

**Employment Record Retention Policy – Federal**

**Intent**

[insert company name] has established this policy to ensure that employment records are managed in compliance with the Canada Labour Code (CLC), and industry best practices. Employee files will include documentation related to employment activity and pertinent employee information.

**Guidelines**

[insert company name] creates and maintains records for each employee, collecting and retaining personal and employment related information solely for the purpose of managing the employment relationship, both during and after employment.

Records are kept for as long as they are needed for legal, regulatory, or business purposes, in compliance with applicable laws, including the Canada Labour Code (CLC), the Personal Information Protection and Electronic Documents Act (PIPEDA), and other relevant legislation. These records may be stored in either paper or electronic format.

Appropriate measures are taken to protect confidentiality and security or records, regardless of their format, in line with [insert policy title]. Records are maintained confidentially and are regularly updated to ensure their accuracy.

**Personnel Records**

Personnel records are retained for a minimum of three years from the date of their creation. After the employment relationship ends, records are kept for at least three years from their termination date. These records include, but are not limited to the following;

**General Records**

* Start date and end date of employment.
* Full name, address, Social Insurance Number, occupational classification, sex of the employee, and the age of the employee (if under 18).
* A copy of any medical certificate provided to require breaks for medical reasons and the request for the certificate issued by the company.
* Any notice of termination or intention to terminate an employee’s employment provided in accordance with group termination provisions or individual termination provisions under the CLC.

**Earning and Payroll Records**

* Wage rates, indicating the basis (hourly, weekly, monthly, or other) and details of any changes in the rate, including the dates the rate changed.
* The method of calculation where the wages are determined on a basis other than time.
* Hours worked each day, excluding employees who exercise management functions or who are members of designated professions.
* Earnings, including the amounts paid each day, overtime pay, vacation pay, general holiday pay, personal leave pay, leave for victims of family violence pay, bereavement leave pay, medical leave of absence pay, termination pay, and severance pay.
* Payments made after deductions, with details of any deductions.
* The company’s pay periods.

**Vacation Records**

* The start and end dates of annual vacations.
* If a vacation was interrupted by a leave under the CLC, the date of interruption and, if the employee resumed the vacation, the date when they did so.
	+ If vacation was postponed due to taking a leave under the CLC, the new start and end dates of the vacation.
	+ The year of employment which each annual vacation period was granted.
	+ Any written notice to interruption a vacation or leave taken under the CLC and written notice of the resumption of a vacation or leave.
	+ Any written agreements between the company and an employee to postpone or waive their entitlement to annual vacation.
	+ Any written request made by an employee to take vacation in more than one period and the company’s response to the request.
	+ What is considered a year of employment in accordance with the CLC for determining entitlement to vacation.

**Records of Leaves**

* The start and end dates of a leave under the CLC taken by the employee and the dates of interruption, if applicable.
* A copy of any notice concerning a leave under the CLC or an interruption of a leave.
* Any documentation, including a copy of any medical certificate, provided by the employee related to the leave or interruption.
* The start and end dates of any job modification or reassignment for a pregnant or nursing employee, and a copy of any notice provided by the company regarding the modification or reassignment.
* Any general holiday or other holiday with pay granted to an employee under the CLC.
* Any notice of substitution of a general holiday required to be posted under the CLC, including proof that the substitution was approved in accordance with the CLC.
* The date on which any bereavement leave granted to an employee begins, its length, and a copy of the written notice provided by the employee.
* A record of paid medical leave taken under the CLC, including the start and end dates of the leave, the year of employment the leave was earned, the number of days of leave carried over from the previous year, a copy of a request from the company for a medical certificate, and a copy of a medical certificate provided by the employee.
* A record of unpaid medical leave taken under the CLC, including a copy of a request for a medical certificate from the company and a copy of the certificate provided.
* A record regarding a leave of absence for members of the reserve force under the CLC, including the start and end dates of the leave, including any interruptions or postponement of the leave, copies of any notices concerning the leave, a copy of a medical certificate concerning the leave, a prescribed document provided as proof entitlement to the leave, a notice of postponing the employees return to work, and any notice of changes in wages or benefits.

**Hours of Work**

* Where hours of work are averaged, any notice concerning the averaging of hours of work, reductions to the standard and maximum hours of work, and the number of hours for which the employee was entitled to be paid at the overtime rate or granted time off for overtime worked.
* *If* *a collective agreement* *is in place:* Proof of approval of a modified work schedule or approval to exceed the maximum hours of work under the CLC.
* All work schedules and modified work schedules provided in writing to the employee.
* Every written notice, request, or agreement entered into regarding hours of work or flexible work arrangements.
* A record describing any situation where the company had to postpone or cancel a break to deal with an unforeseen situation that presented or could have presented a serious threat to the health or safety of a person, company property, or business operations.
* A record describing any situation where the employee was required to work additional hours that resulted in them having less than eight hours of rest between shifts in accordance with the CLC.
* A record of any refusal by an employee to work any shift that starts within 96 hours of their schedule being provided to them.
* A record of any situation where an employee could not refuse to work a shift in accordance with the CLC.
* A record describing any situation where the company changed or extend an employee’s shift without notice in accordance with the CLC.
* A record of any employee refusal to work overtime to carry out family responsibilities.
* A record of any situation where an employee could not refuse to work overtime in accordance with the CLC.

**Return to Work**

The following records are kept for at least three years after the expiry of the company’s obligation to return an employee to work who has been absent due to a work-related illness or injury:

* Detailed reasons for the employee’s absence due to work-related illness or injury.
* A copy of any certificate from a healthcare practitioner indicating that the employee is fit to return to work.
* The date the employee returned to work, or a copy of any notification from the company to the employee that a return to work was not reasonably practicable and the reason why.

**Other**

* Résumé and cover letter.
* Employment application.
* Letters of reference.
* Interview record.
* Employment contract.
* Signed confidentiality agreement.
* Consent to background check and results of check.
* Signed company policies.
* Performance reviews.
* Performance improvement plans.
* Records of temporary layoffs and recall notices.
* Progressive discipline records.
* Exit interviews.
* Severance agreements.

**Health and Safety Records**

[insert company name] retains the following records related to workplace health and safety:

* Health and safety training completed by a worker for two years after the worker is no longer exposed to the hazard.
* First aid certificates and the expiry dates of certificates.
* Records relating to the receipt of first aid for two years.
* Employee work refusals and any associated investigations.
* Records related to workplace violence and harassment, including investigations and reports for 10 years.
* Any hazardous occurrences, including work-related injuries, illness, or worker exposure associated with the employee and the corrective action taken for 10 years.

**Destruction** **of Records**

All records will be securely destroyed or anonymized at the end of the retention period, ensuring that personal information is no longer identifiable, in compliance with PIPEDA and the company’s [insert company policy title]. In the event of a pending or ongoing investigation, records will be retained until the matter is fully resolved.

**Acknowledgement and Agreement**

By signing below, I confirm that I have read and understand the contents of this policy. I agree to comply with its provisions and will ensure that employees under my supervision also adhere to it. I acknowledge that any violation of the rules outlined in this policy may result in disciplinary action, up to and including termination of employment.

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| Employee Name(Printed): |  |
| Employee Signature:  |  |
| Date: |  |
| Witness Signature:  |  |
| Date:  |  |