## PROTECTED LEAVES

[Organization Name] recognizes that qualified employees have the right to take job protected leave without any negative consequences to their employment. As such, [Organization Name] is committed to adhering to the guidelines established by the Nunavut *Labour Standards Act* (LSA) with respect to any job-protected leaves.

POLICY

The purpose of this policy is to outline the job-protected leaves employees have a right to take under the LSA so that:

* Employees know their rights; and
* [Organization Name] manages employee leave in a fair and consistent manner.

[Organization Name] will adhere to all regulations covered under the LSA.

Protected Leaves:

1. Pregnancy Leave
2. Parental Leave
3. Compassionate Care Leave
4. Family Abuse Leave
5. Public Emergency Leave
6. Reservist Leave
7. Jury Duty Leave
8. Voting Leave

Employee Rights During a Leave

Employees have the right to continue to participate in the company benefits plans during their job-protected leave of absence. This includes programs such as: pension plan, life insurance, extended health care, and dental. If an employee wishes to opt out of their participation in these company-provided benefits, they must provide their request via written notice.

[Organization Name] will continue to pay its portion of the employee benefits contribution to an employee’s benefit plan, unless the employee has provided written notice, they’d like to opt out during the leave period.

Employees will continue to accrue seniority while on a job-protected leave.

1. **Pregnancy Leave**

Pregnant employees have the right of taking a pregnancy leave constituting up to 17 unpaid weeks off work provided they have worked at [Organization Name] for a period of at least 12 consecutive months. The earliest the leave can begin is 17 weeks before the employee’s due date and the latest one can begin is the baby’s due date (or actual date of birth if that arrives sooner).

If an employee is still pregnant after the 17 weeks of leave, they may continue on until the birth and then commence their parental leave, the extension of pregnancy leave may not exceed 6 weeks. Employees are entitled to return early from their leave if they desire to do so; however, they may not split up their leave and use up the unused part later.

Employees must submit to [Organization Name] a written request for pregnancy leave at least four weeks before the day on which the employee intends to commence the leave. As needed, [Organization Name] may request a medical certificate stating that the employee is pregnant and stating the estimated date of delivery. If an employee was unable to provide the required notice for the leave, they are still entitled to the leave provided that they provide within 2 weeks of ceasing work a medical certificate stating that the employee was not able to perform their employment duties due to medical reasons relating to the pregnancy. The expected due date should also be in the certificate.

Note: an employee who does not request pregnancy leave in accordance with the above but who has been employed by [Organization Name] for 12 months is entitled to pregnancy leave of six consecutive weeks, without pay, where the employee provides a medical certificate stating that the employee has given birth on a specified day.

An employee may shorten their leave, with the consent of [Organization Name], and resume employment before the expiration of the leave period.

1. **Parental Leave**

New parents are entitled to take parental leave of up to 37 weeks of unpaid time free from work. Parents may refer to a birth parent, an adoptive parent, or a person in a relationship with a parent of a child who plans on treating the child as their own. To be eligible, employees must have been hired by [Organization Name] at least 12 months prior to starting their parental leave.

Birth mothers who have taken pregnancy leave are entitled to up to 52 weeks of combined pregnancy and parental leave. In the case of a birth mother who did not take pregnancy leave and any other new parents, they are entitled to up to 37 weeks of parental leave.

Parental leave for a pregnant employee may begin as soon as the pregnancy leave ends or the birth of the child. For any other employees, parental leave must be started no later than 52 weeks after the date of the baby’s birth or the date the child came into their care, custody, and/or control. Note: the parental leave must be started in the 52 weeks but is not required to be completed then. Employees may return early from leave but may not re-embark on the leave to use up any remaining time.

Employees must provide written notice of 4 weeks before the start of a parental leave and written notice if they desire to return to work before their leave entitlement has been used up. If an emergency occurs and the parental leave needs to begin immediately, employees are required to provide their notice of the leave as soon as possible after starting the leave.

[Organization Name] will not penalize any employee because the employee is or will be taking either pregnancy or parental leave. Employees who take a pregnancy or parental leave are entitled to return to either their same position or a comparable one, if [Organization Name] has eliminated their previous one. The employee is entitled to all increases to wages and benefits that the employee would have been entitled to had they not been on leave.

Note: an employee who does not request parental leave in accordance with the above but who has been employed by [Organization Name] for 12 months is entitled to parental leave of six consecutive weeks, without pay for parental leave.

An employee may shorten their leave, with the consent of [Organization Name], and resume employment before the expiration of the leave period.

