



MINIMUM WAGE

Minimum Wage, Overtime and Minimum Reporting Wage

- Does New Brunswick have a minimum wage rate?**
Yes, New Brunswick does have a minimum wage rate that employers are required to pay their employees for each hour worked. As of April 1, 2025, the rate is \$15.65 per hour.
Subsequently, the rate will be adjusted in accordance with the Consumer Price Index of New Brunswick.
All employees paid by salary, commission and/or piece work must receive at least minimum wage for every hour worked.
In addition to the general minimum wage rate, there are special minimum wage rates for:
 - certain categories of employees in government construction work (road, bridge and building construction) and;
 - counselors and program staff at residential summer camps.For more information, please contact the Employment Standards Branch.
- Is there a minimum overtime wage rate, and when would it apply?**
Yes, there is a minimum overtime wage rate, which is one and a half times the minimum wage. As of April 1, 2025, the rate is \$23.48 per hour. Employers must pay their employees at least one and one-half times the minimum wage for each hour they work in excess of 48 hours during a work week.
- Can employers require employees to work overtime?**
Yes, employers have the right to require their employees to work overtime hours. However, employers must compensate employees for all overtime hours worked at the minimum overtime wage rate. Barring of hours is not permitted.

- Minimum Reporting Wage**
1. Is there a reporting minimum of hours an employer must pay an employee who has been asked by the employer to report for work?
Yes, the employer must pay the eligible employee the greater of:
 - three hours pay at the minimum wage or the minimum overtime rate for those hours; or
 - the hours worked by the employee at their regular wage rate.Note: Where an employment situation is covered by a collective agreement, the provisions of the *Employment Standards Act* relating to the minimum reporting wage do not apply.
- 2. How does an employee become eligible to receive pay for reporting to work for a minimum number of hours?**
In order for an employee to be eligible to receive pay for a minimum number of hours, the employee must:
 - have reported for work as scheduled or requested by the employer;
 - have a regular wage rate of less than twice the minimum wage rate; and
 - be regularly employed for more than three consecutive hours in a shift. An employee who has ongoing night shifts for at least three consecutive hours would be regarded as having satisfied this requirement.
- 3. Is an employee who works split shifts eligible to receive the minimum reporting wage?**
An employee who works split shifts, and the total number of hours worked in that day are greater than three hours, the employee is entitled to be paid the employer's regular wage rate for the hours worked. In this instance, the minimum reporting wage does not apply.

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Examples	Minimum Wage and Overtime
The calculations and examples below are based on the minimum wage rate of \$15.65 per hour, and the applicable minimum overtime rate (1.5 times the minimum wage rate). As the minimum wage changes, the calculations should reflect the current minimum wage.	
Example 1: An employee earning the minimum wage of \$15.65 per hour who works 50 hours in one week will receive a minimum of \$829.48 in total wages for the week.	48 hrs x \$15.65/hr = \$750.80 50 hrs - 44 hrs = 6 hrs x \$23.48/hr = \$140.88 Total wages \$891.68
Example 2: An employee earning a regular salary of \$18.00 per hour who works 50 hours in one week will receive a minimum of \$932.88 in total wages for the week.	44 hrs x \$18.00/hr = \$792.00 50 hrs - 44 hrs = 6 hrs x \$23.48/hr = \$140.88 Total wages \$932.88
Example 3: An employee earning a regular salary of \$25.00 per hour who works 50 hours in one week will receive \$1250.00 in total wages for the week.	50 hrs x \$25.00/hr = \$1250.00 Total wages \$1250.00

