



## BULLETIN INFORMATION

<b>DATE:</b>	<b>April 6, 2021</b>	<b>TYPE:</b>	<b>Information</b>	<b>NUMBER:</b>	<b>LR-007-21</b>
<b>SUBJECT:</b>	<b>Abeyance Code – PL01 - Canada Labour Code Paid Personal Leave - UPDATE</b>				

### DETAILS

**Attention:** All T&E Employees (Canada)

Please be advised that abeyance code **PL01** has been assigned to the dispute regarding payment of Canada Labour Code Paid Personal Leave Days for T&E Employees in Canada.

Section 17 of the Canada Labour Standards provides:

- 17 For the purposes of subsections 206.6(2), 206.7(2.1) and 210(2) of the Act, the regular rate of wages of an employee whose hours of work differ from day to day or who is paid on a basis other than time shall be
- (a) the average of the employee's daily earnings, exclusive of overtime hours, for the 20 days the employee has worked immediately preceding the first day of the period of paid leave; or
  - (b) an amount calculated by a method agreed on under or pursuant to a collective agreement that is binding on the employer and the employee.

The Company maintains, where approved, eligible employees are paid a standard 100 mile day as provided for by the Collective Agreement and 17(b) above. The Union's position is 17(a) ought to apply. This abeyance code will apply only to eligible employees who have been given prior approval by a Company officer for a paid personal leave day and are making a claim for the difference between the 100 miles provided for by the Company and the calculation in 17(a).

The following is required for IP claims submitted under this abeyance code:

- The abeyance code must be referenced.
- Employees are required to reference the date they are claiming.
- Enter all other pertinent details including but not limited to:
  - the date(s) of paid leave (MM-DD-YY);
  - the name of the Company officer who approved the paid personal leave day;
  - the 20 day period **the employee worked** immediately preceding the first day of paid leave (MM-DD-YY – MM-DD-YY);
  - the rate relied upon as the average of the daily earnings, exclusive of overtime (\$XXX.XX); and
  - the difference between the rate relied upon and the rate paid by the Company.

It should be noted that this issue is currently in dispute and the Company maintains that this is not payable. Notwithstanding this, the Company has agreed to hold IP claims of this nature in abeyance until the matter is resolved.

Until the matter is resolved, your claim(s) will be held in abeyance and can be viewed in your time slip inquiry displayed as “awaiting approval”.

If making a claim(s) of this type in the future, please submit as a stand-alone IP claim for the amount of miles being claimed, and indicate that these claims are to be held in abeyance by typing **“Abeyance PL01”** along with appropriate remarks such as times, location, and brief description of event in the remarks field.

Note that you will not receive another notice of declination on these types of claims until the issue is resolved.

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Labour Relations  
T&E Payroll Audit  
**Canadian Pacific**