

Reservists' Leave

The Labour Standards Code has two types of leaves for Canadian Forces Reservists - a training leave available to all reservists and a deployment leave for reservists who accept a deployment for active service.

Training Leave for Reservists (effective May 1, 2011)

All reservists who have been employed with their employer for one year are entitled to up to 20 days unpaid training leave per year in order to take ongoing annual reservist training. This means that the reservist does not have to use vacation leave for this training.

- The 20 days includes necessary travel time.
- The total 20 day entitlement may be broken up into shorter periods as long as they do not add up to more than 20 days.
- An employee on training leave must return to work no later than the next regularly scheduled working day following the training and any related travel time.
- The employee must give at least 4 weeks notice to the employer that they plan to take a training leave, except in an emergency situation, when they must give as much notice as reasonably practical.
- An employer can require an employee to provide a certificate from an official with the Reserves confirming that the employee requires the leave for a period of training.
- During the leave, the employer must let the employee keep up, at the employee's own expense, any benefit plans to which the employee belongs.

Deployment Leave for Reservists

Reservists who are on or preparing for an active deployment, within Canada or overseas, can take an unpaid leave from civilian work to fulfill their military commitment to service.

- In order to qualify for the leave, an employee must be employed with the employer for a year.
- The leave includes training that is necessary for the deployment.
- Reservist employees can take deployment leave for a maximum period of service of 18 months within a 3 year period and must return to work within 4 weeks of the end of the service period.
- There must be at least one year between each deployment leave.
- An employee must give the employer 90 days notice of his/her intention to take the leave and 90 days notice of his/her intention to return to work from the leave. In an emergency situation, where the full 90 days cannot be provided, an employee needs to give as much notice as is reasonably practical.
- An employer can require an employee to provide a certificate from an official with the Reserves confirming that the employee requires the leave for a period of active service.
- During the deployment leave, the employer must let the employee keep up, at the employee's own expense, any benefit plans to which the employee belongs. If the option to keep up the benefits has an expiry date, the employer must give 10 days' written notice before the option to keep up the benefits plan is no longer in effect.
- Employees do not earn vacation leave while they are on deployment leave.

- When an employee returns from the deployment leave, he/she must be accepted back to the same 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.)*

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.

For questions about Reservists Leave, please contact Labour Standards at 1-888-315-0110 or labrstd@gov.ns.ca.

For information on reserve service, contact the Canadian Forces Liaison Council at 1 800 567-9908 or see its website at www.cflc.forces.gc.ca.