

Employee Bereavement Leave Rights – Know The Laws Of Your Province



Employment standards laws of every jurisdiction except Nunavut give employees the right to take bereavement leave to attend the funeral or mourn the death of close family members. But requirements vary in terms of:

- How much service with their current employers, if any, employees must have to be eligible for bereavement leave;
- The number of bereavement leave days allowed per calendar year;
- Whether any of those days must be paid;
- The family members for whom bereavement leave may be taken;
- The notice, if any, employees must provide to take bereavement leave; and
- The rights of employers to demand verification of the need for bereavement leave.

Here's a summary of the bereavement rules in each part of Canada. Go to the HR Insider website for a complete Bereavement Leave Compliance Game Plan.

Employee Bereavement Leave Rights Across Canada

FEDERAL

(a) Up to 10 days for death of immediate family member or a family member for whom the employee is on leave at the time of death with first 3 days paid at regular wage rate if employee has at least 3 consecutive months of 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).

“Immediate family member” means: (a) the employee's spouse or common-law partner; (b) the employee's father and mother and the spouse or common-law partner of the father or mother; (c) the employee's children and the children of the employee's spouse or common-law partner; (d) the employee's grandchildren; (e) the employee's brothers and

sisters; (f) the employee's grandfather and grandmother; (g) the father and mother of the spouse or common-law partner of the employee and the spouse or common-law partner of the father or mother; and (h) any relative of the employee who resides permanently with the employee or with whom the employee permanently resides; **Common-law partner**" means a person who's been cohabiting with an individual in a conjugal relationship for at least one year, or who had been so cohabiting with the individual for at least one year immediately before the individual's death (*Canada Labour Standards Reg.*, Sec. 33).

ALBERTA

(a) Employees with at least 90 days employment with the same employer get up to 3 unpaid days of bereavement leave per year if: (i) there's a death of a family member; (ii) the pregnancy of the employee ends other than as a result of a live birth; (iii) the pregnancy of the employee's spouse or common-law partner ends other than as a result of a live birth; (iv) 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; 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).

"Family member" means: (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 means: (i) a spouse or common-law partner of the employee, (ii) a child of the employee or a child of the employee's spouse or common-law partner, (iii) a parent of the employee, (iv) a child of the employee's parent, (v) a grandparent or grandchild of the employee, (vi) a current or former foster parent or foster child of the employee, (vii) a current or former ward or guardian of the employee, (viii) the adult interdependent partner of the employee, (ix) a child of the employee's adult interdependent partner, and (x) any other person living with the employee as a member of the employee's family (*Emp. Standards Reg.*, Sec. 54.1); **"Common-law partner"** means a person who, at the relevant time, cohabits in a conjugal relationship with another person for a continuous period of at least one year (*ESC*, Sec. 53.9(1)(a)); and **"Parent"** means: (i) a parent of a child, (ii) the spouse or common-law partner of a parent of a child, (iii) a person with whom a child has been placed for the purposes of adoption, (iv) the guardian or a foster parent of a child, or (v) a person who has the care, custody, or control of a child whether or not they are related by blood or adoption (*ESC*, Sec. 53.95(1)(d)).

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; **"Spouse"** means a person who's married to or living with another person in a marriage-like relationship (*Employment Standards Act*, Sec. 53).

MANITOBA

(a) Up to 5 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 5-day allotment (*Employment Standards Code*, Sec. 59.4).

"Family member" means: (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, step-sibling, grandparent, grandchild, uncle, aunt, nephew, niece, current or former foster child, guardian or ward; or (c) Any other person considered to be like a close relative regardless of blood or marriage (*Emp. Standards Reg.*, Sec. 22) means: (a) a spouse or common-law partner of the employee; (b) a child of the employee or a child of the employee's spouse or common-law partner; (c) a parent of the employee or a spouse or common-law partner of the parent; (d) a brother, sister, step-brother, step-sister, uncle, aunt, nephew, niece, grandchild or grandparent of the employee or of the employee's spouse or common-law partner; (e) a parent of the employee's spouse or common-law partner; (f) a current or former foster parent of the employee or of the employee's spouse or common-law partner; (g) a current or former foster child, ward or guardian of the employee or of the employee's spouse or common-law partner; (h) the spouse or common-law partner of a person mentioned in any of clauses (d) to (g); or (i) any other person whom the employee considers to be like a close relative, whether or not they are related by blood, adoption, marriage, or common-law relationship (*ESC*, Sec. 59.2(1) + *Emp. Standards Reg*, Sec. 22); **"Common-law partner"** of a person means a person who, not being married to the other person, is cohabiting with him or her in a conjugal relationship of some permanence (*ESC*, Sec. 59.2(1)).

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" means the relationship between persons who are married to one another, between parents and children, between siblings, and between grandparents and grandchildren, and includes a relationship between 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" the above relationships (*ESA*, Sec. 1).

NEWFOUNDLAND

(a) Employee under a service contract with same employer for at least 30 days gets one day paid and 2 days unpaid for 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 or 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; (c) The

wages to which an employee is entitled for a paid day of bereavement leave is 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; (d) Employee must give employer notice of amount and timing of leave and which family member died before taking leave; and (e) Employee gets one extra day annual vacation if they're on vacation at time they 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); and (c) "Spouse" includes 2 persons who are cohabiting in a conjugal relationship with each other, and have done so continuously for a period of at least one year (*LSC*, Sec. 1(qa)).

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).

"Family member" means: (a) An 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 the 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 means: 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; and 7. A relative of the employee who is dependent on the employee for care or assistance (*ESA*, Sec. 50.2(3)); and **"Spouse"** means: (i) a spouse as defined in [section 1](#) of the [Family Law Act](#), or (ii) either of 2 persons who live together in a conjugal relationship outside marriage (*ESA*, Sec. 45).

