

# Alberta's Compassionate Care Leave Changes



## *Suggestions for supporting employees while on compassionate care*

No one wants to *need* to take time off work to provide compassionate care to a gravely ill family member, but when it is needed it is a good option to have. As of February 1<sup>st</sup> workers in Alberta who are primary caregivers to a seriously ill family member may request compassionate care leave for up to 8 weeks, just as they can in all other Provinces across Canada (in Quebec employees are entitled to up to 12 weeks of leave).

This leave is an unpaid leave, but during this leave, the employee's job is protected. Upon return, the employee must be able to return to their previous position at the same wage or an equivalent position if, for some legitimate reason, their former position has been terminated.

According to the [Alberta Employment Standard Code](#) in order to qualify the family member must be

- A spouse or common law partner
- A child of the employee or the employee's spouse or common law partner
- A parent of the employee or a spouse of common law partner of the parent
- Any other person who is a member of a class of persons designated for the purpose under this definition, this includes grandparents, nieces and nephews, aunts and uncles and in-laws of the employee, spouse or common law partner.
- The definition even includes "A person to whom the employee is not related but considers to be like a close relative."

The Canadian Employment Standards Code defines family member as a: child or child of a spouse/common law spouse, wife, husband or common law partner, father or mother, father's wife or mother's husband, or the common law partner of a father or mother. Provinces and territories in Canada may include additional relationships under the definition of family member.

You would be hard pressed to find a relationship that does not fit under the definition of family member under the Alberta Code. Furthermore, the family member does not need to live in Alberta.

## **Requirements to Qualify for Leave**

To qualify the employee must:

- Provide a physician's certificate indicating the person who is ill is in danger of death within the next 26 weeks. The certificate must indicate date and that the ill person requires family support.
- Have worked for the employer for 52 consecutive weeks, either part or full time (this is different compared to other provinces for example in Ontario and British Columbia there are no continuous weeks of employment requirement and in Manitoba the requirement is 30 days).

### **Period of Leave**

- The employee must provide 2 weeks notice of the intention to leave (although exceptions can be requested) and 2 weeks notice for the return date
- Within the 26-week period leave need not be continual or consecutive, but a minimum 1-week period of time is required. This means the employee can take one week, return to work and then take more weeks again within the 26-week window.
- If an employee uses the 8 weeks with the 26-week window and the family member remains gravely ill beyond those 26 weeks the employee can be eligible to request additional leave in the next 26 week window provided the same criteria is met.

### **What Employers Should Keep In Mind**

- The employee is considered a continuous employee during leave with regards to accruing vacation and other entitlements.
- If an employee meets the eligibility requirements the employer must grant the compassionate leave
- The employee cannot be terminated or laid-off during leave. If the business shuts down the employee receives priority for rehiring if the business starts up again.

Employees taking Compassionate Care Leave may be eligible for up to 8 weeks of employment insurance benefits, consisting of two-week waiting period and 6 weeks of benefits. For more information visit [Services Canada Employment Insurance Compassionate Care Benefits](#).

Details for eligibility and availability vary between the Provinces, Territories and Federal Government. It is important to review information for your own jurisdiction to understand these differences.

The HR Insider has created a [Sample Compassionate Care Leave policy](#) that you are welcome to use as a resource in creating your own policy.

### **Providing Support To Your Employee While On Leave**

During a difficult time it is important to provide the employee with the time and space required to help the family member. Although you should respect the employee's personal privacy, it is important for many people to not feel alone or abandoned. Whenever possible, create a balance of being available/or staying in limited contact and giving the employee space. It is also helpful to facilitate as smooth a process as possible. To that end you may need to provide assistance in managing some of the details connected to the leave (such as informing clients or colleagues). Your employee is still a member of your organization and upon return you will want them to be functional and productive.

**Consider some of these options to help your employee during this difficult time:**

- Ask if the employee would like to **stay in contact** and receive weekly **workplace updates** including company news and messages. Inform the employee that there is no expectation of response to these communications (with the exception of sharing any information relevant to their leave status). Your employee may not want to regularly check a work email therefore ask if there is an alternate email they would prefer. Have no expectations of a two-way dialogue.
- Ask the employee for **updated contact information** such as an alternate address if temporarily relocating.
- **Create an alternate steps for preparing for leave tool:** If you have a tool you provide for employees going on vacation or other leave that outlines some of the steps they need to take prior to going you may use that as a template, but read it thoroughly as the tone may be very different; these steps could include a reminder to forward work emails to a supervisor, what to put in the content of an auto respond message for emails or voice mail messages (provide examples relevant to the current leave situation) and similar housekeeping tasks.
- **Inform others including staff and possibly clients and customers** that the person is away and unavailable. Ask the employee what, if any, details should be shared. Indicate to whom they should address workplace questions and inquiries in this person's absence. Identify what message the employee wants or you need to convey to other people.
- Prior to their return, try to **determine the outcome of the situation** and, ask if they would like you to convey the information to co-workers so the employee does not have to share their story o frequently. Many employees will opt for a brief email message sent to other members of the organization but do not assume this would be their choice.
- Consider how your organization may **demonstrate compassion**. Sending a thoughtful message from the organization to your employee during this time they are providing care and not only when a family member has passed away may be appropriate.

Remember a key word in Compassionate Care Leave is compassion.

#### **Resources:**

[Employment Standards Compassionate Care Leave Alberta Facts Sheet](#)

**Example of a Medical Certificate:** [Medical Certificate For Employment Insurance for Compassionate Leave Care Benefits](#)