Compassionate Care – Know The Laws Of Your Province



Compassionate care leave regulations are essential for supporting employees who need to provide care for seriously ill family members. These regulations require **employers** to grant unpaid leave for a specified period when a medical professional certifies that a family member has a serious medical condition with a significant risk of death. Key provisions include the maximum duration of leave, the requirement for medical certification, and job protection during the leave period. Employees **must** notify their **employer** and, in some cases, provide documentation upon request. While the fundamental principles of compassionate care leave are consistent across Canada, specific regulations vary by province and territory to address local employment standards. Compliance with these regulations ensures that employees can care for their loved ones without fear of job loss, promoting workplace compassion and well-being.

FEDERAL

In Canada, **employers must** comply with Compassionate Care Leave under the Canada Labour Code (**Part III, Section 206.3)**. Employees are entitled to up to 28 weeks of leave to care for a seriously ill family member at risk of death within 26 weeks, as certified by a health care practitioner. **Employers must** accommodate this leave, recognize shared entitlements among employees, and may request a copy of the certificate within 15 days of the employee's return.

Part III – Standard Hours, Wages, Vacations, and Holidays

Compassionate Care Leave

Definitions

(1) For the purposes of this section, care, family member and support have, subject to the regulations, the same meanings as in the regulations made under the Employment Insurance Act and week means the period between midnight on Saturday and midnight on the immediately following Saturday.

Entitlement to Leave

(2) Subject to subsections (3) to (8), every employee is entitled to and **shall** be granted a leave of absence from employment of up to 28 weeks to provide care or support to a family member of the employee if a health care practitioner issues a certificate stating that the family member has a serious medical condition with a significant risk of death within 26 weeks from:

(a) the day the certificate is issued; or

(b) if the leave was commenced before the certificate was issued, the day the leave was commenced.

Period When Leave may be Taken

(3) The leave of absence may only be taken during the period:

(a) that starts with

(i) the first day of the week in which the certificate is issued, or

(ii) if the leave was commenced before the certificate was issued, the first day of the week in which the leave was commenced if the certificate is valid from any day in that week; and

(b) that ends with the last day of the week in which either of the following occurs, namely,

(i) the family member dies, or

(ii) the period of 52 weeks following the first day of the week referred to in paragraph (a) ends.

Certificate not Necessary

(3.1) For greater certainty, but subject to subsection (3), for leave under this section to be taken after the end of the period of 26 weeks set out in subsection (2), it is not necessary for a health care practitioner to issue an additional certificate under that subsection (2).

Shorter Period

(4) If a shorter period is prescribed by regulation for the purposes of subsection 23.1(5) or 152.06(4) of the Employment Insurance Act,

(a) the certificate referred to in subsection (2) **must** state that the family member has a serious medical condition with a significant risk of death within that period; and

(b) that shorter period applies for the purposes of subparagraph (3)(b)(ii).

Expiry of Shorter Period

(5) When a shorter period referred to in subsection (4) has expired in respect of a family member, no further leave may be taken under this section in respect of that family member until the minimum number of weeks prescribed for the purposes of subsection 12(4.3) or 152.14(7) of the Employment Insurance Act has elapsed.

Aggregate Leave – More than one Employee

(7) The aggregate amount of leave that may be taken by two or more employees under

this section in respect of the care or support of the same family member **shall** not exceed 28 weeks in the period referred to in subsection (3).

Limitation – Section 206.4

(7.1) No leave may be taken by one or more employees under subsection 206.4(2) or (2.1) before the end of the leave taken under subsection (2) in respect of the same person.

Copy of Certificate

(8) If requested in writing by the **employer** within 15 days after an employee's return to work, the employee **must** provide the **employer** with a copy of the certificate referred to in subsection (2).

Application

(9) The references in this section to provisions that are in Part VII.1 of the Employment Insurance Act apply only in relation to employees who are self-employed persons referred to in paragraph (b) of the definition self-employed person in subsection 152.01(1) of that Act. **Section 206.3 (1) to (9).**

Further details on the Canada Labour Code can be found at *Justice.Gc.Ca*.

ALBERTA

In Alberta, **employers must** comply with Compassionate Care Leave under the **Employment Standards Code** (**Part 2, Sections 53.9 to 53.94)**. Employees with at least 90 days of service are entitled to up to 27 weeks of unpaid leave to care for a seriously ill family member at significant risk of death within 26 weeks, as certified by a medical professional. **Employers must** grant leave, ensure job protection, and reinstate employees to their previous or comparable positions upon return.

Part 2 – Standards

Division 7.2 – Compassionate Care Leave

(1) In this Division,

(a) **"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;

(b) **"family member",** in relation to an employee, 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 or a spouse or common-law partner of the parent, and

(iv) any other person who is a member of a class of persons designated in the regulations for the purpose of this definition.

