

Directive on terms and conditions of employment for students

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Directive on Terms and Conditions of Employment for Students

1. Effective date

- 1.1 This directive takes effect on April 1, 2020.
- 1.2 This directive replaces the *Terms and Conditions of Employment for Students* dated January 1, 2007.

2. Authorities

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

3. Objectives and expected results

- 3.1 The objective of this directive is to ensure accurate, consistent, effective and equitable administration of the terms and conditions of employment for students.
- 3.2 The expected results of this directive are as follows:
 - 3.2.1 Students receive appropriate monetary and non-monetary compensation; and
 - 3.2.2 The terms and conditions of employment are applied in a timely, transparent, consistent and equitable manner.

4. Requirements

- 4.1 The head of human resources is responsible for the following:
 - 4.1.1 Ensuring that persons responsible for the day-to-day application and administration of this directive are providing accurate, consistent and timely information to students about the terms and conditions of their employment.
- 4.2 Managers are responsible for the following:
 - 4.2.1 Providing students with information on the terms and conditions of employment set out in the appendix to this directive and in the relevant collective agreement;

- 4.2.2 Ensuring that the relevant collective agreement is clearly stated in all letters of offer for students participating in a paid student employment program;
- 4.2.3 Ensuring that a copy of the letter of offer and pay action request are submitted promptly to the responsible compensation advisor for processing of pay administration;
- 4.2.4 Deciding on the mode of transportation to be used by Canadian students who are engaged under one of the paid student employment programs, in accordance with the appendix, for travel to and from their educational institution at the start and end of their assignments. The mode of transportation chosen must be the most economical and practical;
- 4.2.5 Ensuring that reservations are made using Shared Travel Services once the employment offer has been accepted; and
- 4.2.6 Applying the variable rates of reimbursement of actual transportation expenses, incurred by students in paid student employment programs who are employed outside Canada and the continental United States, consistently for all students engaged at the same workplace.

5. Roles of other government organizations

- 5.1 The roles of other government organizations in relation to this directive are described in section 5 of the *Policy on People Management*.

6. Effective date

Application

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

7. References

7.1 Legislation

- *Government Employees Compensation Act*

7.2 Policy instruments

- National Joint Council *Isolated Posts and Government Housing Directive*, except Part III
- National Joint Council *Travel Directive*

- *Directive on Student Employment*

8. Enquiries

- 8.1 For interpretation of any aspect of this directive, contact your departmental corporate labour relations or compensation officials. If necessary, departmental corporate labour relations or compensations officials may contact:
- Compensation and Collective Bargaining Management
Employment Conditions and Labour Relations
Office of the Chief Human Resources Officer
Treasury Board of Canada Secretariat
Email: Interpretations@tbs-sct.gc.ca
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Appendix: Terms and Conditions of Employment for Students

A.1 Unpaid assignments

A.1.1 Application

- A.1.1.1 Section A.1 applies to all students participating in an unpaid assignment program described in the appendix to the *Directive on Student Employment*.

A.1.2 Hours of work

- A.1.2.1 Students who are participating in unpaid assignments usually work half a regular workday. They may negotiate other hours with their school and manager, but students must not work more than 7.5 hours a day.

A.1.3 Travel allowance

- A.1.3.1 Students in unpaid assignments may receive a travel allowance up to the value of the daily round trip or the monthly public transit fare, whichever is less, from their school or home to the work site.

A.1.4 Workers' compensation

- A.1.4.1 Students who are participating in unpaid assignments must be covered by workers' compensation. Responsible managers must ensure that a work-

education agreement is in place before an assignment starts. Under such an agreement, a student's school administration provides workers' compensation for the student in case of a workplace injury or illness.

A.2 Paid assignments and employment

A.2.1 Application

- A.2.1.1 Section A.2 applies to students who are employed in the core public administration under one of the approved student employment programs.

