that apply to your work
- Following all workplace policies
- Not harassing or being violent towards others in the workplace
- Refusing to do dangerous work and immediately reporting your concerns to your supervisor

Three important rights of workers

Alberta health and safety laws set out three important worker rights:

1. The **right to be informed** about worksite hazards and how to eliminate or control those hazards.
2. The **right to participate** in health and safety activities, including expressing concerns.
3. The **right to refuse dangerous work** – work that you reasonably believe is dangerous.

Your employer cannot retaliate against you for exercising a right or fulfilling your legal duties. For example, if you refuse dangerous work, your employer cannot discipline you or end your employment for doing so.

Responsibilities of worksite parties

The law also sets out responsibilities for different people at a worksite, called worksite parties. Below is a summary of employer, supervisor and worker responsibilities.

Employer

- Ensure the health, safety and welfare of its workers, other workers at the site and other people around the site
- Ensure its workers know about their legal rights and duties and are properly trained
- Ensure its workers do not experience or take part in harassment or violence at work
- Ensure its supervisors are competent and understand health and safety laws
- Ensure health and safety concerns are resolved in a timely way

Supervisors

- Take steps to protect the health and safety of their workers, including ensuring their workers are working safely
- Ensure their workers do not experience or take part in harassment or violence at work
- Inform workers of hazards and report safety concerns to the employer

Workers

- Take steps to protect their own health and safety as well as that of others working with them
- Use all devices and wear all personal protective equipment (PPE)
- Do not cause or take part in harassment or violence
- Report health and safety concerns to their supervisor or employer
- Participate in training provided by the employer

Other worksite parties with legal responsibilities are:

- suppliers
- service providers
- contracting employers
- owners
- prime contractors
- temporary staffing agencies



Learn more from CPLEA about the **responsibilities of worksite parties**:
www.cplea.ca/workplace-health-and-safety/

Health and safety committees

Most employers must create a health and safety committee or name a health and safety representative. Whether they need a committee or representative depends on the size of the employer.

A **joint health and safety committee** is a group of workers, union representatives and employers who work together to make sure everyone cooperates on health and safety. Their duties include receiving, considering and acting on concerns about worker health and safety, as well as making recommendations to the employer about worker health and safety.

A joint health and safety committee must exist for:

- employers who regularly employ 20 or more workers, **or**
- a work site with 20 or more regularly employed workers from two or more employers, **except if** there is a prime contractor for the site.

A **health and safety representative** is a worker who is not a manager and who makes sure the employer and workers cooperate on health and safety. Their duties include receiving, considering and acting on concerns about worker health and safety, as well as making recommendations to the employer about worker health and safety. They perform their work during working hours.

A health and safety representative must exist for:

- employers who regularly employ 5 to 19 workers, **or**
- a work site with 5 to 19 regularly employed workers from two or more employers, **except if** there is a prime contractor for the site.

An employer who must have at least a health and safety representative can choose to create a joint health and safety committee instead.

Report safety concerns and injuries

If you have a safety concern, report it to your supervisor or employer. Your supervisor or employer should hear your concern and investigate. If you do not think your supervisor or employer has dealt with your concerns, you can make a report to Alberta's **Occupational Health and Safety Office**. Safety officers can investigate safety concerns, order worksites to stop working, issue fines and even charge worksite parties with offences.



Learn more from CPLEA about **reporting concerns** and what Alberta's Occupational Health and Safety Office can do:
www.cplea.ca/workplace-health-and-safety/

If you are injured at work, report your injuries to your supervisor or employer. If your injury stops you from working for a day or more, you must also report the incident to the **Workers' Compensation Board – Alberta** (WCB).

Learn more about **injuries** at work on page 25.

Benefits

Your employer may offer a wide range of benefits, including sick days, health insurance, short and long-term disability, and life insurance. No law says that an employer has to offer these benefits. An employer can choose whether to offer benefits.

If your employer chooses to offer benefits, they decide what the benefits will be and who pays the premiums (you, your employer or shared). If you are part of a union, your collective agreement will say what benefits you receive.

Dress codes

Your employer can ask you to dress according to a dress code. However, there are a few rules your employer must follow:

- Your employer cannot make you pay for a company uniform, its repair or cleaning. This includes not deducting money from your wages for a uniform.
- The dress code cannot be discriminatory. For example, your employer cannot ask female employees to wear revealing clothing, as this is discrimination based on gender.

