

| <b>Head, Clara &amp; Maria Policies and Procedures</b> |                                |                             |                            |
|--|--------------------------------|-----------------------------|----------------------------|
| <b>DEPARTMENT: Human Resources</b>                     |                                |                             | <b>POLICY #:<br/>HR-11</b> |
| POLICY NAME: General Unpaid Leave of Absences          |                                |                             |                            |
| <b>DATE:</b><br>June 2021                              | <b>REV. DATE:</b><br>June 2021 | <b>APPROVED BY:</b> Council | <b>PAGE #:</b><br>1 of 7   |

**POLICY STATEMENT:**

In compliance with the *Employment Standards Act, 2000*, an employee may be granted a leave of absence for legitimate personal reasons upon obtaining the approval of the Clerk-Treasurer.

**PROCEDURE:**

1. Where possible, all leaves of absences are requested in writing and authorized by the Clerk Treasurer.
2. A letter of confirmation is sent to the employee by the Clerk Treasurer.
3. Benefit Entitlement
  - I. Non-Statutory Leaves: If the absence exceeds one (1) full pay period, the employee shall not accumulate service for the purpose of vacation entitlement, sick leave, pension plans, merit increment progression, or other compensation matters affected by service. Life and health benefits may be continued for up to twelve (12) months with the employee being responsible for the total premium costs of all benefits for the total period of absence.
  - II. Statutory Leaves: For leaves of absence set out within the *Employment Standards Act, 2000*, with the exception of the Reservist Leave, the employer will continue to pay the employer contributions into certain benefit plans (life and extended health insurance, accidental death and dental plans), unless the plan requires both employer and employee contributions as set out in an applicable policy, and the employee advises the employer in writing that the employee will not be paying their contributions. Employees who are on Reservist Leave have this right only if the employer postpones the employee's return to work.
4. Non-Statutory Leave
  - I. Leave of Absence without Pay: An unpaid period of time that an employee is off from their primary position, while maintaining the status of employee. Prior to taking leave, the employee must in writing, request an unpaid leave of absence, identifying the length of the leave requested. Once approved by the Clerk-Treasurer, the employee may begin the leave. The length of leave is for the approved term only, with the employee required to return to work when that time

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expires. Should the employee require an extension of the previously approved leave, it is the responsibility of employee to re-submit a request for leave to the employer in a timely manner.

## 5. Statutory Leaves

Changes to the *Employment Standards Act, 2000* include the removal of Personal Emergency Leave (PEL) and replaced with the following three (3) unpaid leaves;

- Sick Leave – 3 days
- Family Responsibility Leave – 3 days
- Bereavement Leave – 2 days

The provisions in the other statutory leaves in this policy remain unchanged.

**If an employment contract or workplace policy provides a greater right or benefit than the family responsibility standard under the Employment Standards Act (ESA), then the terms of the contract or policy apply instead of the standard.**

- I. (a) Sick Leave: An employee who has been working for two consecutive weeks will have an entitlement to three (3) unpaid sick days each calendar year for their own personal illness, injury or medical emergency. The employee must inform the employer before starting the leave that they will be taking a sick leave day. In the event of extenuating circumstances where the employee is unable to provide the employer with advanced notice, the employee is required to provide immediate confirmation to the employer at the earliest convenience. As well, the employer can ask for evidence “reasonable in the circumstances” of entitlement to the leave.

Where the employee has taken a sick day(s) under an employment contract they have also taken a statutory sick leave day(s). The employer is entitled to draw down on both the contract sick day(s) and statutory sick leave day(s) at the same time. Sick leave days may be taken separately or consecutively.

If the employee takes any part day as leave, the employee is deemed to have taken a full day of leave.

- I. (b) Family Responsibility Leave: Employees who have been working for two consecutive weeks will have an entitlement to up to three (3) unpaid family responsibility days each calendar year. These days can be used for the illness,

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injury or medical emergency of a specific family member, or for an urgent matter that affects a family member. The employee must inform the employer before starting the leave that they will be taking a family responsibility leave day. In the event of extenuating circumstances where the employee is unable to provide the employer with advanced notice, the employee is required to provide immediate confirmation to the employer at the earliest convenience. As well, the employer can ask for evidence “reasonable in the circumstances” of entitlement to the leave. Family responsibility leave days may be taken separately or consecutively.

If the employee takes any part day as leave, the employee is deemed to have taken a full day of leave.

- I. (c) Bereavement Leave: Employees who have been working for two consecutive weeks will have an entitlement to up to two (2) unpaid bereavement leave days each calendar year. These days can be used in the event of the death of a specific family member.

Where there is extenuating circumstances where the employee is unable to provide the employer with advanced notice, the employee is required to provide immediate confirmation to the employer at the earliest convenience. As well, the employer can ask for evidence “reasonable in the circumstances” of entitlement to the leave.

If an employee has taken a bereavement day(s) under an employment contract or collective agreement they have also taken a statutory leave day(s). The employer is entitled to draw down on both the contract bereavement day(s) and statutory bereavement leave day(s) at the same time. Bereavement leave days may be taken separately or consecutively.

