

Directive on term employment

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Directive on Term Employment

1. Effective date

- 1.1 This directive takes effect on April 1 2020.
- 1.2 This directive replaces the Treasury Board's *Term Employment Policy* dated November 15, 2011.

2. Authorities

- 2.1 This directive is issued pursuant to the same authorities indicated in section 2 of the *Policy on People Management*.

3. Objectives and expected results

- 3.1 The objectives indicated in section 3 of the *Policy on People Management* apply to this directive.
- 3.2 In addition to the expected results indicated in section 3 of the *Policy on People Management*, the expected results of this directive are to ensure that term employment is used to fill only temporary requirements.

4. Requirements

- 4.1 The head of human resources is responsible for the following:
 - 4.1.1 Ensuring that term employment is used in compliance with organizational human resources and business plans to support the achievement of business objectives;
 - 4.1.2 Informing the appropriate bargaining agent(s) and the Office of the Chief Human Resources Officer in writing of all programs, projects or activities that receive sunset funding for which term employees have been hired; and
 - 4.1.3 Informing the appropriate bargaining agent(s) and the Office of the Chief Human Resources Officer in writing of the deputy head's decision about whether to exclude periods of specified term employment from the calculation of the cumulative working period for the purpose of converting an employee to indeterminate status.
- 4.2 Delegated managers are responsible for the following:

- 4.2.1 Converting term employees to indeterminate status after a cumulative working period of three years in the same organization without a break in service longer than 60 consecutive calendar days, in accordance with the appendix of this directive;
- 4.2.2 When applicable, informing individuals in the letter of offer that a period of term employment in a program that receives sunset funding will not count in the calculation of the cumulative working period of three years;
- 4.2.3 When applicable, informing term employees in writing that, after reviewing the department's financial situation over the two- to three-year planning horizon, the deputy head has determined that including further cumulative work periods towards the conversion of term employees to indeterminate status would result in workforce adjustment;
- 4.2.4 Informing term employees in writing at least annually whether the conditions described in subsections 4.2.2 or 4.2.3 continue to apply and further cumulative work periods will not count towards the conversion from term to indeterminate status;
- 4.2.5 Approving in writing an employee's written request not to convert their tenure from term to indeterminate status when the employee has met the requirements of subsection 4.2.1;
- 4.2.6 Providing term employees with one month's written notice of the renewal or non-renewal of their term employment unless an exception has been approved in accordance with section C1.6 of the *Policy on People Management*;
- 4.2.7 Providing term employees with one month's written notice if the period of employment will end before the originally specified end-date;
- 4.2.8 Ensuring that the employee and the appropriate bargaining agent(s) are informed in writing when a term employee is assigned, seconded, deployed or appointed to a position in the organization that is outside a program that receives sunset funding; and
- 4.2.9 Ensuring that the period(s) of employment outside a program that receives sunset funding will be included in the calculation of the cumulative working period of three years.

5. Roles of other government organizations

- 5.1 Not applicable.

6. Application

- 6.1 This directive applies to the organizations listed in section 6 of the *Policy on People Management*.

7. References

- 7.1 Legislation
- *Canadian Human Rights Act*
 - *Financial Administration Act*
 - *Public Service Employment Act*
 - *Public Service Employment Regulations*
 - Federal *Public Service Labour Relations Act*

8. Enquiries

- 8.1 For interpretation of any aspect of this directive, contact Treasury Board of Canada Secretariat Public Enquiries.
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Appendix: Standard on Term Employment

A.1 Effective date

- A.1.1 This standard takes effect on April 1, 2020.
- A.1.2 This standard replaces the Treasury Board *Term Employment Policy* (2003, modified on November 15, 2011).

A.2 Standards

- A.2.1 This standard provides details on the requirements set out in subsections 4.1 and 4.2 of the *Directive on Term Employment*.
- A.2.2 For the purposes of complying with subsection 4.2.1 of the *Directive on Term Employment*, the criteria and exceptions to be applied when converting an employee's status from term to indeterminate are as follows:

Department or agency

- A.2.2.1 The cumulative working period must be in the same organization.

- A.2.2.2 An employee is considered to be working in the same organization in situations where powers, duties or functions were transferred between organizations in the core public administration by an act of Parliament or an order-in-council.
- A.2.2.3 A period worked by the employee in a host organization while on secondment counts toward employment with the employee's home organization.
- A.2.2.4 A period of term employment that occurs immediately before or immediately after a period of term employment in a program that receives sunset funding counts in the calculation of the cumulative working period, as long as there is no break in service longer than 60 consecutive calendar days.

Leave without pay

- A.2.2.5 A period of leave without pay that is longer than 60 consecutive calendar days does not constitute a break in service, and does not count in the calculation of the cumulative working period for conversion from term to indeterminate status, unless:
 - A.2.2.5.1 The employee was on such leave on or after June 20, 2008; and
 - A.2.2.5.2 Not including the period of leave without pay would result in discrimination on a prohibited ground described in the *Canadian Human Rights Act*.

Part-time employment

- A.2.2.6 A period of part-time employment for term employees hired under the *Public Service Employment Act* corresponds to an equivalent period of full-time employment and is not pro-rated.
- A.2.2.7 If a part-time term employee's status is converted to indeterminate status, it is converted to part-time indeterminate status.

Periods of employment excluded from calculation of the cumulative working period of three years

- A.2.2.8 The following periods of employment do not count in the calculation of the cumulative working period of three years:

- A.2.2.8.1 Periods of employment as a part-time worker who works less than one third of the normal workweek;
- A.2.2.8.2 Periods of casual employment as defined in the *Public Service Employment Act*;
- A.2.2.8.3 Periods of employment under one of the student employment programs established by the Treasury Board;
- A.2.2.8.4 Periods of term employment in a program that receives sunset funding, although these periods do not constitute a break in service; and
- A.2.2.8.5 Periods of term employment after which the department has notified employees in writing that conversion from term status to indeterminate status would result in a workforce adjustment situation.

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