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**CANADIAN FORCES RESERVISTS PROTECTION ACT**  
(CHAPTER 13, 2006 STATUTES)  
**EMPLOYMENT PROTECTION - RESERVISTS' LEAVE**

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This Act amends the *Labour Standards Code*, effective April 24, 2007, to provide a protected unpaid leave for employees who are members of the Canadian Forces Reserves and who are deployed for active service.

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**Q: HOW ARE EMPLOYEES' JOBS PROTECTED?**

**A:** When an employee's leave ends, the employer must accept the employee back into the same position he or she was in, or a comparable position, with no loss of seniority or benefits. If a reservist employee who takes the leave is not given his/her job back, Labour Standards could order him/her reinstated. *(In exceptional circumstances, the employer may be exempt from the duty to re-employ the employee. Please contact Labour Standards for more information.)*

**Q: DO ALL RESERVISTS QUALIFY FOR THE LEAVE?**

**A:** To qualify for the leave, a reservist employee must have been employed by the employer for one year.

The leave and job protection is limited to "Class C" reservists who are on or preparing for an active deployment, either within Canada or overseas, as required by the military in order to fulfill a commitment to active duty. For more information on classes of reserve service or further information for employers, contact the Canadian Forces Liaison Council at 1 800 567-9908 or see its website at [www.cflc.forces.gc.ca](http://www.cflc.forces.gc.ca)

**Q: HOW LONG IS THE LEAVE?**

**A:** The leave is to cover the reservist's period of service up to a maximum period of service of 18 months.

**Q: HOW SOON DOES THE EMPLOYEE HAVE TO RETURN TO WORK AT THE END OF THE PERIOD OF SERVICE?**

The reservist employee must return to work within four weeks of the end of the service period.

**Q: HOW OFTEN CAN A RESERVIST TAKE THE LEAVE?**

**A:** The employee is entitled to leave for a maximum of an 18 month period of service within a three year period. The start date for a period of service must be at least 1 year after the date that employee returned to work from a leave for a previous period of service.

*Continued on reverse....*

**Q: HOW MUCH NOTICE MUST THE EMPLOYEE GIVE OF TAKING THE LEAVE?**

**A:** The employee must give 90 days notice to the employer of her/his intention to take the leave and of her/his intention to return to work. In an emergency situation, where the full 90 days notice cannot be provided, the employee should give as much notice as is reasonably practical.

**Q: DOES NOTICE NEED TO BE IN WRITING?**

**A:** Not necessarily, but if the employer requests that the notice be put in writing the employee must do so.

**Q: WHAT ABOUT BENEFITS?**

**A:** The reservist employee has the option to prepay and continue benefit plans.

**Q: DO EMPLOYEES ACCUMULATE VACATION LEAVE WHILE THEY ARE ON RESERVISTS' LEAVE?**

**A:** No, employees do not earn vacation leave while they are on leave.

**Q: CAN AN EMPLOYER DISCRIMINATE AGAINST AN EMPLOYEE BECAUSE HE OR SHE TAKES RESERVISTS' LEAVE?**

**A:** It is against the law to fire, lay off, or discriminate in any way against employees who have taken a leave of absence provided by *Labour Standards Code*, including Reservists' Leave. This also applies if the employee said that they intend to take a leave or if the employer believes that they may take a leave.

## **HOW TO CONTACT THE LABOUR STANDARDS DIVISION**

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[www.gov.ns.ca/enla/employmentrights](http://www.gov.ns.ca/enla/employmentrights)

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