

# Alberta Leave Laws

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*This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.*

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# Paid Time Off (PTO) in Alberta

## Vacation Leave Quota

Employees working for less than 1 year are not entitled to annual vacation leave unless specifically stated in their contract.

An employee working for 1 to 5 years is entitled to 2 weeks of annual vacation leave.

An employee working for more than 5 years is entitled to 3 weeks of annual vacation leave.

## Vacation Pay

Vacation pay is based on an employee's wages paid for work. This includes any vacation pay that the employee received in the previous year. However, if an employer consistently pays vacation pay, such as regularly (e.g., every pay period or quarterly), they do not need to consider previously paid vacation pay in their calculations.

### How vacation pay is calculated

#### For employees paid monthly

For employees who receive a monthly salary, their employer must pay them their regular rate of pay for the duration of their vacation. To determine the amount of vacation pay that an employee is entitled to, their monthly wage is divided by 4.3333 (which represents the average number of weeks in a month). This calculation is used to determine the number of weeks of vacation pay that an employee is entitled to receive.

#### For employees who are not paid monthly

Vacation pay is calculated as a percentage of the gross wages an employee earns during the "year of employment".

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

For employees who are paid on an hourly, weekly, commission-based, or incentive-based pay structure, the employer must provide the following:

- Length of employment less than 1 year = 4% of wages
- Length of employment 1 to 4 years = 4% of yearly wages
- Length of employment 5+ years = 6% of yearly wages

Employees are entitled to receive their pay within 14 days before the commencement of a vacation.

## PTO Accrual

PTO accruals are not mandatory in Alberta, but they are widely used by companies.

Employers are generally free to design their vacation accrual system, although it is usually based on the pay period (payroll cycle). The most common payroll cycles in Alberta are weekly, bi-monthly, and monthly.

## Roll Over (Carry Over, Brought Forward)

The “use-it-or-lose-it” policy is illegal in Alberta.

The “use-it-or-lose-it” refers to a policy or benefit that requires employees to use a certain amount of vacation time within a certain timeframe, or risk losing it.

## Statutory Provisions Addressing Vacation Pay

Vacation is considered earned wages.

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

# Vacation Pay Owed at Termination

## Before 12 months of employment

If an employee's employment is terminated before they have completed 12 months of employment, the employer must pay 4% of the employee's wages earned during their employment.

## After 12 months of employment

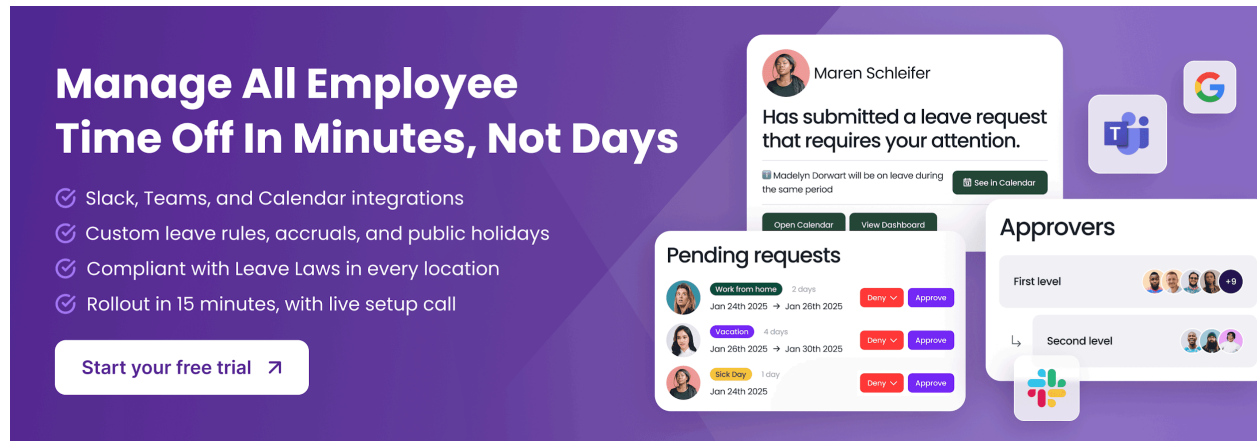
If an employee's employment ends after he or she becomes eligible for annual vacation, the employer is obligated to pay the unpaid vacation entitlements for the previous year, as well as:

- For an employee who is entitled to 2 weeks' vacation, the employer must pay at least 4% of the employee's wages for the period from the date they last became entitled to an annual vacation to the date of employment termination.
- For an employee who is entitled to 3 weeks' vacation, the employer must pay at least 6% of the employee's wages for the same period.

## Timing of payout

Upon termination of employment, employees must receive their vacation pay within either 10 consecutive days after the end of the pay period in which termination occurred or 31 consecutive days after the last day of employment.

If an employee is terminated or quits prior to being able to use their vacation pay, the amount accrued must be paid out within a certain period of time following the dismissal.



# Sick Days in Alberta

## Personal and Family Responsibility Leave

An eligible employee can take up to 5 days of job-protected, unpaid leave if the leave is necessary for:

- The health of the employee
- The employee to fulfill their family obligations to a family member

A personal and family responsibility leave ensures job protection and job reinstatement.

To be eligible for personal and family responsibility leave, an employee must have been working for the same employer for at least 90 days.

To calculate years of service, employees who are on personal and family responsibility leave are considered to be continuously employed.

Employees must provide a notice to their employer as soon as practicable. A medical certificate is not required.

### Payout

Unless specified in an employment contract or collective agreement, employers are not obligated to pay wages or provide benefits during a personal and family responsibility leave.

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

# Long-term Illness and Injury Leave

An eligible employee can take up to 16 weeks of job-protected, unpaid leave due to illness, injury, or quarantine.

To be eligible for long-term illness and injury leave, an employee must have worked for the same employer for at least 90 days.

A long-term illness or injury leave ensure job protection and job reinstatement. The law prohibits employers from terminating or laying off employees while on long-term illness and injury leave unless:

- The employer suspends or discontinues the business; in this case, the employer must reinstate the employee if the business starts up again within 52 weeks after their leave ends, or
- The reason for the termination is unrelated to the employee requesting or taking the leave

For calculating years of service, employees on long-term illness and injury leave are treated as if they have been continuously employed.

Employees are required to provide a medical certificate and a written notice. The medical certificate must be provided to the employer before the leave begins.

## Payout

Unless specified in an employment contract or collective agreement, employers are not obligated to pay wages or provide benefits during a long-term illness and injury leave.

Employees may be eligible for long-term illness and injury benefits under the Federal Employees Insurance program.

# Critical Illness Leave

16 or 36 weeks of unpaid leave

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

An eligible employee can take unpaid, job-protected leave to provide care and support to a child or family member.

Critical illness leave provides employees with leave to care for:

- Critically ill child under the age of 18 – up to 36 weeks
- Critically ill adult – up to 16 weeks

Eligibility rules, job protection, job reinstatement rules, notice requirements, and payout are the same as for long-term illness and injury.

## Compassionate Care Leave

Up to 27 weeks of unpaid leave

Employers are required to provide eligible employees with up to 27 weeks of unpaid leave to care for and give support to a gravely ill family member. The employer is not required to provide leave for more than one employee at a time if they work for the same employer and care for the same family member. A medical certificate is required.

Eligibility rules, job protection, job reinstatement rules, rules for the purposes of calculating years of service, notice requirements, and payout are the same as for long-term illness and injury.

## Domestic Violence Leave

10 days of unpaid leave

Employees are entitled to take up to 10 days of job-protected, unpaid leave due to situations related to domestic violence.

Eligibility rules, job protection, job reinstatement rules, notice requirements, and payout are the same as for long-term illness and injury.

# Maternity, Paternity, and Parental Leave in Alberta

The maternity leave could last a maximum of 78 weeks (the maternity leave itself lasts for 16 weeks, and after that, mothers can take an additional 62 weeks of parental leave.)