Examples	Minimum Reporting Wage
Example 1: An employee earning \$18.00 per hour, who has worked 44 or fewer hours for the week, reports to work and is sent home after two hours of work should be paid \$46.95 in wages for the shift (the greater of the two amounts).	3 hrs x \$15.65/hr minimum wage = \$46.95 2 hrs worked x \$18.00/hr regular wage = \$36.00
Example 2: An employee earning \$18.00 per hour, who has worked more than 44 hours for the week, reports to work and is sent home after two hours of work should be paid \$70.44 in wages for the shift (the greater of the two amounts).	3 hrs x \$23.48/hr minimum overtime = \$70.44 2 hrs x \$18.00/hr minimum overtime = \$36.00
Example 3: An employee earning \$33.00 per hour, reports to work and is sent home after one hour of work should receive \$330.00 in wages for the shift.	1 hr x \$33.00/hr regular wage = \$33.00 3 hrs x \$15.65/hr minimum wage = \$46.95

Employers and employees may enter into an agreement for greater benefits than provided for in the *Employment Standards Act*. Such agreements shall be respected and enforced by the Employment Standards Branch. This is a guide only. For interpretation and application purposes, please refer to the *Employment Standards Act*, its regulations and amendments.

2016/45 2025/02

PAYMENT OF WAGES

Rules of payment and payroll records

- How often should employers pay their employees?**
Employers are required to pay their employees at least every 16 calendar days. On each pay day, employees should receive all wages and commissions owed to them up to seven days prior to pay day.
- In what form are employers required to pay their employees?**
Employers must pay their employees in Canadian dollars, by cheque or deposit to the employee's personal bank account.
- Do employers have to provide their employees with a pay statement when payment is made?**
Yes, employers are required to give each of their employees a pay statement on each pay day showing:
 - the dates of the pay period and the gross wages for that period; and
 - the amount and description of each deduction, and the net pay.Furthermore, should the employer choose to provide electronic pay statements at the place of employment, he must:
 - obtain the employee's confidential access to the electronic pay statement; and
 - means of making a paper copy of his statement.
- Can employers withhold or treat as wages any tips, gratuities or employer imposed surcharges?**
No, employers cannot withhold or treat as wages any tips, gratuities or employer imposed surcharges. Tips, gratuities and employer imposed surcharges are the property of the employee to whom they are given. Surcharges must be distributed to the employee no later than the next regular pay day after which the employer collected them. There are rules regarding the pooling of tips. For more information, please contact the Employment Standards Branch.
- How soon can an employee expect to be paid after employment ceases?**
When employment ceases, all wages normally due on the next regular pay day must be paid to the employee at that time. All other outstanding wages, commissions, vacation pay, and other benefits must be paid on the following pay day but no later than 21 calendar days after the employee's last day of employment.

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- How long must payroll records be kept on file, and where must they be kept?**
Employers are required to keep payroll records for at least 36 months. This includes any period after the employee ceases to work for the employer. These records must be maintained in the province of New Brunswick.
- Can an Employment Standards Officer enter an employer's office or any premises to inspect, audit or examine employment records?**
Yes, for the purpose of ensuring compliance with the *Employment Standards Act*, an Employment Standards Officer may enter any office or premises and request all books of account and make copies of these items.
- What happens when an employer fails to maintain accurate payroll records?**
If an employer fails to maintain accurate records in accordance with the *Employment Standards Act*, the Employment Standards Branch may accept the evidence of the employee with respect to the employee's employment. In this instance, the onus is on the employer to prove that the employee's evidence is incorrect.

12/76 2017/01

JHSC

OUR JOINT HEALTH & SAFETY COMMITTEE WORKS FOR YOU!

Insert your logo here

Our JHSC is committed to strengthening our health and safety culture to prevent workplace injuries and occupational disease. Our JHSC employee and employer representatives meet regularly to discuss health and safety issues and make recommendations. This can include: workplace inspections; hazard identification and risk assessment; and incident investigation and review.