Additional regulations involving multiple children or the extension of parental leave are outlined in the Labour Standards Act. [Organization Name] will comply with the requirements of the legislation in all cases.

1. **Family Abuse Leave**

Employees of [Organization Name] who have at least 4 weeks of service are entitled to this leave in the event an employee or an employee’s child has experienced or been threatened with sexual or domestic violence. This leave provides for up to 5 days and 15 weeks in a calendar year of protected leave. The employee’s first five days of leave will be paid if they have been continuously employed for 3 months, and the remainder of the leave is unpaid.

The leave may be taken for any of the following:

* To seek or obtain medical attention in respect of a physical or psychological injury or disability.
* To seek or obtain services from a victim services organization.
* To seek or obtain psychological or other professional counselling.
* To seek or obtain Elder counselling.
* To seek or obtain legal or law enforcement assistance, including preparing for or participating in a civil or criminal legal proceeding.
* To relocate temporarily or permanently.
* Any other reason as outlined in the regulations.

Employees are not entitled to the leave if they committed the violence.

The entitlement to the 5 days resets every calendar year, regardless of the month in which an employee began employment with [Organization Name]. These days may not be carried over if unused and an employee does not have to take all the days off in the same period. An employee may choose to take part days but in terms of the leave, these are counted as full days.

This entitlement extends to if an employee needs to take up to 15 weeks of family abuse leave for the same reasons as those above. These weeks can be taken separately, or all at once. If an employee only uses part of a week, it does count as a full week of leave.

Note: Employees of [Organization Name] will be paid for the first five days whether they take the ten days or they take leave from their 15-week entitlement.

Employees are required to provide notice, either ahead of the leave or as soon as possible after they have started the leave (this notice may be provided orally), for either length of leave. In addition, employees are not required to take the 5 days leave before starting on their 15-week entitlement. Employees may be requested to provide reasonable evidence of the need for the leave.

*Note: The above leave will be coming into force on a day to be fixed by order of the Commissioner.*

1. **Compassionate Care Leave**

Every employee is entitled to up to 8 weeks of unpaid compassionate care leave to care for or support a seriously ill family member who has a significant risk of dying within 26 weeks.

“Family member", in relation to an employee, means:

1. a spouse or common-law partner of the employee;
2. a child of the employee or a child of the employee's spouse or common-law partner;
3. a parent of the employee or a spouse or common-law partner of the parent;
4. any other person who is a member of a class of persons prescribed for the purposes of this definition under this Act or the Canada Labour Code or the definition "family member" in subsection 23.1(1) of the Employment Insurance Act (Canada).

To be eligible for leave, an employee must have a physician issue a certificate stating that:

* a family member of the employee has a serious medical condition with a significant risk of death within 26 weeks of
  + the date the certificate is issued, or
  + if the leave began before the certificate was issued, the day the leave began, and
  + The family member requires the care or support of one or more employees.

15 days after their return, the employee may be requested to provide a copy of a certificate issued by a qualified medical practitioner which states that the family member in question has a serious medical condition with a significant risk of death within 26 weeks.

Employees can take the leave in multiple periods that must be at least one week long.

1. **Public Emergency Leave**

Employees of [Organization Name] have the right to this leave in the event that the Government of Nunavut proclaims a public emergency leave.

For specifics relating to this leave, including reasons for taking the leave, [Organization Name] will ensure that all LSA provisions are followed in the event of a public emergency.

1. **Reservist Leave**

A reservist employee who has worked for the company for at least six consecutive months and who is a member of the reserve force is entitled to unpaid leave.

Employees are required to provide four weeks written notice of the beginning and end date of their leave and will be reinstated to their same position upon returning from leave. In the event that their position has been eliminated, [Organization Name] will reinstate them to a comparable position.

If an emergency situation occurs and the employee is unable to give notice, they are still entitled to the leave.

"Emergency situation" means a present or imminent situation or event that is seriously affecting or could seriously affect the health, safety or welfare of persons or is substantially damaging or could substantially damage property.

Should the granting of reservist leave cause [Organization Name] undue hardship, an appeal may be made to a Labour Standards Officer for an exemption.

1. **Jury Duty Leave**

[Organization Name] will provide unpaid job-protected time away from work as necessary for employees to participate in jury duty. Employees may be requested to provide evidence of the need for them to participate in jury duty.

1. **Voting Leave**

Eligible employees are entitled to take two (2) hours off to vote during work hours during federal and territorial elections. The leave will be applicable where an employee’s hours of work prevent them from having two consecutive hours to vote. The hours will be paid. Note that voting is open for 12 hours.