

Bill 2 – An Act to Make Alberta Open for Business

In July 2019, the government fulfilled one of their key election promises – pass legislation that shows the business community that Alberta is open for business.

On July 18, 2019 *Bill 2 – An Act to Make Alberta Open for Business* received Royal Assent and became law. Introduced on May 27, 2019, the Act rolls back several the employment and labour relations changes made under the NDP government in 2017.

Below are the changes to the Employment Standards Code and Labour Relations Code (that may affect Merit members) as interpreted by Merit’s legal counsel:

EMPLOYEE STANDARDS CODE CHANGES:

Overtime Pay

- Effective September 1, 2019, overtime will again be eligible to be banked at a one for one rate under an overtime agreement. Right now, overtime must be banked at a rate of one and half hours for each overtime hour worked.
- This change eliminates the need for Flexible Averaging Agreements.

Holiday Pay

- As of September 1, 2019, general holiday pay calculation will distinguish between circumstances in which a general holiday occurs on a regular workday, and where it occurs on a day an employee is not regularly scheduled to work.
- In order to be eligible for general holiday pay, an employee must have worked at least 30 days within the 12-month period before the general holiday.

Reduced Minimum Wage for Youth

- As a result of prior amendments to the *Employment Standards Regulation*, the minimum wage for student employees has been reduced, as follows:
 - Minimum wage for all students under the age of 18 who attend a secondary, post-secondary or vocational school was reduced from \$15/hour to \$13/hour for the first 28 hours worked (in a week)
 - For any hours worked over 28 hours/week, the student-employee must be paid at least \$15/hour
 - During Spring break, Christmas/Winter Break or summer vacation, the student employee should receive \$13/hour for all hours worked.

LABOUR RELATIONS CODE CHANGES

Significant changes to the *Labour Relations Code* are now active with some retroactive as of May 27, 2019.

Employee Assistance and Support

By October 1, 2019, the government will have a program to assist employees better understand, and exercise, their rights under the Labour Relations Code. More information will be shared as we get closer to the program's launch.

Further Changes in the Future

Additional changes are coming to Labour Relations that are expected to be tabled in Fall of 2019. Anticipated changes could address issues such as the current ban on replacement workers in the public sector, and the controversial use of union dues to fund political parties and causes without employee consent.

Union Certification – Representation Votes

Automatic certification, without a representation vote, is no longer allowed in Alberta. Bill 2 brings back the requirement that all certification votes happen by secret ballot. This ensures the majority of employees in the workplace are truly in favour of union representation before a union secures bargaining rights. This is retroactive to any certification application filed on, or after, May 27, 2019.

Union Certification – Membership Evidence

Union membership cards – the primary method a union shows initial support of employees for purposes of obtaining a representation vote, are now valid for a period of 90 days following the date they are signed by an employee. This period was previously extended to six months. This resulted in considerably longer organizing campaigns and disrupted business operations.

This change is also retroactive to May 27, 2019.

Marshalling Provisions

The "marshalling" provisions in the *Labour Relations Code* have been strengthened. The Alberta Labour Relations Board (the Board) can now make directions concerning employee matters. This involves matters that could fall under the jurisdiction of other administrative regimes like Human Rights. This includes the ability to direct issues be heard, or stayed, in a specific location.



Should you have any questions or concerns regarding Bill 2 – An Act to Make Alberta Open for Business; please contact our Employment Standards team at merit@meritalberta.com or call 780.455.5999.