



# Changes to the *Canada Labour Code*

to take effect December 2022



# Table of contents

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Changes to the <i>Canada Labour Code</i> affect paid leave for Canada Post employees.....	3
Employees covered by a collective agreement with a personal day calendar of July 1 to June 30 .....	4
Summary chart.....	5
Employees <b>not</b> covered by a collective agreement with a personal day calendar of January 1 to December 31 .....	6
Summary chart.....	7
Employees who <b>do not</b> have personal days under a collective agreement or terms of employment.....	8
Summary chart.....	9
Examples of scenarios.....	10
Coding job aid.....	12
Frequently asked questions (FAQs).....	13

# Changes to the *Canada Labour Code* affect paid leave for Canada Post employees

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Changes to the *Canada Labour Code* (the Code) that take effect in December 2022 will provide employees of federally regulated employers with 10 paid days of medical leave per year. The Code already provides for three paid days of personal leave and two unpaid days of personal leave. The changes affect several industries and employers, including Crown corporations such as Canada Post.

This document will help inform you of the coming changes so you understand how they impact you as a Canada Post employee. Please familiarize yourself with the changes that apply to you and communicate with your supervisor to request the leave as required.

## Employees with personal days under a collective agreement or terms of employment:

Currently, Canada Post provides employees with up to seven paid personal days each year, which can be used for medical and personal needs. **Effective December 31, 2022, Canada Post will provide employees who currently have access to personal days with an additional six paid personal days for a total of 13 paid personal days per year.** These days can be used for both planned and unplanned medical and personal leave needs.

### PLEASE NOTE:

- Canada Post will provide the six additional personal days with the intention of meeting its new Code obligations.
- Canada Post may stop providing the six additional personal days in future years depending on how the Code amendments are interpreted.
- Should changes be needed, Canada Post will not take away any personal days that have already been provided to employees for a given personal day calendar year.

## Employees who do not have personal days under a collective agreement or terms of employment:

Employees who do not receive personal days under a collective agreement or terms of employment will continue to receive their three paid days of personal leave per year and two unpaid days of personal leave per year (as required by the Code). **Employees will begin to accrue a maximum of 10 paid medical leave days per calendar year in accordance with the Code's rules for entitlement.**

# Employees covered by a collective agreement with a personal day calendar of July 1 to June 30

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## What you need to know

- You will now receive up to 13 total personal days each year (seven days you already receive and an additional six new personal days). The six additional personal days will be known as **Personal Days – No Carryover**.
- These days will be provided as follows:
  - › On December 31, 2022, you will receive the six new days (**Personal Days – No Carryover**) for use through to June 30, 2023.
  - › On July 1, 2023, you will receive a total allotment of 13 paid personal days to use for your annual personal day calendar. They will be divided into two parts:
    - ♦ **Personal Days** (seven days)
    - ♦ **Personal Days – No Carryover** (six days)
- All 13 personal days can be used for planned and unplanned medical and personal leave needs.
- **Personal Days – No Carryover** should be used prior to accessing **Personal Days**.
- When a waiting period applies for the Short-Term Disability Program (STDP), **Personal Days – No Carryover** should be exhausted prior to accessing **Personal Days**.
- You will be able to view your bank of **Personal Days** and **Personal Days – No Carryover** in Employee Self Service (ESS).
- Visit ESS to manage your quotas where applicable.

## Personal Days – No Carryover

- The six additional days cannot be carried over or paid out.
- **Personal Days – No Carryover** must be taken in full-day blocks (no partial days).
- When requesting **Personal Days – No Carryover**, use code 9051 on your request form.
- While Canada Post does not intend to deny planned leave for **Personal Days** or **Personal Days – No Carryover**, the company does maintain its right to deny planned leave for reasons not included in the Code. However, Canada Post will not deny leave for Code-protected medical reasons, which are:
  - › Personal illness or injury of an employee
  - › Organ or tissue donation from an employee
  - › Medical appointments for an employee during working hours
  - › Quarantine of an employee
- Canada Post does not intend to request medical certificates for employees using **Personal Days** or **Personal Days – No Carryover**. However, if an employee uses personal days to take a planned absence of five or more consecutive days for a Code-protected medical reason, Canada Post reserves its right to ask for a medical certificate.

