Bereavement Leave Quiz



Does Employee Get Paid Bereavement Leave?

SITUATION

Justine Case and her mother live and work in Québec. Six months ago, Justine's sister, Cybil, moved to Newfoundland and started a new job. Tragically, Justine's husband dies unexpectedly. Mom relays the news to Cybil and both women promise to take the week off from work to help Justine deal with her loss, look after her two children and make funeral arrangements. All three women work full-time and want to take bereavement leave.

QUESTION

Which, if any, of the Cases are entitled to *paid* bereavement leave (under ESA law)?

A. None of the three
B. All three are entitled to one week of paid bereavement leave
C. Justine and Cybil, but not mom, are entitled to one day of paid bereavement leave apiece
D. Justine and her mother, but not Cybil, are entitled to one day of paid bereavement leave

ANSWER

C. Justine and Cybil, but not their mother, are entitled to a day of paid bereavement leave.

EXPLANATION

Most employees are entitled to unpaid time off from work for the death of a family member under employment standards laws. But right to *paid* leave is less common. One of the criteria that determines if leave is paid is how closely the employee is related to the family member who dies. This example, which is purely hypothetical, illustrates some key differences.

The Québec *Labour Standards Act* allows for one paid day of bereavement leave when an employee's spouse, child or parent dies. Justine works in Québec; and the bereavement is due to loss of her husband. So she gets one day of paid (and four days of unpaid) bereavement leave. Justine's mother also works in Québec. But because the person who died is her son-in-law and not her spouse, child or parent, she doesn't get paid

bereavement leave (although she can take a day of u*npaid* leave).

Newfoundland, where Cybil works, also requires paid bereavement leave. Eligible employees are entitled to one day of paid leave (but only two days of unpaid leave). But the leave covers the death of a spouse, parent, grandchild, grandparent, sibling or close in-law, such as a brother-in-law. To qualify, employees must also have worked with the same company for at least 30 days. Cybil has. And the victim is her brother-in-law. So Cybil gets a day of paid bereavement leave.

WHY WRONG ANSWERS ARE WRONG

A is wrong because paid bereavement leave is provided by QC and NL.

B is wrong because NL and QC allow one day, not one week of paid bereavement leave. Justine is also entitled to four days of unpaid leave under QC law and Cybil two days of unpaid leave under NL law.

D is wrong because although Justine and Cybil do get a day of paid bereavement leave, their mother doesn’t. In Québec, employees get one day of paid and four days of unpaid bereavement leave for the death of a spouse, child, parent or sibling and only one day of unpaid leave for the death of other family members such as a son-in-law, daughter-in-law, grandparent, grandchild and the parents and siblings of the employee’s spouse.