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GRIST



CANADA EMPLOYERS FACE NEW EMPLOYEE PROTECTIONS IN SEPTEMBER

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13 Aug 2019

New employee protections will [come into force](#) on 1 Sep 2019 as part of the reforms to the [Canada Labour Code](#). The measures include new and expanded leave entitlements, rights to request flexible work arrangements, overtime provisions, notification of shift changes and work schedules, and entitlements to rest breaks and vacations.

PART OF REFORMS IN OMNIBUS BILLS

The new protections aimed at modernizing federal labour standards featured in four omnibus bills — [Bill C-44](#), [Bill C-63](#), [Bill C-86](#) and [Bill C-65](#) — that received royal assent in 2017 and 2018. The Labour Code applies to [federally regulated employers](#) with interprovincial or national activities.

The effective dates for other labour measures included in the omnibus bills haven't been announced. Those provisions include financial sanctions, procedures for complaining about employer reprisals, arrangements for terminating employment, rights of temporary workers, an increased minimum employment age, and new obligations to combat workplace violence and harassment.

HIGHLIGHTS OF REFORMS EFFECTIVE 1 SEP 2019

The Labour Code reforms taking effect in September focus on leave and work-scheduling rights.

Leave Rights

New and expanded leave entitlement. Eligible employees are annually entitled to 10 days' family violence leave, five days' personal leave (of which the first three days will be paid), five days' leave for traditional aboriginal practices, unpaid leave for jury service and expanded bereavement leave. Employees will be allowed to interrupt their vacation to take a leave of absence.

Revised medical leave. Medical leave will replace sick leave entitlement, and employees will be able to take up to 17 weeks' leave. New criteria will expand the grounds for taking medical leave.

Vacation entitlement. Employees employed five years (down from six years) will be annually entitled to at least three weeks' vacation paid at 6% of gross wages, increasing to at least four weeks' vacation paid at 8% of gross wages after 10 years' employment.

Minimum service requirement. The minimum service requirement will no longer apply to eligibility for vacation pay or certain types of leave (maternity, parental and leave on a child's disappearance or death).

Work-Scheduling Rights

Right to request flexible work arrangements. Employees with a minimum of six consecutive months' service can request in writing to change their working hours, work schedules, and certain other terms and conditions. Employers can refuse to grant flexible work requests in certain circumstances.

Overtime. Employees and employers may agree to a minimum of 1.5 hours' paid time off for each hour of overtime worked. Employees fulfilling certain criteria can refuse to work overtime because of family responsibilities.

Shift changes. Employers will generally have to give employees at least 24 hours' written notice of shift changes.

Notification of work schedules. Employers will generally have to provide employees 96 hours' written notice of work schedules.

Break entitlements. Other reforms address employees' rights to work breaks:

- All employees will be allowed a 30-minute unpaid break for every five consecutive hours worked, but the breaks must be paid if employees are at the employer's disposal during that time.
- Employees must generally have at least eight hours free between work shifts.
- Employers will have to give unpaid breaks to nursing mothers and employees with medical issues.

RELATED RESOURCES

Non-Mercer Resources

- [Canada Labour Code](#) (Canadian Department of Justice, 26 Jul 2019)
- [Order, SI/2019-31](#) (Canada Gazette, 12 June 2019)
- [Bill C-86, the Budget Implementation Act, 2018](#) (Canadian Parliament, 13 Dec 2018)
- [Bill C-65, an Act To Amend the Canada Labour Code \(Harassment and Violence\), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1](#) (Canadian Parliament, 25 Oct 2018)

- [Bill C-63, the Budget Implementation Act, 2017, No. 2](#) (Canadian Parliament, 14 Dec 2017)
- [Bill C-44, Budget Implementation Act, 2017, No. 1](#) (Canadian Parliament, 22 Jun 2017)
- [Canada Labour Code](#), Summary of Part III (Canadian Government)

Mercer Law & Policy Resources

- [Federally Regulated Employers in Canada Face New Pay Equity, Employee Protection Requirements](#)
(8 Feb 2019)

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