## Maternity Leave

16 weeks.

The maximum length of this leave is 16 weeks. Maternity leave can begin at any point within the 13 weeks before the expected due date, but must start no later than the date of the birth.

After taking 16 weeks of maternity leave, mothers can proceed to take parental leave, which can last up to a maximum of 62 weeks (in case the father doesn't take any part of parental leave).

This equates to a total of 78 weeks of leave for mothers (16 weeks of maternity leave + 62 weeks of parental leave).

To be eligible for maternity or parental leave, an employee must have been working for the same employer for at least 90 days.

Maternity and parental leave ensure job protection and job reinstatement. It is illegal for an employer to discriminate against, lay off, or terminate an employee, or force them to resign, due to pregnancy or childbirth.

For calculating years of service, employees on maternity or parental leave are treated as if they have been continuously employed.

For more information, please visit [vacationtracker.io](https://vacationtracker.io)



Employees are required to give their employer written notice at least 6 weeks before beginning maternity leave. The employer may also request a medical certificate from the employee.

## Parental Leave

62 weeks

Birth and adoptive parents are entitled to take up to 62 weeks of unpaid parental leave.

Parental leave may be taken by:

- The birth mother, immediately following maternity leave (total of 78 weeks of leave = 16 weeks of maternity leave + 62 weeks of parental leave),
- The other parent (whole 62 weeks),
- Adoptive parents (they can share 62 weeks), or
- Both parents share between them (for example, a mother takes 52 weeks and a father takes 10 weeks)

Parental leave can begin at any time after the birth or adoption of a child, but must be finished within 78 weeks of the date the baby is born or placed with the parents.

### Payout

Unless specified in an employment contract or collective agreement, employers are not obligated to pay wages or provide benefits during maternity or parental leave. Maternity and parental benefits are provided by Employment Insurance funds.

## Bereavement Leave in Alberta

Eligible employees can take up to 3 days of unpaid leave in the event of the death of a family member or a pregnancy loss. Employees are entitled to 3 days of bereavement leave per

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calendar year, not per incident of bereavement. Any unused leave days cannot be carried over into the next calendar year.

To be eligible for bereavement leave, an employee must have been working for the same employer for at least 90 days.

Employees are provided with job protection and job reinstatement during the leave.

#### Payout

Bereavement leave in Alberta is unpaid.

## Jury Duty Leave in Alberta

### Juror Entitlements

#### Leave with pay.

Employees who are called to serve as jurors will be granted leave with pay. Jurors can also claim an allowance or compensation from the province for time spent in court. In Alberta, jurors receive \$50 per day. Furthermore, they are required to give any money they receive as jurors to their department, except for funds received for travel and living expenses.

## Witness Entitlements

#### Considered to be working.

If employees are called to appear as witnesses in an official capacity to give testimony or produce government records, they are considered to be working. Any witness fees they receive will be given to their department.

# Reservists' Leave in Alberta

Leave without pay.

Employees who are reservists and eligible for leave may take time off for deployments and training without pay and without fear of job loss. This leave may be taken for the duration of annual training or Canadian Forces operations and does not have to be taken in consecutive days.

To be eligible for reservist leave, an employee must be a reservist and have been employed by the same employer for at least 12 consecutive weeks. While employees with less than 12 weeks of employment may still request leave, their employer is not required by employment standards legislation to grant it.

Payout

Reservists' leave in Alberta is unpaid.

# Voting Leave in Alberta

3 consecutive, non-work (paid) hours.

According to the Election Act, employers are required to give employees time off to vote.

Specifically, electors must have 3 consecutive, non-work hours to vote in federal, provincial, or municipal elections.

If an employee's work schedule does not allow for 3 consecutive hours to vote, their employer must provide additional time off for this purpose. The employer has the discretion to determine when to give the employee this time off, whether during advance voting or on Election Day.

When the employer provides extra time off, it must be paid, and the employee should not be penalized for taking it. This additional time off is specifically for the purpose of voting.

## Payout

Voting time is reimbursed by the employer.