



## Questions and Answers

### **Q1. What changes are coming into effect on September 1, 2019?**

A1. Amendments to the *Canada Labour Code* will be coming into effect on September 1, 2019. These amendments include changes to vacation entitlement, working conditions and current leaves of absence, as well as the introduction of new short-term leaves.

### **Q2. Who is impacted by these changes?**

A2. All employees based in Canada are impacted by these changes.

## **LEAVES OF ABSENCE**

### **Q3. How will the new provisions impact leaves of absence?**

A3. The eligibility criteria that requires an employee to have six (6) months of consecutive service in order to be eligible for certain leaves is removed. This change impacts the following leaves: maternity leave, parental/adoption leave, leave for critically ill child, leave for critically ill adult and leave for death or disappearance of a child victim of a crime.

The duration of bereavement leave is increased to five (5) days. If the employee has completed three (3) consecutive months of continuous employment, the employee is entitled to the first three (3) days of the leave with pay at their regular rate of wages for their normal hours of work. The leave may be taken during the period that begins on the day on which the death occurs and ends six (6) weeks after the latest of the days on which any funeral, burial or memorial service of that immediate family member occurs.

Three (3) new short-term leaves are introduced: Leave for Family Responsibilities (up to five (5) days per calendar year), Leave for Victims of Family Violence (up to ten (10) days per calendar year) and Leave for Traditional Aboriginal Practices (up to five (5) days per calendar year). Additional information about these leaves can be found under *HR CONNEX > My Benefits > Time Away from Work > Personal Leave*.

### **Q4. If I do not use the Family Responsibility leave, the leave for Victims of Family Violence or the leave for Traditional Aboriginal Practices in a given calendar year, can I carry over the days to the following calendar year?**

A4. No, the entitlement does not carry over from year to year if unused.

### **Q5. How do I apply for the new short-term leaves (Family Responsibility leave, leave for Victims of Family Violence or a leave for Traditional Aboriginal Practices)?**

A5. You must send a written request to your manager, as soon as possible prior to the start of your leave, explaining the reasons why you require the leave and the length of the leave that you intend to take.

### **Q6. Will the new short-term leaves (Family Responsibility leave, leave for Victims of Family Violence or leave for Traditional Aboriginal Practices) be pro-rated in 2019?**

A6. No, the new short-term leaves will not be pro-rated in 2019. Employees will have the full entitlement for the period of September 1, 2019 to December 31, 2019.



**Q7. Will I be eligible for Pension buy back on the unpaid portion of these new short-term leaves and bereavement leave?**

A7. Yes, if you are a member of a Defined Contribution (DC) plan, you will be entitled to payback your pension contributions and get the employer match at the same time. If you are a member of a Defined Benefit (DB) plan, since these leaves are less than 30 days, there is no need to buy back as the month of the absence will be fully credited.

**Q8. Can my Manager refuse to grant me a Family Responsibility leave?**

A8. No, if you meet the eligibility criteria and give your manager notice in writing of the reasons for your leave and its length, as soon as possible before the start of your leave, your manager cannot refuse to grant the leave unless you have previously exhausted any collective agreement leave entitlement which provides for the same type of leave. Your manager may, in writing and no later than 15 days after your return to work, request documentation to support the reasons for your leave. Examples of documentation could be a certificate from a health care practitioner or a note from a school official confirming an appointment.

**Q9. Can you give examples of Family Responsibility leave?**

A9. Examples of education-related responsibilities:

Attending parent-teacher meetings, meeting with education specialists to optimize the child's development, meeting with a school counselor/principal to discuss behavioral challenges at school, accompanying a student with special needs to ensure they can participate in an educational activity and attending a school orientation or registration meeting.

*The following activities would not qualify: attending a school-related performance, accompanying a child on a school recreational activity or excursion, accompanying an older child for their first day at school, bringing a child to a community art class or sporting activity or helping a family member study for an exam.*

Examples of responsibilities related to the health or care of an employee's family member:

Accompanying the family member to an appointment with a health care practitioner, accompanying the family member to a pre-planned surgery, accompanying the family member to the hospital or other medical institutions to undergo scheduled medical tests, picking up the family member from school due to an illness, injury or medical emergency, taking care of a young child for a day following an unexpected school or day care closure, taking care of the sick or injured family member at home, making arrangements for the family member's long-term care or purchasing medications or medical equipment for the family member.

*The following activities would not qualify: attending a family social gathering, walking the dog, buying groceries or watering the plants of a family member, helping with a family member's wedding arrangements, dealing with non urgent legal issues (e.g. wills, powers of attorney, do not resuscitate orders) for the family member and picking up mail, going to the bank or paying bills for the family member.*

Examples of responsibilities to deal with "an urgent matter":

The situation must require the employee's immediate action or attention in order to avoid significant negative consequences, such as dealing with flooding or a fire at home, dealing with the aftermath of a serious car accident, providing assistance to the police as a witness to a crime, waiting at home for a technician to perform urgent furnace work (during winter) or helping locate a family member who had just been reported as having disappeared.