If you have a health and safety concern you would like addressed, please speak to your supervisor first. To further discuss your concern, contact one of the JHSC members listed below:

EMPLOYEE REPRESENTATIVE	DEPARTMENT	CONTACT INFORMATION
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HUMAN RIGHTS

HUMAN RIGHTS IN NEW BRUNSWICK

Did you know there is a law in New Brunswick that protects you from harassment and discrimination?
Discrimination is when someone treats you negatively because of your identity or personal trait, like your race, national origin, or family status.
The **New Brunswick Human Rights Act (Act)** protects you from discrimination in 5 areas or activities of your life. These include **employment, housing** (i.e. apartment or any other rental properties), **services** (such as an employer fails to maintain accurate records in accordance with the *Employment Standards Act*), **public life** (restaurants, schools, businesses, shops, government services, etc.), **publicity** (signs, advertisements, publications, etc.), and **social associations**.
The Act has 16 grounds of discrimination. These grounds represent your **identity or personal characteristics** (i.e. race, colour, religion), which could make you more vulnerable to discrimination.

- The grounds are:
- Race
 - Colour
 - National Origin
 - Ancestry
 - Place of origin
 - Creed or religion
 - Age
 - Physical disability
 - Mental disability
 - Marital status
 - Family status
 - Sex (including pregnancy)
 - Sexual orientation
 14. Gender identity or expression
 15. Social condition (includes your source of income, level of education and type of occupation)
 16. Political belief or activity

The Act has additional protections for **sexual harassment and reprisal** (i.e. when you are treated negatively because you filed a human rights complaint or you helped with an existing complaint).

If you have a need related to one of the grounds, your employer, landlord or service provider must **accommodate** your reasonable request for that need. This is called the **duty to accommodate** and it is the law.
For example, you take care of a family member suffering from a chronic illness (family status) and need a chair to accommodate your work schedule, so you can meet your caregiving needs.

Duty to accommodate continued
The duty to accommodate means that employers (or housing/service providers) should make changes to their rules or policies to prevent discrimination against individuals protected by the Act.
If it becomes too difficult for an employer to accommodate you (for example, due to safety reasons), then they can deny your accommodation request BUT it's not automatic! This is called **undue hardship**.

Examples of discrimination
Race and ancestry discrimination in services:
Tao is a student in high school (services). His science teacher constantly picks on him and makes comments about his Asian heritage (race and ancestry). Tao feels uncomfortable and thinks his teacher is promoting racial stereotypes in the classroom.

Family status discrimination in housing:
Juan lives in an apartment complex (housing) with his partner and they are having a baby (family status). When Juan tells the landlord of the expected change in his family, the landlord asks the couple to move out before the building's adults-only policy.

Mental Disability discrimination in Services:
Jacques relies on a service animal for his mental disability and goes to a shopping centre (services). At one of the stores, his manager tells him that he cannot enter with the dog. Jacques informs them that the dog is a service animal, but he is still denied entrance.

Reprisal in employment:
Imani is a temporary foreign worker and works in the food industry (employment). She files a human rights complaint after employer makes inappropriate comments to the female staff. Once the employer learns about the complaint, he fires Imani (reprisal) and tells other employees in the area not to hire her.