(2) Subject to this section, an employee who has been employed by the same **employer** for at least 90 days is entitled to unpaid compassionate care leave for a period of

up to 27 weeks for the purpose of providing care or support to a seriously ill family member.

(3) If more than one employee who is employed by the same **employer** is entitled to compassionate care leave with respect to the same family member, the **employer** is not **required** to grant the leave to more than one employee at a time.

(4) The employee **must** provide the **employer** a medical certificate stating that:

(a) the family member, named in the certificate, has a serious medical condition with a significant risk of death within 26 weeks from

(i) the day the certificate is issued, or

(ii) if the leave was begun before the certificate was issued, the day the leave began, and

(b) the family member requires the care or support of one or more family members.

(5) The employee **must** provide a copy of the medical certificate under subsection (4) before commencing compassionate care leave unless the employee is unable to do so, in which case the employee **must** provide the certificate as soon as is reasonable and practicable in the circumstances.

(6) An employee who wishes to take compassionate care leave **must** give the **employer** at least 2 weeks' written notice, which notice **must** also include the estimated date of the employee's return to work, unless a shorter notice period is necessary in the circumstances, in which case the notice **must** be provided as soon as is reasonable and practicable in the circumstances.

(7) The employee **must** inform his or her **employer** of any change in the estimated date of returning to work.

(8) Compassionate care leave may be taken in one or more periods but no period may be less than one week's duration.

(9) Compassionate care leave ends on the earliest of the following occurrences:

(a) the last day of the work week in which the family member named in the medical certificate referred to in subsection (4) dies;

(b) the 27 weeks of compassionate care leave ends;

(c) the last day of the work week in which the employee ceases to provide care or support to the seriously ill family member. **Section 53.9 (1) to (9).**

Termination of Employment

(1) No **employer** may terminate the employment of, or lay off, an employee who has started compassionate care leave.

(2) Subsection (1) does not apply if an **employer** suspends or discontinues in whole or in part the business, undertaking or other activity in which the employee is employed, but the obligation of the **employer** to reinstate the employee or provide the employee with alternative work in accordance with section 53.93 continues to apply. **Section 53.91.**

Notice to Return to Work

(1) If an employee has been on compassionate care leave, he or she **must** provide at least one week's written notice of the date the employee intends to return to work unless the **employer** and the employee agree otherwise.

(2) When an employee returns to work under this section, the **employer must:**

(a) reinstate the employee in the position occupied when the leave started, or

(b) provide the employee with alternative work of a comparable nature at not less than the earnings and other benefits that had accrued to the employee when the leave started.

(3) An employee who does not wish to resume employment after the leave ends **must** give the **employer** at least 2 weeks' written notice of the employee's intention to terminate employment. **Section 53.92.**

For more information:

- Suspension of operations. **Section 53.93.**
- Leave and vacation conflict. **Section 53.94.**

Further details on the Employment Standards Code can be found at *Alberta.Ca*.

BRITISH COLUMBIA

In British Columbia, **employers must** comply with Compassionate Care Leave under the **Employment Standards Act** (**Part 6, Section 52.1).** Employees are entitled to up to 27 weeks of unpaid leave to care for a seriously ill family member at significant risk of death within 26 weeks, as certified by a medical or nurse practitioner. The leave **must** be taken in full week increments and ends when the family member dies or after 52 weeks. Employees **must** provide a medical certificate as soon as practicable, and additional leave may be taken with a new certificate.

Part 6 – Leaves and Jury Duty

Compassionate Care Leave

- In this section, **"family member"**means:

(a) a member of an employee's immediate family, and

(b) any other individual who is a member of a prescribed class.

(2) An employee who requests leave under this section is entitled to up to 27 weeks of unpaid leave to provide care or support to a family member if a medical practitioner or nurse practitioner issues a certificate stating that the family member has a serious medical condition with a significant risk of death within 26 weeks, or such other period as may be prescribed, after:

(a) the date the certificate is issued, or

(b) if the leave began before the date the certificate is issued, the date the leave began.

(3) The employee **must** give the **employer** a copy of the certificate as soon as practicable.

(4) An employee may begin a leave under this section no earlier than the first day of the week in which the period under subsection (2) begins.

(5) A leave under this section ends on the last day of the week in which the earlier of the following occurs:

(a) the family member dies;

(b) the expiration of 52 weeks from the date the leave began.

(6) A leave taken under this section **must** be taken in units of one or more weeks.

