

“Employment Standards & Human Rights” Webinar FAQ’s

Updated September 29, 2020

Q: How much time do you have to provide an employee with their ROE? When does it have to be submitted to Service Canada?

A: If you issue ROE’s on paper: The ROE must be issued within 5 calendar days of the first day of an interruption of earnings.

If you issue ROE’s electronically: You must issue the ROE within 5 calendar days after the end of the pay period in which an employee’s interruption of earnings occurs. *If you have a monthly pay period cycle, you must submit the electronic ROE either within 5 calendar days after the end of the pay period in which the interruption of earnings occurs or 15 calendar days after the first day of the interruption of earnings, whichever date is earlier.

You can provide a copy of the ROE to your employee at the time you submit it to Service Canada however this is not a requirement if the ROE is issued electronically.

For more information please visit:

https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/roe-guide/understand.html#s1_8

Q: If we offer an optional webinar over an employee’s lunch break, do we have to pay them to attend?

A: If the meeting or training is not compulsory but it is directly related to the employee’s work, and the employee attends, they must be paid the wages agreed to, and overtime if applicable; the employee must receive at least the minimum wage. If, however it is optional and not directly related to the employee’s work, the employee would not be paid if they decided to attend.

Q: If an employee’s shift is 5 hours, is the employee allowed to take their half-hour break during the last half hour?

A: Effective November 1, 2020 when an employee works over 5 hours, let’s say 5.5 hours then that employee may take 30 minutes of a rest period either within or immediately after the 5 hours of work.

For more information please visit:

<https://www.alberta.ca/assets/documents/li-fact%20sheet%20for%20employers-New%20Workplace%20Rules.pdf>

Q: If we usually provide employees with an unpaid lunch however if we host a mandatory staff meeting during the lunch break and we pay them for the meeting, are they still entitled to a 30-minute break?

A: Yes, the employee would still be entitled to their break or paid time in lieu of the break.

Q: After layoff due to COVID, can we recall an employee back to work with less hours?

A: Yes, you can recall employees with less hours however if the reduction is substantial, you could be facing a constructive dismissal situation with your employee. It is best to seek legal or HR advice if you choose to reduce your employees' hours upon recall.

Q: With regards to Human Rights Legislation, if an employee is requesting ergonomic equipment (ie. Back rest, Footrest etc.), does the employer have to purchase this for the employee?

A: To reduce the likelihood of a workplace injury such as repetitive strains, neck and back pain/injury etc. an employer should provide information on how to set up ergonomic work stations and equipment to ensure employee safety. However, if an employee is asking for specific equipment, this should be balanced out with the cost for such equipment and the feasibility to utilize other more cost-effective and practical solutions that could help to resolve ergonomic issues.

Q: When conducting interviews, how can you safely ask if the candidate has any disabilities or other issues that may arise requiring them to not be able to complete the tasks of the role or work at all?

A: Employers can inquire about a candidate's ability to perform specific tasks of a job as long as it is related to the job's bona fide occupational requirements. Some examples would be vision, ability to drive, physical ability to lift objects etc. however you want to be careful when asking candidates about their specific disabilities or if they have any as this could be construed as discriminatory especially if the candidate is not given the job based on this information. Providing the physical job requirements to all candidates and asking if there any aspects of the requirements that they will be unable to fulfill may be a way to address this.

Q: How often should employees' emergency contacts be updated?

A: Employers should be updating an employees' emergency contacts at least on an annual basis.

Q: With regards to changes in employment legislation coming November 1st, 2020 would we continue to calculate average daily pay based solely on wages only for the 4 weeks immediately preceding the stat holiday and exclude vacation pay, general holiday pay earned during that time?

A: Yes, effective November 1st employers will no longer have to include vacation pay and general holiday pay in the Average daily wage calculation. This calculation will be the employees' total wages averaged over number of days they worked in the 4 weeks immediately preceding the holiday. Or if it better aligns with your pay cycle, you can choose to pay total wages averaged over the 4 weeks ending on the last day of the pay period that occurred just before the general holiday.

Q: If a part time employee is only needed for 2 hours, are they still entitled to be paid a minimum of 3 hours?

A: Yes, the 3-hour minimum rule would apply to full time and part time employees.