

Leave for Citizenship Ceremony

Leave for a citizenship ceremony allows new Canadians to take up to four hours of unpaid leave for the purpose of attending their Canadian citizenship ceremonies.

Who Qualifies for Leave for a Citizenship Ceremony?

Employees who have worked for their employer for 30 days qualify for this leave.

How long can an employee be off for a citizenship ceremony?

Employees may take up to 4 hours of unpaid leave to attend their citizenship ceremony and receive their certificate of citizenship, as provided for under the *Citizenship Act*.

How much notice must an employee give to the employer to take Leave for a Citizenship Ceremony?

Employees who wish to take leave for a citizenship ceremony must tell their employer at least 14 days before the ceremony or, if 14 days is not possible, as much notice as is reasonable in the circumstances.

Do employees get paid when on leave?

No. Employers are not required to pay wages to employees while on leave. For all leaves, the legislation only requires employers to provide the time off and allow employees to return to their job when the leave has ended. Employers can, and often do, give greater benefits than those provided for in the legislation.

However, other federal programs may provide income replacement. Employees should contact the federal government to find out what types of leaves have income replacement.

The only exceptions under *The Employment Standards Code* where an employer is required to pay a portion of a leave is under the Domestic Violence Leave and the COVID-19 Vaccination Leave.

Who decides what type of leave an employee is taking?

Employees must tell their employer what type of leave they are taking. The employer will need enough detail to show the time off meets the requirements for a statutory leave.

If an employee requests time off, the employer should ask whether they are advising of a leave available under *The Employment Standards Code* or requesting permission for unpaid time off. Employers do not control when an employee can take a statutory unpaid leave, but they do control other types of time off.

Will the information about the leave be confidential?

Unless it is required by law or the employee has given consent, employers cannot disclose information related to a leave except to other persons in the workplace, who need to know in order to carry out their duties.

What is a period of employment?

The period of employment is the length of time from when an employee starts working for an employer until the day the employment ends.

The period of employment also includes periods of temporary interruption in employment (a layoff, an unpaid leave), seasonal employment, and when an employee returns to work for the same employer after a break of less than two months.

Employees who work in a seasonal industry and return to work with the same employer each season have continuous service. Each consecutive season they return adds one more year of service to their total period of employment.

Layoffs and Periods of Employment

It is important to know how to determine an employee's period of employment because wages in lieu of notice is based on their length of employment.

When layoffs are longer than 8 weeks in a 16-week period, they become terminations and wages in lieu of notice is required. The employment is deemed to have been terminated without notice on the first day of the layoff.

The actual date on which a layoff began does not change because a state of emergency is declared or a state of emergency ends. For example:

- If an employee was laid off on February 18, 2020 and the layoff eventually became a termination, the period of employment will be deemed to have ended on February 18, 2020.
- However, if an employee was laid off on July 8, 2020 and the layoff eventually became a termination, the period of employment will be deemed to have ended on July 8, 2020.

For more information contact Employment Standards:

Phone: 204-945-3352 or toll free in Canada 1-800-821-4307

Fax: 204-948-3046

Website: www.manitoba.ca/labour/standards

This is a general overview and the information used is subject to change. For detailed information, please refer to current legislation including The Employment Standards Code, The Construction Industry Wages Act , The Worker Recruitment and Protection Act, or contact Employment Standards.

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