(7) If an employee takes a leave under this section and the family member to whom subsection (2) applies does not die within the period referred to in subsection (5) (b), the employee **may** take a further leave after obtaining a new certificate in accordance with subsection (2), and subsections (3) to (6) apply to the further leave. **Section 52.1 (1) to (7).**

Further details on the Employment Standards Act can be found at *Gov.Bc.Ca*.

MANITOBA

In Manitoba, **employers must** comply with Compassionate Care Leave under **The Employment Standards Code** (**Part 2, Section 59.2)**. Employees with at least 90 days of service are entitled to up to 28 weeks of unpaid leave to care for a seriously ill family member at significant risk of death within 26 weeks, as certified by a physician. The leave **must** be taken in up to two periods, each lasting at least one week, and **must** end within 52 weeks of starting. Employees **must** provide notice of at least one pay period and a medical certificate as soon as possible.

Part 2 – Minimum Standards

Compassionate Care Leave

Definitions

(1) The following definitions apply in this section.

“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.

“Family member”, in relation to an employee, 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; and

(d) any other person who is a member of a class of persons prescribed in the regulations for the purpose of this definition.

“Physician” means a physician who provides care to a family member and who is entitled to practice medicine under the laws of the jurisdiction in which the care is provided.

Registered Common-Law Relationship

(1.1) For the purpose of the definition "common-law partner" in subsection (1), while they are cohabiting, persons who have registered their common-law relationship under section 13.1 of *The Vital Statistics Act* are deemed to be cohabiting in a conjugal relationship of some permanence.

Entitlement to Leave

(2) Subject to subsections (3) to (8), an employee who has been employed by the same **employer** for at least 90 days is entitled to unpaid compassionate care leave of up to 28 weeks to provide care or support to a seriously ill family member.

Physician's Certificate

(3) For an employee to be eligible for leave, a physician **must** issue a certificate stating that:

(a) a family member of the employee has a serious medical condition with a significant risk of death within 26 weeks from:

(i) the day the certificate is issued, or

(ii) if the leave was begun before the certificate was issued, the day the leave began; and

(b) the family member requires the care or support of one or more family members.

No Additional Certificate Required

(3.1) For certainty, a leave under this section may be taken after the end of the 26-week period set out in the physician's certificate, and no additional certificate is **required**.

Employee to give Notice to Employer

(4) An employee who wishes to take a leave under this section **must** give the **employer** notice of at least one pay period, unless circumstances necessitate a shorter period.

Employee to Provide Physician's Certificate

(5) The employee **must** give the **employer** a copy of the physician's certificate as soon as possible.

When Leave may be Taken

(6) An employee may take no more than two periods of leave totaling no more than 28 weeks, which **must** end no later than 52 weeks after the day the first period of leave began.

Minimum Period of Leave

(7) No period of leave may be less than one week's duration.

Ending Leave Early

(8) Unless the employee and **employer** agree otherwise, an employee may end leave earlier than the expiry of 28 weeks by giving the **employer** at least 48 hours' notice of his or her expected date of return. **Section 59.2 (1) to (8).**

Further details on The Employment Standards Code can be found at *Canlii.Org*.

NEW BRUNSWICK

In New Brunswick, **employers must** comply with Compassionate Care Leave under the **Employment Standards Act** (**Section 44.024)**. Employees are entitled to up to 28 weeks of unpaid leave to care for a close family member with a serious medical condition and significant risk of death within 28 weeks, as certified by a qualified medical practitioner. The leave **must** be taken in full-week increments and shared among employees caring for the same person. Employees **must** notify their **employer** as soon as possible and provide a medical certificate upon request within 15 days of returning to work.

Compassionate Care Leave

(1) In this section:

"Qualified Medical Practitioner" means a person who is entitled to practise medicine under the laws of a jurisdiction in which care or treatment of a person with whom the employee has a close family relationship is provided;

"Week" means the period between midnight on Saturday and midnight on the immediately following Saturday.

(2) Subject to subsections (3) to (6), an **employer shall**, upon the request of an employee, grant the employee a leave of absence without pay from employment of up to twenty-eight weeks to provide care or support to a person with whom the employee has a close family relationship, if a qualified medical practitioner issues a certificate stating that the person with whom the employee has a close family relationship has a serious medical condition with a significant risk of death within twenty-eight weeks from:

(a) the day the certificate is issued, or

(b) if the leave was commenced before the certificate was issued, the day the leave was commenced.

(3) The leave of absence **may** only be taken during the period:

(a) that starts with:

(i) the first day of the week in which the certificate is issued, or

(ii) if the leave commenced before the certificate was issued, the first day of the week in which the leave was commenced if the certificate is valid from any day in that week, and

(b) that ends with the last day of the week in which either of the following first occurs:

(i) the person with whom the employee has a close family relationship dies; or

(ii) the expiration of twenty-eight weeks following the first day of the week referred to in paragraph (*a*).