If the employee takes any part day as leave, the employee is deemed to have taken a full day of leave.

- II. Family Caregiver Leave: Provides an employee unpaid leave of up to eight weeks per calendar year per specified family member. This is to provide care or support to family members for whom a qualified medical practitioner (physician, psychiatrist or nurse practitioner) has issued a certificate stating that he or she has a serious medical condition. The eight weeks can be taken consecutively or

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separately.

- III. Family Medical Leave: Provides unpaid leave of up to 28 weeks in a 52 week period for employees to provide care or support to certain family members where the individual has a serious medical condition with a significant risk of death within 26 weeks. The employee is to provide the request in writing with a copy of a certificate issued by a qualified medical practitioner (physician or nurse practitioner). The twenty-six weeks can be taken consecutively or separately.
  
- IV. Child Death Leave: Provides up to 104 weeks of unpaid, job-protected leave for employees in respect to the death of a child. Employees must have been employed for at least six consecutive months, and are required to provide the employer with a written plan, indicating the weeks in of leave which will be taken. The employee may be asked to provide reasonable evidence as to the circumstances of the leave, if required by the employer. An employee is not entitled to this leave if the employee is charged with the related crime, or if it is probable, considering the circumstances, that the child was a part to a crime in relation to their death.
  
- V. Crime-Related Child Disappearance Leave: Provides up to 104 weeks of leave for a crime-related death of a child and up to 104 weeks of leave for the crime-related disappearance of a child. The employee is required to provide the employer with a written plan that indicates the weeks in which the employee will take the leave. The employee may be asked to provide reasonable evidence as to the leave circumstances, if requested by the employer. The employee is required to report any changes affecting their return date (ie: child found alive, not crime related). An employee is not entitled to a leave of absence, if the employee is charged with the related crime, or if it is probable, considering the circumstances, that the child was a party to the crime.
  
- VI. Critical Illness Leave and Critically Ill Child Leave: May be taken to provide care or support to a critically ill child or adult who is a family member of the employee. Employees may be granted up to 37 weeks in relation to a child, or 17 weeks in relation to an adult within a 52-week period. "Critically ill" describes a person's state of health has significantly deteriorated with risk to life as a result of an illness or injury. The leave does not include chronic conditions. The seventeen or thirty-seven weeks can be taken consecutively or separately
  
- VII. Organ Donor Leave: Is unpaid leave of up to 13 weeks, for the purpose of

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undergoing surgery to donate all or part of certain organs to an individual. In some cases, organ donor leave can be extended for up to an additional 13 weeks. Organ donor leave usually begins on the date of the surgery but may begin on an earlier date, as specified in a certificate issued by a legally qualified medical practitioner.

- VIII. Reservist Leave: Is unpaid, job-protected leave if the employee is deployed to a Canadian Forces operation outside of Canada, or if he or she is deployed to a Canadian Forces operation inside Canada to provide assistance in dealing with an emergency or its aftermath. The employee must have six months of continuous service to the employer to qualify for the leave. The employee must provide their employer with reasonable written notice of the day on which they will begin and end the leave. An employer is required to hold the reservist employee's job open for as long as the employee's deployment lasts. Approved leave requests will not exceed thirty-six (36) months. Seniority and length of service credits continue to accumulate during the leave.

Where an employee qualifies for unpaid leave they may be eligible, through the federal government, to receive general EI benefits; compassionate care benefits; benefits for caregivers of critically ill minor children or adults; and grants for parents of murdered and missing children. For more information, call (1-800-622-6232) or online at

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| <b>EMPLOYEE LEAVE OF ABSENCE – REFERENCE GUIDE</b> |                            |   |
|--|----------------------------|---|
| <b>Statutory Unpaid Leaves of Absence</b>          |                            |   |
| <b>Leave Title</b>                                 | <b>Required Service</b>    | <b>Entitlement</b>  |
| Family Caregiver Leave                             | All employees entitled     | Job-protected – Unpaid – up to 8 weeks per calendar year per specified family member. |
| Family Medical Leave                               | All employees entitled     | Job-protected - Unpaid – up to 28 weeks.  |
| Child Death Leave                                  | Six consecutive months     | Job-protected - Unpaid – up to 104 weeks.   |
| Crime Related Child Disappearance Leave            | Six consecutive months     | Job-protected - Unpaid – up to 104 weeks.   |
| Critical Illness Leave                             | Six consecutive months     | Unpaid –<br>Adults – up to 17 weeks<br>Children - up to 37 weeks                      |
| Organ Donor Leave                                  | Thirteen consecutive weeks | Unpaid – 13 weeks, possible extension for additional 13 weeks                         |
| Reservist Leave                                    | Six consecutive months     | Unpaid – up to 36 months  |
| Sick Leave   | Two consecutive weeks      | Unpaid – 3 days   |
| Family Responsibility Leave                        | Two consecutive weeks      | Unpaid – 3 days   |
| Bereavement Leave                                  | Two consecutive weeks      | Unpaid – 2 days   |

**Note:** For the policy relating to pregnancy and parental leave; please refer to HR-09 – Pregnancy Leave and Parental Leave.

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