Learn more about **discrimination** on page 24.

Working from home

Your employer may require you to work from home or offer you the option to do so as a perk.

Your employer does not have to grant your request to work from home unless it's the only way for your employer to meet its duty to accommodate **and** being at the workplace is not a bona fide occupational requirement.

Learn more about the **duty to accommodate** and **bona fide occupational requirements** on page 25.

Common Workplace Issues

Bullying and harassment

Most workplaces have policies that say bullying and harassment at work are not acceptable. In this section, we use the term harassment to refer to both bullying and harassment.

Harassment engages several laws: occupational health and safety, workers' compensation and human rights laws. This means that a worker experiencing harassment may be able to make a complaint to a commission or government office to deal with their situation.

Provincial and federal occupational health and safety laws prohibit harassment and violence in the workplace. If you are experiencing harassment or violence, you should report it to your supervisor. If your supervisor or employer does not deal with the situation, you can report your concerns to the government. Alberta's **Occupational Health and Safety Office** receives complaints about provincially regulated workplaces. The **Canada Labour Program** receives complaints about federally regulated workplaces.

Harassment may lead to an injury at work, or it may be discrimination if it is based on a protected ground and causes a negative effect for you.

Learn more about **discrimination** below and **injuries** on page 25.

Discrimination and human rights

Employers cannot discriminate against workers, including potential employees, based on one or more personal characteristics, called **protected grounds**. This prohibition applies to all employment practices, from advertising a job and interviewing potential employees to workplace policies and terminating employees. It also applies to other employees at work discriminating against you.

The *Alberta Human Rights Act* lists 15 protected grounds:

- race
- religious beliefs
- colour
- gender
- gender identity
- gender expression
- sexual orientation
- physical disability
- mental disability
- age (for people 18 years or older)
- ancestry
- place of origin
- marital status
- family status (the state of being related to another person by blood, marriage or adoption)
- source of income (lawful income that attracts a social stigma, such as government benefits)

Employers have a legal obligation to accommodate a worker's protected ground, called the **duty to accommodate**. This means an employer may have to change a policy or working condition to better suit a worker. Employers and workers must work together to find reasonable accommodation. An employer must accommodate a worker's request to the **point of undue hardship**. This often means high financial cost or serious disruption to business. The point of undue hardship is different for every employer.

Example

You have a disability, and your doctor recommended a sit-to-stand desk. You request your employer to accommodate your needs, and you give them a doctor's note. Your employer buys this desk for you to fulfill their duty to accommodate.

Sometimes an employer has a reasonable and justifiable reason to discriminate against a worker. A **bona fide occupational requirement** is a job requirement that is absolutely necessary to the job even though it discriminates against some workers. An employer must be able to show there is no way for them to accommodate workers who do not meet the discriminatory requirement.

Example

Firefighters must be physically fit and able to lift a certain weight to do their job. This requirement may discriminate against people with a disability, but it is necessary to do the job.

If you believe you have experienced discrimination, you can make a complaint within one year of the discrimination occurring. The **Alberta Human Rights Commission** receives complaints about provincially regulated workplaces. The **Canadian Human Rights Commission** receives complaints about federally regulated workplaces.



Learn more about **human rights** from the Alberta Human Rights Commission: albertahumanrights.ab.ca



FEDERALLY REGULATED WORKPLACES

Learn more from the **Canadian Human Rights Commission** about human rights under the *Canadian Human Rights Act*: www.chrc-ccdp.gc.ca

Injuries

Even if everyone does their part to keep a safe and healthy workplace, sometimes accidents happen. Injuries can be physical or mental.

If you are injured at work, you must report your injury to your supervisor or employer. Your employer may also require you to report 'near misses' to

help improve health and safety policies. You must also report your injury to the **Workers' Compensation Board** (WCB) if your injury stops you from working for more than the day of the injury.

Alberta's Workers' Compensation Board helps Alberta workers receive care and get back to work. They also pay benefits to injured workers, including replacing wages, covering medical costs and reimbursing expenses. If a worker dies because of their job, they pay benefits to the worker's surviving spouse, partner or family.

Sometimes injuries raise human rights issues too. For example, your employer may need to accommodate your injury when you return to work.