(4) A leave of absence under this section **may** only be taken in periods of at least one week's duration.

(5) The aggregate amount of leave that **may** be taken by two or more employees under this section for the care or support of the same person with whom the employee has a close family relationship **shall** not exceed twenty-eight weeks in the period referred to in subsection (3).

(6) An employee **shall** provide the **employer** with a copy of the certificate referred to in subsection (2), if the **employer** requests this in writing within fifteen days after an employee's return to work.

(7) An employee intending to take a leave of absence under this section **shall** advise the **employer** as soon as possible of the employee's intention to take the leave, the anticipated commencement date of the leave, and, subject to subsection (2), the anticipated duration of the leave. **Section 44.024 (1) to (7).**

Further details on the Employment Standards Act can be found at *Gnb.Ca*.

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, **employers must** comply with Compassionate Care Leave under the **Labour Standards Act**, **(Part VII.3, Sections 43.13 to 43.16)**. Employees with at least 30 days of service are entitled to up to 28 weeks of unpaid leave to care for a seriously ill family member at significant risk of death within 26 weeks, as certified by a medical or nurse practitioner. The leave **must** be taken in full week increments and shared among employees caring for the same family member. Employees **must** provide written notice at least two weeks before the leave and a medical certificate upon request. **Employers must** reinstate employees after leave and cannot dismiss them for taking it.

Part VII.3 – Compassionate Care Leave

Definitions

In this Part:

(a) **"Cohabiting partner"** means either of 2 persons who are cohabiting and have cohabited continuously in a conjugal relationship outside marriage for not less than one year;

(b) **"Family member",** in relation to an employee, means

(i) a spouse or cohabiting partner of the employee,

(ii) a child of the employee or of the employee's spouse or cohabiting partner,

(iii) a parent of the employee or a spouse or common law partner of the parent, and

(iv) any other person who is a member of a class of persons prescribed for the purpose of this definition in the regulations; and

(c) **"week"** means the period between midnight on Saturday and midnight on the immediately following Saturday. **Section 43.13.**

Entitlement to Leave

(1) An employee who has been employed by the same **employer** for at least 30 days is entitled to a leave of absence without pay of up to 28 weeks to provide care or support to a family member of the employee where a medical practitioner or nurse

practitioner issues a certificate stating that the family member has a serious medical condition with a significant risk of death within 26 weeks from:

(a) the day the certificate is issued; or

(b) the day the leave began, if leave began before the certificate was issued.

(2) The leave of absence under subsection (1) **shall** be taken during the period:

(a) that starts with:

(i) the first day of the week in which the certificate is issued, or

(ii) the first day of the week in which the employee was absent, if the leave began before the certificate was issued and the certificate was valid from any day in that week; and

(b) that ends with the last day of the week in which either of the following occurs:

(i) the family member dies, or

(ii) the expiration of 52 weeks following the first day of the week referred to in paragraph (a).

(3) Notwithstanding subparagraph (2)(b)(i), the director may decide that, in exceptional circumstances, an employee **shall** be provided with up to 3 additional days of unpaid leave immediately following the end of the week in which the death of the family member occurred, and an **employer shall** provide that leave.

(4) Where a shorter period than that referred to in subsection (1) is prescribed for the purpose of subsection 23.1(5) of the *Employment Insurance Act* (Canada),

(a) the certificate referred to in subsection (1) has to state that the family member has a serious medical condition with a significant risk of death within that period; and

(b) that shorter period applies for the purpose of subparagraph 2(b)(ii).

(5) When the shorter period referred to in subsection (4) has expired in respect of a family member, no further leave may be taken under this Part in respect of that family member until the minimum number of weeks prescribed for the purpose of subsection 12(4.3) of the *Employment Insurance Act* (Canada) has elapsed.

(6) A leave of absence under this section **shall** be taken in periods of at least one week in duration.

(7) The aggregate amount of leave that may be taken by 2 or more employees under this section in respect of the care or support of the same family member **shall** not exceed 28 weeks in the period referred to in subsection (2). **Section 43.14 (1) to (7).**

Further details on the Labour Standards Act can be found at *Assembly.Nl.Ca*.

NOVA SCOTIA

In Nova Scotia, **employers must** comply with Compassionate Care Leave under the **Labour Standards Code**, **(Sections 60E and 60EA)**. Employees with at least three months of service are entitled to up to 28 weeks of unpaid leave to care for a seriously ill

family member at significant risk of death within 26 weeks, as certified by a medical practitioner. The leave **must** be taken in full week increments and may extend up to 52 weeks from the start date. Employees **must** notify their **employer** as soon as possible and provide a medical certificate upon request. **Employers must** allow employees to return to work at the end of the leave.

