## 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 federal labour standards under the *Canada Labour Code* 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 federal labour standards 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 federal labour standards.

Protected Leaves:

1. Maternity-Related Reassignment and Leave
2. Maternity Leave
3. Parental Leave
4. Compassionate Care Leave
5. Leave Related to Critical Illness
6. Leave Related to death or Disappearance of a Child
7. Personal Leave
8. Leave for Victims of Family Violence
9. Leave for Traditional Aboriginal Practices
10. Leave for Court or Jury Duty
11. Bereavement Leave
12. Medical Leave (unpaid) and Leave for Work-Related Illness and Injury
13. Medical Leave with Pay
14. Leave of Absence for Members of the Reserve Force
15. Voting Leave

Reinstatement

[Organization Name] will not penalize any employee because the employee is or will be taking leave. Employees who take leave are entitled to return to either their same position or a comparable one, with the same wages and benefits. In any case where there was a reorganization of the workforce, employees will receive the same wages and benefits they would have received had they been working.

In the event of group increases, employees are also eligible for those upon their return to [Organization Name].

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.

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

1. **Maternity-Related Reassignment and Leave**

Employees who are pregnant or nursing may request from [Organization Name] that:

* Their job is modified, or
* They are reassigned to another position if continuing to do their present work poses a risk to:
  + Their health
  + The health of the unborn child, or
  + The health of their child

Any requests for this reassignment or leave must be accompanied by a certificate from a healthcare practitioner that outlines:

* How long the risk will last (if known)
* The conditions or activities that are to be avoided

[Organization Name] will consult with any employees who make a request under this leave and will either modify job duties or reassign, as is practicable.

Note that any time that is taken by [Organization Name] to work to modify the job duties or reassign the position will be paid time at the employee’s regular rate.

In any cases where modification or reassignment is not reasonably practicable, employees are entitled to an unpaid leave. For employees who are pregnant or nursing, they are entitled to this leave from the beginning of the pregnancy to the end of the 24th week following the birth. Requests for leave must be accompanied by a medical certificate from a healthcare practitioner which indicates the employee is unable to work because of the pregnancy or nursing and for how long the leave will need to last.

**2. Maternity Leave**

Pregnant employees have the right of taking a pregnancy leave constituting up to 17 unpaid weeks off work. The earliest the leave can begin is 13 weeks before the employee’s due date and the latest the leave can end is 17 weeks after the birth date.

In the event an employee is still pregnant after the 17 weeks of leave, the maternity leave is extended until the birth.

[Organization Name] employees embarking on maternity leave are required to provide at least four weeks’ written notice prior to the start of their leave that includes the length of the leave to be taken. Employees are also required to provide a certificate from a healthcare practitioner confirming the pregnancy.

**3. Parental Leave**

New parents are entitled to take parental leave of up to 63 weeks of unpaid time free from work. In the case of parents who both work under federal-regulated employers, they may share the leave which can then be extended for an additional eight weeks for a total of 71 weeks.

This leave may be taken in the 78-week period starting the day the child was born or from the day that a child came under the care and control of the employee. Employees must provide four weeks of written notice of their intent to take this leave and the notice must include the length of the leave.

In any case when an employee needs to take additional leave for the care of the child, [Organization Name] will follow the terms of the *Canada Labour Code* for the intersection of the leaves.

**4. Compassionate Care Leave**

Employees of [Organization Name] are entitled to up to 28 weeks of compassionate care leave within a 52-week period to care for a family member who has a serious medical condition with a significant risk of death.

The leave may begin in the following circumstances, depending on which occurs first:

* The week the healthcare practitioner signs the medical certificate; or
* The week the healthcare practitioner examines the family member; or
* The week the illness began for the family member (when it is known by the medical practitioner).

The leave can end if any of the below occur:

* The 28 weeks have been used
* The family member either no longer needs care or has passed away
* The 52-week period within which the leave must be taken expires

Note that two or more employees may take and share this leave, but the total amount of leave may not exceed 28 weeks within the 52-week period.

In certain cases, an employee may be entitled to also take leave under the critical illness leave; interject other leaves within this leave; or renew or separate this compassionate care leave. [Organization Name] will consult the CLC for specifics in these situations.

[Organization Name] employees embarking on compassionate care leave are required to provide as much notice as possible of the need for the leave. In any cases where an employee is on leave for at least four weeks and needs to change the total length of the leave, they are required to provide at least four weeks’ written notice of the change, whenever practicable. Employees may also be required to provide a certificate from a healthcare practitioner upon request. This would need to be provided within the first 15 days that the employee has returned to work.

**5. Critical Illness Leave**

[Organization Name] employees are entitled to up to 37 weeks in a 52-week period of unpaid leave in the event they have a critically ill minor child or up to 17 weeks in the event of a critically ill adult family member and they need to provide care and support.