## Personal Days

- For the seven **Personal Days** you already receive, there are no changes to the carryover or payout provisions already applicable.
- If you are taking leave in increments of less than a day, you must use time from your shell of seven **Personal Days**.
- When requesting **Personal Days**, continue to use codes 9900 (planned) or 9901 (urgent) on your request form.

## Summary chart

Employees covered by a collective agreement with a personal day calendar of July 1 to June 30

Current and future situation	Description
Personal day calendar	July 1 to June 30
Current personal leave allotment	<ul style="list-style-type: none"> <li>• Up to 7 Personal Days.</li> <li>• Can be used in increments (hours).</li> <li>• Code: 9900 (planned) or 9901 (urgent).</li> </ul>
Carryover of unused days the following year	Up to 5 days.
Payout of unused days	The maximum payout of remaining Personal Days is defined in your collective agreement.
December 31, 2022	<ul style="list-style-type: none"> <li>• Receive 6 Personal Days – No Carryover during transition between January 1 and June 30.</li> <li>• Code: 9051.</li> <li>• No change to current allotment of 7 days (code 9900 or 9901) and no change to carryover and payout provisions for those days.</li> </ul>
July 1, 2023	<ul style="list-style-type: none"> <li>• 13 total personal days:                             <ul style="list-style-type: none"> <li>› 7 Personal Days (code 9900 or 9901).                                     <ul style="list-style-type: none"> <li>◆ No change to current allotment of 7 days and no change to carryover and payout provisions for those days.</li> </ul> </li> <li>› 6 Personal Days – No Carryover (code 9051).                                     <ul style="list-style-type: none"> <li>◆ Can only be used in full days.</li> <li>◆ Cannot be carried over or paid out.</li> <li>◆ Should be used first.</li> </ul> </li> </ul> </li> </ul>

# Employees **not** covered by a collective agreement with a personal day calendar of January 1 to December 31

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## What you need to know

- You will now receive up to 13 total personal days each year (seven days you already receive and an additional six new personal days). The six additional personal days will be known as **Personal Days – No Carryover**.
- These days will be provided as follows:
  - › On January 1, 2023, you will receive a total allotment of 13 paid personal days to use for your annual personal day calendar. They will be divided into two parts:
    - ♦ **Personal Days** (seven days)
    - ♦ **Personal Days – No Carryover** (six days)
- All 13 personal days can be used for planned and unplanned medical and personal leave needs.
- **Personal Days – No Carryover** should be used prior to accessing **Personal Days**.
- When a waiting period applies for the Short-Term Disability Program (STDP), **Personal Days – No Carryover** should be exhausted prior to accessing **Personal Days**.
- You will be able to view your bank of **Personal Days** and **Personal Days – No Carryover** in Employee Self Service (ESS).

## Personal Days – No Carryover

- The six additional days cannot be carried over or paid out.
- **Personal Days – No Carryover** must be taken in full-day blocks (no partial days).
- When requesting **Personal Days – No Carryover**, use code 9051 on your request form.
- While Canada Post does not intend to deny planned leave for **Personal Days** or **Personal Days – No Carryover**, the company does maintain its right to deny planned leave for reasons not included in the Code. However, Canada Post will not deny leave for Code-protected medical reasons, which are:
  - › Personal illness or injury of an employee
  - › Organ or tissue donation from an employee
  - › Medical appointments for an employee during working hours
  - › Quarantine of an employee
- Canada Post does not intend to request medical certificates for employees using **Personal Days** or **Personal Days – No Carryover**. However, if an employee uses personal days to take a planned absence of five or more consecutive days for a Code-protected medical reason, Canada Post reserves its right to ask for a medical certificate.

## Personal Days

- For the seven **Personal Days** you already receive, there are no changes to the carryover or payout provisions already applicable.
- If you are taking leave in increments of less than a day, you must use time from your shell of seven **Personal Days**.
- When requesting **Personal Days**, continue to use codes 9900 (planned) or 9901 (urgent) on your request form.