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) Entitlement to bereavement leave includes, as if it were the death of a member of the immediate family of an employee referred to in subsection (a)(i) above: (i) the end of the employee's pregnancy by way of prenatal pregnancy

loss or stillbirth; and (ii) the end of another person's pregnancy by way of prenatal pregnancy loss or stillbirth if the employee: (A) is that person's spouse or partner, (B) is that person's former spouse or partner and would have been a biological parent of a child born as a result of the pregnancy, or (C) would have been an intended parent of a child born as a result of the pregnancy under a surrogacy agreement; (c) If paid day is taken while the employee is on vacation, employer must extend the vacation 1 working day; and (d) Leave must start leave no later than the day of the funeral or memorial service, if any (*Employment Standards Act*, Sec. 23).

"Immediate family" means the spouse, child, parent, brother, or sister of an employee; **"Extended family"** means the grandparent, grandchild, aunt, uncle, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, or daughter-in-law of an employee (*ESA*, Sec. 1).

QUÉBEC

(a) 2 days paid and 3 days unpaid for death or funeral of the employee's spouse or child, a spouse's child, or the employee's brother, sister, father, mother, or one of the employee's parents; (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 + 80.2).

"Spouse" means either of 2 persons who: (i) are married or in a civil union and cohabiting; (ii) being of opposite sex or the same sex, are living together in a de facto union and are the father and mother or the parents of the same child; or (iii) are of opposite sex or the same sex and have been living together in a de facto union for one year or more (*LSA*, Sec. 1(3)).

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).

"Immediate family member" means: (a) The employee's spouse, parent, grandparent, child, grandchild, brother, sister, or the spouse of the brother or sister; or (b) The employee's spouse's parent, grandparent, child, grandchild, brother or sister, or the spouse of the brother or sister (*Sask Emp Act*, Sec. 2-1(k)); and (b) **"Spouse"** means: (i) the legally married spouse of the employee; or (ii) a person with whom the employee cohabits and has cohabited as spouses: (A) continuously for a period of at least 2 years; or (B) in a relationship of some permanence if the person and the employee are the parents of a child (*Sask Emp Act*, Sec. 2-1(s)).

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).

"Family member" means a person who's a member of a class of persons prescribed as a

family member for the purposes of the *Employment Insurance Act*, subsections 23.1(2) (governing compassionate care benefits), 23.2(1) (governing critically ill child benefits), and 23.3(1) (governing critically ill adult benefits), (*ESA*, Sec. 1), i.e., (a) the spouse or common-law partner of the individual; (b) a child of the individual or a child of the individual's spouse or common-law partner; (c) a parent of the individual or a spouse or common-law partner of the parent; (d) a child of the individual's parent or a child of the spouse or common-law partner of the individual's parent; (e) a grandparent of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandparent; (f) a grandchild of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandchild; (g) the spouse or common-law partner of the individual's child or of the child of the individual's spouse or common-law partner; (h) a parent, or the spouse or common-law partner of a parent, of the individual's spouse or common-law partner; (i) the spouse or common-law partner of a child of the individual's parent or of a child of the spouse or common-law partner of the individual's parent; (j) a child of a parent of the individual's spouse or common-law partner or a child of the spouse or common-law partner of the parent of the individual's spouse or common-law partner; (k) an uncle or aunt of the individual or of the individual's spouse or common-law partner, or the spouse or common-law partner of the individual's uncle or aunt; (l) a nephew or niece of the individual or of the individual's spouse or common-law partner, or the spouse or common-law partner of the individual's nephew or niece; (m) a current or former foster parent of the individual or of the individual's spouse or common-law partner; (n) a current or former foster child of the individual or the spouse or common-law partner of that child; (o) a current or former ward of the individual or of the individual's spouse or common-law partner; (p) a current or former guardian of the individual or the spouse or common-law partner of that guardian; (q) a person, whether or not related to the individual by marriage, common-law partnership, or any legal parent-child relationship, whom the individual considers to be like a close relative or who considers the individual to be like a close relative (*Employment Insurance Regs*, Sec. 1(3)).

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).

"Family member" means the definition of "family member" in federal EI regulations (*ESA*, Sec. 58.01), i.e., (a) the spouse or common-law partner of the individual; (b) a child of the individual or a child of the individual's spouse or common-law partner; (c) a parent of the individual or a spouse or common-law partner of the parent; (d) a child of the individual's parent or a child of the spouse or common-law partner of the individual's parent; (e) a grandparent of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandparent; (f) a grandchild of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandchild; (g) the spouse or common-law partner of the individual's child or of the

child of the individual's spouse or common-law partner; (h) a parent, or the spouse or common-law partner of a parent, of the individual's spouse or common-law partner; (i) the spouse or common-law partner of a child of the individual's parent or of a child of the spouse or common-law partner of the individual's parent; (j) a child of a parent of the individual's spouse or common-law partner or a child of the spouse or common-law partner of the parent of the individual's spouse or common-law partner; (k) an uncle or aunt of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's uncle or aunt; (l) a nephew or niece of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's nephew or niece; (m) a current or former foster parent of the individual or of the individual's spouse or common-law partner; (n) a current or former foster child of the individual or the spouse or common-law partner of that child; (o) a current or former ward of the individual or of the individual's spouse or common-law partner; (p) a current or former guardian of the individual or the spouse or common-law partner of that guardian; (q) a person, whether or not related to the individual by marriage, common-law partnership, or any legal parent-child relationship, whom the individual considers to be like a close relative or who considers the individual to be like a close relative (*Employment Insurance Regs*, Sec. 1(3)).