The leave may begin on either the first day of the week in which the medical certificate is issued or the day that the medical practitioner certifies the illness of the family member. Note that if 2 or more children are critically ill, employees are eligible for separate leave of 37 weeks for each one.

Employees must provide written notice of their intent to take the leave as soon as they can, and it must include the intended length of the leave. Employees are also required to provide a medical certificate from a qualified medical practitioner which sets out that the family member is critically ill and requires the care and support of the employee.

Note that two or more employees may take and share this leave, but the total amount of leave may not exceed 28 weeks within the 52-week period. Under certain circumstances, employees may be permitted shorter lengths of leave by presenting a medical certificate for each length of leave and the periods must be at least one week in duration.

This leave may intersect or be lengthened with the addition of other leaves. [Organization Name] will work with the affected employee to determine the appropriate course of action as per federal standards.

Employees returning from critical illness leave are entitled to be reinstated to their position provided they have informed [Organization Name] at least four weeks ahead of when they intend to return. In cases where notice is not provided, [Organization Name] may be required to push back an employee’s return to work to that four-week period to permit the organization to plan their return.

**6. Leave Related to the Death or Disappearance of a Child**

Employees who have experienced the crime-related death or disappearance of a child are entitled to up to 52 weeks of leave in the case of a missing child and 104 weeks of unpaid leave in the event of the death of child, starting on the day death occurred. Eligibility is met where the employee is either the legal parent; adoptive parent; a person with whom the child was placed for adoption; or someone with legal custody or guardianship of the child who died or disappeared.

In the event an employee was a party to the crime, they are not entitled to the leave. This could mean that the employee was charged with the crime or in the case that the child was a party to the crime.

This leave must be taken within the 105-week period that started when the child disappeared and must be taken all at once (it may not be broken up). In the event that there is a change in circumstance that occurs during the leave, and it is no longer probable that it is the result of a crime, the employee’s entitlement to the leave ends. If the child is found alive during the leave, an employee is entitled to remain on leave for 14 days following the discovery of the child.

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 may be amended under special circumstances so long as employees provide at least 4 weeks’ notice of the change, unless there is a reason that notice cannot be provided. As necessary, [Organization Name] may require reasonable evidence of the need for the leave (for example a police report).

There are additional parameters contained in the federal labour standards for taking the leave in shorter, non-consecutive periods, if both parents are part of federally regulated employers and wish to take the leave, or if there are multiple children who have disappeared. [Organization Name] will consult the labour standards if any such occasions are present.

**7. Personal Leave**

Employees are entitled to up to five days of personal leave per calendar year to:

* take care of health obligations for any member of their family or care for them
* take care of obligations related to the education of any family member under age 18
* manage any urgent situation that concerns them or a family member
* attend their citizenship ceremony under the Citizenship Act, or
* manage any other situation prescribed by regulation

The leave days may be taken at different times, but each time would account for a day. If an employee has 3 consecutive months of continuous employment with [Organization Name], the first 3 days of leave are paid. These leave days may not be carried over into another calendar year if they are not used.

In the event an employee’s hire date is partway through the year, they are still entitled to the three days as long as they have been employed with [Organization Name] for a minimum of three months. If an employee’s salary varies from one day to another or they receive pay on a basis other than an hourly rate, they will receive the average of their daily earnings, exclusive of overtime hours, for the 20 days they have worked immediately before the first day of leave.

Reasonable supporting documents may be requested up to 15 days following an employee’s return to work.

**8. Leave for Victims of Family Violence**

Employees of [Organization Name] are entitled to this leave in the event an employee or an employee’s child has been the victim of family violence. This leave provides for up to ten days per calendar year. “Child” refers to a child, stepchild, child under legal guardianship, or foster child who is under 18 years of age. If an employee has been employed with [Organization Name] for a minimum three-month consecutive period, the employee’s first five days of leave will be paid, and the remainder of the leave is unpaid.

The leave may be taken for any of the following:

* To seek medical attention for the employee or the child of the employee because of a physical or psychological injury or disability caused by the domestic or sexual violence;
* To access services from a victim services organization for the employee or the child of the employee;
* To have psychological or other professional counselling for the employee or the child of the employee;
* To move temporarily or permanently; or
* To seek legal or law enforcement assistance, including making a police report or getting ready for or participating in a family court, civil or criminal trial related to or resulting from the domestic or sexual violence.

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

The entitlement to the ten 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.

Employees are required to provide notice, either ahead of the leave or as soon as possible after they have started the leave. Employees must also provide written notice in the event there is a change to the leave. Employees may be requested to provide reasonable evidence of the need for the leave within 15 days of returning to work.

**9. Leave for Traditional Aboriginal Practices**

Note that Aboriginal refers to Indian, Inuit, or Métis.