Compassionate Care Leave

Entitlement to Unpaid Compassionate Care Leave

(1) In this Section,

(b) **“family member”** in relation to an employee, means a family member as defined in the regulations;

(c) **“week”** means the period between midnight on Saturday and midnight on the following Saturday.

(2) An employee who has been employed by an **employer** for a period of at least three months is entitled to an unpaid leave of absence of up to twenty-eight weeks to provide care or support to a family member of the employee if a legally qualified medical practitioner issues a certificate stating that the family member has a serious medical condition with a significant risk of death within twenty-six weeks from:

(a) the day the certificate is issued; or

(b) where the leave was begun before the certificate was issued, the day the leave was begun.

(3) The leave of absence referred to in subsection (2) may only be taken during the period:

(a) that begins with:

(i) the first day of the week in which the certificate is issued, or

(ii) where the leave was begun before the certificate was issued, the first day of the week in which the leave was begun if the certificate is valid from any day in that week; and

(b) that ends with the last day of the week in which either of the following occurs:

(i) the family member dies, or

(ii) the period of fifty-two weeks following the first day of the week referred to in clause (a) ends.

(3A) For greater certainty, but subject to subsection (3), for leave under this Section to be taken after the end of the period of twenty-six weeks set out in subsection (2), it is not necessary for a legally qualified medical practitioner to issue an additional certificate under that subsection.

(4) A leave of absence under this Section **may** only be taken in periods of not less than one week’s duration.

(5) Where requested in writing by the **employer**, the employee **must** provide the **employer** with a copy of the certificate referred to in subsection (2).

(9) An employee **shall** advise an **employer** as soon as possible of any intention to take a leave of absence under this Section. **Section 60E (1) to (5) (9).**

Return to Work

(1) Where an employee who takes a leave to provide care and support to a person pursuant to Section 60E ceases to provide care or support during a week of leave,

(a) the employee's entitlement to leave continues until the end of the week; and

(b) the employee **may** return to work during the week only if the **employer** agrees, whether in writing or not.

(2) Where an employee returns to work under clause (b) of subsection (1), the week counts as an entire week for the purpose of any provision in Section 60E that limits the entitlement to leave to a certain number of weeks. **Section 60EA (1) (2).**

Further details on the Labour Standards Code can be found at *Nslegislature.Ca*

NORTHWEST TERRITORIES

In the Northwest Territories, **employers must** comply with Compassionate Care Leave under the **Employment Standards Act (Section 30)**. Employees are entitled to up to 27 weeks of unpaid leave to care for a seriously ill family member at significant risk of death within 27 weeks, as certified by a medical professional. The leave **must** be taken in full week increments and shared among employees caring for the same family member. Employees **must** notify their **employer** of the leave duration and provide a medical certificate if requested.

Compassionate Leave

(1) Subject to subsection (2), an employee is entitled to compassionate leave, without pay, to provide care or support to a family member of the employee.

Application for Leave

(2) To be eligible for compassionate leave:

(a) the employee **must** submit to the **employer** a request for compassionate leave advising the **employer** of the expected duration of the leave;

(b) the employee's family member **must** be suffering from a serious medical condition with a significant risk of death within 27 weeks of the request for leave; and

(c) the employee **must** provide, if requested by the **employer**, a medical certificate confirming the medical condition referred to in paragraph (b).

Period of Compassionate Leave

(3) An employee is entitled to take 27 weeks of compassionate leave within the period:

(a) beginning on the earlier of the day a medical certificate is issued or the day the employee took the leave; and

(b) ending on the Saturday in the earlier of the 52nd week after the leave began or the week the family member dies.

Separate Periods

(4) Compassionate leave may be taken in separate periods but each period **must** be not less than one week's duration.

Two Employees

(5) The aggregate amount of compassionate leave that may be taken by two or more employees working for the same **employer**, in respect of the care or support of the same family member, **must** not exceed 27 weeks in the period referred to in subsection (3).

Family Caregiver Leave

Definitions 30.1. (1) In this section,

"Critically ill adult" means a person who is 18 years of age or older whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury;

"Critically ill child" means a person who is under 18 years of age whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury.

Leave for Critically Ill Child

(2) Subject to subsection (4), an employee who has completed the prescribed period of continuous employment with an **employer** and who is a family member of a critically ill child is entitled to family caregiver leave, without pay, of up to 37 weeks in order to care for or support that child.

Leave for Critically Ill Adult

(3) Subject to subsection (4), an employee who has completed the prescribed period of continuous employment with an **employer** and who is a family member of a critically ill adult is entitled to leave, without pay, of up to 17 weeks in order to care for or support that adult.

