

Bereavement – Know The Laws Of Your Province



Bereavement leave regulations are essential for supporting employees during times of personal loss. These regulations require **employers** to provide job-protected leave, either paid or unpaid, to employees experiencing the death of a close family member. Leave entitlements vary in duration and compensation, with some jurisdictions mandating paid leave for immediate family members and additional unpaid leave for extended family. Employees **must** notify their **employers** when taking leave, and in some cases, provide reasonable evidence. While the fundamental principles of bereavement leave are consistent across Canada, specific provisions differ by province and territory to accommodate local labour standards. Compliance with these regulations ensures employees have the necessary time to grieve while maintaining job security and workplace stability.

FEDERAL

In Canada, **employers must** address bereavement leave under the [Canada Labour Code](#), **(Part III, Section 210)**. Employees are entitled to up to 10 days of leave following the death of an immediate family member, with the first three days paid if they have three months of continuous employment. **Employers** may extend the leave in writing and **must** receive written notice from employees. Compliance ensures proper leave management and support for grieving employees.

PART III – Standard Hours, Wages, Vacations, and Holidays – DIVISION VIII

Bereavement Leave – Employee Entitled

(1) Every employee is entitled to and **shall** be granted, in the event of the death of a member of their immediate family or a family member in respect of whom the employee is, at the time of the death, on leave under section 206.3 or 206.4, a leave of absence from employment of up to 10 days that may be taken during the period that begins on the day on which the death occurs and ends six weeks after the latest of the days on which any funeral, burial or memorial service of the deceased person occurs.

Extension

(1.1) At the request of the employee, the **employer may** extend, in writing, the period during which the leave of absence from employment may be taken.

Division of Leave

(1.2) The leave of absence may be taken in one or two periods. The **employer may** require that any period of leave be of not less than one day's duration.

Notice to Employer

(1.3) Every employee who takes the leave of absence **shall**, as soon as possible, provide the **employer** with written notice of the beginning of any period of leave of absence and of the length of that leave.

Bereavement Leave with Pay

(2) If the employee has completed three consecutive months of continuous employment with the **employer**, the employee is entitled to the first three days of the leave with pay at their regular rate of wages for their normal hours of work, and such pay **shall** for all purposes be considered to be wages.

Regulations

(3) The Governor in Council may make regulations:

- (a) defining the expression "immediate family" for the purposes of subsection (1);
- (b) defining the expressions "regular rate of wages" and "normal hours of work" for the purposes of subsection (2); and
- (c) for the purposes of this Division, defining the absences from employment that **shall** be deemed not to have interrupted continuity of employment.

Application of Section 189

(4) Section 189 applies for the purposes of this Division. **Section 210 (1) to (4).**

Further details on the Canada Labour Code can be found at justice.gc.ca.

ALBERTA

Under the **Employment Standards Code, Part 2, Section 53.983**, **employers** in Alberta **must** provide up to three days of unpaid bereavement leave per calendar year to employees with at least 90 days of employment for the death of a family member or the loss of a pregnancy, including that of a spouse or partner. Employees **must** give reasonable notice before taking leave. **Employers must** ensure compliance and support employees during bereavement.

Employment Standards Code – Part 2 Standards – Bereavement Leave

Unpaid Bereavement Leave

(1) In this section,

- (a) "common-law partner" has the same meaning as in **Section 53.9(1)(a)**;

(b) "parent" has the same meaning as in **Section 53.95(1)(d)**.

(2) An employee who has been employed by the same **employer** for at least 90 days is entitled to unpaid bereavement leave on the occurrence of any of the following:

(a) the death of a family member;

(b) the pregnancy of the employee ends other than as a result of a live birth;

(c) the pregnancy of the employee's spouse or common-law partner ends other than as a result of a live birth;

(d) the pregnancy of another person ends other than as a result of a live birth and the employee would have been a parent of a child born as a result of the pregnancy.

(3) The amount of leave under this section **must** not exceed 3 days in a calendar year.

(4) Before taking a leave under this section, the employee **must** give the **employer** as much notice as is reasonable and practicable in the circumstances. **Section 53.983 (1) to (4)**.

Further details on the Employment Standards Code can be found at alberta.ca.

BRITISH COLUMBIA

Under the **Employment Standards Act, Part 6, Sections 53-54**, employers in British Columbia **must** provide employees up to three days of unpaid bereavement leave for the death of an immediate family member. **Employers** are **required** to grant the leave upon request and **must** not terminate or alter employment conditions due to the leave. After the leave, employees **must** be reinstated to their previous or a comparable position.

Part 6 – Leaves and Jury Duty

Bereavement Leave

An employee is entitled to up to 3 days of unpaid leave on the death of a member of the employee's immediate family. **Section 53**.

