## PROTECTED LEAVES OF ABSENCE

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

DEFINITIONS

All definitions are from the *Employment Standards Act* of British Columbia.

***Immediate Family Member:***

* spouse (including common-law spouse)
* child (including stepchild)
* same sex partners and their children if they live with the employee as a member of the employee’s family.
* parent (including stepparent)
* guardian
* sibling
* grandchild
* grandparent
* any other person who lives with the employee as a member of the employee’s family.

***Family Member:***

In relation to the employee, including the list of immediate family members above, as well as:

* stepsibling
* aunt or uncle
* niece or nephew
* current or former foster parent
* current or former foster child
* current or former ward
* former guardian
* the spouse of a: sibling or step siblings, child or stepchild, parent, grandparent or grandchild, aunt or uncle, niece, or nephew, current or former foster child, or current or former guardian;

In relation to the employee's spouse, a:

* stepparent
* sibling or step siblings
* grandparent or grandchild
* aunt or uncle
* niece or nephew
* current or former foster parent
* current or former ward

***Minor Child:***

* a biological or adopted child
* a stepchild
* a foster child
* a child who is under legal guardianship of the employee and under the age of 19

POLICY

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

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

[Organization Name] will adhere to all regulations covered under the *Employment Standards Act* of British Columbia.

Protected Leaves:

* Leave Respecting Domestic or Sexual Violence
* Personal Illness or Injury Leave
* Maternity Leave
* Parental Leave
* Family Responsibility Leave
* Critical Illness or Injury Leave
* Compassionate Care Leave
* Bereavement Leave
* Leave Respecting the Disappearance of a Child
* Leave Respecting the Death of a Child
* Reservists’ Leave
* Jury Duty Leave
* 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 that they would like to opt out during the leave period.

While on a job-protected leave of absence, an employee’s employment is considered continuous. [Organization Name] will not penalize any employee because the employee is or will be taking a job-protected leave. An employee who takes an approved job-protected leave is entitled to return to either their same position or a comparable one if [Organization Name] has eliminated their previous one.

**Leave Respecting Domestic or Sexual Violence**

Employees of [Organization Name] may take up to 5 paid days of leave and 5 additional unpaid days of leave per calendar year if they have been impacted by domestic or sexual violence. If needed, an employee may take an additional 15 weeks of unpaid leave, where impacted by this type of violence. This leave also applies to an employee who has had a child or dependent impacted by this type of violence.

**Personal Illness or Injury Leave**

As per the *Employment Standards Act* and effective Jan. 1, 2022, employees have the right to take up to five (5) days of paid sick leave each calendar year because of personal illness, injury, or medical emergency. Employees are also entitled to three (3) extra unpaid sick days. This entitlement begins once an employee has worked for [Organization Name] for at least 90 days.

Sick days do not carry over into another calendar year if not used and will not be paid out to the employee for any reason including termination of employment.

As per the *Employment Standards Act*, reasonable medical documentation may be requested including information to support the employee’s need for the leave. Medical documentation will include the duration of the absence, the date of the employee’s medical appointment, and whether the employee was examined in-person.

**Maternity Leave**

Pregnant employees of [Organization Name] may take an unpaid maternity leave of up to 17 consecutive weeks off work. The leave must begin on or before the baby is born. Maternity leave cannot start earlier than 13 weeks prior to the expected due date of the baby. The leave continues for at least 6 weeks after the baby is born. In the event an employee wants to return to work sooner than this, [Organization Name] will require the employee to provide medical documentation allowing this. Where an employee is unable to return to work for reasons related to childbirth, the leave may be extended for 6 more weeks.

*Termination of Pregnancy:* Employees of [Organization Name] are entitled to 6 consecutive weeks of unpaid leave beginning on the date that a pregnancy has ended. If an employee is unable to return to work for reasons relating to the pregnancy ending, the leave may be extended for an additional 6 weeks. [Organization Name] may request a medical note from a doctor or nurse practitioner indicating the pregnancy has ended.

Employees must provide a written request to [Organization Name] at least 4 weeks prior to the day the employee intends on beginning the leave. [Organization Name] may request medical documentation stating the expected birth date, the actual birth date, or other reasons for the leave.

**Parental Leave**

Employees of [Organization Name] are entitled to take parental leave of up to 62 weeks of unpaid time free from work. Both parents can take one full period of parental leave. This leave can begin at any time within 78 weeks of the baby being born or a child being placed in the employee’s care in the case of adoption. An employee may extend their leave by up to 5 weeks if a child needs more care due to a physical, psychological, or emotional condition.

Pregnant employees can take maternity and parental leave. In this case, a pregnant employee may take up to 61 weeks of unpaid parental leave immediately following their maternity leave.

[Organization Name] reserves the right to request proof that an employee is entitled to parental leave or an extension of parental leave.

Employees must provide a written request to [Organization Name] at least 4 weeks prior to the day the employee intends on beginning the leave.

**Family Responsibility Leave**

Employees are entitled to take up to 5 days of unpaid leave in each employment year to help with the care, health or education of a minor child that is in their care. An employee can also request this type of leave to care for the health of a member of their immediate family.

