

## **Leave for Reservists**

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Members of the Canadian Forces Reserves are entitled to unpaid leave and job protection while they are serving our country.

### **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.

### **Does the employer need to pay during the leave?**

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

### **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.

## **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 without specifying a statutory leave, the employer should ask whether they are advising of a leave under The Employment Standards Code or requesting permission for unpaid time-off. Employers do not control when an employee can take an unpaid leave under The Employment Standards Code, but they do control other types of time-off.

## **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.

## **For more information contact Employment Standards:**

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

Fax: 204-948-3046

E-mail: [employmentstandards@gov.mb.ca](mailto:employmentstandards@gov.mb.ca)

Website: [www.manitoba.ca/labour/standards](http://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* and *The Worker Recruitment and Protection Act*, or contact Employment Standards to ask for advice.

Date Published: February 24, 2012