Learn more about **discrimination** and human rights on page 24.



Learn more about **workers' compensation benefits** from the Workers' Compensation Board – Alberta (WCB): www.wcb.ab.ca

Privacy

We all want to keep our personal information confidential. But we also need to share some information with our employers, such as bank account information for them to pay us or medical information for them to accommodate our injury. Privacy laws help balance an individual's desire to keep their personal information private and an employer's need for information to do business.

Privacy laws set out rules for how the government and non-government organizations collect, use and disclose (share) personal information. Non-government organizations must create privacy policies that say how they will meet their privacy obligations under the law. For example, your employer's privacy policy may say they keep all employee records locked away in the human resources office or on a separate network drive that other employees don't have access to.

If you have concerns about how the government or your employer is protecting your personal information, you can make a complaint. The **Office of the Information and Privacy Commissioner of Alberta** receives complaints about the provincial government and provincially regulated workplaces. The **Office of the Privacy Commissioner of Canada** receives complaints about the federal government and federally regulated workplaces.



Learn more about **privacy rights** from the Office of the Information and Privacy Commissioner of Alberta: oipc.ab.ca



FEDERALLY REGULATED WORKPLACES

Learn more about federal privacy laws from the **Office of the Privacy Commissioner of Canada**: www.priv.gc.ca/en/

If You've Lost Your Job

Losing a job can be stressful. Your rights and options depend on **how** you lost your job.

How you lost your job

Your employer must share how they're ending your employment. Below are a few ways to find out:

- If you receive a letter from your employer, it should say how your employment is ending.
- If your employer meets with you and does not give you a letter, make notes of what they say or ask for something in writing.
- If you do not know how you lost your job, you can ask your employer to explain further.

We use different terms in society to say we have lost our job: "canned", "fired", "let go", "dismissed". These are not legal terms and can describe different situations. For example, you might say you were fired from your job. This suggests you lost your job because you did something wrong, but that may not be the case.

There are two types of terminations: with cause and without cause.

A **termination with cause** is a legal way for your employer to end your employment because of your severe misconduct. You do not get termination pay, and you cannot apply for Employment Insurance. Some examples of severe misconduct are theft, continuous harassment of a coworker, unexcused absences from work, illegal behaviour or constant neglect of your duties.

Alberta laws do not say what behavior is severe enough for an employer to terminate an employee with cause. It depends on the situation. If you are wondering whether your employer has a good enough reason to end your employment with cause, talk to a lawyer. They can review your situation and advise you about whether a **wrongful dismissal claim** against your employer might succeed.

A **termination without cause** is a legal way for your employer to end your employment even though you've done nothing wrong. Unless an exception applies, your employer must give you notice that your employment is ending or pay you termination pay, also known as severance pay. The law sets out a minimum amount of termination notice or pay you get depending on how long you've worked for your employer.

Learn more about **termination notice and pay** on page 28.

Constructive dismissal is a type of termination without cause. This is where your employer majorly changes the terms of your employment without your consent, making it intolerable to continue working. Examples include major changes to your salary, hours of work, position or working conditions. You may choose to leave your job rather than accept these new conditions. It's a good idea to talk to a lawyer to understand what legal options you have.

A **temporary layoff** is where your employer lays you off, with written notice, because they don't have any work at the moment. Your work relationship continues, and your employer can recall you to work with a week's notice. If you're off work for more than 90 days in a 120-day period, your employment ends. This is now a termination without cause.

Termination notice or pay

If your employer terminates your employment **without cause**, they must give you either termination notice or termination pay, also known as severance pay. The amount of termination notice or pay is the same and depends on how long you've worked for your employer.

- If your employer gives you **termination notice**, they tell you on what future day your employment ends. The time between giving you notice and your last day of work is the notice period. The law sets out a minimum notice period depending on how long you've worked for your employer.
- If your employer gives you **termination pay**, they end your employment immediately and then pay you regular wages for a period of time. The period of time they continue to pay you for is equal to the amount of termination notice they would have to give you. Some employers pay out termination pay as a lump sum.

Most employers choose to give termination pay as giving someone several weeks' notice of their employment ending doesn't usually lead to a healthy work environment.

Below is the minimum amount of termination notice or pay an employer must give you.

