

General Information and Helpful Tips:

It is a good idea to have a written contract with the employer that describes your job duties and conditions of employment.

Keep all documentation related to your employment such as paystubs, time sheets, personal log of hours worked, written warnings and employment letters. If you think you are facing a violation of your rights, keep a thorough record of all the incidents – what was said/done, who was involved, names of witnesses and the date and time of relevant incidents.

Self-employed persons can receive some Employment Insurance benefits if they choose to pay into the program. Self-employed persons are not covered by Employment Standards. Also, owners of small businesses are not automatically covered by the WCB. If you are a small business worker, then consider getting your own WCB coverage as an owner-operator of the business.

Being on a contract does not automatically mean you are self-employed – many factors are considered in defining who is an employee and who is self-employed. If you receive an hourly wage or monthly salary, if the company you work for determines your hours of work, if you do not use your own tools and if taxes, EI and CPP contributions are deducted from your pay, then you may be considered an employee – this means that your rights and interests are more likely to be protected under various employment legislations.

If you have a union, then you should ask for a copy of your collective agreement and find out who is your representative or shop steward – **go to this person first if you have any employment related problems.** If the shop steward is not helpful, then talk to someone at the union's main office.

If you need help to access your employment rights and benefits contact:

Calgary Workers' Resource Centre

**8989 MacLeod Trail SW, Suite 308
Calgary, AB T2H 0M2**

Phone: 403-264-8100

Fax: 403-264-8117

Email: info@calgaryworkers.org

Website: www.calgaryworkers.org

Other relevant sources:

Alberta Employment Standards: 1-877-427-3731

Canada Labour Program (for Canada Labour Code):
1-800-641-4049

Workers' Compensation Board (WCB): 1-866-922-9221

WCB Office of the Appeals Advisor: 403-517-6220

Alberta Human Rights Commission: 403-297-6571

Canadian Human Rights Commission: 1-888-214-1090

Employment Insurance: 1-800-206-7218

Occupational Health and Safety: 1-866-415-8690

Alberta Workers' Health Centre: 1-888-729-4879

Canada Pension Plan Disability Benefits:
1-800-277-9914

Disclaimer: This brochure contains basic legal information, NOT legal advice. Workers facing any issues mentioned in the brochure should seek specific, individualized information related to their situation by either contacting the Calgary Workers' Resource Centre or the relevant government department before making any decisions. The Calgary Workers' Resource Centre is not liable for the outcomes of any action taken by any individual based on the information presented in this brochure.

Alberta **LAW**
FOUNDATION

 **United Way**
Calgary and Area



Helping Workers



Calgary Workers' Resource Centre



Know Your Rights!!!

You can contact the Calgary Workers' Resource Centre to:

- **Seek support, information and referrals for your work-related problems**
- **Get help with filing applications/complaints/claims/appeals related to the contents of this brochure**
- **Find someone who can advocate on your behalf**
- **Arrange for educational workshops for your organization or group**

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Occupational Health and Safety:

The *Occupational Health and Safety Act* states that employers must do everything they can to protect workers' health and safety.

For example, an employer must:

- Tell you about the hazards on the job
- Eliminate or control the hazards
- Make sure the workers are trained and have the skills to work safely
- Ensure that all equipment and machinery is well maintained and safe to operate
- Ensure that any hazardous material or products used or stored at the job are labeled clearly and used in accordance with the proper laws
- Notify the nearest Workplace Health and Safety office if a serious accident happened or almost happened



The law also says that you must refuse work if you have good reason to believe that it is dangerous to yourself or to other workers, and if the danger is not normal for the job.

You cannot be disciplined for following health and safety rules or for refusing work when faced with imminent danger, but trying to work safely can sometimes lead to conflicts in the workplace.

If you:

- Are uncertain about health and safety on your job
- Not sure what "imminent danger" means or how to refuse unsafe work
- Have been disciplined for trying to work safely

Call Occupational Health and Safety at 1-866-415-8690 (you do not have to give your name when you call).

Employment Standards:

In each province in Canada, there are provincial laws that set out basic rules employees and employers have to follow in the workplace.

