



**Canada's Building Trades Unions
and
The National Construction Labour Relations Association**

Joint Policy Statement on Military Leave for Employees in the Organized Construction Industry

Each of the signatories, on behalf of its affiliated Unions or affiliated Employers' Associations have agreed to this **Joint Policy Statement** to facilitate military leave for workers in the organized construction industry who deploy on military service, domestically or abroad or who must undertake military training as members of Canada's Reserve Force.

The signatories are aware of the various Legislative provisions respecting Military Leave that may apply to such workers and the signatories wish to make provision for the particular circumstances of the construction industry for journeypersons and apprentices. In addition, the signatories wish to make recommendations to their respective constituents and the committees that each maintains such as Joint Apprenticeship Training Committees (JATCs).

1. Where apprentices deploy on operations or on training, whichever is applicable, the JATCs will protect the standing of that apprentice, within his/her apprenticeship program and not cancel the apprenticeship or seek to have the Apprenticeship Authority do so until and unless the apprentice has failed to report to the JATC within 3 months of their return from service.
2. Where an apprentice may deploy on operations or on training, the employer will make best efforts to retain the position of the apprentice until his/her return but where the employer cannot retain his/her position the apprentice may sign the out-of-work list (or be placed on the list in his/her absence as of the date of departure for service) and continue to rise up the list without the need for reporting in until the return from service.
3. For all other workers who deploy on operations or on training, the employer will make best efforts to retain his/her position or a comparable position for worker who has deployed on operations or training. Where this proves to be beyond the point of undue hardship, the employer will contact the local union and advise them. The Local union will place the worker on the out of work list as of the date of departure for service and allow him/her to continue to rise up the list without the need to report until the return from service.
4. Each signatory will recommend to its constituents that they adopt the following model language for each and every collective agreement:
 - a) The parties agree to comply with the provisions of the Joint Policy Statement of Canada's Building Trades' Unions and the National Construction Labour Relations Association dated May 4, 2010 respecting Reservist's Military Leave.
 - b) The employer agrees to make best efforts to protect the position of a worker (or a comparable position) in so far as is possible until the return of that worker from service for

a worker who is member of the Canadian Forces Primary Reserve and deploys on operations or for training. In the event of a general lay-off, project completion or other valid reason for being unable to retain the worker the employer shall forthwith notify the local union to allow the worker to be placed on the out-of-work list as at the date of his/her departure for service. If the worker is an apprentice, the employer shall complete the necessary apprenticeship documents and forward them to the local union or JATC whichever is applicable, so the contract of apprenticeship maybe protected and the apprentice placed on the out-of-work list as of the date of departure for service. Employees who have been placed on the out-of-work list during their deployment or training, may be "name hired" by the employer on their return from service without impairing the employer's ability to name hire other workers.

- c) Military Leave shall be leave without pay.
 - d) Obligations of the Reservist seeking Military Leave
 - i) Advise the employer at least 4 weeks of the deployment of the requirement to deploy or undergo training; where this is impossible advise the employer as soon as is reasonable and practicable.
 - ii) Advise the employer as soon as practicable of any changes to the length of service.
 - iii) Where an employer requests proof of the entitlement of a worker to Military Leave provide a certificate to that effect from the Commanding Officer.
 - iv) Promptly report to the employer upon his/her return from Service.
5. Each signatory will recommend to its constituents that they amend their hiring procedures to conform to this Joint Policy Statement for members who may deploy on operations or on training. Further, they will recommend to each JATC that they adopt policies that protect an apprentice's apprenticeship contract during their period of service and for reasonable time thereafter, and to allow an apprentice to be placed on the out-of-work list as of the date of departure for service where the apprentice cannot be retained by the employer.
6. The signatories agree to each urge their constituents to retain a worker who deploys on operations or who undertakes training on the Health and Welfare plan until the earliest of these two events, the worker returns from service and is back at work or where the worker is covered by an appropriate plan offered by the Canadian Forces or Veterans Affairs Canada.
7. The signatories agree to execute a Declaration of Support for the Canada's Reserve Force with the support of the Canadian Forces Liaison Council evidencing this undertaking and to disseminate this information as widely as possible within the Construction Industry.
8. Finally, the signatories will do all things reasonable to facilitate this agreement.

9. This agreement becomes effective on the _____ day of May, 2010.

Whereupon the Signatories have by their duly appointed Officers agreed

The Canadian Building Trades

**The National Construction Labour
Relations Association**

On Behalf of (Lists attached)

International Association of Heat and Frost Insulators and Asbestos Workers
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
International Union of Bricklayers and Allied Craftworkers
United Brotherhood of Carpenters and Joiners of America
International Brotherhood of Electrical Workers
International Union of Elevator Constructors
International Union of Operating Engineers
International Association of Bridge, Structural and Ornamental Iron Workers
Labourers' International Union of North America
International Union of Painters and Allied Trades
Operative Plasterers' and Cement Masons' International Association of the United States and Canada
Sheet Metal Workers' International Association
United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada
International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America

Quality Control Council of Canada
General Presidents' Maintenance Committee

Construction Labour Relations Association of British Columbia
Construction Labour Relations of Alberta
Construction Labour Relations Association Saskatchewan
Construction Labour Relations Association of Manitoba
Construction Employers Coordinating Council (Ontario)
Pipeline Contractors Association of Canada
Boilermaker Contractors' Association of Canada
Bantel Construction
Ontario Power Generation
Electrical Power Systems Construction
Nova Scotia Labour Relations Association
Saint John Construction Association
Saint John Mechanical Contractors Association
Construction Labour Relations Associations of Newfoundland