## Summary chart

Employees not covered by a collective agreement with a personal day calendar of January 1 to December 31

Current and future situation	Description
Personal day calendar	January 1 to December 31
Current personal leave allotment	<ul style="list-style-type: none"> <li>• Up to 7 Personal Days.</li> <li>• Can be used in increments (hours).</li> <li>• Code: 9900 (planned) or 9901 (urgent).</li> </ul>
Carryover and payout of unused days	<ul style="list-style-type: none"> <li>• No more than 5/7<sup>th</sup> of the personal days received for the year can be carried over or paid out.</li> <li>• When combining carryover and payout, the total cannot exceed 5/7<sup>th</sup> of the year's allotment.</li> <li>• There is no payout option for directors and above.</li> </ul>
January 1, 2023	<ul style="list-style-type: none"> <li>• 13 total personal days:                             <ul style="list-style-type: none"> <li>› 7 Personal Days (code 9900 or 9901).                                     <ul style="list-style-type: none"> <li>◆ Carryover and payout provisions for those days remain the same.</li> </ul> </li> <li>› 6 Personal Days – No Carryover (code 9051).                                     <ul style="list-style-type: none"> <li>◆ Can only be used in full days.</li> <li>◆ Cannot be carried over or paid out.</li> <li>◆ Should be used first.</li> </ul> </li> </ul> </li> </ul>

## Employees who **do not** have personal days under a collective agreement or terms of employment

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### What you need to know

- You will continue to have access to your three paid days of personal leave and two unpaid days of personal leave (as required by the Code).
- Starting December 1, 2022, you will begin to qualify for paid medical leave that will be known as **CLC (Canada Labour Code) Medical Leave**.
- On December 31, 2022, following the qualifying period of 30 days of continuous employment, you will receive three days of **CLC Medical Leave**.
- You will then accrue one additional day of **CLC Medical Leave** for every continuous month of service up to a maximum of 10 days in a calendar year.
- All temporary employees must be scheduled to work to be eligible for leave.
- If you request this leave, we will review schedules to determine when you would likely have been asked to work and grant leave for those days. You will be paid only for the hours you would have been scheduled.
- If you would not have been called to work during this period, you won't be granted leave for that day.
- As a temporary employee, you do not need to answer calls for work while on **CLC Medical Leave**, as long as you have established with your team leader that you are taking a **CLC Medical Leave**. In this situation, if you do not answer a call for work or you answer a call and refuse work, the day **will not** count as a refusal under the terms of your collective agreement.

### CLC Medical Leave

- **CLC Medical Leave** days must be taken in full-day blocks (no partial days).
- Must be taken for planned or unplanned Code-protected medical reasons, which are:
  - › Personal illness or injury of an employee
  - › Organ or tissue donation from an employee
  - › Medical appointments for an employee during working hours
  - › Quarantine of an employee
- You can carry over a maximum of 10 days of **CLC Medical Leave** each year on January 1. However, you are not able to accrue or take more than 10 days of **CLC Medical Leave** per calendar year.
- Canada Post does not intend to request medical certificates for employees using **CLC Medical Leave** but does reserve its right to ask for medical certificates for absences of five or more consecutive days.



EMPLOYEES WHO DO NOT HAVE PERSONAL DAYS UNDER  
A COLLECTIVE AGREEMENT OR TERMS OF EMPLOYMENT

Summary chart

Employees who do not have personal days under a collective agreement  
or terms of employment

Current and future situation	Description
Personal leave calendar	January 1 to December 31
Current personal leave allotment	3 paid personal days and 2 unpaid personal days as per the <i>Canada Labour Code</i> .
Carryover of unused days the following year	No carryover.
Payout of unused days	No payout.
December 31, 2022	<ul style="list-style-type: none"><li>• As per the <i>Canada Labour Code</i>, in addition to your personal leave, you will receive 3 days of medical leave (code 9052) after qualifying period of 30 days of continuous employment.</li><li>• After that, you will receive 1 more day of medical leave for each month of continuous employment, up to a maximum of 10 days per year.</li></ul>
Notes	You can carry over a maximum of 10 days of CLC Medical Leave each year on January 1. However, you are not able to accrue or take more than 10 days of CLC Medical Leave per calendar year.

## Examples of scenarios

### Employees who do not have personal days under a collective agreement or terms of employment

#### Example 1

You were hired by Canada Post prior to December 1, 2022. You complete the initial 30-day qualifying period of continuous employment and therefore earn three days of medical leave with pay on December 31, 2022. On January 1, 2023, your three unused days of medical leave with pay carry forward to the 2023 calendar year.