Application for Leave

(4) To be eligible for family caregiver leave,

(a) the employee **must** submit to the **employer** a request for family caregiver leave advising the **employer** of the expected duration of the leave;

(b) the employee's family member **must** be critically ill; and

(c) the employee **must** provide, if requested by the **employer**, a medical certificate confirming the critical illness referred to in paragraph (b).

Period of Family Caregiver Leave

(5) The period of family caregiver leave to which an employee is entitled:

(a) begins on the earlier of the day a medical certificate is issued or the day the employee took the leave; and

(b) ends on the Saturday in the earlier of the 52nd week after the leave began or the week the adult or child dies.

Separate Periods

(6) Family caregiver leave may be taken in separate periods but each period **must** be of not less than one week's duration.

Aggregate Leave: Employees

(7) The aggregate amount of family caregiver leave that may be taken by employees under this section during the period referred to in subsection (5) **must** not exceed:

(a) in respect of the same critically ill child, 37 weeks; or

(b) in respect of the same critically ill adult, 17 weeks.

Limitation

(8) No family caregiver leave may be taken by one or more employees under subsection (3) before the end of the period referred to in subsection (5) if leave was granted under subsection (2) in respect of the same person.

Limitation: Compassionate Leave

(9) No compassionate leave may be taken by one or more employees under section 30 before the end of the leave taken under subsection (2) or (3) in respect of the same person. **Section 30 (1) to (9).**

Further details on the Employment Standards Act can be found at *Gov.Nt.Ca*.

NUNAVUT

In Nunavut, **employers must** provide Compassionate Care Leave **under Sections 39.1 to 39.8** of the **Labour Standards Act**. Employees are entitled to up to eight weeks of unpaid leave to care for a seriously ill family member, as confirmed by a medical certificate. The leave **must** be taken within a 26-week period and in weekly blocks. **Employers** cannot penalize, dismiss, or discipline employees for taking this leave and may only request a copy of the medical certificate within 15 days of the employee's return. These rules ensure workers can provide care without risking their job.

PART V.1 — COMPASSIONATE CARE LEAVE

Definitions

(1) The following definitions from the Canada Labour Code apply for the purposes of this Part only:

"Common-law partner", in relation to an individual, means a person who is cohabiting with the individual in a conjugal relationship, having so cohabited for a period of at least one year;

"Family member", in relation to an employee, 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) any other person who is a member of a class of persons prescribed for the purposes of this definition under this Act or the Canada Labour Code or the definition “family member” in subsection 23.1(1) of the Employment Insurance Act (Canada);

“Qualified medical practitioner” means a person who is entitled to practise medicine under the laws of a jurisdiction in which care or treatment of the family member is provided, and includes a member of a class of medical practitioner prescribed for the purposes of subsection 23.1(3) of the Employment Insurance Act (Canada);

“Week” means the period between midnight on Saturday and midnight on the immediately following Saturday.

Entitlement to Leave

(2) Subject to sections 39.2 to 39.7, every employee is entitled to and **shall** be granted a leave of absence from employment of up to eight weeks to provide care or support to a family member of the employee if a qualified medical practitioner issues a certificate stating that the family member has a serious medical condition with a significant risk of death within 26 weeks from:

(a) the day the certificate is issued; or

(b) if the leave commenced before the certificate was issued, the day the leave commenced. **Section 39.1(1)(2).**

Period when Leave may be Taken

(1) The leave of absence referred to in subsection 39.1(2) may only be taken during the period:

(a) that starts with:

(i) the first day of the week in which the certificate is issued, or

(ii) if the leave was commenced before the certificate was issued, the first day of the week in which the leave was commenced, if the certificate is valid from any day in that week; and

(b) that ends with the last day of the week in which either of the following occurs:

(i) the family member dies, or

(ii) the expiration of 26 weeks following the first day of the week referred to in paragraph (a).

Shorter Period

(2) If a shorter period than that referred to in subsection 39.1(2) is prescribed for the purposes of subsection 23.1(5) of the Employment Insurance Act (Canada),

(a) the certificate referred to in subsection 39.1(2) **must** state that the family member has a serious medical condition with a significant risk of death within that period; and

(b) that shorter period applies for the purposes of subparagraph (1)(b)(ii). **Section 39.2(1)(2).**

For more information:

- Expiration of shorter period. **Section 39.3.**
- Minimum period of leave. **Section 39.4.**
- Aggregate leave. **Section 39.5.**
- Copy of certificate. **Section 39.6.**
- **Section 39.7.**
- **Section 39.8.**

Further details on the Official Consolidation of Labour Standards Act can be found at nunavutlegislation.ca.

