

Child Death or Disappearance Leave Policy

– BC 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 BC 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 British Columbia *Employment Standards Act*.

2. DEFINITIONS

For purposes of this Policy:

1. **"Child"** means a person under 19 years of age; and
2. **"Crime"** means an offence under the *Criminal Code (Canada)*.

3. ELIGIBILITY FOR LEAVE

3.1 Child Disappearance Leave

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

1. A child of the employee disappears;
2. It is probable, in the circumstances, that the child's disappearance is a

result of a crime;

3. The employee requests leave under this Policy; and
4. 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. A child of the employee dies;
2. The employee requests leave under this Policy; and
3. 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 a 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 on the date that is 53 weeks after the date the child disappears. Leave must be taken in a single unit, unless ABC Company provides consent allowing employees to take leave in more than one unit. 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 would be eligible for unpaid child death leave ending 105 weeks after the disappearance date;
5. Where ABC Company consents to allowing the employee to take leave in more than one unit, the last day of the last unit of time for the leave.

4.2 Child Death Leave

Employees must take child death leave under this Policy during the period that starts on the date the child dies or where the child that has disappeared is found dead and ends on the date that is 105 weeks after the date the child dies or is found dead. Leave must be taken in a single unit, unless ABC Company provides consent allowing employees to take leave in more than one unit. Child death leave will end before the normal 105 weeks on the earliest of the following dates, if any apply:

1. The date the employee is charged with a crime that resulted in the child's disappearance;
2. Where ABC Company consents to allowing the employee to take leave in more than one unit, the last day of the last unit of time for the leave.

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

When employees return to work after taking leave under this Policy, ABC Company will reinstate them to the position they most recently held or, if such position no longer exists, to a comparable position at either: i. their most recent wage level; or the wage rate they would be earning had they worked during the leave, whichever is higher, and with no loss of seniority or benefits.

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.