## PROTECTED LEAVES

[Organization Name] respects qualified employees' right to take job-protected leave without fear of disciplinary action. As a result, [Organization Name] is committed to adhering to the *Labour Standards Act*'s job-protected leave guidelines.

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

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

POLICY

Employees of [Organization Name] are entitled to leaves, and they are to be accepted back into the same position they left or a comparable position with no loss of seniority or benefits, unless otherwise specified in the Act.

[Organization Name] will adhere to all regulations covered under the *Labour Standards Act* of Newfoundland and Labrador.

1. Sick/Family Responsibility Leave
2. Pregnancy Leave
3. Parental Leave
4. Adoption Leave
5. Bereavement Leave
6. Compassionate Care Leave
7. Critical Illness Leave
8. Leave for Crime Related Disappearance or Death of Child
9. Reservists Leave
10. Family Violence Leave
11. Communicable Disease Emergency Leave
12. Voting Leave

[Organization Name] will consult the *Employment Standards Act* when an employee requests a job-protected leave and adhere to all rules and regulations covered under the Act.

Employees of [Organization Name] are entitled to leaves, and upon return to work an employee is to be placed in the same or similar position with the same duties, benefits and wages they had prior to taking leave. Unless the employer and employee agree otherwise, the period spent on adoption leave does not count with respect to the accumulation of time for the purposes of notice of

termination, vacation entitlement, or other benefits under the Act.

1. **SICK/FAMILY RESPONSIBILITY LEAVE**

After 30 days of continuous service with [Organization Name], an employee is entitled to unpaid sick/family responsibility leave of up to seven (7) days per year.

[Organization Name] may request a medical certificate if an employee is absent for three consecutive days. If an employee is absent for three or more consecutive days of family responsibility leave, they must provide a written statement to [Organization Name].

Any such information received will be maintained with strict confidentiality.

1. **PREGNANCY LEAVE**

An employee who is pregnant and has worked for [Organization Name] for at least 20 weeks is eligible for up to 17 weeks of unpaid leave, which can begin as early as 17 weeks prior to the expected date of delivery.

Employees must provide [Organization Name] with at least two weeks' written notice, in writing, indicating both the intended leave date and anticipated return to work. The leave may not start earlier than 17 weeks before the expected date of birth.

Should a stillbirth or miscarriage occur, the employee is still entitled to 17 weeks after the pregnancy leave began or 6 weeks after the stillbirth or miscarriage, whichever is later.

Employees must provide four weeks’ written notice prior to ending their leave early or not taking parental leave.

[Organization Name] may require a certificate from a physician certifying that the employee is pregnant and stating the expected date of birth.

1. **PARENTAL LEAVE**

New parents who have been employed with the same employer for at least 20 consecutive weeks are entitled to take parental leave of up to 61 weeks of unpaid time free from work.

When an employee takes pregnancy leave, the parental leave must begin when the pregnancy leave ends, unless the child has not come into the care of the parent for the first time.

Parental leave ends 61 weeks after it began or 96 weeks after the day the child is born or comes into the care and custody of the parent for the first time.

Employees are required to provide 2 weeks’ notice of the start of the leave. Employees are directed to give the employer at least 4 weeks of written notice if they intend to return to work prior to the end of parental leave.

1. **ADOPTION LEAVE**

Employees who have been employed for at least 20 consecutive weeks with the same employer are entitled to 17 weeks of unpaid leave. Adoptive parents are then also entitled to 61 weeks of parental leave.

Employees must give 2 weeks written notice to the employer of intent to take leave. They must also give the employer at least 4 weeks written notice if they intend to return to work prior to the end of 17 weeks.

1. **BEREAVEMENT LEAVE**

Employees who have been employed by [Organization Name] for at least 30 days are entitled three (3) days of bereavement leave consisting of 1 day paid leave and 2 days unpaid leave in the event of the death of an immediate family member. The immediate family consists of the following:

* spouse
* child
* grandchild
* mother or father
* brother or sister
* mother-in-law or father -in-law
* grandparent
* sister-in-law or brother-in-law
* son-in-law or daughter-in-law

If an employee has been employed for less than 30 days, the employee is entitled to 2 days of unpaid leave.

