

GUIDELINE TITLE: TRAINING REQUIREMENTS AND LEAVE OF ABSENCE**PURPOSE**

To clarify how the ministry will apply the training requirements under the Ontario regulation for the *Licensing of Sewage Works Operators* (O. Reg. 129/04 made under the *Ontario Water Resources Act*) to accommodate an approved leave of absence.

CONTEXT

Regulation 129/04 states that the owner of a facility shall ensure that every operator employed in the facility is given at least 40 hours of training every year.

The regulation does not address any exceptions to the annual training requirement. Therefore, this guideline was created to clarify how the ministry will apply the training requirement to accommodate an approved leave of absence under the *Human Rights Code*, the *Employment Standards Act* and the *Workplace Safety and Insurance Act*.

MINISTRY POLICY

For the purposes of subsection 21(1) of O. Reg. 129/04 (Licensing of Sewage Works Operators), “employed” means reports on a daily basis to the place of employment for a period of 60 days or longer in any 365-day period (excluding vacation and short-term illness).

Based on the above meaning of the term “employed”, an operator who is on an approved leave of absence for 305 days or longer in an 365-day period is not required to meet the 40 hour training requirement under the regulation for that period. Operators who are on leave for 304 days or less in a 365-day period are required to meet the training required in subsection 21(1) of O. Reg. 129/04.

The ministry recognizes that employees with accommodation issues arising out of grounds stemming from the *Human Rights Code*, the *Employment Standards Act, 2000* and the *Workplace Safety and Insurance Act, 1997* will be accommodated up to the point of undue hardship. Affected employees and employers with accommodation issues are invited to write to the Director in order to discuss appropriate individual accommodation needs.

Please write to the Director at:

Director, Drinking Water Programs Branch
Ministry of the Environment
40 St. Clair Avenue West, 3rd Floor
Toronto, ON M4V 1M2