

Canadian Museum of Civilization Fact Sheet

Lay-offs and Reorganizations

There are three articles (6, 23 and 41) in the Canadian Museum of Civilization collective agreement that are directly relevant in cases involving lay-offs and reorganizations.

Work of the bargaining unit

Article 6 of the collective agreement protects the work done by members of the bargaining unit from being performed by those outside the bargaining unit, except for the purposes of instruction, experimentation or in emergencies when regular employees are not readily available. Employees cannot be laid off because their duties are assigned to volunteers and volunteer functions will not be expanded beyond the existing practices as of April 1, 1997.

Lay-offs

According to article 41, cases of contemplated lay-off must be discussed with the Local under the collective agreement provisions for joint consultation (article 34), with the goal of exploring ways to assist affected employees.

What is a lay-off

The end of a specified period of appointment is not a lay-off, although these workers are guaranteed two weeks notice or pay in lieu. These provisions only apply to permanent employees.

Employees may be temporarily laid off. In this case, they may use earned vacation and compensatory leave to delay the temporary lay-off. Lay-off does not apply to situations involving a temporary shut-down of Museum operations as a result of an emergency or other operational requirement.

Notice

If employed by the Corporation on or before July 1, 1990, permanent employees have the right to written notice of lay-off as far in advance as possible. Where the employee is offered and refuses another position in the Corporation, the employer must give at least four months written notice of lay-off. In all other cases, the employer must give at least six months written notice of lay-off.

Those hired after July 1, 1990 also have the right to written notice of lay-off as far in advance as possible, but the minimum period is as follows:

Years of Service	Weeks of Notice
Less than 3 months	0 weeks
3 months 1 year	2 weeks
2 years	3 weeks
3 years	4 weeks
4 years	5 weeks
5 years	6 weeks
6 years	7 weeks
7 years	8 weeks
8 years	9 weeks
9 years	10 weeks
10 years	12 weeks
11 years	13 weeks
12 years	14 weeks
13 years	15 weeks
14 years	16 weeks
15 years	17 weeks
16 years	19 weeks
17 years	21 weeks
18 years	23 weeks
19 years	25 weeks
20 years or more	26 weeks

Payments on lay-off

When the services of an employee are no longer required, the notice period may be paid out in a lump sum equivalent to the required notice period. This can be pro-rated if only part of the notice period is worked, but only at the request of the employee and with the approval of Human Resources. If a lump sum payment for the notice period is paid, the employee's continuous service will be calculated up to the day the employee leaves and not to the end of the notice period.

For the first lay-off, according to article 23, the employer will provide the employee with two weeks pay for the first complete year of continuous employment and one week pay for each additional complete year of continuous employment. If the employee is laid off a second or subsequent time, the employee will get two weeks pay for each year of completed continuous employment over and above the period previously paid out in severance. Weekly pay is calculated at the rate on the day of termination.