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October 2015 Brings Key Upcoming Employer Obligations: Minimum Wage Increases and Federal Election Responsibilities



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The month of October 2015 brings two key milestones that all Alberta employers should be aware of. First, on October 1, 2015, the minimum wage in Alberta will increase. Second, on October 19, 2015, the federal election will take place. Employers have important obligations to their employees on Election Day to provide time to vote.

The purpose of this Workwise email update is to provide information to employers regarding these upcoming events, to ensure employers are well-poised to respond.

Increase to Minimum Wage

In Alberta, all employers are required to ensure that their employees receive at least the minimum wage rates set out in the *Employment Standards Regulation*.

Currently, the basic minimum wage in Alberta is \$10.20 per hour. On October 1, 2015, the basic minimum wage will increase by \$1.00 per hour to \$11.20 per hour. For certain specific types of employees, the minimum wage will increase as follows:

- For employees who serve liquor: increase to \$10.70 per hour (up from the current \$9.20 per hour);
- For individuals employed in direct selling, certain salespersons, land agents, and other employees listed in the *Regulation*: increase to \$446 per week (up from the current \$406 per week);
- For individuals engaged in domestic employment (such as nannies): increase to \$2,127 per month (up from the current \$1,937 per month).

As always, employees who are paid either entirely or in part by commission must receive commission payments in an amount that is at least equal to the minimum wage. These changes apply to all provincially regulated employers, as well as to all employees who work for federally regulated employers, if they are "usually employed" in Alberta.

These changes are the first stage in the implementation of a 2015 provincial election promise made by the Alberta New Democratic Party to increase minimum wage rates to \$15.00 per hour by 2018. As such, employers should expect to continue to see increases to minimum wage rates in the months and years to come.

Federal Election: Guide for Employers

The upcoming federal election is scheduled to take place on October 19, 2015. All employers should be aware that the *Canadian Elections Act* imposes certain obligations on employers to ensure that their employees have an opportunity to get out and vote on Election Day.

In particular, employers must ensure that they provide all employees who are eligible to vote with three consecutive hours off work while polls are open for the purpose of casting a ballot. All Canadian citizens who are over the age of 18 are eligible to vote. Polls in Alberta will be open for 12 hours, from 7:30 a.m. to 7:30 p.m.

In addition, this time off must be without loss of pay.

However, employers are entitled to choose when during the day to provide the three consecutive hours for voting. This helps to ensure that the employer's operations are inconvenienced to the least extent possible.

For example, if an employee normally works from 9:00 a.m. to 6:00 p.m., the employer could allow the employee to arrive late (at 10:30 a.m.) or leave early (at 4:30 p.m.), or leave for three hours during the day at some point.

If an employer does not comply with these requirements, the penalties can be severe. Non-complying employers may face fines of up to \$2,000 or imprisonment. If an employer uses intimidation, undue influence, or any other means to interfere with an employee's right to take time off to cast a ballot, the potential fines increase to \$50,000.

There are some exceptions to these rules. In particular, the rules may not apply for employees who work in the transportation industry, if the following conditions are met:

- the employer is a company that transports goods or passengers by land, air or water;
- the employee is employed outside his/her polling division;
- the employee is employed in the operation of a means of transportation; and
- the time off cannot be provided without interfering with the transportation service.

Further, employers who are subject to collective agreements should consult the precise terms of the agreement, as many speak to further obligations on Election Day (in addition to those set out above).

Field Law can assist if employers have any questions about their obligations pursuant to the *Canada Elections Act* or the *Employment Standards Regulation*.



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