ONTARIO

In Ontario, **employers must** comply with Family Responsibility Leave under the **Employment Standards Act, (Section 50.0.1)**. Employees with at least two weeks of service are entitled to up to three days of unpaid leave per calendar year for illness, injury, medical emergency, or urgent matters concerning specified family members. Employees **must** notify their **employer** as soon as possible and may be **required** to provide reasonable evidence. If an employee takes a similar leave under an employment contract, it counts toward this entitlement.

Family Responsibility Leave

(1) An employee who has been employed by an **employer** for at least two consecutive weeks is entitled to a leave of absence without pay because of any of the following:

1. The illness, injury or medical emergency of an individual described in subsection (3).
2. An urgent matter that concerns an individual described in subsection (3).

Same, Limit

(2) An employee's entitlement to leave under this section is limited to a total of three days in each calendar year.

Family Members

(3) Subsection (1) applies with respect to the following individuals:

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.
7. A relative of the employee who is dependent on the employee for care or assistance.

Advising Employer

(4) An employee who wishes to take a leave under this section **shall** advise his or her **employer** that he or she will be doing so.

Same

(5) If the employee **must** begin the leave before advising the **employer**, the employee

shall advise the **employer** of the leave as soon as possible after beginning it.

Leave Deemed to be Taken in Entire Days

(6) For the purposes of an employee's entitlement under subsection (1), if an employee takes any part of a day as leave under this section, the **employer** may deem the employee to have taken one day of leave on that day.

Evidence

(7) An **employer** may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to leave.

Family Responsibility Leave Taken Under Employment Contract

(8) If an employee takes a paid or unpaid leave of absence under an employment contract in circumstances for which he or she would also be entitled to take a leave under this section, the employee is deemed to have taken the leave under this section.

Same, Application of Act to Deemed Leave

(9) All applicable requirements and prohibitions under this Act apply to a leave deemed to have been taken under subsection (8).

Same, Application of Subs. (6) to Deemed Leave

(10) Subsection (6) applies with necessary modifications to a leave deemed to have been taken under subsection (8). **Section 50.0.1 (1) to (10).**

Further details on the Employment Standards Act can be found at *Ontario.Ca*.

PRINCE EDWARD ISLAND

In Prince Edward Island, **employers must** comply with Compassionate Care Leave under the **Employment Standards Act (Section 22.3)**. Employees are entitled to up to 28 weeks of unpaid leave to care for a seriously ill family member at significant risk of death within 26 weeks, as certified by a medical practitioner. The leave **must** be taken in full week increments and shared among employees caring for the same family member. Employees **must** provide a medical certificate before or after taking leave and may be **required** to submit a copy upon request within 15 days of returning to work.

Compassionate Care Leave

Definitions

(1) In this section,

(a) **"family member"** means, in respect of an employee,

(i) a member of the immediate family of the employee,

(ii) a member of the extended family of the employee,

(iii) a niece, nephew, foster parent, ward, or guardian of the employee,

(iv) any person who the employee considers to be like a person described in subclause

(i), (ii) or (iii), and

(v) any other person who is a member of a class of persons that are prescribed to be family members by the regulations for the purposes of this section;

(b) “medical practitioner” means a person who is entitled to practice medicine under the laws of the jurisdiction or jurisdictions where the care or treatment of a family member is provided.

Entitlement to Unpaid Leave

(2) Every **employer shall** grant an unpaid leave of absence of up to 28 weeks to an employee for the purpose of providing care and support to a family member of the employee if the employee provides the **employer**, before or after taking the unpaid leave of absence, with a copy of a certificate issued by a medical practitioner stating that a family member of the employee has a serious medical condition carrying with it a significant risk of death within 26 weeks.

Computation of Time of Leave

(3) An employee may only take unpaid leave of absence under this section between the times specified in subsections (4) and (5).

Commencement of Unpaid Leave of Absence

(4) An unpaid leave of absence taken under this section commences:

(a) the first day of the work week for which the certificate was issued; or

(b) where the unpaid leave of absence commenced before the certificate was issued, the first day of the work week in which the leave commenced.

End of Unpaid Leave of Absence

(5) An unpaid leave of absence taken under this section ends:

(a) on the last day of the work week in which the employee’s family member dies; or

(b) immediately after the expiration of 28 work weeks following the first day of the work week as determined under subsection (4).

Minimum Period of Absence

(6) An unpaid leave of absence taken under this section may only be taken in periods of not less than one work week’s duration.

Total Amount of Leave

(7) The total amount of unpaid leave of absence that may be taken by two or more employees under this section in respect of the care or support of the same family member **shall** not exceed 28 weeks.

Copy of Certificate

(8) Where requested in writing by the **employer** within 15 days after an employee’s return to work, the employee **shall** provide the **employer** with a copy of the certificate referred to in subsection (2). **Section 22.3 (1) to (8).**

Further details on the Employment Standards Act can be found at

Princeedwardisland.Ca.