You can reach us at:
(500) 453-2301
hrcd@gnb.ca
www.gnb.ca/hrc-cdp



EMPLOYMENT STANDARDS

Employment Standards Your Rights and Responsibilities

- Would you like to know more about:
- Rules of Payment and Payroll records;
- Minimum Wage, Overtime and Minimum Reporting Wage;
- Notice of Dismissal, Layoff or Termination;
- Paid Public Holidays and Vacation/Vacation Pay;
- Maternity Leave and Child Care Leave;
- Other Employment Standards Issues Which Include: Critical Illness Leave and Death or Disappearance Leave Domestic, Intimate Partner and Sexual Violence Leave (New Sept 1, 2018);
- Employment of Children, Young Employee Account and Equal Pay for Equal Work;
- Foreign Workers;
- Administrative Penalties
- General Information**
Throughout the various information sheets, where applicable, any references to the masculine shall include the feminine and any references to the singular shall include the plural.
For all questions regarding the Employment Standards Act or its regulations, please contact us in one of the following ways:
- By phone, on our toll free line at 1-888-452-2687;
- By email, at labour@gnb.ca or www.gnb.ca/labour; or
- In person at our nearest Employment Standards office (addresses can be found on our web site).
- Who is covered by the New Brunswick Employment Standards Act?**
Most employers and employees are covered by the *Employment Standards Act*. The Act does not distinguish among part-time, full-time and casual employees. Employees, which include seasonal and construction workers, are entitled to the minimum employment rights outlined in the *Employment Standards Act*.
 - How do collective agreements affect the employment standards rights of unionized employees?**
Unionized employees are typically subject to a collective agreement. Every collective agreement must provide for at least the minimum employment standards in the *Employment Standards Act*. Unionized employees are encouraged to familiarize themselves with the grievance process under their collective agreement.
 - Does the Employment Standards Act protect those employees that fall under federal jurisdiction?**
No, employees who work in areas that fall under federal jurisdiction are covered by the *Canada Labour Code*. Those areas include but are not limited to the following: railways, pipelines, ferries, radio and television, banks, cable systems, extra-provincial trucking and shipping, Federal Crown Corporations and many First Nation activities.
 - Are there any workers who are not subject to the provisions set out in the Employment Standards Act?**
Yes, by virtue of the occupation or industry in which they work, some people are not subject to the provisions of the *Employment Standards Act*. These include people who work in a private home for the homeowner (babysitters, housekeepers, and construction workers who are employed directly by the homeowner) and independent contractors. In certain situations, some people who provide agricultural services to small family farms also are not subject to provisions of the *Employment Standards Act*.

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- Is an employee entitled to a rest period each week?**
Yes, all employees are entitled to a weekly rest period of at least 24 consecutive hours, if possible on a Sunday. The only exceptions to this are where:
 - the employee is required to cope with an emergency; or
 - the employee is not usually employed for more than three hours in any one day.
- Does an employee have to work on a Sunday?**
If an employee works in certain businesses may be able to refuse to work on Sunday. If this employee qualifies and wishes to refuse to work on a Sunday, he must give the employer verbal or written notice of the refusal at least 14 days before any Sunday for which the employee refuses to work.
For more information on which employees qualify, please contact the Employment Standards Branch.
An employer cannot dismiss, suspend, lay off, penalize, discipline or discriminate against an employee for refusing to work on a Sunday.
- Do employees have to be paid for training hours?**
Depending on the circumstances, training hours may be considered regular hours of work and may be required to be paid, unless the training is a prerequisite for the employee's job.
- When an employee makes a claim against his employer, will the employer's name be revealed to the employer?**
An employee's name and certain information are only revealed to the employer with the employee's permission. However, in some circumstances, an investigation cannot proceed without revealing the employee's name. In such cases it will be up to the employee to decide if he wants to pursue his claim or not.
- Are employees entitled to food and rest breaks?**
Yes, all employees are entitled to food and rest breaks as required under the *Occupational Health and Safety Act*.
For more information regarding breaks, please contact Work Safe NB.
- Can an Employment Standards Officer receive an employer's Record of Employment (ROE)?**
No, Employment Insurance Benefits and the Record of Employment are the responsibility of Employment and Social Development Canada, a federal government agency. You may contact them directly for more information.