A.2.2 Relevant collective agreement

- A.2.2.1 The relevant collective agreement for students who are participating in a paid assignment program is the collective agreement of the predominant group whose duties the student is understudying or performing in part during the employment period as specified in their letter of offer.

A.2.3 Hours of work

- A.2.3.1 Students' hours of work must be consistent with the relevant collective agreement and with departmental practice.

A.2.4 Pay

- A.2.4.1 Subject to these terms and conditions of employment and any other policy instruments, students are entitled to be paid biweekly, on an arrears pay cycle, at the appropriate rate of pay (see student rates of pay);
- A.2.4.2 Student rates of pay also apply to formal student apprenticeship programs;
- A.2.4.3 Rates of pay for students shall be revised from time to time, taking various factors into consideration, such as the provincial or territorial minimum wages and the collective bargaining settlement patterns for employees of the core public administration. Any such adjustments will not apply retroactively.

A.2.5 Overtime

- A.2.5.1 Students who are participating in a paid assignment program are to be paid overtime according to the relevant collective agreement, as long as they have been authorized to work overtime;

- A.2.5.2 Regardless of the payment options available under the relevant collective agreement, students may not be compensated for overtime in the form of compensatory leave.

A.2.6 Acting pay

- A.2.6.1 Students are not entitled to acting pay.

A.2.7 Other benefits

- A.2.7.1 Students are entitled to the following benefits, to be administered in accordance with the provisions of the relevant collective agreement:
- call-back pay,
 - standby pay,
 - reporting pay,
 - shift and weekend premium,
 - penological factor allowance or correctional service specific duty allowance,
 - travelling time, and
 - overtime meal allowance.

A.2.8 Bilingualism bonus

- A.2.8.1 Students are not entitled to the bilingualism bonus.

A.2.9 Leave with pay

- A.2.9.1 With the exception of bereavement leave granted in accordance with subsection A.2.12, students are not entitled to leave with pay.

A.2.10 Vacation pay

- A.2.10.1 In lieu of vacation, students are entitled to vacation pay equal to four per cent (4%) of their total regular and overtime earnings.

A.2.11 Designated paid holidays

- A.2.11.1 Students employed on a full-time basis are entitled to pay for designated paid holidays provided they were not absent without pay on either the full working day before or the full working day after the designated holiday;
- A.2.11.2 Students working part-time are not entitled to pay for designated paid holidays. Instead, they are entitled to pay according to the provisions for part-time employees in the relevant collective agreement;

- A.2.11.3 Students in paid student employment programs who are working outside Canada may receive pay for an equivalent number of local designated paid holidays falling within their employment period.

A.2.12 Bereavement leave

- A.2.12.1 Students are to be granted bereavement leave for up to three consecutive calendar days, which include the day of the funeral, when a member of their immediate family dies. Such leave is without pay during the first three months of continuous employment, and with pay thereafter;
- A.2.12.2 “Immediate family” is as defined in the relevant collective agreement.

A.2.13 Sick leave

- A.2.13.1 Students are not entitled to paid sick leave and do not accumulate sick leave credits.

A.2.14 Other leave

- A.2.14.1 Students may be granted leave without pay for any purpose, but not beyond the specified period of the student’s employment.

A.2.15 Layoff

- A.2.15.1 Students who have at least three months of continuous employment and who are laid off before the end of their period of employment are to receive two weeks’ notice of the layoff. If they do not receive two weeks’ notice, they are to receive compensation in lieu of notice. That compensation is equal to two weeks’ pay or pay to the end of the specified period of their employment, whichever is less;
- A.2.15.2 If a laid-off student is re-employed in the public service before the end of the period for which compensation was paid, the student must repay the part of the compensation that represents the time from the date of their re-employment to the end of the original compensation period.

A.2.16 Security clearances

- A.2.16.1 Where required, students must have the appropriate security clearance.

