## PROTECTED LEAVES POLICY

[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 Northwest Territories *Employment Standards Act* (the Act) 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 Act 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 Act.

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Protected Leaves:

1. Pregnancy Leave
2. Parental Leave
3. Sick Leave
4. Compassionate Leave
5. Family Caregiver Leave
6. Family Violence Leave
7. Emergency Leave
8. Bereavement Leave and Court Leave
9. Reservist 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).

To be eligible for pregnancy leave, the employee must (a) have been employed by the employer for at least the prescribed length of time; (b) submit to the employer a written request for pregnancy leave at least four weeks before the day on which she intends to commence the leave; and (c) provide to the employer, on request, a medical certificate confirming that she is pregnant and estimating the date of delivery.

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. An employee who has requested pregnancy leave may, with the consent of her employer, resume employment before the leave expires.

1. **Parental Leave**

An eligible employee is entitled to parental leave of 61 consecutive weeks, without pay, to remain at home to care for (a) a newborn child of the employee; (b) a child recently adopted by the employee; or (c) a child with respect to whom the employee has commenced adoption proceedings.

Parental leave must be taken during the period beginning on the day of the birth of the newborn child of the employee or the day on which the child arrives at the employee’s home for the purpose of adoption, as the case may be, and ending (a) 78 weeks after that time, if parental leave is taken by one employee under this section; or (b) 86 weeks after that time, if parental leave is taken by more than one employee under this section.

To be eligible for parental leave, the employee must (a) have been employed by the employer for at least the prescribed length of time; and submit to the employer a written request for parental leave at least four weeks before the day on which he or she intends to commence the leave.

Unless the employee and employer otherwise agree, an employee who takes parental leave in addition to pregnancy leave must commence the parental leave immediately after the later of (a) the day the pregnancy leave expires; or (b) the day the child arrives at the employee’s home.

An employee who has requested pregnancy leave may, with the consent of her employer, resume employment before the leave expires.

1. **Sick Leave**

Employees of [Organization Name] are entitled to sick leave, without pay, for a period of at least five days during each 12-month period.

To be eligible for sick leave, the employee must (a) be incapable of working because of an illness or injury; (b) have been employed by the employer for at least 30 days; and (c) submit to the employer, at the earliest reasonable opportunity, a request for the sick leave advising the employer of the duration or expected duration of the leave.

If the duration or expected duration of the sick leave exceeds three consecutive days and if requested by the employer, the employee must provide the employer with a medical certificate stating that the employee is incapable of working because of an illness or injury.

1. **Compassionate Leave**

Every employee is entitled to up to 27 weeks of unpaid compassionate care leave to care for or support a seriously ill family member who has a significant risk of dying within 27 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).

The employer may request that the employee provides a medical certificate confirming the medical condition of the family member.

An employee is entitled to take 27 weeks of compassionate leave within the period (

a) beginning on the earlier of the day a medical certificate is issued or the day the employee took the leave; and

(b) ending on the Saturday in the earlier of the 52nd week after the leave began or the week the family member dies.

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

1. **Family Caregiver Leave**

This leave provides employees with unpaid time away from work to care for a critically ill adult (up to 17 weeks) or critically ill child (up to 37 weeks).

* "critically ill adult" means a person who is 18 years of age or older whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury;
* "critically ill child" means a person who is under 18 years of age whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury.

Employees who need to take this leave must submit a request for the sick leave advising the employer of the duration or expected duration of the leave. The employer may request that the employee provides a medical certificate confirming the medical condition of the family member.

The period of family caregiver leave to which an employee is entitled (a) begins on the earlier of the day a medical certificate is issued or the day the employee took the leave; and (b) ends on the Saturday in the earlier of the 52nd week after the leave began or the week the adult or child, as the case may be, dies.

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

1. **Family Violence Leave**

This leave may be taken for various purposes related to dealing with family violence, such as:

* Seeking medical attention for the employee or their child related to physical or psychological injuries.
* Obtaining services from a victim services organization.
* Obtaining psychological or other professional counseling.
* Relocating temporarily or permanently.
* Seeking legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding.

An each calendar year employees are entitled to take:

1. Up to 10 days of family violence leave, the first five of which are paid and the balance of which are unpaid (in increments of 1 full day at a time), or
2. Up to 15 weeks of unpaid family violence leave with written notice (may be taken in separate periods but each period must be of not less than one week’s duration)

Please note: This leave does not apply to a family member who committed the act of violence.

In the case of paid leave, the employer may request reasonable verification for the necessity of the leave.

1. **Emergency Leave**

Emergency leave may be taken for any of the following reasons which prevent an employee from performing their employment duties:

* a state of emergency declared under section 14 of the Emergency Management Act or a state of local emergency declared under section 18 of that Act,
* a state of public health emergency declared under section 32 of the Public Health Act,
* a direction or order of a public health officer, the Chief Public Health Officer or a Deputy Chief Public Health Officer provided or made under the Public Health Act,
* an emergency declared under the Emergencies Act (Canada),
* an order of a quarantine officer made under the Quarantine Act (Canada),
* a prescribed circumstance,
* a circumstance referred to in subsection (2), if;
  + the declaration, direction, order or other circumstance results in a situation where the family member of the employee requires care, child care or assistance;
  + the employee is the person most reasonably able under the circumstances to provide the family member with the required care, child care or assistance; and
  + providing the required care, child care or assistance to the family member has the effect of preventing the employee from performing the duties of their employment.

The emergency leave taken may be taken for as long as the emergency continues and prevents the employee from performing the duties of their employment**.**

An employee who intends to take emergency leave should advise the employer before commencing the leave where possible. The employer may request reasonable verification of the employee’s entitlement to the leave that meets the requirements

1. **Bereavement Leave or Court Leave**

An employee is entitled to bereavement leave, without pay, to attend the funeral of, or a memorial service for, a family member. The period of bereavement leave to which an employee is entitled is:

* three days, if the funeral or memorial service will take place in the community in which the employee resides; or
* seven days, if the funeral or memorial service will take place outside the community in which the employee resides

An employee is entitled to court leave, without pay, to:

* answer a summons for selection to serve on a jury;
* serve on a jury; or
* answer a summons to attend as a witness in a legal proceeding.

The period of court leave to which an employee is entitled is whatever period is required to perform the duties

If an employee is granted court leave with pay, the employee shall, on request from the employer, reimburse the employer the amount of any jury fee or witness fee the employee receives, excluding any amount for travel, meals or accommodation expenses.

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.

The employer may request proof of the need for the leave via a certificate from an official with the reserve force stating that the employee is a member of the reserve force and is required for service.

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