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12/95 2020/01

EMPLOYMENT STANDARDS

Maternity Leave and Child Care Leave

- Who qualifies for maternity leave?**
Any pregnant employee is entitled to maternity leave.
- What is the maximum duration of maternity leave, and when must it be taken?**
Maternity leave is up to seventeen (17) weeks of unpaid leave, and it must begin no earlier than thirteen (13) weeks before the probable delivery date.
Furthermore, unless otherwise agreed to by the employer and the employee, maternity leave and child care leave are taken by the same employee, the leaves must be taken in a consecutive manner.
- Does an employee have to pay for a maternity leave or a child care leave?**
Yes, an employee is only required to allow an employee to take a leave of absence without pay for maternity or child care. Employees can offer greater benefits than those provided for in the *Employment Standards Act*.
- Does an employee have other options for compensation while on maternity leave or child care leave?**
Yes, the government of Canada offers a program under Employment Insurance that covers certain employees.
- Is an employee required to give notice of maternity leave?**
Yes, a pregnant employee who wishes to take maternity leave must:
 - advise her employer four months prior to her expected delivery date or as soon as her pregnancy is confirmed, whichever is later; and
 - provide her employer with a medical doctor's certificate confirming pregnancy and the probable delivery date;
 - in the absence of an emergency, give her employer two weeks' notice prior to commencing her maternity leave.
- Can an employer require an employee to begin a leave of absence when her work is affected by her pregnancy?**
No, an employer may require a pregnant employee to begin a leave of absence or the performance of her work is materially affected by her pregnancy. Any employer imposed leave of absence must be in addition to any maternity leave the employee is entitled to under the *Employment Standards Act*. Therefore, the maternity leave is not affected by the employer's response.
- Can an employer dismiss, suspend or lay-off an employee, or refuse to employ someone because she is pregnant?**
No. An employer cannot dismiss, suspend or lay-off or refuse to employ someone because she is pregnant.
- How does a leave of absence affect an employee's employment status?**
An employee continues to accumulate seniority during a leave of absence; therefore, the employee's employment status is not affected.

- Who qualifies for child care leave?**
All parents, natural or adoptive, are entitled to child care leave.
- What is the maximum duration of child care leave?**
Child care leave is up to sixty-two (62) consecutive weeks of unpaid leave.

2018/03

INJURIES AT WORK



WHEN AN ACCIDENT HAPPENS

Workers and employers have responsibilities

- WHAT WORKERS MUST DO**
- Report the accident to your employer as soon as possible and before leaving the workplace, following the procedure set by your employer for accident reporting.
- If you have sought medical attention, advise your health-care provider (doctor, for example) that the injury or illness is work-related.
- If you wish to apply for workers' compensation benefits for wage replacement (and/or medical treatment), complete the Application for Workers' Compensation Benefits at worksafe.nb.ca.
- WHAT EMPLOYERS MUST DO**
- Establish a workplace procedure informing workers of their requirement to notify you of any accident before leaving the place of employment.
- If an accident happens, you must:
 - provide first aid;
 - Maintain a logbook of all injuries requiring first aid treatment;
 - When medical attention beyond first aid is needed, ensure that the emergency transportation procedure is followed.

Notify WORKSAFE NB IMMEDIATELY to report the following incidents:
- Any accidental exposure or exposure to a biological, chemical, or physical agent, whether or not a person is injured.
- Any catastrophic event or equipment failure that results, or could have resulted, in an injury or illness to a hospital facility as an in-patient.
- A loss of consciousness.
- Burns requiring medical attention beyond first aid treatment.
- Fractures (other than to fingers or toes)
- Loss of vision in one or both eyes
- Deep lacerations requiring medical attention beyond first aid treatment
- Amputations.
- Fatalities.
For immediate notification, call 1 800 999-9775 and provide incident details.
If the employee becomes injured or ill from the incident, requiring time away from work or medical treatment beyond first aid, complete the Employer Report of Injury or Illness at worksafe.nb.ca.
You have three days to file the report of the date of the accident/injury; date of the diagnosis of illness; or date your employee reported the injury or illness to you.

1 800 999-9775 | worksafe.nb.ca

EMPLOYMENT INSURANCE

Employment Insurance (EI) provides regular benefits to individuals who lose their jobs (for example, due to shortage of work, or seasonal or maternity layoffs) and are available for and able to work, but can't find a job.
Always apply for EI benefits as soon as you stop working. You can apply for benefits even if you haven't yet received your record of employment. If you delay filing your claim for benefits for more than 4 weeks after your last day of work, you may lose benefits.