A.2.17 Travel: General

- A.2.17.1 The following provisions apply to all Canadian students engaged under one of the paid student employment programs;

- A.2.17.2 Students must not be paid a salary while travelling, except when in travel status once engaged;
- A.2.17.3 A travel allowance may be authorized for travel by private motor vehicle. In such cases, the applicable kilometric rate must be in accordance with Appendix B of the National Joint Council *Travel Directive*, plus the necessary costs incurred en route for tolls that apply to roads, ferries, bridges and tunnels;
- A.2.17.4 Students who are required to travel on government business during their employment are eligible for the reimbursement of expenses, as published in the National Joint Council *Travel Directive*;
- A.2.17.5 Students who perform fieldwork during their employment may, at the responsible manager's discretion, be provided board and lodging while working in the field. This would normally be done in the same circumstances in which board and lodging would be provided to indeterminate employees.

A.2.18 Travel: In Canada and the continental United States

- A.2.18.1 Actual and reasonable transportation expenses may be paid, as set out in Part III, subsection 3.3.11, of the National Joint Council *Travel Directive*, for the one of the following:
 - A.2.18.1.1 Travel from a Canadian educational institution to the reporting place or the workplace and, on completion of the employment, return travel to either:
 - A.2.18.1.1.1 The original educational institution, or
 - A.2.18.1.1.2 Another educational institution where the student will be continuing his or her education, provided that this does not increase transportation costs; and
 - A.2.18.1.2 Travel from an educational institution located outside Canada to the reporting place or the workplace and, on completion of the employment, return travel as described in subsection A.2.18.1.1.1 or A.2.18.1.1.2;
- A.2.18.2 In addition to the transportation expenses provided under subsection A.2.18.1, a student may be reimbursed a maximum of \$200 per return trip for the combined miscellaneous expenses incurred at the start or at the end of a given period of continuous employment. This provision is

intended to help offset costs such as the return shipment of personal effects and temporary accommodation on arrival. Receipts are to be provided when available.

A.2.19 Travel: Outside Canada and the continental United States

A.2.19.1 Students may receive:

- A.2.19.1.1 Reimbursement for any proportion of actual transportation expenses between the student's home or educational institution and the reporting place or workplace as set out in Part III, subsection 3.4.11, of the National Joint Council *Travel Directive*;
- A.2.19.1.2 Reimbursement to a maximum of \$250 per return trip, to help offset miscellaneous costs incurred in transit to the reporting place or workplace or in transit to the student's home or educational institution;
- A.2.19.1.3 A daily post allowance of up to 65 per cent (65%) of the meal rate for dinner, as established for the workplace under the National Joint Council *Travel Directive*. A lesser allowance may be given, depending on living costs at the workplace, student availability and program budget.

A.2.20 Isolated post allowance

- A.2.20.1 Students employed in an isolated post, as defined in the National Joint Council *Isolated Posts and Government Housing Directive*, are eligible for relevant allowances, such as the environment allowance, living cost differential, and the fuel and utilities differential allowances, based on the classification of the post.

A.2.21 Discipline

- A.2.21.1 Subject to any other policy instrument, and any standards for discipline established by the deputy head, financial and other penalties, including suspension and termination of employment, may be applied for breaches of discipline or misconduct by a student.

A.2.22 Part-time employment

- A.2.22.1 Compensation for students working part-time is based on the provisions set out in the relevant collective agreement.

A.2.23 Continuous employment

- A.2.23.1 If a student employed under a student employment program is subsequently appointed to the public service, periods of student employment may count toward continuous employment, provided they meet the criteria of the applicable terms and conditions of employment.

A.2.24 Continuous or discontinuous service

- A.2.24.1 Effective April 1, 2013, any periods of continuous or discontinuous service as a student in the public service count toward the calculation of vacation leave entitlements when an individual becomes subject to the vacation leave provisions of the relevant collective agreement or terms and conditions of employment. There is no recalculation of vacation leave entitlements prior to April 1, 2013.

A.2.25 Injury on duty

- A.2.25.1 In the event of an injury on duty, students are defined as employees under the *Government Employees Compensation Act*.

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