

Bereavement Leave Rights – Know The Laws Of Your Province

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Bereavement leave eligibility, pay, notification and verification rules vary by province.

Bereavement leave is required by the employment standards laws of every jurisdiction except Nunavut. But specific eligibility, pay, notification and verification requirements vary from place to place. Here's a look at the requirements in each jurisdiction.

Bereavement Leave Rights Across Canada

FEDERAL

(a) Up to 5 days for death of immediate family member with first 3 days paid at regular wage rate if employee has at least 3 months continuous employment; (b) Employer may extend in writing if employee requests; (c) Must be taken in 1 or 2 periods (which employer can require be at least 1 day in duration), starting on date of death and ending 6 weeks after funeral, burial or memorial service, whichever comes later; and (d) Employee must provide written notice as soon as possible of the leave start date and length (*Canada Labour Code*, Sec. 210)

Eligible "Immediate Family Member": (a) Employee's spouse, common-law partner, siblings, grandparents or grandchildren; (b) Employee/Spouse/Common-law spouse's parents, children; and (c) Any relative with whom employee permanently resides (*Canada Labour Standards Reg.*, Sec. 33)

ALBERTA

(a) Up to 3 days unpaid leave per calendar year for death of a family member if employee has been employed by same employer for at least 90 days; and (b) Employee must give employer as much notice as "reasonable and practicable in the circumstances" before taking leave (*Employment Standards Code*, Sec. 53.983)

Eligible "Family Member": (a) Employee's "partner," i.e., spouse, common-law partner or adult interdependent partner; (b) Employee's or partner's partner, parent, current or former foster parent, child, grandchild, uncle or aunt, nephew or niece, current or former ward; and (c) A person, whether or not related to the employee by blood, adoption, marriage or common-law partnership, or by virtue of an adult interdependent relationship, who considers the employee to be like a close relative or whom the employee considers to be like a close relative (*Emp. Standards Reg.*, Sec. 54.1)

BRITISH COLUMBIA

Up to 3 days unpaid leave, which need not be consecutive, for death of immediate family member, i.e., (a) employee's spouse, child, parent, guardian, sibling, grandchild or grandparent; (b) child or parent of an employee's spouse; and (c) any person who lives with an employee as a member of the employee's family (*Employment Standards Act*, Sec. 53)

MANITOBA

(a) Up to 3 days unpaid leave for death of a family member if employee has been employed for at least 30 days; (b) Employee must give employer notice of amount and timing of leave and which family member died before taking leave; (c) Employer can ask employee to provide evidence of entitlement to leave; and (d) Employer can count any part of the day taken as a full day for purposes of the employee's 3-day allotment (*Employment Standards Code*, Sec. 59.4)

Eligible "Family Member": (a) Employee's spouse or common-law partner; (b) Employee's, spouse's or common-law partner's parent, current or former foster parent, child, sibling, stepsibling, grandparent, grandchild, uncle, aunt, nephew, niece, current or former foster child, guardian or ward; or (c) Any other person considers to be like a close relative regardless of blood or marriage (*Emp. Standards Reg.*, Sec. 22)

NEW BRUNSWICK

(a) Up to 5 **consecutive calendar** days for death of a person in close family relationship, to begin no later than funeral or memorial service date; and (b) Employee must notify employer of intention to take leave, anticipated start date of the leave and anticipated duration of leave (*Employment Standards Act*, Sec. 44.03)

"Close Family Relationship": The relationship between persons who are married to one another, parents and children, siblings, grandparents and grandchildren and persons who, "though not married to one another and whether or not a blood relationship exists, demonstrate an intention to extend to one another the mutual affection and support normally associated with" above relationships (ESA, Sec. 1)

NEWFOUNDLAND

(a) One day paid and 2 days unpaid for death of employee's spouse, child, child-in-law, grandchild, parent, parent-in-law, grandparent, sibling, or sibling-in-law; (b) 2 days unpaid leave and no paid leave for employees who have less than required 30 days of continuous service; Employee must give employer notice of amount and timing of leave and which family member died before taking leave; and (c) Employee gets one extra day annual vacation if he/she's on vacation at time he/she would have otherwise taken the paid bereavement leave day (*Labour Standards Act*, Sec. 43.10)

NOVA SCOTIA

(a) Up to 5 consecutive working days for death of 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; and (b) Employee must give employer as much notice as "reasonably practicable" of intention to take leave (*Labour Standards Code*, Sec. 60A)

ONTARIO

(a) Up to 2 unpaid days per calendar year for death of family member if employee has been employed for at least 2 consecutive weeks; (b) Employee must notify employer before or as soon as possible after leave begins; (c) Employer can treat part of day as full day toward employee's 2-day allotment; and (d) Employer may require employee to provide "evidence reasonable in the circumstances" of entitlement to take leave (*Employment Standards Act*, Sec. 50.0.2)

Eligible "Family Member": (a) Employee's spouse, parent, step-parent, foster parent, child, step-child or foster child, grandparent, step-grandparent, grandchild, step-grandchild, child's spouse, sibling or relative who's dependent on employee for care or assistance; and (b) A spouse's parent, step-parent, foster parent, child, step-child or foster child, grandparent, step-grandparent, grandchild, step-grandchild (ESA, Sec. 50.2(3))

PRINCE EDWARD ISLAND

(a) One day paid at regular pay rate for 1 day's work + up to either: (i) 3 consecutive days unpaid for death of immediate family member, i.e., employee's spouse, child, parent, brother or sister; or (ii) 2 consecutive days unpaid for death of extended family member, i.e., employee's grandparent, grandchild, aunt, uncle, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law or daughter-in-law; and (b) If paid day is taken while employee on vacation, employer must extend the vacation 1 working day; (c) Leave must start no later than day of funeral or memorial service (*Employment Standards Act*, Sec. 23)

QUÉBEC

(a) 2 days paid and 3 days unpaid for death or funeral of spouse, child, spouse's child, parent or sibling; (b) 1 day unpaid for death or funeral of son/daughter-in-law, grandparent, grandchild, or a spouse's parent or sibling; and (c) Employee must advise employer of absence as soon as possible (*Labour Standards Act*, Secs. 80, 80.1 and 80.2)

SASKATCHEWAN

(a) Up to 5 unpaid days for death of immediate family member if employee has been employed for more than 13 consecutive weeks; and (b) Must be taken within period that starts 1 week before and ends 1 week after funeral (*Sask Employment Act*, Sec. 2-55)

Eligible "Immediate Family Member": (a) Employee's spouse, parent, grandparent, child, grandchild, brother, sister or the spouse of the brother or sister; or (b) Spouse's parent, grandparent, child, grandchild, brother or sister or the spouse of the brother or sister (*Sask Emp Act*, Sec. 2-1(k))

NORTHWEST TERRITORIES

Unpaid leave for a family member's funeral or memorial service of either: (a) 3 days if funeral or service is in community where employee resides; or (b) 7 days if funeral or service is outside community where employee resides (*Employment Standards Act*, Sec. 31)

Eligible "Family Member": Not defined

NUNAVUT

Doesn't provide for bereavement leave

YUKON

(a) One week unpaid for funeral of family member if funeral falls within that week; and (b) One week unpaid bereavement leave for employee designated by a deceased member of a First Nation as person responsible for organizing the funeral potlatch (*Employment Standards Act*, Sec. 60)

Eligible "Family Member": Not defined