

# ALBERTA BILL 2: MORE CHANGES TO EMPLOYMENT & LABOUR LAWS ON THE HORIZON

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On May 27, 2019, Alberta's newly elected United Conservative Party introduced the *Open for Business Act* ("Bill 2"). If passed, Bill 2 will give rise to several amendments to the *Employment Standards Code* (the legislation that prescribes minimum standards of employment in Alberta, hereinafter the "ESC") and *Labour Relations Code* (the legislation that governs collective bargaining and labour-management relations in Alberta, hereinafter the "LRC").

## Employment Standards Code

- **Overtime:** Currently, employers and employees can agree in writing to "bank" overtime at the rate of 1.5 hours off work with pay for each 1-hour of overtime worked. Under Bill 2, however, employees will be entitled to just 1-hour off work with pay for each 1-hour of overtime worked.
- **Holiday Pay:** Employees will only be eligible for holiday pay if the employee has worked for the same employer for 30 work days or more in the 12-month period preceding the holiday. Further, employees who do not work on a holiday will only be entitled to holiday pay if the holiday falls on a day that the employee would normally be scheduled to work.
- **Minimum Wage:** The minimum wage will be reduced from \$15.00 to \$13.00 per hour for workers aged 17 or younger, but only for the first 28 hours worked in a week (except during breaks from school and summer holidays, when the new \$13.00 rate will apply to all hours worked).

## Labour Relations Code

- **Representative Votes:** Currently, if more than 65% of employees in a proposed bargaining unit support certification, the union will be automatically certified without a vote. Bill 2 will do away with this practice, and restore the old requirement that once a union has established 40% support or more, certification must be confirmed by a majority vote.
- **Time to Provide Evidence:** Signed union cards will remain valid for a period of 90 days, down from 6 months under the current rules.
- **Marshalling Proceedings:** A party to a proceeding before the Alberta Labour Relations Board will be able

to apply for a marshal order to amalgamate investigations and inquiries by a broad range of administrative bodies including, among others, the Alberta Human Rights Commission, the Workers' Compensation Board, and an appeal body under the ESC.

- *Support to Employees*: The Minister of Labour will be empowered to establish programs for employees to help them understand and exercise their rights under the LRC.

### **What's Next?**

If passed, the proposed changes to holiday pay and overtime rules under the ESC will take effect on September 1, 2019, and the change to the minimum wage rate will take effect on June 26, 2019. The proposed changes to the LRC will come into effect upon receiving Royal Assent.

In preparation for these changes, Alberta employers should begin the process of reviewing their policies to ensure they are compliant with the impending changes. Do not hesitate to contact a member of McMillan's Employment and Labour Relations team should you have any questions about Bill 2 and the proposed amendments to the ESC and LRC.

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### **A Cautionary Note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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