Do You Qualify? The information below should be used as a guideline. We encourage you to apply for Employment Insurance (EI) benefits as soon as possible and let us determine your eligibility. You need to demonstrate that you:
- were employed in insurable employment;
- lost your job through no fault of your own (including resignation);
- have been without work and without pay for at least 7 consecutive days in the last 52 weeks;
- have worked for the required number of insurable employment hours in the last 52 weeks or since the start of your last EI claim, whichever is shorter.
- are ready, willing and capable of working each day (are actively looking for work and have a written record of employers you contact, including when you contacted them).
- prove your eligibility and to receive payments you may be entitled to, you are required to complete weekly reports by internet or telephone. Failure to do so can mean a loss of benefits.
- You may not be eligible for EI benefits if:

- you voluntarily left your job without just cause;
- you were dismissed for misconduct;
- a letter from the employer states you were directly participating in a labour dispute (for example, a strike, lockout or other type of conflict);
- you were employed by the employer for a period in which you worked under an agreement with your employer, more hours than are normally worked in full-time employment.

If you're in jail You're not entitled to receive EI benefits while you're confined to a jail, penitentiary or other similar institution. If you are released from jail, you may be eligible to apply for a court of law on all counts in relation to the event that led to your incarceration, your qualifying period and benefit period may be extended upon providing necessary proof.
Once you've applied for EI benefits, you'll be asked to provide us with proof that you were confined to a jail, penitentiary or other similar institution and that you were not found guilty of the offence(s) from the event(s) for which you were being held.
If your qualifying period or benefit period to be extended, you'll be asked to submit the following documents:

- a letter from the institution where you were incarcerated, specifying the dates of your incarceration;
- a letter from the institution where you were incarcerated (in relation to the events) that only led to the incarceration event, to confirm the time served is not being credited to any other charge(s) in relation to the offence(s) for which you were being held;
- proof that you have not been found guilty of the charge(s) from the event(s) for which you were being held; and
- proof that you were not found guilty of the offence(s) for which you were being held.

Keep these documents in a safe place. We'll contact you and provide you with further information on how to proceed.

You need at least 420 hours of insurable employment to qualify for EI
Number of hours of insurable employment required to qualify for EI:
The qualifying period is the shorter of:
- the 52-week period ending before the start date of your claim; or
- the period from the start of a previous benefit period to the start of your current benefit period, if you were on a benefit period that was approved in the last 52 weeks.
Exception: In some cases, the qualifying period may be extended to a maximum of 104 weeks if you were employed in insurable employment or if you weren't receiving EI benefits in your area, you'll need between 420 and 700 hours of insurable employment during the qualifying period to qualify for EI.

Information you need to apply Make sure your information is accurate before submitting it. A common mistake, like misspelling your address or name at birth, can delay the processing of your application.
Do not enter your partner's first name, married name, or date of birth.
To complete the online EI application, you will need the following information:

- your social insurance number (SIN);
- your mailing and residential address; you will need to supply proof of your immigration status and work permit;
- the last name at birth of 1 of your parents;
- your mailing and residential address; you will need to supply proof of your complete banking information to sign up for direct deposits;
- the name of your financial institution;
- your account number;
- your names, addresses, dates of employment, and reason for separation