In Alberta, the legislation that sets out these rules is called the *Alberta Employment Standards Code*.

The *Alberta Employment Standards Code* sets out rules about:

- Payment of earnings
- Minimum wage
- Hours of work
- Rest periods
- Overtime
- General holiday pay
- Vacation pay
- Termination of employment
- Employment of young people
- Job-protected maternity and parental leave
- Job-protected reservist leave
- Job-protected compassionate care leave
- It also explains what workers can do if these rules are not being followed

The *Alberta Employment Standards Code* does not apply to federally regulated industries and self-employed individuals. Specific provisions of the Code (i.e. overtime regulations) may vary across industries and professions.

In Alberta, many provisions of the *Alberta Employment Standards Code* do not apply to farm workers.

The rules that apply to employees and employers in federally regulated industries are set out in the *Canada Labour Code*.

Human Rights Commission:

In Alberta, the *Alberta Human Rights Act* protects workers against any form of discrimination based on:

- Race
- Marital status
- Religious belief
- Family status
- Colour
- Age
- Gender
- Ancestry
- Physical disability
- Place of origin
- Mental disability
- Source of income
- Sexual orientation



If you have reasonable evidence to believe that you were discriminated against on the basis of one or more of the protected grounds mentioned above during the job application process or while working, then you can file a complaint with the Alberta Human Rights Commission.

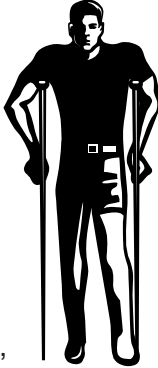
Workers who work in federally regulated industries, such as banks, the railway and the postal service etc., are covered by the *Canadian Human Rights Act*.

Workers’ Compensation Board (WCB):

WCB provides injured workers with rehabilitation services if they develop health problems in the course of their employment. Financial compensation is also provided if an injured worker is unable to work due to a work-related injury or illness. Some industries are exempt from having to provide WCB coverage for their employees.

If your work is covered under the *Workers’ Compensation Act* and you have developed any type of health problem through your job, then you should:

- Tell your employer as soon as possible
- Talk to your doctor – your doctor will give you a copy of the paper work he/she files with WCB; you should submit this copy to your employer as soon as possible
- Fill out a “Workers’ Report of Injury or Occupational Disease” and send it to WCB right away
- After applying for WCB, make sure that you see your health care provider regularly and keep your employer and WCB informed about your progress



A WCB claim does not impact your potential for finding other employment in the future – information related to your WCB claim is confidential.

If your employer is giving you a hard time because you filed for WCB, you may be able to file a complaint with the Alberta Human Rights Commission.

Failure to apply for WCB right away, whether due to pressure from your employer or due to other reasons, may lead to inability to earn adequate wages in the long term as a result of health complications, as well as greater difficulty in obtaining WCB assistance.

Employment Insurance (EI):

Employment Insurance pays some financial benefits to workers who stop working through no fault of their own. There are five different kinds of benefits:

- **Regular Benefits:** If you lose your job due to shortage of work (i.e. you are laid off) or you are enrolled in a course pre-approved by the EI Commission
- **Sickness Benefits:** For workers who are unable to work due to health reasons
- **Maternity and Parental Benefits:** For parents of newborn/newly adopted children. If you become unable to work due to sickness before you are eligible for Maternity Benefits, you may be able to combine Sickness with Maternity and Parental Benefits
- **Compassionate Care Benefits:** For workers who need to temporarily leave their employment to care for a terminally ill loved one
- **Parents of Critically Ill Children Benefits:** For workers who need to temporarily leave their employment to care for a terminally ill child under the age of 18 years old

The number of working hours you need in order to qualify for any of these benefits varies by region and the type of benefit you are applying for and the number of weeks you are able to collect these benefits also varies.

If your EI application is denied, then you can request a reconsideration of this decision within 30 days.

Also, workers who quit or are fired for misconduct generally have a difficult time accessing EI Regular Benefits. If you were fired or if you are thinking of quitting, you can call the **Calgary Workers’ Resource Centre at 403-264-8100** to discuss how this may impact your claim for EI Regular Benefits.