



TRANSPORTATION DISTRICT 140  
DISTRICT DES TRANSPORTS 140

International Association of Machinists and Aerospace Workers  
Association internationale des machinistes et des travailleurs et travailleuses de l'aérospatiale

ALL IAMAW MEMBERS AT MENZIES AVIATION (CANADA) LTD.

Canada Labour Code Changes in Effect Sept.1, 2019- What do they mean for you?

Amendments to the *Canada Labour Code Part III* came into effect on Sunday, Sept.1, 2019. The IAMAW is an active stakeholder in the Labour Program’s consultation process having provided submissions stating our position on proposed changes.

A number of employers requested exemptions from certain provisions, which has left a lot of unanswered questions. It appears employers want to be able to choose which new provisions to follow and which to ignore. This is deeply concerning, and we await further information on this issue.

Menzies does not appear to be requesting any exemptions, and as of today's date has not indicated otherwise to your Union

For a list of changes, please see the attached chart.

TOPIC	Previously	New Revision
BREAKS	None	<p>Every employee is entitled to an unpaid break of at least 30 minutes during every period of 5 consecutive hours of work. <b>If the employer requires the employee to be at their disposal during the break period, the employee must be paid for the break.</b></p> <p>Every employee is entitled to a rest period of at least 8 consecutive hours between work periods or shifts.</p> <p>Unpaid breaks must be provided to employees to accommodate any medical concerns of the employee or to allow the employee to nurse or express breast milk.</p>
SCHEDULING	None	<p>Employers must provide each employee with at least 96 hours’ advance notice of his or her scheduled hours of work. If an employer prepares a schedule that requires an employee to work during a period which is less than 96 hours from the time the employee received the schedule, the employee has a right to refuse that work. Employers are prohibited from dismissing, suspending, laying off, demoting, disciplining or making promotion or training decisions based on such a refusal. These requirements do not apply to employees who are subject to a collective agreement that provides an alternate time frame for providing schedules or provides that this section does not apply to those employees.</p>
SCHEDULING	None	<p>24 hours’ notice of a shift change, when adding a shift, or changing a shift.</p>
FLEXIBLE WORK ARRANGEMENTS	None	<p><u>Employee:</u> An employee with greater than six months’ consecutive service may request in writing a change to their hours of work, schedule, work location, or any other terms prescribed by regulation.</p> <p><u>Employer:</u> Within thirty days of receiving the request, the employer must respond and if denied, provide written reasons. Denial can only be made on the basis of (1) additional cost to the employer; (2) detrimental impact on quality of work; (3) inability to reorganize workplace; (4) insufficient work for the employee if granted; or (5) any ground prescribed by regulation.</p>
OVERTIME OR TIME OFF BANK	None	<p><u>Employee:</u> If an employee chooses, they may for every 1 hour of overtime worked, direct their employer to provide 1.5 hours off with pay (instead of being paid the overtime pay). Banked overtime hours must be taken within a 3-month period.</p>

		<u>Employer:</u> Must ensure that for every 1 hour of overtime worked, the worker is compensated for 1.5 hours or that banked hours are taken within a 3-month period.
REFUSE OVERTIME	An employee may be required to work in excess of the standard hours of work.	<p>An employee may be required to work in excess of the standard hours of work if the need is unforeseen and otherwise couldn't have been planned for.</p> <p>The employee may refuse overtime to carry out responsibilities related to the health or care of any of their family members or carry out responsibilities related to the education of any of their family members who are under 18 years of age.</p>
VACATION	The entitlement was 2 weeks of vacation for each completed "year of employment." After 6 years of employment with the same employer, the entitlement increased to 3 weeks of vacation.	<p>Employees who complete 10 consecutive years of employment with the same employer will be entitled to 4 weeks of vacation time (8% vacation pay). Employees who complete 5 consecutive years of employment with the same employer will be entitled to 3 weeks of vacation time (6% vacation pay). Employees who complete 1 year of employment will be entitled to 2 weeks (4% vacation pay).</p> <p><u>Note:</u> Previously the right to 3 weeks of vacation was gained after 6 consecutive years of employment</p>
INTERRUPTION OF VACATION	None	<p><u>Employee:</u> Allowed to interrupt their vacation to take a leave of absence, sick leave or absence due to a work-related injury or illness.</p> <p><u>Employer:</u> Must adhere to the <i>Code</i></p>
HOLIDAY PAY	An employee is not entitled to holiday pay in their first 30 days of employment.	Employees are immediately entitled to holiday pay for a general holiday pay and <b>do not need to wait for the 30-day waiting period</b>
PERSONAL LEAVE	None	<p>Employees are entitled to a leave of absence of up to five days per calendar year for:</p> <ul style="list-style-type: none"><li>(a) treating their illness or injury;</li><li>(b) carrying out responsibilities related to the health or care of any of their family members;</li><li>(c) carrying out responsibilities related to the education of any of their family members who are under 18 years of age;</li><li>(d) addressing any urgent matter concerning themselves or their family members;</li><li>(e) attending their citizenship ceremony under the Citizenship Act; and</li><li>(f) any other reason prescribed by regulation.</li></ul> <p>Employees with greater than three months' consecutive service are entitled to <b>the first three days as paid leave</b>. The employer may, in writing and no later than 15 days after an employee's return to work, request that the employee provide documentation to support the reasons for the leave. The employee is required to provide that documentation only if it is reasonably practicable for them to obtain and provide it.</p>
BEREAVEMENT LEAVE	The employee is entitled to leave on any normal working day that falls within the three-day period immediately following the day the death occurred. For example, if a member of an employee's immediate family dies on a Friday, and the employee's regular days off were Saturday and Sunday, bereavement leave would only apply to the Monday.	<p>In the event of the death of an immediate family member, employees are entitled to a leave of absence of <b>up to five days during the period from the day the death occurs until six weeks after the burial or memorial service</b>. Employees with at least three months' consecutive service are entitled to pay for three of the days.</p> <p>Must be taken in one or two periods and can't be less than one full day.</p>