OTHER LEAVES

Other Employment Standards Leaves

- Family Responsibility Leave**
Family Responsibility Leave gives employees time off to deal with the health, care or education needs of a person in a close family relationship. Employees are required to give employees, upon request, leaves of absence without pay for up to three days per year.
Compassionate Care Leave
Compassionate care leave gives employees leaves of absence without pay for up to twenty-eight (28) weeks to care for a person in a close family relationship who is critically ill and has a significant risk of dying.
How does an employee qualify for Compassionate Care Leave?
In order for an employee to qualify for compassionate care leave, the employee must have a written note from a certified medical practitioner stating that a person in a close family relationship has a serious medical condition that carries a significant risk of death within the next twenty-eight (28) weeks and requires care and support.
In addition to these requirements, other conditions apply:
 - should the person in a close family relationship die, the compassionate care leave expires and bereavement leave may then be taken by the employee;
 - the leave may be broken up over the twenty-eight (28)-week period, and may only be taken in periods of at least a one-week duration;
 - the leave may be shared by two or more employees, but the total leave period taken by the employees may not exceed twenty-eight (28) weeks; and
 - there is no length of service requirement for employees to access compassionate care leave.**Does an employee have other options for compensation while on Compassionate Care Leave?**
The government of Canada offers a program under Employment Insurance that covers Compassionate Care Leave. To contact them you may refer to our website for a list of website or telephone numbers under "other links".
- Bereavement Leave**
In the event of the death of a person in a close family relationship, an employee must give a leave of absence without pay for up to five consecutive days.
Bereavement leave is to begin no later than the day of the funeral.
- Sick Leave**
An employee who has worked for the same employer for more than 90 days must be given, upon request, leaves of absence without pay for up to five days during a twelve-month calendar period.
Does an employee have the right to request a physician's note from an employee on sick leave?
When an employee, due to an illness or injury, requests a leave of absence of four or more consecutive calendar days, the employer can require the employee to provide the employer with a medical certificate certifying that the employee is incapable of working due to illness or injury.
- Must an employee give a leave of absence when an employee is summoned to serve on a jury or to act as a witness?**
If an employee is summoned to serve on a jury or to act as a witness in a court proceeding, the employer must give the employee a leave of absence without pay for the period of time the employee is absent from work for this purpose.
- Leave for Reservists' military service**
Who is eligible?
Members in all classes ("A", "B", and "C") of the Canadian Forces reserve force are eligible for leave from their employer to perform military service.
What kinds of military service are eligible?
 - Deployment to a Canadian Forces operation either inside or outside Canada;
 - Participating in operations or post-deployment activities, including training and travel time, within and outside of Canada;
 - A period of treatment, recovery or rehabilitation for a physical and/or mental health problem resulting from these activities; and
 - Annual training.**How long can a leave of absence for military service be and what conditions apply?**
For a leave of absence without pay, the employee can request the leave for:
 - up to 30 consecutive calendar days for the purpose of annual training; or
 - up to 18 months for purposes other than annual training.**Leave for Reservists' military service**
- In the case of a first leave, the employee must have been employed for at least 6 months; or
- In the case of a second or subsequent leave, at least 12 months have elapsed since the date the employee returned to work from his or her most recent leave.
What kind of notice must an employee give the employer of his intention to take a leave for Reservists' military service?
An employee must give the employer at least 4 weeks notice in writing before the beginning of the leave.
The employee must provide the start date of the leave and the anticipated date that the employee will return to work.
The employer may require the employee to provide a certificate from an official with the military or a qualified person in the workplace, including preparing for a participating in a court proceeding, the expected start and end dates of the required service. The 4-week notice requirement may be waived under urgent circumstance such as a natural disaster. In this case, the employee is required to give the employer notice of an intention to take a leave as soon as possible under the circumstances.
- Can an employer extend a military leave that is in progress?**
Circumstances beyond the employer's control may require an extension of a leave that is already in progress.
 - The employee must advise the employer in writing, giving at least 4 weeks notice before the changed date of return to work;
 - The employee must advise the employer in writing that the employee will postpone the employee's return to work by up to 2 weeks beyond the date given by the employer. The employer may not require the employee to return to work earlier than the date given by the employee; and
 - The employee is not required to provide an extension that would result in a total leave that is longer than 18 months.
- Can the employer refuse to grant a leave or extend a leave?**
An employer may refuse to grant a leave or extend a leave:
 - Adversely affect the health or safety of the workplace or public;
 - Change the employer's work schedule;
 - Death or Disappearance Leave (child)
- Eligibility:**
 - An employee who is the parent of a child under 18 years old who has died as the probable result of a crime is entitled to an unpaid leave of up to thirty-seven (37) weeks.