Length of employment	Amount of termination notice or pay
More than 90 days but less than 2 years	1 week
2 years or more but less than 4 years	2 weeks
4 years or more but less than 6 years	4 weeks
6 years or more but less than 8 years	5 weeks
8 years or more but less than 10 years	6 weeks
10 years or more	8 weeks

The law also says some employees should receive more termination notice or pay than the minimum standard. Known as **reasonable notice**, it is based in the common law (or judge-made law) in Canada. You may deserve reasonable notice depending on your age, length of service, type of employment and whether similar work is available. For example, a worker in a specialized field who has served a company for many years should likely receive more termination notice or pay than the minimum standard.

It is important to read your **employment contract**, including workplace policies or terms and conditions of employment. These documents may limit your termination pay to the minimum set out in law. Or it may calculate your termination pay in some other way that gives you more than the minimum standard. Remember, your employer can offer you more than the minimum standard, but they cannot pay you less.

Some workers do not receive termination notice or pay. However, these employees may still be eligible for reasonable notice. These include:

- workers employed for 90 days or less
- workers on a fixed term or task contract for less than one year
- seasonal workers
- construction workers, unless your work is only ongoing maintenance
- workers who clear trees and brush to clear land (not to harvest timber)
- workers refusing an offer of reasonable other work with the employer
- workers refusing work available through a seniority system
- workers not working because of a strike or lockout
- workers whose employer cannot fulfill the employment agreement because of unforeseeable or unpreventable circumstances
- workers on a temporary layoff who do not return to work within 7 days of the employer recalling them

If you are concerned you did not receive the minimum amount of termination notice or pay, you must make a complaint to Alberta's **Employment Standards Office** within 6 months of your last day of work. If you think you should receive reasonable notice above the minimum termination pay, talk to a lawyer.



Learn more from CPLEA about **terminations and layoffs**:
www.law-faqs.org/termination-temporary-layoff/



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Severance pay under the *Canada Labour Code* is 2 days of pay for every full year of work with a minimum of 5 days of pay. Learn more from the Canada Labour Program: www.canada.ca/en/labour-program/

Releases

A release is a legal document in which your employer agrees to pay you a specific amount of money and you agree to give up your right to make a claim against your employer in any court or to any agency (except WCB).

Your employer can ask you to sign a release before they pay you any amount over the minimum termination pay (such as reasonable notice). Asking for a release is a common practice as your employer wants certainty that your relationship is ending and you won't sue them in the future. You can negotiate the amount your employer pays you. Your employer cannot make you sign a release if they end your employment **with cause** or only pay you the minimum amount of termination pay.

Your employer cannot force you to sign a release right away. Take a few days to think it over. It is a good idea to also get legal advice before you sign it. Make sure you understand what you are getting and what you are giving up. The document is legally binding unless you can prove your employer forced you to sign it before you could talk to a lawyer.

Employment Insurance

Employment Insurance (EI) benefits help workers whose employment has ended **without cause** and are able to but cannot find work. The Government of Canada administers these benefits to all workers in Canada who qualify.

Apply online for benefits as soon as you stop working. If you wait more than 4 weeks after your last day of work, you may lose benefits.

You'll need a Record of Employment (ROE) to get benefits. Your employer will either give you a paper copy or submit one online directly to the Government of Canada. You can apply for benefits even if you don't have your ROE yet.



Learn more about **Employment Insurance** on the Government of Canada's website: www.canada.ca/en/services/benefits/ei.html

Resolve Issues at Work

There are many ways to resolve legal issues. Court should be your last resort. Below are options. Consider starting with the first one and moving to the next one if the issue continues.

If a collective agreement applies to you, follow the process in the collective agreement.

Talk to your supervisor

Sometimes an honest and respectful conversation is the best way to resolve an issue at work. Still, the thought of approaching your boss can be stressful.

Remember:

- You do not have to talk to your employer if you don't feel comfortable doing so.
- You do not have to talk to your employer alone, you can ask someone to come with you.
- You do not have to talk to your employer before taking more formal steps (described below).

Hopefully, your employer will receive your concerns and work with you to resolve them. If talking does not resolve the issue, you can take further steps.

Your employer cannot terminate you **with cause** because you raise an issue. If this happens to you, get legal support.