1. **COMPASSIONATE CARE LEAVE**

An employee may take up to 28 weeks of unpaid leave to care for and support a family member who has been diagnosed with a serious medical condition that carries a significant risk of death within 26 weeks. The family unit consists of the following:

* child or step child
* wife, husband, cohabiting partner
* parent or step-parent
* siblings or step-siblings
* grandparents or step-grandparents
* grandchildren and their spouse or cohabiting partner
* “in-laws” either married or cohabiting
* aunts, uncles, nephews, nieces and their spouses or cohabiting partners
* current or former wards, and current or former guardians and their spouse or cohabiting partner

The 28 weeks does not have to be taken all at once. It may be broken up into blocks of 1 week at minimum.

The employee must provide the employer with at least 2 weeks written notice before compassionate care leave is to begin. This notice should indicate the length of leave intended to be taken. A medical certificate from a medical practitioner or nurse practitioner is to be provided stating the family member has a serious medical condition with a significant risk of death within 26 weeks from the date the certificate is issued, or the day the leave began, if leave began before the certificate was issued.

At least 2 weeks written notice is to be provided to the employer for any change to the intended length of leave, unless there is a valid reason why notice cannot be given.

1. **CRITICAL ILLNESS LEAVE**

An employee is entitled to take an unpaid leave of absence to care for and support a critically ill family member. Specifically, employees who have been employed for at least 30 days may take:

* up to 37 weeks during a 52-week period to provide care to a critically ill child; or
* up to 17 weeks during a 52-week period to provide care to a critically ill adult.

An employee may take critical illness leave to care for any of the following family members of either the employee’s family or their spouses or cohabiting partner’s family:

* child or stepchild
* spouse or cohabiting
* partner
* parent or step-parent
* siblings or step-siblings
* grandparents or step-grandparents
* grandchildren and their spouse or cohabiting partner
* “in-laws” either married or cohabiting aunts, uncles, nephews, nieces and their spouses or common-law partners current or former wards, and current or former guardians and their spouse or cohabiting partner

The employee must provide the employer with at least 2 weeks written notice before the leave is to begin, unless there is a valid reason why that notice cannot be given. The employee must include the length of leave they intend to take. An employee must provide the employer with a medical certificate from a medical practitioner or nurse practitioner as soon as possible. The certificate must state that the child or adult is critically ill and requires the care or support of the employee and set out the period during which the child or adult requires that care or support.

Please note: Unless the employer and employee agree otherwise, the period spent on critical illness leave does not count with respect to the accumulation of time for the purposes of notice of termination, vacation entitlement, or other benefits under the Act.

1. **LEAVE FOR CRIME RELATED DISAPPEARANCE OR DEATH OF A CHILD**

If an employee's child goes missing as a probable result of a crime, the employee is entitled to an unpaid leave of absence of up to 52 weeks. If an employee's child is likely to die as a result of a crime, the employee is entitled to up to 104 weeks of unpaid leave. A child is anyone under the age of 18  years.

A parent is:

* a parent of a child
* the spouse or cohabitating partner of a parent of a child
* a person with whom a child has been placed for the purpose of adoption
* a foster parent of a child Newfoundland and Labrador - Labour Standards 25
* a person who has the care or custody of a child, and is considered to be like a close relative, whether or not that person is related to the child by blood or adoption

To qualify for the leave, an employee must be: employed by the same employer for a continuous period of at least 30-days.

An employee must give written notice to their employer at least 2 weeks before they intend to take the leave, unless there is a valid reason why that notice cannot be given. The employee must include the length of leave they intend to take.

Please note: Unless the employer and employee agree otherwise, the period spent on critical illness leave does not count with respect to the accumulation of time for the purposes of notice of termination, vacation entitlement, or other benefits under the Act.

1. **RESERVISTS LEAVE**

Employees who are also members of the Canadian Forces Reserves are entitled to an unpaid leave of absence if the employee meets the following criteria:

* has worked for [Organization Name] for a minimum of six consecutive months; and
* is required to be away from work for training or active duty.

An employee must give [Organization Name] 60 days’ notice, including the anticipated start and end dates of leaves. Notifications must be in writing.

The leave is to cover the reservist’s period of service and may be extended beyond the date agreed upon if required and provided that written notice is given to the employer at least 2 weeks or 1 pay period, whichever is longer, before the end date is given.

