

# Reservist Leave

Original Implementation Date:	April 1, 1996	Approved by:
Date of Last Revision:	May 3, 2023	Approved by: Cathie O'Toole, CAO
Effective Date of Last Revision:	May 3, 2023	Approved by: Cathie O'Toole, CAO

## 1 – Policy Name

Reservist Leave

## 2 – Purpose

The Municipality supports employees, who are reservists, in their commitment to the Canadian Reserve Force, by providing approved unpaid leave for training and active deployment, as per the *Nova Scotia Labour Standards Code*. The intent is to provide job protection so employees can take time off from their job for the leave.

## 3 – Objectives

The objectives of this Policy are:

- To support the Canadian Forces in their need for reservists available for training and/or deployment.
- To support employees who have made a commitment to the Canadian Forces as a reservist.
- To meet legislated requirements under the *Nova Scotia Labour Standards Code*.
- To treat employees in a fair and equitable manner.

## 4 – Scope

Applies to all employees. For unionized employees, in the event a provision of the applicable Collective Agreement provides a greater entitlement than is outlined in this Policy, the Collective Agreement prevails.

## 5 – Definitions

In the context of this document:

“Reserves” means that component of the Canadian Forces referred to in the *National Defence Act (Canada)* as the reserve force;

“Service” means a period of

(i) deployment to a Canadian Forces operation, inside or outside of Canada, or engagement inside or outside of Canada in a pre-deployment or post-deployment activity required by the Canadian Forces in connection with a deployment;

(ii) training required by the Canadian Forces, including Canadian Forces military skills training; or

(iii) time in relation to an operation, activity or training referred to in subclause (i) or (ii), for

(A) travel from or to the employee’s residence in connection with the operation, activity or training; or

(B) treatment, recovery or rehabilitation with respect to a physical or mental health problem that results from engagement in the operation, activity or training.

## **6 – Roles and Responsibilities**

### **Executive Directors**

Executive Directors are responsible for:

- Ensuring proper administration of this Policy and delegating approval authority to directors/managers/supervisors as appropriate.

### **Directors/Managers/Supervisors**

Directors/Managers/supervisors, who are delegated this authority by the Executive Director, are responsible for:

- Considering leave requests in accordance with the requirements of the Policy.
- Approving/denying leave requests.
- Supporting the employee in addressing situations that require leave while balancing operational requirements.
- Administering the Policy in a fair and equitable manner.
- Adhering to legislated requirements.
- Ensuring leaves are accurately recorded.

### **Employees**

Employees are responsible for:

- Submitting leave requests to their immediate manager/supervisor, with advance notice as per the *Nova Scotia Labour Standards Code*.
- Accurately reporting all leaves on a regular basis. It is understood that in certain circumstances (e.g., emergencies, etc.) advance notice may not be possible.

## Human Resources

Human Resources is responsible for:

- Providing support to business units and employees regarding the fair and equitable administration of this Policy and any relevant legislation.
- Contacting the employee with regard to the HRM Pension Plan and group insurance benefits.

## 7 – Policy Regulations

- A. An employee who
- (i) is a member of the Reserves;
  - (ii) has been employed by HRM for a period of at least three months or such shorter period as may be prescribed; and
  - (iii) is required by the Canadian Forces to be absent from employment for the purpose of service,
- is entitled to an unpaid leave of absence for the purpose of service for a total no more than twenty-four months in any sixty-month period.
- B. The twenty-four months in any sixty-month period limitation does not apply to a leave of absence taken as a result of a national emergency within the meaning of the *Emergencies Act (Canada)*.
- C. An employee taking a leave of absence under this policy shall give the employer notice in writing, at least four weeks in advance of the date the employee intends to begin the leave, of
- (i) the employee's intention to take the leave;
  - (ii) the anticipated commencement and end date of the leave; and
  - (iii) the anticipated date of return to work.
- D. Where the employee receives notice of the requirement to participate in a period of service and the notice is received less than four weeks before the service is anticipated to commence, the employee shall notify the employer of the information required by clauses C(i) to (iii)
- (i) as soon as is reasonably practicable; and
  - (ii) in writing, unless it is not reasonably practicable to do so.
- E. Where the employer so requests, the employee shall, as soon as is reasonably practicable, provide the employer with a certificate from an official with the Reserves,
- (i) stating that the employee is a member of the Reserves and is required for service; and
  - (ii) where possible, specifying the expected dates for the period of service.
- F. Where any of the information in clauses C(ii) or C(iii) changes, the employee will

- (i) provide the employer with at least four weeks' notice in writing of the new commencement or end date of the leave or the new anticipated date of return to work; and
  - (ii) return to work no later than
    - i. four weeks after the employee's period of service ends; or
    - ii. in the case of a period of service that consists of training other than deployment, the next regularly scheduled working day following the period of service.
  
- G. Where the employee receives less than four weeks' notice that the commencement or end date of a period of service will change and the employee is taking or will take a leave of absence in respect of that period of service, the employee shall notify the employer of the new commencement or end date of the leave and of any anticipated change in the date of return to work that results from that change
  - (i) as soon as is reasonably practicable; and
  - (ii) in writing, unless it is not reasonably practicable to do so
  
- H. Where the leave of absence is for 30 calendar days or less, if the employee opts to continue paying their share of group benefits and pension contributions, the Municipality will cost share. The employee will continue to accrue vacation and sick leave entitlements.
  
- I. Where the leave of absence is for more than 30 calendar days, Employees are not eligible for group insurance benefits. The employee will have the opportunity to accrue pensionable service based on the provisions of the HRM Pension Plan, however employees will be required to make both the employee and employer required contributions to accrue the pensionable service during the leave period. Employees will not accrue sick or vacation leave during this absence. For the purpose of determining future vacation entitlement, this leave will be considered as credited service.
  
- J. The Municipality is required to keep confidential any information received in relation to a protected leave of absence an employee takes. Employers must not share the information except in situations where
  - (i) the employee has consented to the information being shared;
  - (ii) an agent or employee of the employer, such as a manager, needs the information to do their job; or
  - (iii) the law requires that the information be disclosed.
  
- K. The Municipality must accept the employee back to the same position held by the employee immediately before the leave began, or, where that position is not available, in a comparable position with no loss of seniority or benefits when the employee returns from the leave.

## 8 – Repeal

Replaces Reservist Leave Policy dated January 6, 2022.

## 9 – Effective Date

May 3, 2023

## 10 – Related Policies and Practices

Internal:

- Temporary Non-union Employees
- Applicable collective agreements

External:

- *Nova Scotia Labour Standards Code*  
<https://novascotia.ca/lae/employmentrights/docs/labourstandardscodeguide.pdf>
- *National Defence Act*  
<https://laws-lois.justice.gc.ca/eng/acts/n-5/>
- *Emergencies Act*  
<https://laws-lois.justice.gc.ca/eng/acts/e-4.5/>

## 11 – Policy Review

Review every year.

## 12 – Contact

MyHR@halifax.ca or 902-490-6145.

## 13 – Attachments

[Leave Application Form](#)