

In reviewing the provisions of the Employment Standards Code, which is applicable to professions, the Provincial MNU realized that the Union's interpretation of not allowing nurses to take unpaid vacation is in contravention of the provisions of the Code.

The following is information found on the Employment Standards website:

HOW DO UNPAID LEAVES AFFECT VACATIONS AND VACATION PAY?

During a legislated or approval leave, employment is considered continuous. Employees are still employee, but not earning wages while on the leave. Employees who return from leave are entitled to their full vacation time, so employees with less than five years of service would still be entitled to two weeks off.

Vacation pay for employees who have taken a leave remains the same as for other employees --- four per cent of gross wages for two weeks vacation and six per cent for those who have earned three weeks vacation. The amount they earn as vacation pay may be lower than it would have been otherwise, if they were not earning wages while on their leave. While of leave, employees are still employed. The time they are away on leave does count toward their years of service when determining how much vacation they are entitled to.

Provincial MNU put the employer on notice that effective the 2012/2013 vacation year, nurses who have been on a unpaid leave of absence during a vacation accrual year will be entitled to the number of weeks earned in accordance with Articles 2103 and 2104 whether the vacation weeks are paid or unpaid. It is the MNU's position that nurses will have the option of requesting unpaid vacation, but will not be forced to do so. It is understood that all requests for vacation, whether paid or unpaid, will be granted on the basis of seniority.