Learn from CPLEA **how to talk to your employer:**

www.cplea.ca/how-to-talk-with-your-employer-about-a-concern/

Write a demand letter

Sometimes writing a clear and concise letter to your employer can help resolve the issue. A demand letter sets out your concerns and how you propose to resolve the issue.



Learn from CPLEA **how to write a demand letter:**

www.cplea.ca/how-to-write-a-demand-letter/

Make a complaint

There are government offices and non-government agencies that receive complaints about specific issues. For example, the Alberta Human Rights Commission receives complaints about human rights issues under the *Alberta Human Rights Act*.

It's important to make your complaint to the right office or agency. Below are lists of where to make complaints depending on your issue and whether you work in a provincially or federally regulated workplace. It's also a good idea to review the office or agency's website for more information before you make a complaint.

Provincially regulated workplaces

Make a complaint about employment standards <i>Within 6 months</i>	Alberta's Employment Standards Office 1.877.427.3731 www.alberta.ca/employment-standards
Report unsafe work conditions and retaliation <i>As soon as possible</i>	Alberta's Occupational Health and Safety (OHS) Office 1.866.415.8690 www.alberta.ca/occupational-health-safety
Report a workplace injury <i>As soon as possible but within 24 months</i>	Workers' Compensation Board (WCB) Alberta 1.866.922.9221 (Alberta) 1.800.661.9608 (Canada wide) www.wcb.ab.ca
Make a human rights complaint <i>Within one year</i>	Alberta Human Rights Commission 780.427.7661 albertahumanrights.ab.ca
Make a complaint about privacy concerns in dealing with the provincial government or a non-government organization <i>Within 20 to 60 days, depending on the claim (see website for deadlines)</i>	Office of the Information and Privacy Commissioner (OIPC) of Alberta 1.888.878.4044 oipc.ab.ca
Make a complaint about unfair labour practices <i>Within 90 days</i>	Alberta Labour Relations Board 1.800.463.2572 www.alrb.gov.ab.ca

Federally regulated workplaces

Make a complaint about employment standards

Within 90 days to 6 months, depending on the claim (see website for deadlines)

Canada Labour Program

1.800.641.4049

canada.ca/en/labour-program/

Report unsafe work conditions and retaliation

Within 24 hours to 14 days, depending on the issue (see website for deadlines)

Make a complaint about retaliation for exercising employment standards or health and safety rights

Within 90 days

Canada Industrial Relations Board

www.cirb-ccri.gc.ca/en

1.800.575.9696

Make a complaint about unfair labour practices

Within 90 days

Report a workplace injury (federal government workers only)

Contact for deadlines

Federal Workers' Compensation Service (FWCS)

1.855.535.7299

canada.ca/en/services/jobs/workplace/health-safety/compensation.html

Make a human rights complaint

Within one year

Canadian Human Rights Commission

1.888.214.1090

www.chrc-ccdp.gc.ca

Make a complaint about privacy concerns in dealing with the federal government or a federally regulated non-government organization

Contact for deadlines

Office of the Privacy Commissioner of Canada (OPC)

1.800.282.1376

www.priv.gc.ca/en/

Get legal help

Sometimes you need to get legal help.

Non-lawyers, sometimes called justice navigators, can inform you about your rights and help you understand your legal options.

Lawyers can help you understand which laws apply to you, whether your employer is following those laws and what legal options you have for resolving issues.

There are free and for-a-fee legal supports in Alberta depending on your income.

Workers' Resource Centre (WRC)

Helping workers in Alberta

www.helpwrc.org

Your Rights at Work

Reliable free legal information from CPLEA

www.cplea.ca/work

Get legal help in Alberta

List of free and for-a-fee legal services

www.cplea.ca/legalhelp

[illegible]

Still have questions? CPLEA has you covered!

More on this topic

Check out more booklets, checklists, blog posts and videos from the Centre for Public Legal Education Alberta (CPLEA) about workers' rights and employment law, including about:

- Employees versus independent contractors
- Getting paid
- Time off work
- Human rights at work
- Safety at work
- End of employment
- Issues at work

Visit www.cplea.ca/work to learn more!

Other legal topics

CPLEA also offers free legal information about other legal topics, including:

- Abuse and protection
- Consumer, money and debt
- Estate planning
- Family and relationships
- Housing
- Recreation
- Resolving disputes
- Wills and estates

Visit www.cplea.ca to get started!