



BULLETIN

TRANSPORTATION DISTRICT 140 DISTRICT DES TRANSPORTS 140

*International Association of Machinists and Aerospace Workers
Association internationale des machinistes et des travailleurs et travailleuses de l'aérospatiale*

TO ALL IAMAW MEMBERS WORKING FOR FEDERALLY REGULATED EMPLOYERS

Recent Changes to the Canada Labour Code

This Bulletin is to highlight a few of the recent changes to Part III of the Canada Labour Code that may be of significance to some of our members in federally regulated workplaces.

Part III of the Canada Labour Code sets out minimum standards. That means that where your collective agreement already provides more favourable benefits, those benefits remain in place and the Code's provisions do not apply. However, recent changes may give new rights to some of our members working under collective agreement provisions that were put in place before the new rights became law.

Some highlights of the recent amendments are as follows:

Limited right to refuse overtime

The Code now provides for a limited right to refuse overtime to carry out family responsibilities related to the health, education or provision of care to family members. Labour Canada has indicated by way of example that a "family responsibility" relating to education might include attending a parent-child interview at school, but would not include attending a school concert.

The right applies only where the employee has taken reasonable steps to carry out their family responsibility by other means, so as to enable them to work overtime.

There are also some exceptions to this right where the overtime need was unforeseeable and is necessary to avoid a threat to property, life or serious interference with the operation.

Increased Vacation Entitlements

The Code now provides for:

- 2 weeks vacation after 1 year of service
- 3 weeks vacation after 5 years of service
- 4 weeks vacation after 10 years of service

Before these amendments, the minimum vacation time was capped at 3 weeks after 6 years.

New Rights to Take Leaves of Absence

- Leave for Victims of Family Violence – up to 10 days. For employees with more than 3 months service the first five days are paid.

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- Leave for Court or Jury Duty – Employees are entitled to leave to participate as a witness in a proceeding, act as a juror in a proceeding, or participate in a jury selection process.
- Leave for Traditional Aboriginal Practices - This section grants aboriginal employees with at least 3 months service, a leave of absence of up to 5 days each calendar year to engage in traditional Aboriginal practices, including hunting, fishing and harvesting.
- Personal Leave - Employees are entitled to a minimum of 5 days of leave in a calendar year for the purpose of:
 - (a) treating their illness or injury;
 - (b) carrying out responsibilities related to the health or care of any of their family members;
 - (c) carrying out responsibilities related to the education of any of their family members who are under 18 years of age;
 - (d) addressing any urgent matter concerning themselves or their family members;
 - (e) attending their citizenship ceremony under the Citizenship Act.

If the employee has at least 3 months service, the first three days of leave are to be paid.

Because the Code sets minimum standards, employees working under collective agreements that already provide for at least five days of personal leave (including at least 3 days with pay) will not be entitled to five additional days off. Collective agreement leaves that have already been taken for reasons covered by the new personal leave provisions will count against the five leave days, provided that the terms and conditions for taking the leave are at least as beneficial for the employee as the Code provision.

Documentation of Leaves

For each of the new leaves, employers may make a request in writing that the employee provide documentation to support the reasons for the leave where this is "reasonably practicable".

Amended Existing Leave Provisions

- Bereavement Leave of up to 5 days can now be taken at any time starting on the day of death and ending 6 weeks after any memorial or funeral service. For employees with three months service, the first 3 days are to be paid.
- Medical Leave of up to 17 weeks of unpaid leave includes leaves for organ donation and to attend medical appointments during working hours.

The waiting period has also been shortened for a number of existing leaves (maternity, parental, death, disability and critical illness).

Right to Request Flexible Work Arrangements

Under the new provisions of the Code, employees with more than six months service can make a written request for flexible work arrangements.

Employers are entitled to deny such requests where the requested change: i) would result in additional costs that would be a burden on the employer; (ii) would have a detrimental impact on the quality or quantity of work within the employer's industrial establishment, on the ability to meet customer demand or on any other aspect of performance within that industrial establishment, or where; (iii) the employer is unable to reorganize work among existing employees or to recruit additional employees in order to manage the requested change, or (iv) there would be insufficient work available for the employee if the requested change was granted.



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