

Employment Standards guide

for the hospitality industry

What is Alberta's minimum wage?

What is a split shift?

Do I get paid holidays?

Are tips wages?



Alberta's *Employment Standards Code* sets out the minimum standards that apply to employees and employers under provincial jurisdiction.

This guide was prepared to highlight key employment standards. If you have questions or require more information, see the contact information on the back cover.

Minimum Wages

What is Alberta's minimum wage?

As of September 1, 2011, the general minimum wage is \$9.40 per hour. The minimum wage for liquor servers is \$9.05 per hour. (Liquor servers are those employees serving alcohol as a regular part of their job).

Payment of Earnings

What payment must employees receive when they report to work as scheduled or as requested and there is no work available or work is provided for only a short period?

Employees must receive at least three hours' pay at the appropriate minimum wage. Currently this amounts to \$28.20 (3 hours x \$9.40 per hour) or \$27.15 for liquor servers (3 hours x \$9.05 per hour).

Example: 1.5 hours worked multiplied by the employee's regular rate of \$10.00/hour = \$15.00. The \$15.00 payment is less than \$28.20 (or \$27.15 if the employee is a liquor server). Therefore, the employee must receive at least \$28.20 (or \$27.15) for this time worked.

What is the definition of a liquor server?

Waiters, waitresses, bartenders and others who work in a licensed business and who serve alcohol as a regular part of their job, are considered liquor servers. These employees generally expect to supplement their income through tips.

If employees ask to leave work after working for less than three hours, are they entitled to be paid the equivalent of three hours at minimum wage?

No. Employees are only entitled to wages for the hours actually worked and the three-hour minimum requirement does not apply. The employer must be able to demonstrate, however, that the employees voluntarily chose to make the request. A good practice is to have employees initial the time sheet to verify that leaving early was at the employees' request.

Example: After two hours, an employee asks to leave to attend a parent-teacher meeting. The employee is entitled to be paid for two hours.

If an employee is only available to work for a period of less than three hours, what must he or she be paid?

The employee must be paid for the actual hours worked. The three-hour minimum requirement does not apply.

Example: A student is only available for two hours of work. The employee is only entitled to be paid for two hours.

Is payment required if an employee reports to a work site as scheduled and there is no work but the employee is required to remain on the site ready for work?

Yes. An employee is considered to be working from the time the shift was scheduled to begin and must be paid from that time on.

Is an employee entitled to be paid for work performed before or after the scheduled shift for duties such as clean-up, getting the float, reviewing the menu, cashing out or making bank deposits?

Yes. These duties are work and are to be paid at regular or overtime rates, as appropriate.

Must employees be paid when they are being trained?

Employees must be paid when they work or perform a service for their employer. Once hired, employees receiving training are performing a service for the employer and are entitled to be paid for all hours worked.

If training is provided or required before hiring, the prospective employee is not required to be paid for this time. However, the employer must be able to demonstrate the employee is not working or providing a service to the employer.

Note: "Job Shadowing" before an employee has been hired does not have to be paid time as long as the employee is not performing the services done by established employees.

Tips

Are tips wages?

No, tips are not considered wages and are not covered under the *Employment Standards Code*. Each workplace decides how tips are to be handled among employees.

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Deductions From Earnings

What deductions can an employer make from an employee's earnings?

Deductions required or permitted by law or order of a court, including deductions for CPP, EI, income tax, garnishees or court judgments, can be made from earnings without the employee's permission or approval.

All other deductions must be personally authorized in writing by the employee or by a collective agreement that applies to the employee.

Can an employer deduct from an employee's earnings if there are cash shortages or lost property and the employee was the only one to have access to the cash or property?

Yes, but only if the employee had sole access to the cash or property and the employer obtained written permission from the employee to deduct for specific cash shortages or property. The authorization must state the date and dollar amount of the shortage.

Can an employer deduct an amount for losses such as dine and dash, broken dishes, or missing items?

No. A deduction cannot be made and an employee cannot authorize a deduction under these circumstances.

Can an employer make a deduction for a uniform or other work clothes that the employee is required to wear during working hours?

Yes, but the deduction can only be made with the written approval of the employee. A deduction for a uniform cannot be higher than the employer's actual cost of the uniform.

Are there other restrictions on uniforms and deductions for uniforms?

