

Court Duty (Jury and Witness Duty)

Background

Employers must give employees time off to attend jury selection and to serve as jurors. Under the Employment Standards Act, a juror is considered to be on unpaid leave for the period of jury duty. Although the employers are not legally obligated to pay employees for lost wages while on jury duty, the employee is considered to be in continuous employment for the purposes of calculating annual vacation, termination entitlements, as well as for pension, medical or other employee benefit plans. The employee is also entitled to all increases in wages and benefits which he or she would have received if not on jury duty. Further, the employer may not terminate an employee on jury duty, or change a condition of employment, without the employee's written consent. As soon as jury duty ends, an employee must be returned to his or her former position or comparable position.

Procedures

Any employee who is required to attend court as a juror or who is subpoenaed to appear in court will receive regular salary for the duration of their leave. Any remuneration received, except reimbursement of actual expenses will be paid back to the Northern Lights School Division #113 by the employee.

Employees must notify their immediate supervisor when subpoenaed to appear as a witness or perform jury duty in a court of law. Employees must give advance notice to their immediate supervisor, where possible and complete appropriate request leave forms, attached with supporting documents.