

EMPLOYERS REQUIRED TO PROVIDE MILITARY RESERVIST LEAVE UNDER THE  
*EMPLOYMENT STANDARDS ACT, 2000*

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On December 3, 2007, the Ontario government introduced and passed legislation that provides job-protected leave for military reservists under the *Employment Standards Act, 2000*. Such a leave is available for reservists serving on certain domestic operations, such as search and rescue operations or national disasters such as flood relief or ice storms, as well as for international deployments.

Employers whose employees are covered under the *Employment Standards Act, 2000* are required to provide military leave if an employee is eligible. Unlike personal emergency leave, the military leave provisions applies to employers of all sizes.

**Requirements for Leave**

To be eligible, the employee must have worked for the employer for six consecutive months. Employees must provide reasonable notice, in writing, before beginning and ending the leave. If employees must begin the leave before advising their employer, employees must advise their employer of the leave as soon as possible after beginning it. Employers may ask the employee seeking military leave for proof of service and deployment to a Canadian Forces operation.

**Length of Leave**

Employees are entitled to a leave period necessary to engage in the operation they are deployed to. If they are to be deployed outside Canada, the period of leave includes pre-deployment or post-deployment activities.

**Rights**

Employers are not required to pay an employee who is on military leave or contribute to pension or benefits plan during the leave. However, if the employer postpones the employee's date of return to work, the employer is required to pay the employee and contribute to any pension or benefits plan during the postponement. Employers may postpone the reservist's date of return by up to two weeks or one pay period, whichever is later.

When employees complete their deployment, employers are required to return them to the same job or a comparable position if their old job no longer exists.

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