

December 6, 2019

Ministry of Labour and Immigration
107 Legislature Building
10800 – 97 Ave
Edmonton, Alberta
T5K 2B6

Subject: Employment Standards Survey & Input

Dear Minister Copping:

Please accept this letter in response to the Government of Alberta's request for input on Employment Standards. The tight timelines for consultation have made it difficult for us to engage fulsomely with our members; nevertheless, we offer the following points for your consideration.

Our overall BLLHA message remains the same on many of the overlapping themes that appear now, as well as during the 2017 review. As such, we would like to offer the following excerpts from previous submissions (attached):

Youth Employment Rules submission June 22, 2018

The BLLHA supports the acceptable light work list for youth aged 13 – 14 and the proposed rules for youth, with one exception – youth 16 & 17 not being allowed to work without adult supervision between the hours of 9:00 p.m. and 12:00 a.m. BLLHA recommends that youth aged 16 & 17 be permitted to work without adult supervision until 11:00 p.m., aligning with standard hotel scheduling.

There are many young adults aged 17 who are finishing their last year of high school or have already graduated that have the maturity and ability to comfortably and confidently provide a high level of service delivery during a standard hotel evening shift of 3:00 p.m. – 11:00 p.m. A rule that youth aged 16 & 17 can only work until 9:00 p.m. without adult supervision greatly inhibits the opportunity for these young adults to be hired into well-paid positions. These positions not only provide the opportunity to earn sound pay, but also offer the chance to learn many life skills including stress management, time management and customer care. In many cases, employees are also permitted and often encouraged to complete their studies during the later hours of the shift. Therefore, whether it is added as a required permit or it is written as a specific position of the National Occupation Classification of NOC 6525, it is important to ensure that mature young adults are given the opportunity to pursue these positions.

Alberta Employment Standards Review submission April 17, 2017

Tourism and hospitality is a sector that represents economic diversity in a province that has been driven by labour intensive industries. As such, there are certain regulations within the Code that need to have exemptions for the hospitality and tourism sector. The Banff & Lake Louise Hospitality Association is in

agreement with many of the changes under consideration with some caveats and recommendations to ensure safe and healthy workplaces, in particular, pertaining to the employment of adolescents.

In addition to the above, below is a recap of other pertinent points from the previous submission. Please refer to the full letter for additional detail, as these are simply highlight points:

- Family Friendly Standards: BLLHA fully supports unpaid leave with job protection for the following circumstances: critically ill child, death or disappearance of a child, family responsibility, bereavement, jury duty, organ donor, long term sickness or injury, minor sickness and domestic violence.
- Recommendations for length of time for unpaid leave with job protection for maternity/parental and compassionate care:

Leave	Length	Eligibility	Notice Requirements
Maternity	15 weeks	52 consecutive weeks of employment	Minimum six weeks prior to start of leave and if intending not to return to work after leave ends
Parental	63 weeks		
Compassionate Care	26 weeks	Three months	As soon as reasonably possible with medical certificate

- Administrative penalties: we recommend a progressive system of penalties, in alignment with progressive disciplinary action in the workplace. Document and educate/train, and if the behaviour is not corrected within a fair time period, which would be established dependent on the violation, then penalties should be implemented.
- Modernized and simplified standards pertaining to:
 - Payroll Deductions: in addition to the payroll deductions required by government and/or legal action, any payroll deduction as authorized in writing by the employee should be allowed.
 - Rest Periods: as a service based industry, hospitality is one where planned rest periods are often not possible as our employees must be at the ready to serve. As such, the food and beverage and accommodation sectors require exemption from providing scheduled 30 minute rest periods for a shift of five hours or more if the employee is able to eat, take bathroom and other breaks throughout the shift worked. There would be no deduction of time for a break unless the employee receives a consecutive 30-minute break or two 15-minute breaks where they are fully away from their workstation.
 - Compressed Work Week: it is recommended that overtime be paid based on 88 hours over two weeks. This provides the opportunity for employees to change shifts with fellow staff to allow for more flexibility.
 - Overtime: we recommend that requirements of overtime pay be a maximum of eight (8) hours per day (12 in a compressed workweek schedule) or 88 hours in two weeks. With respect to overtime agreements, the ratio for banked time should be adjusted to a 1:1.5 ratio from the current 1:1 ratio.
 - Statutory Pay: pay eligibility should be changed to a qualifying period of 90 consecutive days of employment with the same employer. This change may assist with the retention of employees. Pay calculation for general statutory pay in terms of average daily pay should be simplified to the wages earned in the two pay periods ended immediately preceding the statutory holiday, divided by the number of days worked in those pay periods. With regards to the irregular versus regular workday, the standard should remain the status quo.

Split Shifts

Beyond the above points drawn from our previous submissions, BLLHA members identified that split shifts is an area in need of improvement. For example, if a business is only open for breakfast and dinner, in order to give employees full-time hours, they will not be able to complete the start and finish of their two shifts within a 12-hour window. We would ask for an exception in split shifts that supports a 16-hour window as this would align with an employee having eight (8) hours of rest between the end and start of their next shift, while offering a more fulsome earning potential.

In addition, in the hospitality industry, employees should be able to work up to 16 consecutive hours per day as long as they are receiving adequate breaks. This would see the 12-hour workday change to 16 (with employee consent).

Payment of earnings upon termination by employer

Many tourism and hospitality businesses operate 24 hours/day, 365 days per year and this sector is known for high staff turnover due to the nature of a more transient workforce than in other sectors. When termination by *employer* occurs, paying final earnings within three (3) days of an employee's last day of employment is administratively very difficult. It is particularly challenging to direct deposit these earnings within three (3) days if any such days fall on a Saturday and/or Sunday. Payroll software requires 2-3 business days (Mon-Fri) to process and deposit any electronic funds transfers.

We would recommend changing *employee*-initiated termination to a 10-day window, regardless of whether proper notice was provided so employers can more appropriately meet these administrative timelines. For *employer*-initiated terminations, providing final pay earnings within three (3) business days is more reasonable, as this can be administratively anticipated on part of an employer, since often it is an outcome that the employee is not planning for.

Thank you for considering this feedback on behalf of our membership. We would be pleased to meet to further discuss or clarify if any additional information is desired.

The Banff & Lake Louise Hospitality Association (BLLHA) represents the interests of the food & beverage and lodging sectors of the tourism industry in Banff National Park.

Sincerely,



Darren Reeder
Executive Director

CC Janet MacEachern, Chief of Staff Office of the Minister Labour and Immigration