Yes. Deductions made from an employee's wages cannot reduce the employee's earnings below the minimum wage. Therefore, if the employee is earning minimum wage, no deduction can be made.

When employees pay for the uniform it becomes his or her property, and the employer cannot require the uniform to be returned without compensating the employee.

When the employer has paid for the uniform, it remains the property of the employer, who is entitled to the return of the uniform when employment ends.

Where a deduction from an employee's earnings is not permitted, can an employer require the employee to make the payment in cash or by other means?

No. Where a deduction cannot be made directly, it cannot be made indirectly.

Meetings

Must an employee be paid for attending a meeting?

Yes. An employee must be paid if attendance at the meeting is mandatory and the employee attends, or if attendance at the meeting is optional but the meeting is directly related to the employee's work or the employer's business and the employee attends.

The employee must be paid the wage rate agreed to for meetings, which must be at least minimum wage. If overtime is applicable, it must be paid.

Work Breaks

Must an employer provide lunch or coffee breaks?

An employer must allow an employee at least one-half hour of rest time, either paid or unpaid, during each shift that is longer than five consecutive hours. The break does not need to be continuous and can consist of two 15-minute breaks.

Note: There are some situations when an employer need not provide a break, including when an accident occurs or urgent work is necessary.

What is a split shift and what rules apply?

A split shift occurs when the employee's workday consists of two or more separate periods of work. The split shift, including all breaks, must be within a period of 12 consecutive hours in any workday.

For each split shift, employees are entitled to be paid for the hours worked at the applicable wage rate, or at least three hours' pay at minimum wage, whichever is greater.

Example: An employee is scheduled to work 11:30 am to 2:00 pm and from 5:00 pm to 7:00 pm. This creates a split shift and the employee must be paid for the hours worked during each shift at the applicable rate or three hours at minimum wage, whichever is greater.

Work Schedules

Must employees be informed of their work schedules?

Yes. An employee must know when work starts and ends.

How must employees be advised of their work schedule?

The employer must post the work schedule where it can be seen by the employees. It must address when work starts and ends.

General Holidays

When is an employee eligible for general holiday pay?

An employee must have worked for the same employer for 30 working days in the 12 months prior to the holiday.

Is an eligible employee automatically entitled to general holiday pay?

No. An otherwise eligible employee is entitled to general holiday pay only if the general holiday falls on a day that is normally a working day for the employee or if the general holiday falls on the employee's regular day off but the employee works on the holiday.

Are part-time employees eligible for general holiday pay?

Yes, subject to the rules in the questions on the previous page.

How does an employee who is working an irregular schedule qualify for general holiday pay?

By working on the same day as the general holiday for at least five of nine of the preceding weeks to the general holiday, he or she qualifies for general holiday pay.

If an employee is eligible and qualifies for general holiday pay, what must he or she be paid for working on a general holiday?

An employer has two options:

Option one: pay the average daily wage plus 1.5 times the hourly rate of pay for all hours worked.

Option two: pay the day as a regular working day and give another normal day off (only if the employee is working a regular schedule).

What is to be paid when a general holiday falls on an employee's normal work day and the employee has the day off?

The employee would receive an average days' pay.

Adolescents and Young People

Can a person under 15 work in a hotel?

Not unless the Director of Employment Standards has issued a permit to the employer for the adolescent prior to hire.

Can a person under 15 work in a restaurant?

Yes, in specific jobs and under specific circumstances with parental consent.

Are there restrictions on the employment of those between the ages of 15 and 17?

Yes. A young person working in a hotel, motel, inn, restaurant etc., must be in the continuous presence of an adult if working between 9:00 pm and midnight and cannot be employed between midnight and 6:00 am.

Employment Standards Office Locations

Calgary

Suite 150, 717 - 7th Avenue SW
Calgary, AB T2P 0Z3

Edmonton

Main Floor, Sterling Place
9940 - 106th Street
Edmonton, AB T5K 2N2

Lethbridge

Rm 360, Provincial Building
200 - 5th Avenue South
Lethbridge, AB T1J 4L1

Red Deer

Rm 209, Provincial Building
4920 - 51st Street
Red Deer, AB T4N 6K8

For more employment standards information, visit employment.alberta.ca/es or call Employment Standards at **780-427-3731** (Edmonton), or toll-free at **1-877-427-3731**.



TTY Deaf Relay, call **780-427-9999** in Edmonton.
Other locations call **1-800-232-7215**.