

Hours of Work, Rest Periods and Days of Rest

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Part 2, Division 3 of the *Employment Standards Code (Code)* make provisions for employees' hours of work, rests periods, days of rest and notice of work times.

Definition of terms

Days of rest

The days of rest that an employee is entitled to, for each week of work up to 4 consecutive work weeks, or after 24 consecutive work days.

Hours of work

A period of time during which an employee works for an employer and time off with pay instead of overtime pay is provided by an employer and taken by an employee.

Rest periods

At least 30 minutes of rest whether paid or unpaid that an employee is expected to rest during each shift in excess of five consecutive hours of work.

Maximum daily hours of work

An employee's work hours must fall within a 12-hour period in a workday, unless the following occurs:

- an accident occurs, urgent work is necessary to a plant or machinery
- other unforeseeable or unpreventable circumstances occur, or
- the Director of Employment Standards issues a permit authorizing extended hours of work.

This means, for example, that an employee who begins work at 8 a.m. cannot work past 8 p.m.

Notice of work times

Every employer must notify its employees of the time at which work starts and ends. This can be achieved by the employer posting notices where they can be seen by employees, or by other reasonable method.

Shift changes and rest between shifts

An employee must not be required to change from one shift to another without at least 24 hours written notice and at least 8 hours rest between shifts.

Daily rest periods

During each shift in excess of 5 consecutive hours of work, an employee is entitled to at least 30 minutes of rest, except where the following occurs:

- an accident occurs, urgent work is necessary, or other unforeseeable or unpreventable circumstances occurs,
- different rest provisions have been agreed upon pursuant to a collective agreement, or
- it is not reasonable for the employee to take a rest period. However, if the employee is unable to take his or her break then it must be paid.

Generally, the break can be paid or unpaid, at the employer's discretion. However, if the employer places restrictions on an employee's activities during a break, such as prohibiting the employee from leaving the premises, the break must be paid.

This means that where a shift is less than 5 hours in length the employer is not obliged to provide a rest period. Where the shift is longer than 5 hours (e.g. 8 or 9 hours) the obligation of the employer is to provide at least 30 minutes of break time sometime during the shift.

The 30 minutes of rest can be taken in one unbroken period, but may be taken in two 15-minute or three 10-minute breaks.

This is the minimum standard and most employers provide more rest than the minimum.

Weekly rest days

An employer must give an employee:

- one day of rest for each week of work,
- two consecutive days of rest in each period of 2 consecutive weeks,
- three consecutive days of rest in each period of 3 consecutive weeks,
- four consecutive days of rest in each period of 4 consecutive weeks, and
- after 24 consecutive days of work, employees must be provided with at least 4 consecutive days of rest.

Occupations exempt from hours of work and rest periods

- Managers, supervisors and those employed in a confidential capacity;
- Farm workers;
- Professionals, including agrologists, architects, certified or chartered accountants, chiropractors, dentists, denturists, engineers, information systems professionals, lawyers, optometrists, podiatrists, psychologists and veterinarians;
- Salespersons of automobiles, trucks, buses, farm machinery, road construction equipment, heavy duty equipment, manufactured homes or residential homes;
- Salespersons who solicit orders, principally outside of the employer's place of business, who are fully or partly paid by commission (this does not apply to route salespersons);
- Licensed salespersons of real estate and securities;
- Licensed insurance salespersons who are paid entirely by commission income;
- Salespersons who are at least 16 years old and are engaged in direct selling for licensed direct sellers;
- Licensed land agents;
- Extras in a film or video production;
- Counsellors or instructors at an educational or recreational camp that is operated on a charitable or not-for-profit basis for children, persons with disabilities, or religious purposes;
- Residential and homecare caregivers (employees are exempt only from section 16 of the *Code* concerning hours of work, but not from rest periods). Please see the "Caregivers" Fact Sheet at <http://employment.alberta.ca/esfactsheets>; and
- Domestic employees (these employees are exempt only from sections 16 and 17 of the *Code* concerning hours of work and notice of work times, but not from rest periods).

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