

Number:	RHR-212
Title:	Compensation Framework, Annual, Statutory and Other Leave
Person responsible for enforcement:	Vice-Rector, Administration
Entered into force:	December 4, 2019
Approved:	December 4, 2019 by the Board of Governors
Revision approved:	May 15, 2024 by the Administration Committee <i>This document replaces all previous regulations on this subject.</i>
Exception:	No exception to this regulation without prior written authorization from the Board of Governors

In this document, the masculine form is used without prejudice and for conciseness purposes only.

1. OBJECTIVE

Provide a competitive total compensation package.

2. APPLICABILITY

This regulation applies to employees who are members of the regular administrative and management staff.

3. DEFINITIONS

For the purposes of this regulation:

Continuous service: The period during which an employee receives a base or partial salary without a break in employment.

Date of seniority: The date recognized as being the first day of full-time regular employment. If an employee returns to the University less than 13 weeks after having left it, their original date of seniority will be recognized.

Leave without pay: An authorized leave during which an employee does not receive a salary.

Spouse: Person to whom the employee is married or with whom they lived for at least one year, and who has been declared to Human Resources Services as spouse.

Reasonable grounds: An event beyond the employee's control that prevents them from coming to work (examples: illness, injury, medical emergency, a death, etc.). The employee is responsible for demonstrating that they had reasonable grounds for being absent from work.

Compensatory leave: Leave that replaces a statutory holiday. Employees who take compensatory leave are entitled to be paid for statutory holidays.

4. WORKWEEK

Each work week for indeterminate or fixed-term employees with a contract of more than six months, in a full-time position at (35) hours or forty (40) hours per week, consists of four work days and one full free day.

- a) The free day must be taken for statutory holidays, sick leave, marriage leave, moving leave, bereavement leave, birth or adoption leave, personal emergency leave or any other compulsory leave decreed by government authorities.
- b) The free day may also be taken for any other reason, including volunteer work in the community.
- c) If a "Christmas vacation" (i.e. the period from December 23 at 4 p.m. to January 3 at 8 a.m.) is granted in the week preceding December 25 or following January 1, the employee is not entitled to a free day that week.
- d) The choice of free day for each work week must be made in consultation with the immediate supervisor, who will be responsible for maintaining equity among employees and ensuring continuity of operations.
- e) An employee may also choose to take two free half-days in the same week instead of one full free day, again in consultation with the immediate supervisor, who will be responsible for maintaining equity among employees and ensuring continuity of operations.
- f) An employee who takes more than one free day in a given week will be required to give up their free days in the weeks immediately following as far as possible. At no time may an employee take more than four free days in advance. Any exceptional situation will be examined by the Human Resources Department.
- g) With the authorization of their supervisor, an employee may decide to work five days in a given week in order to build up a reserve of up to four free days, which may be used for all the types of leave listed above. It is understood that this reserve may not be used to add a week's vacation, and that the supervisor is obliged to allow an accumulation of four free days per year. This reserve may be transferred from one year to the next.
- h) An employee returning from short- or long-term disability leave will not be required to take back any excess vacation days taken prior to such leave if the leave has been approved by the insurer.
- i) If an employee does not take their free day for any reason whatsoever and already has four free days in reserve, it will be forfeited, unless at the request of the Employer.

Employees who work less than 35 hours per week or who have a fixed-term contract of six months or less are entitled to the leave provided for in the Ontario Employment Standards Act.

5. ACQUIRED RIGHTS

In the case of a demotion, the employee will keep the accumulation rate of annual leave that they had before the demotion, but all subsequent increases in the accumulation rate will be made on the basis of the classification of their new position.

6. REGULATION

6.1 Annual leave

- a) A regular administrative staff member is entitled to annual paid leave according to Table A. A regular management staff member is entitled to annual paid leave according to Table B.
- b) Annual leave is credited monthly. An employee who does not receive pay for 10 days or more during the month does not receive vacation credit for that month.

- c) Annual leave must be taken during the year in which it is granted. Each employee must take at least one two-week period or two one-week periods of annual leave per year.
- d) The supervisor has the right to determine the period during which the employee can take the annual leave. Where possible, this determination must consider the wishes of the employee.
- e) An employee can automatically defer up to two work weeks in annual leave. In exceptional cases, an additional request to defer can be granted. Such a request must be submitted to Human Resources Services by the supervisor. All unused accumulated days of annual leave that exceed the authorized number will be automatically lost.
- f) Each administrative unit must establish a process for organizing annual leave. If there is a conflict among the staff and the employees are not able to come to an agreement, seniority will be the deciding factor.
- g) During the hiring process, certain conditions may be negotiated. In this context, the employment contract must specify precisely the number of days of annual leave that will be authorized for the current year and the following year. No exception can be negotiated without the prior agreement of Human Resources Services or the Vice-Rector, Administration.
- h) Any employee who, as of April 30, has not completed their first year of continuous service will be granted 0.66 working days vacation per month worked. An employee in a term position with a contract of less than six (6) months will receive vacation pay of 4% of gross salary including overtime and holiday pay.

6.2 Statutory holidays

Statutory holidays are:

- New Year's Day;
- Family Day;
- Good Friday;
- Easter Monday (non-legislated);
- Victoria Day;
- Canada Day;
- Civic Holiday in August (non-legislated);
- Labour Day;
- Thanksgiving;
- Christmas;
- Boxing Day.

