

Frequently Asked Questions 500 – 599

Are construction employees entitled to vacation or unpaid leave?

Yes, *The Employment Standards Code* does apply to employers and employees in construction.

This includes rules on Deductions, Unpaid Leave, Vacations and Wages for Reporting for Work.

When is Canada Day?

Canada Day is normally July 1, however when July 1 is a Sunday, Canada Day is July 2, as defined in the *Holidays Act* by the Government of Canada.

Who Qualifies for Leave for Reservist ?

Members of the Canadian Forces Reserves who have worked for their employer for seven consecutive months, who are absent from work for the purpose of service, qualify for Leave for Reservists.

What is included in "service"?

Both active duty and training are included in service.

What protections do employees who are serving in the Reserves have?

Employees who take leave from their employment for the purpose of service must be reinstated to the position, or a similar position with no less wages or benefits, that they had before the leave.

Employers cannot lay off or terminate an employee who takes this leave.

What happens to pension and other benefits while a Reservist is on leave?

While employees are on unpaid leave the employment is deemed to be continuous. When they return they continue to be entitled to any benefits they had before the leave, and their years of service would include the time away on the leave.

How will Leave for Reservists affect vacation and vacation pay?

Unpaid leave does not affect vacation leave; however it will affect vacation pay. Vacation pay is accumulated as a percentage of earned wages; since the leave is unpaid the employee will not be accruing vacation pay while on leave.

How long is Leave for Reservists?

Employees can take unpaid leave for as long as they continue to serve. There is no restriction on the length of the unpaid leave.

How often can a Reservist go on leave?

There are no restrictions on the how often a Reservist can go on leave.

Once employees have been employed with their employer for seven consecutive months, they are entitled to the leave and can use it to serve the Reserves.

How do Reservists request a leave?

Employees must provide, in writing, as much notice as reasonable and practicable in the circumstances. The employer may request a certificate from an official in the Reserves confirming the employee is a member of the Reserves, is required for service, and where possible, the start and end dates for the period of service.

When can a Reservist return to work?

Reservists who have taken a leave must provide their employer, in writing, notice of their return date. The employer can defer the reservists return to work for up to two weeks, or one pay period, whichever is longer.

Can employers deduct the cost of traffic tickets?

Employers can deduct the minimum amount payable for a photo radar ticket or a red light camera ticket, if the employee committed the offence and has agreed in writing to pay the ticket.

Employers cannot deduct for parking tickets or other violations. They also cannot deduct for vehicle damage or insurance deductible.

Do employers need to provide transportation to or from work?

When an employer's place of business and an employee's residence are located within the boundaries of a city or town, the employer must provide the employee with adequate transportation between the residence and the work place when the employee's hours of work begin or end after 12 midnight and before 6:00 a.m.

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