QUÉBEC

In Quebec, **employers must** comply with family and caregiver leave under the **Act Respecting Labour Standards (Division V.1, Sections 79.8 to 79.9).** Employees may take up to 16 weeks of unpaid leave within 12 months to care for a seriously ill or injured relative, extended to 36 weeks if the person is a minor child. If the minor child has a serious and potentially mortal illness, the leave may be extended up to 104 weeks. Employees caring for a seriously ill adult relative with a potentially mortal condition may take up to 27 weeks of leave within 12 months.

Division V.1 — Family Or Parental Leave and Absences

An employee **may** be absent from work for a period of not more than 16 weeks over a period of 12 months where the employee **must** stay with a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious illness or a serious accident. Where the relative or person is a minor child, the period of absence is not more than 36 weeks over a period of 12 months.

However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, which **shall** end at the latest 104 weeks after the beginning thereof. **Section 79.8.**

An employee may be absent from work for a period of not more than 27 weeks over a period of 12 months where the employee **must** stay with a relative, other than the employee's minor child, or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious and potentially mortal illness, attested by a medical certificate. **Section 79.8.1.**

An employee is entitled to an extension of the period of absence under the first paragraph of section 79.8, which **shall** end not later than 104 weeks after the beginning of that period, if the employee **must** stay with their minor child who suffered serious bodily injury during or resulting directly from a criminal offence that renders the child unable to carry on regular activities. **Section 79.9.**

Further details on the Act Respecting Labour Standards can be found at *Gouv.Qc.Ca*.

SASKATCHEWAN

In Saskatchewan, **employers must** comply with Compassionate Care Leave under the **Saskatchewan Employment Act** (**Part II, Section 2-56)**. Employees are entitled to up to 28 weeks of unpaid leave to care for a family member with a serious medical condition and significant risk of death within 26 weeks. Only one compassionate care leave can be taken within a 52-week period, and the leave ends when the employee stops providing care, the 28-week period expires, or the family member passes away.

Part II — Employment Standards

Compassionate Care Leave

(1) In this section, “member of the employee’s family” means a member of a class of persons prescribed pursuant to the regulations made pursuant to the Employment Insurance Act (Canada).

(2) An employee is entitled to a compassionate care leave of up to 28 weeks to provide care or support to a member of the employee’s family who has a serious medical condition with a significant risk of death within 26 weeks from the date the leave commences.

(3) In a period of 52 weeks, an employee is not entitled to take more than one compassionate care leave pursuant to subsection (2).

(4) An employee’s compassionate care leave pursuant to subsection (2) ends:

(a) if the employee is no longer providing care or support to the family member;

(b) on the termination of the 28-week period mentioned in subsection (2); or

(c) on the death of the employee’s family member. **Section 2-56 (1) to (4).**

Further details on the Saskatchewan Employment Act can be found at *Saskatchewan.Ca*.

YUKON TERRITORY

In Yukon, **employers must** comply with Compassionate Care Leave under the **Employment Standards Act (Section 60.01).** Employees are entitled to up to 28 weeks of unpaid leave to care for a seriously ill family member at significant risk of death within 26 weeks, as certified by a qualified medical or nurse practitioner. The leave **must** be taken in full week increments and shared among employees caring for the same family member. **Employers** may request a medical certificate in writing before or within 15 days of the employee’s return.

Compassionate Care Leave

(1) In this section,

“Week” means the period between midnight on Saturday and midnight on the immediately following Saturday.

(2) Subject to subsections (3) to (6), every employee is entitled to and **shall** be granted a leave of absence from employment of up to 28 weeks to care for or support to a family member of the employee if a qualified medical practitioner or qualified nurse practitioner issues a certificate stating that the family member has a serious medical condition with a significant risk of death within 26 weeks from the day the certificate was issued.

(3) The leave of absence **may** only be taken during the period:

(a) that starts with the first day of the week in which the certificate is issued; and

(b) that ends with the last day of the week in which either of the following occurs, namely,

(i) the family member dies, or

(ii) the expiration of 52 weeks following the first day of the week of the week

referred to in paragraph (a).

(4) A leave of absence under this section may only be taken in periods of not less than one week’s duration.

(5) The aggregate amount of leave that may be taken by two or more employees under this section in respect of the care or support of the same family member **shall** not exceed 28 weeks in the period referred to in subsection (3).

(6) If requested in writing by the **employer** either before the employee begins his or her leave or within fifteen days after the employee returns to work, the employee **must** provide the **employer** with a copy of the certificate referred to in subsection (2). **Section 60.01 (1) to (4).**

Further details on the Employment Standards Act can be found at *Canlii.Org*.