- These three days carried forward from 2022 count as days earned in 2023. Since you carried over three days of medical leave with pay, you may only earn an additional seven days in 2023.
- You must complete one month of continuous employment after the initial 30-day qualifying period. This month of continuous employment starts on January 1, 2023 and ends on January 31, 2023.
- After completing this month of continuous employment, you earn one day of **CLC Medical Leave** with pay at the beginning of each month.
- On February 1, 2023, you earn your fourth day of **CLC Medical Leave** with pay. You continue to earn one day of medical leave with pay at the beginning of each month until you earn your 10<sup>th</sup> day on August 1, 2023.

#### Example 2

You were hired at Canada Post on December 15, 2022. The new medical leave with pay provisions apply from your first day of employment. You complete your 30-day qualifying period on January 13, 2023 and earn three days of **CLC Medical Leave** with pay on January 14, 2023.

- You then must complete one month of continuous employment after the initial 30-day qualifying period. This month of continuous employment is the calendar month following the 30-day period. It starts on February 1, 2023 and ends on February 28, 2023.
- After completing this month of continuous employment, you earn one day of **CLC Medical Leave** with pay at the beginning of each month.
- On March 1, 2023, you earn your fourth day of **CLC Medical Leave** with pay. You continue to earn one day of **CLC Medical Leave** with pay at the beginning of each subsequent month until you earn 10 days. This is the maximum you can earn in each calendar year.
- You earn your fifth day on April 1, 2023, your sixth day on May 1, 2023, and so on, until you earn your 10<sup>th</sup> day on September 1, 2023.

## EMPLOYEES WHO DO NOT HAVE PERSONAL DAYS UNDER A COLLECTIVE AGREEMENT OR TERMS OF EMPLOYMENT

### Example 3

You were hired at Canada Post prior to December 1, 2022. You earn medical leave with pay in the 2022 and 2023 calendar years. You did not take any **CLC Medical Leave** with pay in 2023 and have 10 days banked at the end of 2023.

- On January 1, 2024, your 10 paid days of **CLC Medical Leave** carry forward to the 2024 calendar year. This carry-forward of the banked 10 days counts as 10 days earned in the 2024 calendar year. As a result, you have earned the maximum medical leave with pay on the first day of the calendar year.
- Later in January 2024, you take 10 days of paid leave to recover from an illness, using your entire bank of 10 days of **CLC Medical Leave** with pay. Your bank of **CLC Medical Leave** with pay remains empty for the remainder of the 2024 calendar year. You only start earning medical leave with pay again in 2025.
- In 2025, your first month of continuous employment is January.
- You will earn one day of **CLC Medical Leave** with pay in your bank on February 1, 2025 and will continue to earn one day of **CLC Medical Leave** at the beginning of each month, to a maximum of 10 days on November 1, 2025.

## Coding job aid

Employee group	Leave code	Leave name	Wage type	Wage type name (as appears on pay statements)
Permanent FT Management and Exempt	9051	Personal Leave No CO	N/A	N/A
Permanent FT CUPW	9051	Personal Leave No CO	N/A	N/A
Permanent FT APOC	9051	Personal Leave No CO	N/A	N/A
Permanent FT CPAA	9051	Personal Leave No CO	N/A	N/A
Permanent FT PSAC	9051	Personal Leave No CO	N/A	N/A
Permanent PT and Term Management and Exempt	9051	Personal Leave No CO	1739	Canada Labour Code Day Bill C3
Permanent PT CUPW	9051	Personal Leave No CO	1739	Canada Labour Code Day Bill C3
Permanent PT and Term APOC	9051	Personal Leave No CO	1739	Canada Labour Code Day Bill C3
Permanent PT and Term CPAA	9051	Personal Leave No CO	1739	Canada Labour Code Day Bill C3
Permanent PT and Term PSAC	9051	Personal Leave No CO	1739	Canada Labour Code Day Bill C3
Temporary CUPW	9052	CLC Medical Leave	1739	Canada Labour Code Day Bill C3
Term CPAA (without continuous employment)	9052	CLC Medical Leave	1739	Canada Labour Code Day Bill C3
Permanent RSMC and PRE	703	Personal Leave No CO	N/A	N/A
OCRE (RSMC)	702	CLC Medical Leave	1738	Canada Labour Code Day Bill C3 – OCRE

## Frequently asked questions (FAQs)

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**I am feeling a bit overwhelmed and need a day off for my mental health and well-being. Can I use a Personal Day, Personal Day – No Carryover, or CLC Medical Leave?**

Yes, per your employment type, you can use a **Personal Day**, **Personal Day – No Carryover** or **CLC Medical Leave**, and we encourage you to contact the Employee and Family Assistance Program (EFAP) if you need support. Help is available 24/7 at no cost to you or your family. Call EFAP at 1-866-565-4903.

