



Management Labour and
Employment Lawyers

THE EMPLOYERS'Edge

BULLETIN

Military Reservists' Leave is Now Law

In the Winter 2008 edition of *The Employers' Edge* we discussed proposed legislation which created a new job-protected leave for military reservists serving on certain domestic operations and international deployments. The Ontario Legislature has recently passed this law and its amendments to the *Employment Standards Act, 2000* (the "ESA") are now in force.

Prior to this amendment, military reservists working as civilians in Ontario did not enjoy any legislative job protection unless one had been negotiated con-

tractually. The *Fairness for Military Families Act* allows an employee who is a reservist, and who has worked for his or her civilian employer for at least six consecutive months, to take a leave without pay if he or she is deployed to a Canadian Forces operation outside the country or to an operation inside Canada that provides emergency relief assistance. Furthermore, upon completion of the leave, employers are now required to reinstate the reservists to their same position if it still exists or to a comparable position if it does not. As with other leaves under the ESA, the reinstatement

obligation would not apply if the reservist's employment is ended solely for reasons unrelated to the leave. It is important to note that this leave is only available to a qualified employee if his or her deployment began on or after December 3, 2007, and the reservist's notice to take leave was given on or after that date.

New regulations may eventually be drafted with respect to these amendments. Crawford Chondon & Partners LLP will continue to monitor these developments and will provide updates in future editions of *The Employers' Edge*.

New Employment Standards Act Posting Requirements

On February 29, 2008 the Ontario Government announced the release of an amended "What You Should Know about the Employment Standards Act, 2000" poster that employers in Ontario are required to post in their workplaces. The new poster reflects recent changes to the Employment Standards Act, 2000 (the "ESA") dealing with the new minimum wage, reservist leave, declared emergency leave, Family Day, and employees who qualify to take a family medical leave. Many of these topics have been reviewed in our previous newsletters.

This amended poster replaces the current posting requirements and the posting is

mandatory for most employers in Ontario. A failure to post constitutes a contravention under the ESA. The Ministry of Labour has advised that there will be a transition period between February 15, 2008 and April 15, 2008 during which employment standards officers will issue compliance orders to any employers who haven't posted the amended poster in their workplaces. A failure to comply with these orders could result in prosecutions. On or after April 15, 2008 Employment Standards Officers will be able to use the full range of enforcement measures under the ESA (including fines, orders and compliance orders) where there is a contravention of these posting obligations.

The posters must be posted in English and any other language(s) predominantly spoken in a workplace. The Ministry has made posters available in more than twenty (20) languages.

Facts sheets and posters can be downloaded at: <http://www.labour.gov.on.ca/english/es/poster.html>

If you have any questions about these new posting requirements, please do not hesitate to contact any of our lawyers at Crawford Chondon & Partners LLP, 905-874-9343 or info@ccpartners.ca.

Suite 430, 2 County Court Blvd.
Brampton, ON L6W 3W8
Tel: 905-874-9343
Fax: 905-874-1384

info@ccpartners.ca
www.ccpartners.ca

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