Duties of Employer

(1) An **employer** **must** give an employee who requests leave under this Part the leave to which the employee is entitled.

(2) An **employer** **must** not, because of an employee's pregnancy or a leave allowed by this Part,

(a) terminate employment, or

(b) change a condition of employment without the employee's written consent.

(3) As soon as the leave ends, the **employer** **must** place the employee:

(a) in the position the employee held before taking leave under this Part, or

(b) in a comparable position.

(4) If the **employer**'s operations are suspended or discontinued when the leave ends,

the **employer must**, subject to the seniority provisions in a collective agreement, comply with subsection (3) as soon as operations are resumed.

(5) Subsection (4) is not to be construed as conferring a preferential right of recall on an employee referred to in subsection (3), to whom a collective agreement does not apply, beyond that to which the employee would otherwise be entitled.

Section 54 (1) to (5).

Further details on the Employment Standards Act can be found at gov.bc.ca.

MANITOBA

Under **The Employment Standards Code, Part 2, Section 59.4**, employers **must** provide employees in Manitoba with up to five days of unpaid bereavement leave if they have been employed for at least 30 days following the death of a family member or a pregnancy loss. Employees **must** give notice of the leave's timing and may be **required** to provide evidence. Employers **must** ensure compliance and support employees during bereavement.

PART 2 – MINIMUM STANDARDS

BEREAVEMENT LEAVE

Unpaid Leave for Death of Family Member

(1) An employee who has been employed for at least 30 days may take up to five days of unpaid leave on the death of a family member as defined in [subsection 59.2\(1\)](#).

Section 59.4(1).

Unpaid Leave for Loss of Pregnancy

(1.1) An employee who has been employed for at least 30 days may take up to five days of unpaid leave if:

- (a) the employee experiences a loss of pregnancy; or
- (b) another person experiences a loss of pregnancy and the employee
 - (i) is the person's spouse or common-law partner as defined in [subsection 59.2\(1\)](#) or their former spouse or common-law partner,
 - (ii) is the current spouse or common-law partner of the former spouse or common-law partner referred to in subclause (i),
 - (iii) had undertaken to be the guardian of the child born as a result of the pregnancy, or
 - (iv) is the spouse or common-law partner of a person who had undertaken to be the guardian of the child born as a result of the pregnancy. **Section 59.4(1.1).**

Notice to Employer

(2) Before taking a leave under this section, the employee **must** give the **employer** notice of the amount and timing of the leave to be taken and of the death to which it relates. If requested by the **employer**, the employee **must** also provide evidence of his or her entitlement to the leave. **Section 59.4(2).**

Leave for Part Day

(3) If an employee takes any part of a day as leave under this section, the **employer** may count that day as a day of leave for the purpose of this section. **Section 59.4(3)**.

Further details on the Employment Standards Code can be found at canlii.org.

NEW BRUNSWICK

Under the [**Employment Standards Act**](#), **Section 44.03**, **employers** in New Brunswick **must** provide employees up to five consecutive calendar days of unpaid bereavement leave following the death of a close family member, starting no later than the day of the funeral. Employees **must** inform their **employer** of the leave's start date and duration. **Employers must** ensure compliance and support employees during bereavement.

BEREAVEMENT

(1) In this section "funeral" includes a memorial service.

(2) An **employer shall** grant to an employee a leave of absence without pay of up to five consecutive calendar days on the death of a person in a close family relationship with the employee to be taken during the period of bereavement and to begin not later than the day of the funeral.

(3) An employee intending to take a leave of absence under this section **shall** advise the **employer** of the employee's intention to take the leave, the anticipated commencement date of the leave and, subject to subsection (2), the anticipated duration of the leave. **Section 44.03 (1) to (3)**.

Further details on the Employment Standards Act can be found at gnb.ca.

NEWFOUNDLAND & LABRADOR

Under the [**Labour Standards Act**](#), **Part VII.1, Section 43.10**, **employers** in Newfoundland and Labrador **must** provide employees with one paid day and two unpaid days of bereavement leave if they have been employed for at least 30 days, following the death of a close family member. Employees not meeting this requirement are entitled to two unpaid days. If bereavement leave falls during an employee's annual vacation, they may take an extra vacation day. **Employers must** ensure compliance and support employees during bereavement.

PART VII .1 – BEREAVEMENT AND SICK LEAVE

Bereavement and Sick Leave

(1) An employee, having been employed under a contract of service with the same **employer** for a continuous period of at least 30 days, **shall** be granted by the employee's **employer** a period of bereavement leave consisting of one day paid leave and 2 days unpaid leave in the event of the death of the spouse, a child, a grandchild, the mother, father, a brother or sister, a grandparent or a mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law or son-in-law of the employee.

(2) The wages to which an employee is entitled under subsection (1) **shall** be

calculated by multiplying the employee's hourly rate of pay by the average number of hours worked in a day in the 3 weeks immediately preceding the bereavement leave.

