Child Death or Disappearance Leave Policy – Alberta Version



The employment standards laws of most jurisdictions (Northwest Territories and Nunavut are the only exceptions) entitle employees to take unpaid leave if their child dies or disappears as a result of a crime. But while child death and disappearance leave are an almost universal right, the rules and requirements vary from province to province. So, it's important to establish and implement a child death or disappearance leave policy that complies with the employment standards laws of your jurisdiction. Here's a template Policy based on Alberta laws. Go to the HR Insider website for a template policy suited to your own jurisdiction.

UNPAID LEAVE FOR A CHILD's DEATH OR DISAPPEARANCE

1. PURPOSE

The disappearance or death of a child is a nightmare of unspeakable dimensions for any parent. ABC Company has adopted this Child Death/Disappearance Leave Policy (Policy) to ensure that employees who ever have the misfortune of experiencing such an ordeal get the unpaid time off from work that they need to recover without suffering any retribution or adverse consequences to their employment and to establish clear ground rules for requesting, taking and returning from leave in accordance with the requirements of the Alberta *Employment Standards Code*.

2. DEFINITIONS

For purposes of this Policy:

1. **"Child"** means a person under 18 years of age;
2. **"Crime"** means an offence under the *Criminal Code (Canada)*;
3. **"Parent"** includes:
    - A child's parent;
    - The spouse or common-law partner of a child's parent;
    - A person with whom a child has been placed for adoption;
    - A child's guardian or foster parent; and
    - A person who has care, custody, or control of a child, regardless of whether they are related to the child by blood or adoption.

3. ELIGIBILITY FOR LEAVE

3.1 Child Disappearance Leave

Employees are entitled to unpaid leave of up to 52 weeks if:

1. They have at least 90 days of employment with ABC Company;
2. They are the parent of a child who has disappeared;
3. It is probable, in the circumstances, that the child disappeared as a result of a crime;
4. The employee requests leave under this Policy; and
5. The employee provides the notification and verification required for taking leave under this Policy.

3.2 Child Death Leave

Employees are entitled to unpaid leave of up to 104 weeks if:

1. They have at least 90 days of employment with ABC Company;
2. They are the parent of a child who has died;
3. It is probable, in the circumstances, that the child died as a result of a crime;
4. The employee requests leave under this Policy; and
5. The employee provides the notification and verification required for taking leave under this Policy.

3.3 Exception to Eligibility

Employees have no right to leave under this Policy if they are charged with the crime that resulted in the child’s death or disappearance.

4. HOW & WHEN LEAVE MAY BE TAKEN

4.1 Child Disappearance Leave

Employees must take child disappearance leave under this Policy during the period that starts on the date the child disappears and ends 52 weeks after that disappearance date, unless ABC Company provides consent allowing employees to take longer leave. Child disappearance leave will end before the normal 53 weeks on the earliest of the following dates, if any apply:

1. The date on which circumstances indicate that it is no longer probable that the child’s disappearance is a result of a crime;
2. The date the employee is charged with a crime that resulted in the child’s disappearance;
3. 14 days after the date on which the child is found alive;
4. The date on which the child is found dead, in which case the employee becomes eligible for child death leave of up to 105 weeks from the date of the child’s disappearance.

4.2 Child Death Leave

Employees must take child death leave under this Policy starting on the date the child dies and ending 104 weeks after that date, unless ABC Company provides consent allowing employees to take longer leave. Child death leave will end before the normal 105 weeks on the earliest of the following dates, if any apply:

1. The date on which circumstances indicate that it is no longer probable that the child's death is a result of a crime;
2. The date the employee is charged with a crime that resulted in the child's death.

4.3 Leave & Vacation Entitlements Conflict

If an employee is on child death or disappearance leave on the day by which they must use their vacation, they must use any unused part of the vacation immediately after the leave expires or later date agreed to by ABC Company and the employee.

5. EMPLOYEE DUTY TO FURNISH NOTIFICATION OF LEAVE

Employees wishing to take unpaid leave under this Policy must give their supervisor or the ABC Company HR director written notice as soon as possible listing:

1. The reasons for leave, i.e., the death or disappearance of the child;
2. The weeks leave will be taken; and
3. An estimated date of return.

Once leave begins, employees must notify their supervisor or the ABC Company HR director of any changes in their estimated date of return including the occurrence of any of the post-leave developments which may affect the duration of the leave listed in Section 4 above.

6. EMPLOYEE DUTY TO FURNISH VERIFICATION OF LEAVE

ABC Company may require employees to verify their eligibility for child death or disappearance leave.

6.1 Child Disappearance Leave

If ABC Company requests it, employees must, as soon as practicable, provide their supervisor or the ABC Company HR Director reasonably sufficient proof that the employee's child has disappeared in circumstances in which it is probable the disappearance is the result of a crime.

6.2 Child Death Leave

If ABC Company requests it, employees must, as soon as practicable, provide their supervisor or the ABC Company HR Director reasonably sufficient proof that the employee's child is dead.

7. RETURN FROM LEAVE

Unless agreed to otherwise, employees on leave must notify their supervisor or the ABC Company HR director in writing at least one week before the date they expect to return to work. When employees return to work after child death or disappearance leave, they will either be reinstated in the position occupied when the death or disappearance of child leave started or provided alternative work of a comparable nature at no less than the earnings and other benefits that had accrued to the employee when the death or disappearance of child leave started. Employees who don't want to resume employment after leave ends must provide their supervisor or the ABC Company HR Director at least 2 weeks' written notice of their intention to terminate employment.

8. ASSURANCE OF NON-RETALIATION

Neither ABC Company nor any of its managers, supervisors, employees, or other representatives and agents will discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee for exercising their rights under this Policy, including but not limited to requesting or taking child death or disappearance leave or inquiring about their leave rights.