Compassionate Care Leave Changes – What Do They Mean For Employers?



There are recent media reports about the new Federal government agreeing to carry forward with the expansion of compassionate care leave benefits. The previous government passed legislation in June which provided that effective January 3, 2016;

- compassionate care leave under the Canada Labour Code would be expanded from 8 weeks to 28 weeks, and
- employees eligible for compassionate care leave would be eligible for up to 26 weeks of Employment Insurance benefits.

What does this mean for employers?

If you are an employer whose employment standards provisions are federally regulated, for example a

- bank;
- airline;
- radio or television station; or
- inter provincial transport company;

then your employees are eligible for this increased amount of compassionate care leave, provided that the employee qualifies under the provisions of the *Canada Labour Code*.

If you are any other employer, then these changes do not impact you. The requirement that you provide your employees with compassionate care leave is regulated by your provincial or territorial employment standards legislation. In Alberta, the NWT and Nunavut, compassionate care leave remains limited to eight weeks. Unless you have agreed with your employees, for example through a collective agreement, to provide a greater amount of compassionate care leave, this is your only legal obligation.

While the *Employment Insurance Act* has changed to allow for claims of up to 26 weeks, that change does not require you to provide any additional compassionate care leave.

It remains to be seen whether the territories and provinces will follow the lead of the Federal government in amending their employment standards legislation to provide for a greater period of compassionate care leave.

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