

2016 Bill 212

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Second Session, 29th Legislature, 65 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 212**

**EMPLOYMENT STANDARDS CODE (VOLUNTEER  
FIREFIGHTER PROTECTION) AMENDMENT ACT, 2016**

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MR. W. ANDERSON

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 212*  
*Mr. Anderson*

## **BILL 212**

2016

### **EMPLOYMENT STANDARDS CODE (VOLUNTEER FIREFIGHTER PROTECTION) AMENDMENT ACT, 2016**

*(Assented to \_\_\_\_\_, 2016)*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### **Amends RSA 2000 cE-9**

**1 The *Employment Standards Code* is amended by this Act.**

**2 Section 2(2) is amended by striking out “or compassionate care leave” and substituting “, compassionate care leave or volunteer firefighter leave.”**

**3 Section 3(1)(b) is amended in subclause (i) by adding “, volunteer firefighter leave” after “compassionate care leave”.**

## Explanatory Notes

### Employment Standards Code

**1** Amends chapter E-9 of the Revised Statutes of Alberta 2000.

**2** Section 2 presently reads in part:

*2(2) Except for provisions relating to maternity and paternal leave, reservist leave or compassionate care leave and other provisions of this Act necessary to give effect to those provisions, this Act does not apply to*

- (a) employees who are members of a municipal police service appointed pursuant to the Police Act and their employers with respect to the employment of those employees, or*
- (b) employees and employers to the extent that another Act states that this Act or a provision of it does not apply to them.*

**3** Section 3 presently reads in part:

*3(1) Nothing in this Act affects*

- (a) any civil remedy of an employee or an employer;*
- (b) an agreement, a right at common law or a custom that*

**4 Section 14(4) is amended by adding the following after clause (f.2):**

- (f.3) copies of documentation relating to volunteer firefighter leave;

**5 The following is added after section 53.94:**

**Division 7.3  
Volunteer Firefighter Leave**

**Definitions**

**53.95** In this division,

- (a) “volunteer firefighter” means a member of a fire service organization whose functions, duties or powers are to carry out fire services, and does not receive remuneration;
- (b) “fire services” means services related to the suppression or prevention of fires, rescue and emergency services and other activities of a firefighter;

- (i) *provides to an employee earnings, maternity and parental leave, reservist leave, compassionate care leave or other benefits that are at least equal to those under this Act, or*
- (ii) *imposes on an employer an obligation or duty greater than that under this Act.*

**4** Section 14 presently reads in part:

*14(4) An employer must keep an up-to-date record of the following additional information for each employee:*

- (a) *name, address and date of birth;*
- (b) *the date that the present period of employment started;*
- (c) *the date on which a general holiday is taken;*
- (d) *each annual vacation, showing the date it started and finished and the period of employment in which the annual vacation was earned;*
- (e) *the wage rate and overtime rate when employment starts, the date of any change to wage rates or overtime rates, and particulars of every change to them;*
- (f) *copies of documentation relating to maternity and parental leave;*
- (f.1) *copies of documentation relating to reservist leave;*
- (f.2) *copies of documentation relating to compassionate care leave;*
- (g) *copies of any termination notice and of written requests to employees to return to work after a temporary layoff.*

**5** Division 7.3 Volunteer Firefighter Leave: Definitions; Volunteer firefighter leave; Termination of employment.

- (c) “fire services organization” has the same meaning as in the *Municipal Government Act*.

**Volunteer firefighter leave**

**53.96(1)** An employee who has completed at least 12 weeks of consecutive employment with an employer and is a volunteer firefighter is entitled to occasional volunteer firefighter leave without pay to assist in fire services.

(2) No employer shall, without good cause, prevent a person from acting as a volunteer firefighter, if that person has informed the employer of their obligations as a volunteer firefighter and advised their employer that to act in that capacity, they must be absent from their place of work.

**Termination of employment**

**53.97(1)** No employer shall terminate the employment of, or lay off, an employee who is a volunteer firefighter by reason of that employee’s acting as a volunteer firefighter.

(2) Subsection (1) does not apply if an employer suspends or discontinues in whole or in part the business, undertaking or other activity in which the employee is employed.

**6 Section 82(1)(b) is amended by adding the following after clause (i.3)**

- (i.4) contrary to section 53.97 after the employee has taken volunteer firefighter leave;

**7 Section 90(5) is amended by striking out the “or Division 7.2, Compassionate Care Leave” and substituting “, Division 7.2,**

**6** Section 82 presently reads in part:

*82(1) An employee may make a written complaint to an officer that*

- (a) the employee is entitled to earnings;*
- (b) the employment of the employee was suspended or terminated or the employee was laid off*
  - (i) contrary to section 52(1) after the employee started maternity leave or because the employee was entitled to or had started paternal leave,*
  - (i.1) contrary to section 52.91 of the Public Health Act,*
  - (i.2) contrary to section 53.4 after the employee started reservist leave;*
  - (i.3) contrary to section 53.91 after the employee started compassionate care leave;*

**7** Section 90 presently reads in part:

*90(5) An order of the Director for compensation under section 89(3)(b) may*

Compassionate Care Leave or Division 7.3, Volunteer Firefighter Leave”.

**8 Section 129 is amended by adding “53.97,” after “53.91,”.**

**9 This Act comes into force on June 1, 2017.**



*direct payment for a period not exceeding 6 months from the date that the employment of the employee was suspended or terminated, that the employee was laid off or that the employer failed to reinstate the employee or to provide the employee with alternative work, in accordance with Part 2, Division 7, Maternity Leave and Parental Leave, Part 2, Division 7.1, Reservist Leave or Division 7.2, Compassionate Care Leave.*

**8** Section 129 presently reads:

*129 A person who contravenes section 52, 53.4, 53.91, 65, 124, 125, 126, 127 or 128 or a regulation made under section 138(1)(e) is guilty of an offence.*

**9** Coming into force.