Employees are encouraged to give reasonable notice of any request for leave to allow the [Organization Name] to accommodate the absence. [Organization Name] is entitled to request reasonable proof, after the event, that the request for a leave was valid. The request for the leave does not need to be made because of a crisis or emergency. It must be related to the care or health, and in the case of a child, education, of a member of the employee’s immediate family.

**Critical Illness or Injury Leave**

[Organization Name] employees are entitled to up to 36 weeks in a 52-week period of unpaid leave in the event they have a critically ill minor child or 16 weeks in the event of a critically ill adult family member. This leave may be taken to support or provide care for a minor child or adult family member.

Employees must request leave from [Organization Name] when they first become aware of their need for the leave. Employees are required to provide a medical certificate to [Organization Name] from a qualified medical practitioner that sets out:

* the baseline state of health of the family member that has significantly changed,
* that the life of the family member is at risk due to an illness or injury,
* that the care or support required by the ill family member can be met by the employee and not medical professionals, and
* the period for which the ill family member requires care or support.

The certificate does not have to be provided to [Organization Name] prior to the employee taking the leave but must be produced as soon as practicable.

Employees may begin this leave on the date outlined in the medical certificate or the first day in which the baseline state of health of the employee’s family member significantly changed. The leave must be taken in increments of one or more weeks at a time, separately or consecutively, within a 52-week period. The leave ends when the family member passes away, or at the end of the 52 weeks from the date in which the employee began the leave.

If a medical certificate issued by a qualified health practitioner sets out a period during which the employee is required to provide care or support to a family member that is less than 36 weeks (for a minor child) or less than 16 weeks (for an adult), the employee is entitled to take a leave only for the period set out in the certificate. An employee’s leave may be extended in the event the original certificate did not use up all the leave, and another medical certificate is obtained.

**Compassionate Care Leave**

Employees of [Organization Name] are entitled to compassionate care leave consisting of unpaid leave for a period of up to 27 weeks in a 52-week period to provide care to a family member who is terminally ill.

[Organization Name] employees are entitled to this leave, regardless of their length of service.

Employees must request leave from [Organization Name] as soon as they become aware of the need to take the leave. The employee must provide [Organization Name] a medical certificate stating the family member has a terminal illness and is at risk of dying within 26 weeks. This does not need to be provided prior to taking the leave; however, time off prior to obtaining the medical certificate will be included in calculating the duration of the leave. Employees are not required to take all 27 weeks consecutively and may separate their weeks. However, if an employee takes part of a week, this will count as a full week of leave.

The leave will end with whatever of the following comes first:

* On the last day of the week in which the family member passes away;
* After the employee has had 27 weeks off within a 52-week period; or
* 52 weeks after the leave began (regardless of whether the employee has taken all 27 weeks).

If the family member does not pass away within the 52-week period, an employee may take more leave after they provide [Organization Name] with a new medical certificate stating that the family member has a serious medical condition with significant risk of death within 26 weeks.

**Bereavement Leave**

Employees of [Organization Name] are entitled to up to 3 days of unpaid leave in the event of the death of an immediate family member. The days are intended to provide the employee with days to grieve, attend a funeral, and/or take care of issues relating to the death of a member of their immediate family. The days do not have to be consecutive days.

**Leave Respecting the Disappearance of a Child**

Employees of [Organization Name] are entitled to up to 52 weeks of unpaid leave if their minor child disappears as the result of a crime. The crime does not have to be proven, but probable. The employee may take leave in different units of time with the consent of [Organization Name].

The leave ends:

* 14 days after the child is found alive,
* On the date the child is found deceased, or
* At the end of the 52 weeks off (or if the employee has taken time off in different units, the last day of the last unit time).

The leave also ends if it is probable that the child’s disappearance was not the result of a crime or if the employee is charged with a crime in relation to the child’s disappearance.

A written notice and a plan for taking the leave must be provided to [Organization Name] as soon as possible either prior to beginning the leave or once the leave has started. The plan for the leave may be amended under special circumstances.

**Leave Respecting the Death of a Child**

An employee of [Organization Name] who experiences the death of their child is entitled to an unpaid leave of absence for a period of up to 104 weeks. This leave must be taken within the 105-week period that started when the child passed away. The employee may take leave in different units of time with [Organization Name]’s consent.

The leave ends after 104 weeks off, or if the employee has taken time off in different units, the last day of the last unit of time. The leave also ends if the employee is charged with a crime in relation to the child’s death.

**Reservist Leave**

An employee of [Organization Name] who is also a reservist for the Canadian Forces is entitled to 20 days of unpaid leave per calendar year for the following reasons:

* Is being deployed to a Canadian Forces operation outside of Canada,
* Is participating in pre- or post-deployment training activities,
* Is being deployed to assist with an emergency or an emergency aftermath in Canada.

Employees are required to provide [Organization Name] 4 weeks’ written notice of the leave including the start and end date of their leave. If deployment is extended, the employee must give [Organization Name] notice 4 weeks before the date the leave was to have ended, or as soon as possible. If the employee wants to return to work sooner than they originally said, they must provide [Organization Name] at least 1 week’s notice.

**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.

**Voting Leave**

Eligible employees are entitled to take three (3) hours off to vote during work hours during federal elections and four (4) hours during provincial elections. The leave will be applicable where an employee’s hours of work prevent them from having three consecutive hours to vote. The hours will be paid. Note that voting is open for 12 hours.