(3) An employee who is not entitled to bereavement leave under subsection (1) **shall** be granted a period of bereavement leave consisting of 2 days unpaid leave in the event of the death of a relative referred to in that subsection.

(4) Where an employee who is entitled to one day paid bereavement leave is taking an annual vacation at the time the employee would otherwise have taken the day of bereavement leave, the employee is entitled to take one extra day of annual vacation. **Section 43.10 (1) to (4).**

Further details on the Labour Standards Act can be found at assembly.nl.ca.

NOVA SCOTIA

Under the **Labour Standards Code**, **Section 60A**, **employers** in Nova Scotia **must** provide employees up to five consecutive working days of unpaid bereavement leave following the death of a close family member. Employees may choose the length of leave within this limit. **Employers must** ensure compliance and support employees during bereavement.

BEREAVEMENT LEAVE AND COURT LEAVE

Bereavement Leave

An employee is entitled to an unpaid leave of absence of up to, at the employee's option, five consecutive working days upon the death of the employee's spouse, parent, guardian, child, ward, grandparent, grandchild, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, or brother in-law. **Section 60A.**

Further details on the Labour Standards Code can be found at nslegislature.ca.

NORTHWEST TERRITORIES

Under the **Employment Standards Act**, **Section 31**, **employers** in Northwest Territories **must** provide employees with unpaid bereavement leave to attend a funeral or memorial service for a family member. Employees are entitled to three days if the service is within their community and seven days if it is outside their community. **Employers must** ensure compliance and support employees during bereavement.

Bereavement Leave and Court Leave

Bereavement Leave

(1) An employee is entitled to bereavement leave, without pay, to attend the funeral of, or a memorial service for, a family member.

(2) The period of bereavement leave to which an employee is entitled is:

(a) three days, if the funeral or memorial service will take place in the community in which the employee resides; or

(b) seven days, if the funeral or memorial service will take place outside the

community in which the employee resides. **Section 31 (1)(2)**.

Further details on the Employment Standards Act can be found at gov.nt.ca.

NUNAVUT

Under the **Employment Standards Act, Section 31, employers** in Nunavut **must** provide employees with unpaid bereavement leave to attend a funeral or memorial service for a family member. Employees are entitled to three days if the service is within their community and seven days if it is outside their community. **Employers must** ensure compliance and support employees during bereavement.

Bereavement Leave and Court Leave

Bereavement Leave

(1) An employee is entitled to bereavement leave, without pay, to attend the funeral of, or a memorial service for, a family member.

(2) The period of bereavement leave to which an employee is entitled is:

(a) three days, if the funeral or memorial service will take place in the community in which the employee resides; or

(b) seven days, if the funeral or memorial service will take place outside the community in which the employee resides. **Section 31 (1)(2)**.

Further details on the Employment Standards Act can be found at gov.nt.ca.

ONTARIO

Under the **Employment Standards Act, Section 50.0.2, employers** in Ontario **must** provide employees up to two days of unpaid bereavement leave per calendar year if they have been employed for at least two consecutive weeks following the death of a close family member. Employees **must** notify their **employer** as soon as possible, and **employers** may require reasonable evidence of entitlement. Compliance ensures proper leave management and support for grieving employees.

Bereavement Leave

(1) An employee who has been employed by an **employer** for at least two consecutive weeks is entitled to a leave of absence without pay because of the death of an individual described in subsection (3).

Limit

(2) An employee's entitlement to leave under this section is limited to a total of two days in each calendar year.

Family Members

(3) Subsection (1) applies with respect to the following individuals:

1. The employee's spouse.
2. A parent, step-parent, or foster parent of the employee or the employee's

spouse.

3. A child, step-child, or foster child of the employee or the employee's spouse.
4. A grandparent, step-grandparent, grandchild, or step-grandchild of the employee or of the employee's spouse.
5. The spouse of a child of the employee.
6. The employee's brother or sister.
7. A relative of the employee who is dependent on the employee for care or assistance.

Advising Employer

(4) An employee who wishes to take a leave under this section **shall** advise his or her **employer** that he or she will be doing so.

(5) If the employee **must** begin the leave before advising the **employer**, the employee **shall** advise the **employer** of the leave as soon as possible after beginning it.

Leave Deemed to be Taken in Entire Days

(6) For the purposes of an employee's entitlement under subsection (1), if an employee takes any part of a day as leave under this section, the **employer** may deem the employee to have taken one day of leave on that day.

Evidence

(7) An **employer** may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to the leave.

Bereavement Leave Taken Under Employment Contract

(8) If an employee takes a paid or unpaid leave of absence under an employment contract in circumstances for which he or she would also be entitled to take a leave under this section, the employee is deemed to have taken the leave under this section.