**I am a permanent full-time employee covered by a collective agreement. Can I carry over and/or request payout of Personal Days – No Carryover?**

No, the **Personal Days – No Carryover** cannot be carried over or paid out at the end of the personal day calendar year.

**I am a temporary employee. I have accrued 10 CLC Medical Leave days but have only used five this calendar year. Can I carry over the unused days?**

Yes, you can carry over a maximum of 10 **CLC Medical Leave** days each year on January 1. However, you are not able to accrue or take more than 10 days of **CLC Medical Leave** per calendar year. In this example, on January 1 you would carry over five unused **CLC Medical Leave** days to the following year, and you would only be able to accrue five additional **CLC Medical Leave** days in that following year.

**I currently receive seven Personal Days and will now receive six Personal Days – No Carryover each year. What is the maximum number of days I am allowed to have in my bank in any given year?**

A maximum of 18 personal days are allowed in any given year: seven **Personal Days** (or the maximum allowed as per your collective agreement or terms of employment), up to five carryover days (as per your terms of employment or collective agreement), and six additional **Personal Days – No Carryover**.

**I've tested positive for COVID-19. Do I still have access to Quarantine Leave?**

The new personal days do not affect an employee's access to Quarantine Leave where it applies. Employees who have access to Quarantine Leave for COVID-19 can use the Quarantine Leave before using personal days.

**I'm getting sick during my shift, and I want to go home. Can I take a Personal Day – No Carryover?**

If you are an employee who receives **Personal Days** and **Personal Days – No Carryover**, you should use an increment of a Personal Day. **Personal Days – No Carryover** can only be used in full-day increments.

### If I go on leave, what happens to my carryover?

The same rules according to your collective agreement and terms of employment apply for **Personal Days** as before.

### What if I am disabled? How do these leaves affect my ability to go on STDP?

The same rules apply. When a waiting period applies for the Short-Term Disability Program (STDP), both **Personal Days – No Carryover** and **Personal Days** can be used, but the **Personal Days – No Carryover** should be used up first.

### Can a leave be denied?

The rules of your collective agreement and terms of employment continue to apply. However, requests for leave for Code-protected medical reasons cannot be denied.

### How do I request planned days?

The same rules for requests for **Personal Days** apply to **Personal Days – No Carryover** and **CLC Medical Leave**.

### What will I see on my pay if I take **Personal Days – No Carryover** or **CLC Medical Leave**?

Please refer to the [coding job aid](#) in this guide for your employee group.

### I am a temporary employee who is on call and have been offered to work for three hours, but I cannot report to work and I need to take a **CLC Medical Leave** day. How will my pay be calculated for that day?

Your team leader would need to ensure that you are scheduled to work on the day for which you requested leave. Your **CLC Medical Leave** day will reflect the hours for which you were scheduled to work.

### I am a casual employee who hasn't been called to work in three months, but I'm still a **Canada Post** employee. Am I eligible for **CLC Medical Leave**?

Yes, as a **Canada Post** employee, you will have access to **CLC Medical Leave** following the qualifying period of 30 days of continuous employment, and accrue days per the Code. You also have access to three paid days and two unpaid days of personal leave as required by the *Canada Labour Code*. Personal and medical leave may only be granted for a day when you have been scheduled or, as per the schedule, when you would likely have been asked to work.

### I am an employee who gets **Personal Days** and received my new allotment of six **Personal Days – No Carryover**. I used up my six days and my employment is ending. Will there be a recovery on the new **Personal Days – No Carryover** quotas?

Yes. A prorated recovery will be made for any day that was not earned. The prorated calculation will respect your entitlements under the Code.

### I'm on STDP. May I use **Personal Days – No Carryover** or **CLC Medical Leave** to top up my STDP payments from 70 per cent to 95 per cent or 100 per cent?

No, **Personal Days – No Carryover** and **CLC Medical Leave** cannot be used for STDP top-up from 70 per cent to 95 per cent or 100 per cent.