LEAVES FOR: MATERNITY, PARENTAL, CRITICAL ILLNESS OR DEATH OR DISAPPEARANCE OF A CHILD	Entitlement to these leaves required a six-month waiting period.	Employees are immediately entitled to these leaves upon employment and do <u>not</u> need to wait for the 6-month waiting period.  <u>Parental Leave:</u> Up to 63 weeks unpaid leave for the birth or adoption of a child.  <u>Maternal Leave:</u> May take unpaid maternity leave 13 weeks prior to the child’s birth
LEAVE FOR TRADITIONAL ABORIGINAL PRACTICES	None	Employees with greater than three months’ consecutive service and who are Aboriginal are entitled to an unpaid leave of absence of up to five days per calendar year, by providing written notice as soon as possible, to engage in traditional Aboriginal practices, including hunting, fishing, harvesting, and any other practice prescribed by regulation
VICTIMS OF FAMILY VIOLENCE	N/A	<ul style="list-style-type: none"> <li>• Must be a victim or parent of a victim.</li> <li>• 10 days (of which <b>5 days are paid</b>).</li> <li>• To seek medical attention, counselling, legal services; to relocate.</li> </ul>
MEDICAL LEAVE	Employees are entitled to an unpaid leave of absence due to illness or injury where the employee has completed three months’ consecutive service and the employee provides the employer with a certificate of a qualified medical practitioner certifying the employee was incapable of working due to illness or injury during that time.	Employees are entitled to an unpaid medical leave of absence of up to 17 weeks as a result of any personal illness or injury, organ or tissue donation or to attend medical appointments. Employees must provide four weeks’ notice of the intended absence, stating the start date and expected duration of the leave. Where notice cannot be given four weeks in advance, the employee must provide as much notice as possible. Where a leave of absence is three days or longer, the employer can require the employee to provide a certificate issued by a health care practitioner certifying that the employee was incapable of working for the period of time that they were absent from work. Employees will no longer need to have a minimum of three months employment to qualify for medical leave Upon written request from the employee, the employer must advise an employee on medical leave of promotion or training opportunities arising during absence.

Your Union tried to negotiate these new labour laws into your respective collective agreements months before these new laws took effect. Thus, some may already be listed in your CBA.


As far as how these changes to the *Code* apply to your CBA; you are entitled to which ever language is superior.

Example:        If you CBA has better language than a new particular law, then the language in your CBA applies.  
                       Also, if the new law(s) is better than the language in your CBA, then the law applies.  
                       You get whichever is better.

As the law took effect on September 1<sup>st</sup> and Labour Day was on September 2<sup>nd</sup>, all employees are entitled to the General/Stat Holiday pay as new employees no longer have to wait 30 days to be entitled to the General/Stat Holiday.

Some employees will now have access to three (3) paid personal days that can be used for sickness and other reasons.

I think most employers are hoping that the Conservatives will get elected later this year and take away all these changes, much like Doug Ford did provincially here in Ontario. Please remember this when casting your ballot in the fall Federal Election.

Yours in Solidarity,  
  
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 General Chairperson  
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 September 9, 2019.