Same, Application of Act to Deemed Leave

(9) All applicable requirements and prohibitions under this Act apply to a leave deemed to have been taken under subsection (8).

Same, Application of Subs. (6) to Deemed Leave

(10) Subsection (6) applies with necessary modifications to a leave deemed to have been taken under subsection (8). **Section 50.0.2 (1) to (10)**.

Further details on the Employment Standards Act can be found at ontario.ca.

PRINCE EDWARD ISLAND

Under the **Employment Standards Act**, **Section 23**, **employers** in Prince Edward Island **must** provide one paid day and up to two unpaid days of bereavement leave for the death of an immediate family member and up to three unpaid days for an extended family member. If bereavement leave occurs during vacation, the vacation **must** be extended by one day. **Employers must** ensure compliance and support employees during bereavement.

BEREAVEMENT LEAVE

Bereavement Leave

(1) On the death of a member of the immediate family or extended family of an employee, the **employer** of the employee **shall** grant to the employee a leave of absence:

- (a) of one day of paid leave and up to two consecutive days of unpaid leave, if the deceased person was a member of the immediate family of the employee; or
- (b) of up to three consecutive days of unpaid leave, if the deceased person was a member of the extended family of the employee.

Paid Day of Leave

(1.1) Where an **employer**'s employee is entitled to one day of paid leave pursuant to clause (1)(a), the **employer shall** pay the employee for the day of the leave at the employee's regular rate of pay for a day of work.

Vacation

(1.2) Where an employee, during the period of a vacation, takes a paid day of leave under subsection (1), the **employer shall** extend the employee's vacation by one working day. **Section 23 (1) to (1.2)**.

Further details on the Employment Standards Act can be found at princewardisland.ca.

QUÉBEC

Under the **Act Respecting Labour Standards, Division V.1, Sections 80-80.2**, employers in Quebec **must** provide employees two paid days and three unpaid days of bereavement leave for the death of a spouse, child, parent, sibling, or the child of a spouse. Employees are also entitled to one unpaid day for the death of a son-in-law, daughter-in-law, grandparent, grandchild, or the parent or sibling of a spouse. Employees **must** notify their **employer** as soon as possible. **Employers must** ensure compliance and support employees during bereavement.

DIVISION V.1 – FAMILY OR PARENTAL LEAVE AND ABSENCES

An employee may be absent from work for two days without reduction of wages by reason of the death or the funeral of the employee's spouse or child, the child of the employee's spouse, the employee's brother, sister, father, mother or one of the employee's parents. The employee may also be absent from work, without pay, for three more days on such occasion. **Section 80.**

An employee may be absent from work for one day, without pay, by reason of the death or the funeral of a son-in-law, daughter-in-law, one of the employee's grandparents or grandchildren, or of a brother, a sister, the father, the mother, or one of the parents of the employee's spouse. **Section 80.1.**

In the circumstances referred to in section 80 or 80.1, the employee **must** advise the **employer** of their absence as soon as possible. **Section 80.2.**

Further details on the Act Respecting Labour Standards can be found at gouv.qc.ca.

SASKATCHEWAN

Under the [**Saskatchewan Employment Act**](#), **Part II, Section 2-55, employers** in Saskatchewan **must** provide employees five days of bereavement leave following the death of an immediate family member. The leave **must** be taken within one week before to one week after the funeral. **Employers must** ensure compliance and support employees during bereavement.

PART II – Employment Standards

Bereavement and Compassionate Care Leave

(1) An employee is entitled to a bereavement leave of five days in the case of the death of a member of the employee's immediate family.

(2) The leave mentioned in subsection (1) **must** be taken within the period commencing one week before and ending one week after the funeral relating to the death with respect to which the leave is granted. **Section 2-55 (1)(2)**.

Further details on the Saskatchewan Employment Act can be found at saskatchewan.ca.

YUKON TERRITORY

Under the [**Employment Standards Act**](#), **Section 60, employers** in Yukon **must** provide employees up to one week of unpaid bereavement leave if the funeral of a deceased family member falls within that week. Employees designated by a First Nation family to organize a funeral potlatch are also entitled to this leave. **Employers must** ensure compliance and support employees during bereavement.

Bereavement Leave

(2) If an employee's family member dies, the employee is entitled to and **shall** be granted bereavement leave without pay for up to one week provided that the funeral of the employee's family member falls within that week.

(3) If an employee is designated by the family of a deceased member of a First Nation as the person responsible for organizing the funeral potlatch for the deceased, the employee is entitled to bereavement leave under subsection (2).

(4) In subsection (3), "First Nation" has the same meaning as in the Act Approving Yukon Land Claim Final Agreements. **Section 60 (2)(3)(4)**.

Further details on the Employment Standards Act can be found at canlii.org.