 - An employee is not entitled to the leave if they are charged with the crime.
 - If both parents are employees of the same employer, they are both entitled to the leave.
 - Employees may end the leave early by giving the employer written notice before they wish to return to work.
- Duration:**
 - The period during which the employee may take the leave begins on the day that the death or disappearance occurs and ends thirty-seven (37) weeks after that day.
 - If the child is found alive within the leave period, the employee is entitled to continue taking leave for fourteen (14) days after the child is found.
 - If the child is found dead, or dies as a result of the circumstances of a disappearance, the employee is entitled to take up to thirty-seven (37) weeks of unpaid leave from the day the child is found dead.
 - Where it is no longer probable that a child's death or disappearance is the result of a crime, a leave ends fourteen (14) days after that day, unless the employer and employee agree to an earlier return to work.
- Notice requirements:**
 - Employees must give their employers written notice of their intention to take a leave as soon as possible and before leaving the place of employment.
 - If possible, the information to be provided to the employer includes the anticipated commencement date and duration of the leave.
 - The employer may require the employee to provide evidence that is reasonable in the circumstances of the employee's entitlement to the leave.
 - If circumstances beyond the employer's control require a change in the duration of the leave, the employee must give their employers written notice of their intention to take a leave as soon as possible.
 - If possible, the information to be provided to the employer includes the anticipated commencement date of the leave, the anticipated duration of the leave, and a doctor's certificate.
 - If circumstances beyond the employer's control require a change in the duration of the leave, the employer shall advise the employer of the change.
 - The leave ends the last day of the week in which either the child dies or the parent or other family members are employees of the same employer, the leave of absence is taken for any of the following purposes:
 - to seek medical attention for the employee or the child of the employee for a physical or psychological injury or disability caused by the domestic violence, intimate partner violence or sexual violence;
 - to obtain victim services for the employee or the child of the employee from a qualified person or organization;
 - to obtain psychological or other counselling from a qualified person for the employee or the child of the employee;
 - to relocate temporarily or permanently;
 - to seek legal or law enforcement assistance, including preparing for a participating in a court proceeding, the expected start and end dates of the required service, or the disclosure in the performance of their duties; or
 - the disclosure is authorized or required by law.
- Additional requirements:**
 - For more information regarding domestic violence, intimate partner violence or sexual violence and the impact on the workplace, please contact Women's Equality Branch via email at web-ed@gnb.ca or visit their website at <http://www.gnb.ca/women>.
- General Information on Other Leaves**
Employees shall not suspend, layoff, penalize, dismiss or otherwise terminate an employee during the leave for reasons arising from the leave alone. Nor shall the employer impose disciplinary measures or discriminate against an employee for seeking a leave and/or the actions of the employee are in any way an attempt by the employer to evade any responsibility imposed on him under the Act or any other Provincial or Federal Act or regulation.
An employee granted a leave of absence under the *Employment Standards Act* is deemed to have been continuously employed with the same employer during the leave of absence.
- Definitions**
 - "close family relationship" the relationship between persons who are married to one another, between parents and their children, between siblings and between grandparents and their grandchildren, and includes a relationship between persons who, though not married to one another and whether or not a blood relationship exists, demonstrate an intention to extend to one another the mutual affection and support normally associated with those relationships first mentioned;
 - "critically ill adult" means a person who is under 18 years of age on the day on which the qualified medical practitioner certifies that the person's baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury;
 - "critically ill child" means a person who is 18 years or older on the day on which a qualified medical practitioner certifies that the person's baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury;
 - "qualified medical practitioner" means a person who is entitled to practice medicine under the laws of a jurisdiction in which care or treatment of a critically ill child or adult is provided;
 - "parent" means a person who, in law, is the parent of, has the custody of or is the guardian of a child or a person with whom a child is placed for the purposes of adoption;
 - "family member" means a family member as defined in the *Employment Insurance Regulations* under the *Employment Insurance Act* (Saturday and midnight on the immediately following Saturday);
 - "crime" means an offence under the *Criminal Code* (Canada).

Employers and employees may enter into an agreement for greater benefits than provided for in the *Employment Standards Act*. Such agreements shall be respected and enforced by the Employment Standards Branch. This is a guide only. For interpretation and application purposes, please refer to the *Employment Standards Act*, its regulations and amendments.

12/95 2020/04

WORKPLACE VIOLENCE



This code sets out requirements that this company will follow to manage violence in the workplace. The code of practice administrator is authorized by the employer to manage the code of practice.

Company _____

Workplace Address