



## COVID-19 EMPLOYER INFORMATION UPDATE #5

### CHANGES TO THE EMPLOYMENT STANDARDS CODE

*Current and accurate as of April 7, 2020*

On April 6, 2020, the Government of Alberta announced the immediate implementation of temporary changes to Alberta's *Employment Standards Code* ("the Code"). The stated purposes for these changes are to allow businesses to respond to current public health measures while supporting employees' connection to the workforce and their ability to access federal assistance programs. In addition, these changes are expected to provide businesses with additional flexibility so that they can remain operational during the current public health and economic crisis.

This update outlines the main changes announced. However, we shall provide more information when the government releases the proposed amendments to the legislation. We encourage you to reach out to discuss how these changes impact your business operations.

**Q: What changes to the Employment Standards Code were announced by the Alberta government?**

***Extended Period for Temporary Layoffs***

The maximum time period for a temporary layoff under the Code has been increased from 60 to 120 days. This change means that employees who have been laid off will not be deemed terminated on the 61<sup>st</sup> day of their layoff, which would normally require employers to pay termination pay under the Code and potentially additional common law notice to those employees. Rather, the permitted layoff period is extended to 120 days, allowing employers more time to adapt and be responsive to the situation as it stands in a few months' time.

This change is retroactive for any COVID-related temporary layoffs which occurred on or after March 17, 2020.

***Protected Leave and Benefits Extended***

Employees who have been caring for children affected by school or daycare closures, or who have been caring for ill or self-isolated family members because of COVID will now have access to unpaid job-protected leave. The 90-day employment requirement has been waived and leave length has been stated to be "flexible".

We shall provide further updates once more details have been released in relation to the protected leave periods.

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***Notice to the Minister of Labour***

The requirement to provide group termination notice to the Minister of Labour when 50 or more employees are being terminated has also been suspended.

***Improved Scheduling Flexibility***

Employers are no longer required to provide 24-hours' written notice of any shift changes, and if employees are subject to an averaging agreement, employers are no longer required to provide two weeks' notice of changes to work schedules.

***Duration of Changes***

These temporary changes to the Code will remain in place for the duration of the current public health emergency order and as long as the provincial government determines that they are required.

**Please note that this is a rapidly changing and evolving situation, and that this information is based on our best knowledge at the current time. Due to the unique circumstances of every business, not all information is applicable to all employers, so please feel free to contact us with any questions or if we can be of assistance in any way.**

**Also, we note that this information is current as of April 7, 2020 and will be subject to change following this date.**

**From us and the Bishop & McKenzie team, please stay safe and healthy!**

***Tara Hamelin and Kerry Lynn Okita***

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