



DID YOU KNOW...

CONCERNING THE CHOOSING OF VACATION DATES

Within each service, the employees shall proceed to choose the dates of their vacation between April 1 and May 1 of each year.

The choice of vacation is based on seniority. (clause 7-7.02)

The vacation shall be taken, in whole or in part, but whenever possible in periods of at least one (1) week at a time. (clause 7-7.03)

NEW – PRIORITY FOR FAMILY OBLIGATIONS

The collective agreement now states that employees with family obligations as defined by the *Labour Standards Act* shall benefit from priority over five (5) days of vacation, this also by order of seniority. In such cases, the employee shall be required, upon request, to give the College a document attesting to these obligations. (clause 7-7.02)

A family obligation as defined by the *Labour Standards Act* is related to the care, the health or the education of a person's child or the child of a spouse. It can also apply to the care or health of a person's spouse, father, mother, brother, sister or grandparent.

EXAMPLES

Jeanine works in the Human Resources Department. Her 83-year-old mother has received confirmation that she will finally have her hip-replacement surgery on August 9. Jeanine will have to accompany her mother to the hospital the day of the operation and stay with her at her home the days following the operation, because there is no one else available to help her mother. Jeanine can exercise priority over five (5) days of vacation. When she chooses her vacation, she will indicate her priority due to family obligations for August 9 to 12, and for August 15, 2011.

John, who works in the documentation centre, has a daughter who is starting kindergarten on August 29. His wife works in the private sector and has no other choice than to take her vacation during the construction holidays. During the week of August 22, the daycare their daughter attends is welcoming new groups of children for the coming year and is not giving children who are leaving for kindergarten access during this week. John can exercise priority over five (5) days of vacation. When he chooses his vacation, he will indicate his priority due to family obligations for August 22 to August 26, 2011.

If the College asks Jeanine for a document attesting to her obligations, she will have to ask her mother's doctor for a document attesting to the date of the operation and time required for convalescence. John will ask the daycare to provide written attestation to the fact that the daycare is not providing service for the week of the 22nd of August for the 4-year-olds who are leaving to attend kindergarten.

WHEN VACATION CHOICES ARE REFUSED

The dates chosen shall be submitted for approval to the College, which shall take into account the choice of the employees subject to the needs of the service. (clause 7-7.02, para. 2)

Jurisprudence related to the refusal of vacation choices has established the following principles:

- The refusal of a vacation choice should not be an arbitrary, unreasonable or abusive decision;
- The exception cited for refusing a vacation choice, i.e., the needs of the service, should be understood to involve a situation where it would be especially difficult if not impossible for the College to discharge the services it must provide;
- The decision to refuse should be based on real needs and real demands;
- The employer should do his best to find alternative solutions to mitigate the absence of the employee;
- A vacation choice should not be refused for the reason that the employee will have to be replaced. In this case, the College must be able to prove that the cost associated with replacing the employee in order to meet the needs of the College and its effects are significant enough to justify the refusal of vacation.

CHANGING SCHEDULED VACATION DATES

Vacation dates may only be changed after an agreement between the employee and the College and after consultation with the Union if the request for modification of the employee's vacation dates is made by the College. (clause 7-7.02, para. 2)

HOSPITALIZATION DURING A VACATION PERIOD

In the case of an employee (with medical certificate) being hospitalized during his/her vacation, he/she may transfer the equivalent of the time being hospitalized to a subsequent date and, as the case may be, the period of disability following the hospitalization. (clause 7-7.02, para. 4)

INABILITY TO TAKE SCHEDULED VACATIONS

Should an employee be unable to take his vacation because of sickness, maternity or adoption leave, work accident or occupational illness, having occurred before the beginning of his vacation, he may postpone his vacation period to a later date. The choice of the new vacation period shall be made according to the provisions set forth in clause 7-7.02. (clause 7-7.02, para. 5)

Other Information Capsules or Application Guides which will answer many of your questions may be found on the FPSES website under the tab "**Guides d'interprétation**".

Feel free to contact your local union for further information or to suggest new topics.

