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## FACT SHEET FOR EMPLOYEES OF BELL TECHNICAL SOLUTIONS

Your union, the Communications, Energy and Paperworkers Union of Canada, is providing you with this fact sheet concerning the *Canada Labour Code*. In December 2009, the Canada Industrial Relations Board issued orders by which it determined that Bell Technical Solutions was regulated by the *Canada Labour Code*. The decision of the Canada Industrial Relations Board included an order that the Collective Agreement in place continue to be in force.

The *Canada Labour Code* provides for minimum standards of employment for employees who are subject to Federal jurisdiction. Generally, your Collective Agreement provides for superior terms and conditions of employment and these will continue to apply to you.

### 1. Hours of Work

The *Canada Labour Code* provides that the standard hours of work of an employee shall not exceed eight hours in a day and 40 hours in a week. Further, the *Code* provides the maximum number of hours that may be worked in a week shall not exceed 48 hours.

### 2. Overtime Pay

The *Canada Labour Code* provides that the Employer shall pay overtime at a rate of wages not less than one and one half times the regular rate of wages when the employee works in excess of the standard hours of work (i.e., eight in a day or 40 in a week).

### 3. Vacations

The negotiated sections of the Collective Agreement for annual vacations are superior to the Vacation benefits required by the *Canada Labour Code*.

### 4. Holidays

The Collective Agreement provides for nine holidays and the *Canada Labour Code* also lists nine holidays which includes Remembrance Day. There is a dispute between the Company and the Union concerning whether employees are entitled to Remembrance Day as a holiday and a grievance has been filed in relation to this issue.

### 5. Maternity Leave and Parental Leave

The current Collective Agreement provides that pregnancy and parental leave shall be in accordance with the stipulations under the *Employment Standards Act*. Employees are now subject to the *Canada Labour Code* and accordingly those provisions apply. For employees who have completed six months of continuous employment, employees are entitled to maternity leave of up to 17 weeks, and are further entitled to parental leave of up to 37 weeks.

The *Canada Labour Code* also provides that employees taking these leaves are entitled to notice of employment, promotion or training opportunities, and are further entitled to be reinstated in the position they occupied prior to the leave. Additionally, the pension, health and disability benefits and seniority of the employee, continue to accumulate during the period of the leave.

## **6. Compassionate Care Leave**

Employees are entitled to a leave of absence of up to eight weeks to care for or support a family member provided that a medical practitioner has issued a certificate stating the family member has a serious medical condition with a significant risk of death within a period of 26 weeks.

## **7. Bereavement Leave**

The Collective Agreement provides for superior benefits with respect to bereavement leave than the *Canada Labour Code*.

## **8. Termination of Employment**

The *Canada Labour Code* contains special provisions concerning situations where a company terminates 50 or more employees. These provisions include the establishment of a joint planning committee made up of union and employer representatives and notice of the termination must be provided at least 16 weeks in advance.

## **9. Termination Pay and Severance Pay**

The *Canada Labour Code* contains specific provisions related to the payment of termination pay and severance pay to employees when they are terminated. At least two weeks written notice (or pay in lieu of) is required for termination pay, and severance pay must be paid in the amount of five days wages, plus an additional two days wages for each completed year of employment.

## **10. Sick Leave**

The *Canada Labour Code* provides employees with the right to sick leave provided they have completed three months of continuous employment and the period of absence is less than 12 weeks. During this period, the *Code* provides that the pension, health and disability benefits and seniority of the employee continue to accumulate during the entire period of the absence.

## **11. Retirement**

Canadian Human Rights Act - Exceptions 15. (1) It is not a discriminatory practice if

(c) an individual's employment is terminated because that individual has reached the normal age of retirement for employees working in positions similar to the position of that individual.

## **12. Conclusion**

The purpose of this fact sheet was to provide an overview with respect to certain standards set out in the *Canada Labour Code*. If you have specific questions concerning your rights under either the *Code* or Collective Agreement, please contact either your local steward, or the National Representative of the Communications, Energy and Paperworkers Union of Canada for further information.