Employees who occupy a regular position are entitled to these holidays except in the following cases:

- a) The employee does not carry out the full day of work that is part of their schedule the day before the holiday and the day after the holiday without giving a reasonable explanation;
- b) The employee who agreed to work or who was required to work did not put in their full workday on the actual holiday.

Remuneration:

- a) Under the Ontario *Employment Standards Act*, an employee who is entitled to legislated statutory holidays and who is asked to work and consents in writing has two options:
 - i. The employee receives their normal salary for the hours worked on the holiday, plus an extra day of paid leave. This compensatory leave must be taken within the 3 months following the holiday or, if the employee agrees in writing, within the 12 months following the statutory holiday.

- ii. The employee receives one and a half times their base salary for the hours worked on the statutory holiday. In this case, the employee is not entitled to compensatory leave.
- b) The method of payment must be established before the holiday, by authorized persons within the administrative unit, along with the employee.
- c) Persons who occupy a temporary position are not eligible for non-legislated holidays.

6.3 Paid Christmas leave

Employees are entitled to paid leave during the period beginning on December 23 at 4:00 p.m. (or the usual time of the work schedule) and ending on January 3 at 8:00 a.m. (or the regular time for starting work). If January 3 falls on a Saturday or Sunday, the return to work takes place at 8 a.m. on the first working day following.

6.4 Special leave

Employees may take unpaid leave, according to the *Employment Standards Act*, for any of the following reasons: personal illness, injury or medical emergency; death, illness, injury or medical emergency of a close relative or dependant; or an urgent matter involving a close relative or dependant.

A maximum of 10 working days per year may be taken in this way, each half-day being considered a full workday. Reasonable proof of circumstances related to these leaves must be provided to the supervisor.

6.5 Family leave for medical reasons

Unpaid family leave for medical reasons of up to 8 weeks is granted to provide care or support to a close relative, if a qualified medical practitioner provides a certificate stating that the person is seriously ill and that there is a major risk of death within 26 weeks or less.

6.6 Unpaid leave

All requests for unpaid leave for a maximum period of one year, which may be renewed at the discretion of the University, must be made in writing to the supervisor two months before the expected date of departure and must be approved by the Vice-Rector, Administration. One copy of the request should also be sent to Human Resources Services.

During the leave, the position will remain open or can be occupied temporarily by a replacement. Upon their return, the employee will be reinstated into their position or will be transferred to another position that is as equivalent as possible.

An employee with less than one year of continuous service is not entitled to unpaid leave.

A request for unpaid leave may be granted in particular for the following reasons:

- professional or cultural development;
- academic, artistic or technical studies;
- extended parental leave;
- personal family member's health;
- federal, provincial or municipal political duties.

Authorization for unpaid leave will take into account the following criteria:

- the recommendation of the supervisor;
- the reason for the leave;
- the length of the leave;
- the employee's continuous length of service;

- the length of service expected after the return to work;
- the possibility of finding, on a temporary basis, a competent replacement;
- performance

An employee who takes an unpaid leave can continue to participate in the various benefit plans, except the pension plan, by advising Human Resources Services in writing 60 days before the leave begins and by committing to pay the full cost before their departure (employer and employee contributions).

During an unpaid leave, the employee is not eligible for:

- the various types of leave outlined in the present regulation;
- sick leave;
- the tuition exemption program (for the employee or their spouse or dependants).

An employee who takes unpaid leave of more than 10 consecutive or non-consecutive days in one year will not accumulate annual vacation days during the period of unpaid leave.

An employee who is on unpaid leave for medical reasons must present to Human Resources Services a medical certificate stating that they is medically fit to return to work.

Advancement will be recognized in proportion to the period of unpaid leave. Advancement will be granted to an employee who occupies a full-time regular position when activities during this leave are recognized as being experience or studies relevant to the position occupied at the University. A written document presenting the details justifying the recognition must be submitted to the Vice-Rector, Administration for review. The decision will be made by the Administration Committee.

6.7 Court leave

Paid leave is granted to any employee who is required to serve on a jury before a court of law or before any judicial or statutory body in Canada that has the power to require the presence of witnesses.

Payment received during court leave will be reduced by the full amount paid by the court, if applicable, for attendance.

In the event that an employee's presence is required before a civil, administrative or criminal court in a case in which they are a party, the employee may use free days, vacation days or accumulated overtime to attend. At an employee's request, unpaid leave will be granted by the Employer.

6.8 Leave to attend mandatory religious services

An employee may use a free day, annual leave, lieu or banked time, or leave without pay or, with the approval of their immediate supervisor, establish a flexible work schedule in order to attend mandatory religious services, in accordance with the principles of adaptation of the *Human Rights Code*. In all cases, the employee must give the immediate supervisor five days' notice.

Tables A and B: Vacation time based on employment category

	Period	Number of work days
Table A Administrative Staff	After 12 months of continuous service	18 days
	After 2 years of continuous service	12 days
	After 8 years of continuous service	16 days
	After 14 years of continuous service	18 days
	After 19 years of continuous service	20 days
	After 25 years of continuous service	24 days
Table B Management Staff	After 12 months of continuous service	12 days
	After 5 years of continuous service	18 days
	After 10 years of continuous service	21 days
	After 15 years of continuous service	23 days
	After 20 years of continuous service	24 days
	After 25 years of continuous service	28 days
<p>Note: Since each working week is made up of four working days and one full free day, 8 free days is equivalent to two full weeks of annual leave (i.e. 8 working days + 2 days free), 12 days free is equivalent to three full weeks of annual leave (i.e. 12 working days + 3 days free), etc.</p>		