Aboriginal employees of [Organization Name] who have been employed for a consecutive period of at least three months are entitled to take up to five days of leave per calendar year. This leave can be used to participate in any of the following traditional Aboriginal practices:

* Fishing
* Hunting
* Harvesting
* Any other practices described by the regulations

Employees may split this leave into different periods; however, each period must be at least one day in duration. [Organization Name] may request documentation demonstrating Aboriginal heritage up to 15 days following an employee’s return to work.

**10. Jury Duty Leave**

[Organization Name] will provide unpaid job-protected time away from work as necessary for employees to participate in jury duty, whether as a witness, juror, or candidate in the jury selection process. Employees may be requested to provide evidence of the need for them to participate in jury duty.

**11. Bereavement Leave**

Employees are entitled to up to ten (10) days of bereavement leave in the event of a death of an immediate family member. Employees who, at the time of a family member’s death, are on compassionate care leave or leave related to critical illness in respect of the deceased person, are entitled to the same number of days for bereavement leave.

This leave can be taken from the day of the death until six (6) weeks after the last day that a funeral, burial, or memorial service for the person who died took place.

Other provisions are as follows:

* In the event of the death of an employee’s child or the death of the child of an employee’s spouse or common-law partner, the employee will be entitled to a leave of up to eight (8) weeks.
* In the event of a stillbirth experienced by the employee or their spouse or common-law partner or where they would have been a parent of the child born as a result of the pregnancy, the employee will be entitled to a leave of up to eight (8) weeks.

This 8-week leave may be taken from the day of the death until 12 weeks after the last day that a funeral, burial or memorial service of the child occurs.

Employees are required to provide written notice as soon as possible of the need for the leave, indicating the start and end dates of the leave.

Employees who have been employed with [Organization Name] for a consecutive period of at least three months are entitled to receive paid time off for the first three days of leave.

**12. Medical Leave and Leave for Work-Related Illness and Injury**

Unpaid Medical Leave

Employees are entitled to the following medical and sick leave:

27 weeks for:

* illness or injury
* organ or tissue donation
* attending medical appointments, or
* quarantine

If a medical absence will be of 3 days or longer, [Organization Name] may require medical documentation to support the leave. If an employee has been requested to provide it, they must, within 15 days of their return to work. The certificate needs to outline that the employee was unable to work for the time they were absent from work.

Note, depending on the restrictions provided upon an employee’s return to work, [Organization Name] may reassign them to another position if the employee is unable to perform their previous work duties.

Leave for Work-Related Illness and Injury

Should an employee suffer a work-related illness or injury, they will be entitled to this leave. This leave will be in line with the worker’s compensation board of the province of employment of the employee. As much as possible, [Organization Name] will strive to return the employee to their original position following the absence due to work-related absence or illness. Note, depending on the restrictions provided upon an employee’s return to work, [Organization Name] may reassign them to another position if the employee is unable to perform their previous work duties.

The following leaves may be interrupted in order for an employee to take medical leave or work-related illness and injury leave: parental leave, compassionate care leave, leave related to critical illness, and leave related to death or disappearance. The other leave will resume following the medical leave

**13. Medical Leave with Pay**

As of December 1, 2022, employees will be eligible to earn up to 10 days of medical leave with pay per year.

Employees will earn their first three (3) days after completing 30 days of continuous employment with [Organization Name]. Following that, employees will earn one (1) day at the start of each calendar month, after having completed one (1) calendar month of continuous employment with [Organization Name], until they have reached a maximum of ten (10) days per year.

Note that for existing employees, this means that they will accrue three paid days as of December 31, 2022. Employees hired after December 1, 2022 will accrue three paid days upon completing 30 days of continuous employment.

Any unused paid medical leave in a calendar year is carried over to January 1 of the following calendar year and counts toward the 10 days that can be earned in the new year; however, an employee may not take more than ten (10) days of paid medical leave in a calendar year.

**14. Leave of Absence for Members of the Reserve Force**

A reservist [Organization Name] employee who has worked for the company for at least three consecutive months is entitled to a leave of absence for:

* An operation in Canada or abroad that is designated by the Minister of National Defence
* An activity set out in the regulations
* Canadian Armed Forces military skills training
* Training that you are ordered to take under the *National Defence Act*
* Duties that you are called out on service to perform (any lawful duty other than training) under the *National Defence Act*
* Service in aid of a civil power for which you are called out under the *National Defence Act*
* Treatment, recovery, or rehabilitation in respect of a physical or mental health problem that results from service in an operation or activity listed in the Code

Employees who are reservists are entitled to 24 months of leave within a 60-month period, except if there is a national emergency. Employees must provide at least four weeks’ written notice of their intent to take the leave which indicates the length of the leave and whether the leave will be extended or shortened.

**15. Voting Leave**

Eligible employees are entitled to take three (3) hours off to vote during work hours during federal and 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.