The employee can take additional reservist leave; however, the start date for each additional period of service must be at least 1 year after the date that the employee returned to work from the most recent reservist leave.

Please note: Unless the employer and employee agree otherwise, the period spent on critical illness leave does not count with respect to the accumulation of time for the purposes of notice of termination, vacation entitlement, or other benefits under the Act.

1. **FAMILY VIOLENCE LEAVE**

This leave provides employees with up to three days of paid leave and an additional seven days of unpaid leave per year to address the effects of family violence.

To qualify for the leave, an employee must be:

* employed by the same employer for a continuous period of at least 30-days; and
* the employee or a person to whom the employee is a parent or caregiver who has been directly or indirectly subjected to family violence.

Family violence includes the following acts, against the employee or a person the employee is a parent or caregiver, by a family member or someone the employee is or has been in a relationship with:

* assault
* an intentional, reckless or threatened act or omission that causes bodily harm or damage to property or causes a reasonable fear of bodily harm or damage to property
* physical confinement
* sexual assault, sexual exploitation or sexual molestation or the threat of either conduct that causes someone to fear for their safety
* conduct that causes psychological or emotional harm or reasonable fear of that harm to the individual or their child
* conduct that controls, exploits or limits an individual access to financial resources Newfoundland and Labrador - Labour Standards 28
* the deprivation of food, clothing, medical attention, shelter, transportation or other necessities of life

An employee can use family violence leave for either themselves or a person for whom the employee is a parent or caregiver to seek and receive:

* medical attention, counselling or other services from a health professional for physical, psychological or emotional harm or an injury or disability that is a result of the family violence
* services provided by a transition house, a policing agency, the government of Canada, the government of a province or municipality or any organization that provides services to persons who have been directly or indirectly subjected to, a victim of, impacted or seriously affected by family violence or have witnessed family violence
* legal services or assistance including services or assistance with respect to their participation in or the enforcement of a legal proceeding relating to or as a result of the family violence The employee can also use family violence leave to move their place of residence.

Please note: Unless the employer and employee agree otherwise, the period spent on critical illness leave does not count with respect to the accumulation of time for the purposes of notice of termination, vacation entitlement, or other benefits under the Act.

1. **COMMUNICABLE DISEASE EMERGENCY LEAVE**

An employee is entitled to a leave of absence from employment without pay for the following reasons related to a designated communicable disease:

* the employee is under individual medical investigation, supervision or treatment; the employee is acting in accordance with an order under the Public Health Protection and Promotion Act;
* the employee is in isolation or quarantine or is subject to a control measure, including self-isolation, and the quarantine, isolation or control measure was implemented as a result of information or directions related to a designated communicable disease issued by the Chief Medical Officer of Health or the Government;
* the employee is under a direction given by their employer in response to a concern of the employer that the employee may expose other individuals in the workplace to a designated communicable disease;
* the employee is providing care or support to a qualifying individual for a reason related to a designated communicable disease that concerns that individual including a school or child care service closure; and the employee is directly affected by travel restrictions related to a designated communicable disease and, under the circumstances cannot reasonably be expected to travel back to the province.

An employee is eligible for Communicable Disease Emergency Leave to provide care or support for:

* the employee's spouse;
* a parent, step-parent or foster parent of the employee or the employee's spouse;
* a child, step-child or foster child of the employee or the employee's spouse;
* a child who is under legal guardianship of the employee or the employee's spouse;
* a brother, step-brother, sister or step-sister of the employee;
* a grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse;
* a brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee; and
* a son-in-law or daughter-in-law of the employee or the employee's spouse.

[Organization Name] may ask the employee to provide reasonable evidence in the circumstances that the employee is entitled to the leave, at a time that is reasonable in the circumstances, but shall not require an employee to provide a certificate from a medical practitioner or nurse practitioner as evidence.

1. **VOTING LEAVE**

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

For provincial elections, the Newfoundland & Labrador Elections Act, 1991 sets out employees’ rights and employers’ obligations in relation to voting. This includes 4 consecutive hours when polls are open on polling day. Note that if an employee’s schedule already ensures 4 consecutive hours, these hours are not on top of those hours.