

EMPLOYMENT STANDARDS FARMS AND RANCHES

Effective January 1, 2018

Overview

The Government of Alberta is committed to ensuring waged, non-family farm and ranch workers have similar protections to those in other sectors and other Canadian provinces. Enacted in December 2015, Alberta's *Enhanced Protection for Farm and Ranch Workers Act* was the first step in this process. The *Fair and Family-friendly Workplaces Act*, passed in June 2017, included specific changes to the *Employment Standards Code* to apply it to farms and ranches.

? What does Employment Standards cover?

Employment Standards legislation sets minimum standards for conditions of employment. These include hours of work, overtime, holidays, vacation, minimum wage and rules for the employment of youth. **Read on for information on how changes to legislation may affect you.**

? When do the new rules apply?

Effective January 1, 2018, these rules apply to farms and ranches with waged, non-family workers, including year-round or seasonal employees. Effective May 1, 2018, the rules specific to youth workers on farms and ranches will apply.

For detailed information, visit alberta.ca/ESchanges



Do the rules apply to you?

Is everyone who is a waged employee on the farm/ranch either an owner or a family member of an owner?



Employment Standards rules **do not apply**.

Are all non-family members working on the farm/ranch only helping out or participating in activities such as 4-H and are not waged employees?



Employment Standards rules **do not apply**.

Are there waged, non-family members working on the farm?



Employment Standards rules **apply**.

Find more detailed information about Alberta's Employment Standards at alberta.ca/ESchanges



Need support? Let's talk.

The Employment Standards Contact Centre is your direct line to the answers you need.

780-427-3731
within Edmonton

1-877-427-3731
toll free from anywhere in Alberta

Ask a question online at:
alberta.ca/ESquestions

Disclaimer: In the event of any discrepancy between this information and Alberta Employment Standards legislation, the legislation is considered correct. This guide is not a comprehensive list of Alberta's Employment Standards.

How Alberta's Employment Standards apply to farms and ranches

What is considered a farming and ranching operation?

Operations that are involved in the production of:



The following are **not considered** farms or ranches and all minimum requirements under Employment Standards apply:

- Greenhouses
- Nurseries
- Mushroom farms
- Sod farms

Who do Employment Standards apply to?

Minimum standards for employment apply to farms and ranches with **waged, non-family employees**, including seasonal and year-round employees.

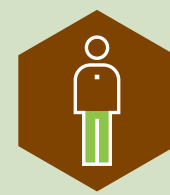
These rules don't apply to friends and neighbours helping each other as they have done for generations.

Who is classified as a family member?

Employment Standards rules don't apply to owners and their family members. 'Owner' means a shareholder, sole proprietor or partner.

Family members of the above include:
Spouse (married), common-law partner, or adult-interdependent partner
Children, step-children, their spouse
Parent, step-parent, their spouse
Sibling, half-sibling, step-sibling, their spouse
Grandparent, step-grandparent, their spouse
Aunt, uncle, step-aunt, step-uncle, their spouse
Niece, nephew, their spouse
First cousin, their spouse

What are the rules around employing youth?



Youth involved in household chores or activities, such as 4-H or branding parties, are not considered employees. Employment Standards do not apply.

- **12 year olds and under:** can't be employed on farms and ranches.
- **13 - 15 year olds:** can only be employed in jobs considered 'light work' or other non-hazardous work authorized by a permit (requiring parental consent) from the Director of Employment Standards.
- **16 - 17 year olds:** can't be employed in hazardous work unless authorized by a permit from the Director of Employment Standards.

Rules on youth employment are effective May 1, 2018. For detailed information, visit alberta.ca/ESchanges



How long is a regular work day?

There's no limitation to the hours of work for farm and ranch operations.



Do employees get breaks at work?

Providing breaks during daily shifts isn't required, but employers are encouraged to provide appropriate rest to help workers stay alert and safe.



Do employees get days of rest?

They **must be** provided with 4 days of rest within every 28 days.

What are the rules for paying employees?



General holiday pay

Employees are entitled to general (statutory) holiday pay, unless:

- they miss their scheduled shifts right before or after the general holiday without their employer's consent

OR

- they don't work on the general holiday when required to.

What is a farm and ranch employee entitled to if...

They don't work?

- General holiday pay that's at least 4.2% of their pay* in the 4 weeks leading up to the general holiday.

They work?

- Pay that's at least the employee's wage rate for each hour worked on the general holiday, and either
- additional general holiday pay for the day worked that's at least 4.2% of their pay,* earned in the 4 weeks leading up to the general holiday

OR

- one day off in lieu, paid at a rate of 4.2% of their pay,* to be taken on a normal work day that's within 30 days of the general holiday, unless agreed to otherwise.

*Pay includes wages, vacation pay and general holiday pay.



Minimum wage

Employees must be paid no less than minimum wage (lowest hourly rate) and at least once a month.

Alberta general minimum wage:
\$13.60/hour, effective October 1, 2017
\$15.00/hour, effective October 1, 2018



Unpaid, job-protected leaves

Employees are eligible for most unpaid leaves after 90 days of employment.*

The following outlines the maximum length for each unpaid job-protected leave available to employees in Alberta:

Maternity leave	16 weeks
Parental leave	62 weeks
Reservist leave	as needed
Compassionate care leave	27 weeks per year
Bereavement leave	3 days per year
Domestic violence leave	10 days per year
Citizenship ceremony leave	half day – once in a lifetime
Critical illness leave	36 weeks for a child 16 weeks for an adult
Long-term illness and injury leave	16 weeks per year
Personal and family responsibility leave	5 days per year
Death or disappearance of a child leave	52 weeks or 104 weeks

* Employees are eligible for reservist leave after 26 weeks of employment.



Pay statements

Employers must provide their employees with a statement of earnings and deductions within 10 days of the end of each pay period.

Deductions

- Some deductions are **required** (e.g. income taxes).
- No other deductions are allowed without **advance written permission**.
- Some deductions are **never allowed**: faulty workmanship, uniforms, breakage, or cash shortages/loss of property.*

*If more than one individual has access



Vacations and vacation pay

After 1 year, employees are entitled to 2 weeks' paid vacation. Vacation pay is 4% of wages from the previous year.

After 5 years, employees are entitled to 3 weeks' paid vacation. Vacation pay increases to 6% of wages from the previous year.



Overtime pay

Employers are not required to pay overtime to farm/ranch employees.

How much notice is needed if...



An employee quits?

An employee's requirement to provide written notice to an employer depends on their length of employment:

90 days or less	no requirement
Between 91 days and < 2 years	1 week notice
Between 2 years or more	2 weeks' notice



An employee is let go?

An employer's requirement to provide written notice to an employee depends on the length of employment:

Dismissal for just cause	no requirement
90 days or less	no requirement
Between 91 days and < 2 years	1 week notice
Between 2 years and < 4 years	2 weeks' notice
Between 4 years and < 6 years	4 weeks' notice
Between 6 years and < 8 years	5 weeks' notice
Between 8 years and < 10 years	6 weeks' notice
10 years or more	8 weeks' notice

If an employer wants an employee to leave right away, instead of written notice, they can pay the employee what they would have earned had they worked for the full notice period.