

**Alberta Regulation 172/2019**  
**Employment Standards Code**  
**EMPLOYMENT STANDARDS (SPECIAL PROVISIONS)**  
**AMENDMENT REGULATION**

Filed: December 3, 2019

For information only: Made by the Lieutenant Governor in Council (O.C. 268/2019) on December 3, 2019 pursuant to section 138 of the Employment Standards Code.

**1** The *Employment Standards Regulation* (AR 14/97) is amended by this Regulation.

**2** The following is added after section 43.84:

**Division 12**  
**Mobile Workover or Completion Service Drilling Operations,**  
**Oil and Gas Continuous Operations and Roadbuilding or**  
**Heavy Construction Operations**

**Definitions**

**43.841** In this Division,

- (a) “mobile workover or completion service drilling operations employee” means an employee employed in work performed with a mounted mobile service rig or completion service rig, including the moving of the worksite and rig, but not including the actual drilling of a well;
- (b) “oil and gas continuous operations employee” means an employee employed in developing, producing or refining natural gas or oil who works in a continuous operation setting;
- (c) “roadbuilding or heavy construction operations employee” means an employee employed in the construction, maintenance, repair or demolition, for residential, commercial, industrial, oilfield, oil sands, agriculture or forestry purposes, of
  - (i) highways or roadways, including private roadways,
  - (ii) highway or roadway appurtenances,
  - (iii) material processing,
  - (iv) sidewalks or curbs,
  - (v) bridges,

- (vi) site development,
- (vii) earth or rock fill dams,
- (viii) water or sewer management systems,
- (ix) drainage or irrigation systems,
- (x) urban rail or transit systems, or
- (xi) traffic control accommodations.

**Application of Division**

**43.842** This Division applies to mobile workover or completion service drilling operations employees, oil and gas continuous operations employees and roadbuilding or heavy construction operations employees, other than employees who provide office or administrative services, and to their respective employers while acting in the capacity of employer.

**Substitution for Act**

**43.843(1)** Sections 43.844 and 43.845 apply in substitution for section 16(1) of the Act.

(2) Section 43.846 applies in substitution for section 19(1)(d) of the Act with respect to roadbuilding or heavy construction operations employees and their respective employers while acting in the capacity of employer.

(3) In the case of oil and gas continuous operations employees and their respective employers while acting in the capacity of employer, the reference to "12 hours per day" in section 23.1(3)(d)(i) of the Act is to be read as a reference to "13 hours per day".

(4) For greater certainty, sections 43.844 and 43.845 do not apply with respect to

- (a) geophysical exploration as defined in section 18(b), or
- (b) an employee who is subject to Division 8 of this Part.

**Hours of work confined**

**43.844(1)** An employer must confine the hours of work of a mobile workover or completion service drilling operations employee or a roadbuilding or heavy construction operations employee within a period of 16 consecutive hours in any one work day unless an accident occurs, urgent work is necessary to a plant or machinery, or other unforeseeable or unpreventable circumstances occur.

(2) An employer must confine the hours of work of an oil and gas continuous operations employee within a period of 13 consecutive

hours in any one work day unless an accident occurs, urgent work is necessary to a plant or machinery, or other unforeseeable or unpreventable circumstances occur.

(3) Despite subsections (1) and (2), an employer must comply with a request by an employee that the employee's hours of work be confined within a period of 12 consecutive hours in any one work day unless an accident occurs, urgent work is necessary to a plant or machinery, or other unforeseeable or unpreventable circumstances occur.

#### Hours of rest

**43.845** An employer must allow an employee whose hours of work exceed a period of 12 consecutive hours in any one work day at least 8 consecutive hours of rest after the employee completes a shift.

#### Days of rest

**43.846(1)** An employer must allow a roadbuilding or heavy construction operations employee at least 4 days of rest in each period of 4 consecutive work weeks.

(2) For the purposes of determining the days of rest under subsection (1), if the hours of work of a roadbuilding or heavy construction operations employee in a work day total 4 or fewer hours, the remainder of the work day is to be considered to be one-half day of rest.

(3) Subsection (2) does not apply if the employer provides the roadbuilding or heavy construction operations employee 4 consecutive days of rest in a period of 4 consecutive work weeks.

(4) An employer must comply with a request by a roadbuilding or heavy construction operations employee for one 24-hour period of rest in a work week.

(5) Subsection (4) does not apply if the employer provides the roadbuilding or heavy construction operations employee

- (a) one day of rest in the work week, or
- (b) 4 consecutive days of rest in a period of 4 consecutive work weeks.

**3** Section 66 is repealed.



ALBERTA

LABOUR AND IMMIGRATION  
*Office of the Minister*

**MINISTERIAL  
ORDER  
No. 2020-05**


Whereas the Minister of Labour granted a variance respecting Division 3, sections 16(1) and 23.1(3)(d)(i) of the *Employment Standards Code* (Code) to the Canadian Association of Petroleum Producers employers and their respective employees in Ministerial Order No. 2018-06;

And whereas the Minister of Labour granted a variance respecting Division 3, section 16(1) of the Code to the Canadian Association of Oilwell Drilling Contractors employers and their respective employees in Ministerial Order No. 2018-15, and amended by Ministerial Orders No. 2018-16 and 2019-24;

And whereas the Minister of Labour granted a variance respecting Division 3, sections 16(1) and 19(1)(d) of the Code to the Alberta Roadbuilders and Heavy Construction Association employers and their respective employees in Ministerial Order No. 2018-24, and amended by Ministerial Orders No. 2019-15 and 2019-23;

Pursuant to section 74.1 of the Code, I, Jason Copping, Minister of Labour and Immigration, hereby revoke Ministerial Orders No. 2018-06, 2018-15, 2018-16, 2018-24, 2019-15, 2019-23, and 2019-24, effective as of the date of publication of the Employment Standards (Special Provisions) Amendment Regulation (AR 172/2019) in the Alberta Gazette.

DATED at Edmonton, Alberta this 20 day of January, 2020.

  
Jason Copping  
Minister of Labour and Immigration