*The following activities would not be deemed urgent matters: attending a graduation ceremony, waiting at home for a non-essential service call (e.g. cable installation), meeting with a real estate or mortgage agent as part of a house sale/purchase, taking advantage of a sales event or arriving in time for a family member's surprise birthday party.*



**Q10. Will employees who are already entitled to personal leave or other similar leaves under their collective agreement be eligible for additional leaves with the new Family Responsibility leave?**

A10. Employees whose collective agreement provide them with five (5) or more days of personal or other leave, including at least three (3) days with pay, will not be entitled to additional personal leaves under the *Canada Labour Code*, as long as, (i) the leave can be taken for any of the reasons listed under Family Responsibility leave, (ii) the leave can be divided in at least five (5) periods of one day each, and (iii) the conditions for taking the leave, the pay, benefits, pension entitlement during the leave are at least as beneficial for the employee as the Family Responsibility leave under the Code.

**Q11. Am I required to substantiate the leave for Victims of Family Violence and what proof would be requested?**

A11. Yes. Your manager may, in writing and no later than 15 days after your return to work, request documentation to support the reasons for your leave. Examples of documentation could be a certificate from a health care practitioner, a police report or a receipt for counselling services. You do not need to provide specific private details about the family violence situation.

**Q12. Where can I find information on services offered to victims of family violence?**

A12. There is a reference document available on the HR CONNEX portal under *Policies & Forms > Forms & Reference Documents > HR Policies and Programs > Victims of a Crime – Reference Document*.

**Q13. Am I required to substantiate the leave for Traditional Aboriginal Practices and what proof would be requested?**

A13. Yes. If requested, you must provide documentation that shows that you are an Aboriginal person.

## **STATUTORY HOLIDAYS & VACATION ENTITLEMENT**

**Q14. How is the statutory holiday entitlement changing?**

A14. The 30-day period of active service prior to obtaining statutory holiday pay has been removed. For example, if an employee is hired on August 20<sup>th</sup>, they will be entitled to statutory holiday pay for Labour Day (September 2<sup>nd</sup>).

**Q15. How is the vacation entitlement changing?**

A15. Employees who have 10 completed years to 14 years of service in 2019 and less than 4 weeks of vacation will be entitled to an additional prorated week of vacation for 2019 and 4 weeks of vacation in 2020.

**Q16. Where can I verify my vacation entitlement?**

A16. You can contact the Employee Care team Monday to Friday from 8:00 a.m. to 7:00 p.m. (ET) at 1-833-847-EMPL (3675) or via email to [people.employees@aircanada.ca](mailto:people.employees@aircanada.ca).

## **WORKING CONDITIONS**

**Q17. What is changing in the working conditions of the *Canada Labour Code*?**

A17. There are a number of changes to working conditions that will be in effect on September 1, 2019, namely changes related to flexible work arrangements, shift changes, scheduling notices and breaks.



**Q18. What are flexible work arrangements?**

A18. An employee who has completed six (6) consecutive months of continuous employment may request a change to the following terms and conditions of employment: (a) number of working hours, (b) work schedule, and (c) work location. The request must be made in writing to the Manager and include several elements: (a) the employee's name, (b) the date of the request, (c) a description of the change sought, (d) the date on which the change would take effect and if the change is intended to be temporary, the date on which the change will cease, and (e) an explanation of the effect that the requested change would have on Air Canada and the manner in which Air Canada could manage that effect. The request may be granted, offered to be granted in part or with an alternative change, or refused.

**Q19. How can I request a flexible work arrangement?**

A19. You must send an email to your reporting manager and indicate the following: description of the arrangement, effective date, if the change is intended to be temporary, the date on which the change will cease, an explanation of the effect that the requested change would have on the employer and the manner in which the employer could manage that effect. Flexible Work Arrangement requests must be reviewed by your reporting manager, Human Resources and Labour Relations (if you are a unionized employee). We are currently developing an etool to automate this process. Additional information will be added to this FAQs once the tool is available.

**Q20. Am I entitled to flexible work arrangements as a unionized employee?**

A20. A number of our collective agreements currently provide for a variety of flexible work arrangements. Under the new provisions, employers cannot change terms or conditions of employment contained in a collective agreement unless the change is agreed to in writing by the employer and the union.

**Q21. On what grounds can the Company refuse a flexible work arrangement?**

A21. The Company may refuse a request if (a) the requested change would result in additional costs that would be a burden on the Company, (b) the requested change would have a detrimental impact on the quality or quantity of work or the ability to meet customer demand or any other aspect of performance within the establishment, (c) the Company is unable to reorganize work among existing employees or to recruit additional employees in order to manage the requested change, (d) there would be insufficient work available for the employee if the requested change was granted.

**Q22. In what circumstances can I refuse to work overtime?**

A22. You can refuse to work overtime in order to carry out responsibilities related to the health or care of any of your family members or the education of your family members who are under 18 years of age only if you have taken reasonable steps to carry out your family responsibility by other means, so as to enable you to work overtime, and even though reasonable steps have been taken, you are still required to carry out that responsibility during the period of the overtime. However, you cannot refuse to work overtime in the event of unforeseen situations which could reasonably be expected to present an imminent or serious threat of serious interference with Air Canada's operations, or other unforeseeable emergencies.

**Q23. When does the Company have to provide me with my work schedule?**

A23. Under the new provisions, the Company is required to provide you with your work schedule in writing a minimum of 96 hours before the start of your first work period or shift under that schedule. Where less than 96 hours are provided, you have the right to refuse any shift that begins within 96 hours of receiving notification of your schedule. However, the Company may provide you with less than 96 hours' notice (a) in the event of unforeseen situations which could reasonably be expected to present an imminent or serious threat of serious interference with Air Canada's operations, or other unforeseeable emergencies, (b) if your collective agreement specifies otherwise, or (c) if you requested the change in schedule under a flexible work arrangement.