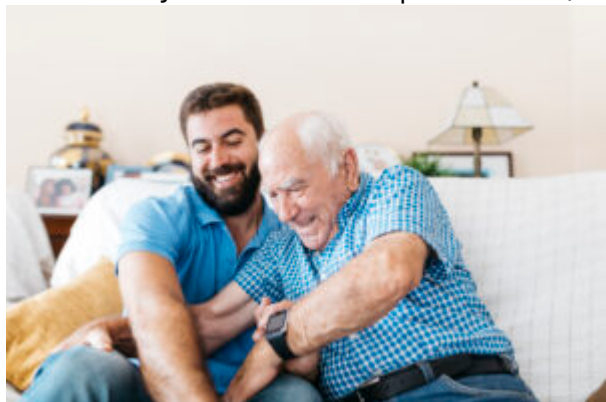


# Compassionate Care Leave Policy Template (Alberta Version)

written by Tina Tsonis | March 25, 2024



Caring for an elderly parent care or other close family member who's on the verge of death is an emotionally harrowing experience; less than a decade ago, employees who missed work time to meet this obligation also risked losing their jobs. Today, the right to take unpaid compassionate care leave is a fixture of employment standards laws in all parts of Canada, but rules vary by jurisdiction. So, it's important to implement a written policy that incorporates the ground rules of your particular province. Here's a template based on Alberta employment standards laws that you can adapt for your own situation.

## 1. POLICY

Employees of ABC Company are eligible for unpaid compassionate care leave in accordance with the Alberta *Employment Standards Code* (ESC) and the terms of this Policy.

## 2. DEFINITIONS

For purposes of this Policy:

**"Adult interdependent partner"** does not include a spouse or common-law partner;

**"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;

**"Family member"** for whom an employee may take compassionate care leave under this Policy means: (a) the employee's spouse or common-law partner; (b) a child of the employee or the employee's spouse or common-law partner; (c) a parent of the employee or spouse or common-law partner of the parent; (d) a child of the employee's parent or the partner of the employee's parent; (e) a grandparent of the employee or employee's partner; (f) a partner of the employee's grandparent; (g) a grandchild of the employee or employee's partner; (h) a partner of the employee's grandchild; (i) the partner of: (i) the employee's child, or (ii) the child of the employee's partner; (j) a parent of the employee's partner; (k) the partner of a parent of the employee's partner; (l) the partner of: (i) a child of the employee's parent, or (ii) a child of the partner of the employee's parent; (m) a child of: (i) a parent of the employee's partner, or (ii) the partner of the parent of the employee's partner; (n) an uncle or aunt of the employee or the employee's partner; (o) the partner of the employee's uncle or aunt; (p) a nephew or niece of the employee or the employee's

partner; (q) the partner of the employee's nephew or niece; (r) a current or former foster parent of the employee or the employee's partner; (s) a current or former foster child of the employee; (t) the partner of a current or former foster child of the employee; (u) a current or former ward of the employee or the employee's partner; (v) a current or former guardian of the employee; (w) the partner of a current or former guardian of the employee; (x) the adult interdependent partner of the employee; (y) a child of the employee's adult interdependent partner; (z) the adult interdependent partner of the employee's parent; and (zz) 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;

**"Medical certificate"** means a statement signed by a physician entitled to practice medicine under the laws of the jurisdiction in which the physician practices or by a member of another health profession authorized by the regulations to issue a medical certificate verifying an employee's need for compassionate care leave;

**"Partner"** means a spouse, common-law partner or adult interdependent partner;

**"Week"** means a period of seven (7) consecutive days.

### **3. ENTITLEMENT TO LEAVE**

Employees who have been employed by ABC Company for at least 90 days are entitled to unpaid compassionate care leave of up to 27 weeks to provide care or support to a seriously ill family member. Two or more employees may take leave under this Policy to provide care or support to the same particular individual, provided that ABC Company need not grant leave to care for the same family member to more than one employee at a time.

### **4. HOW LEAVE MAY BE TAKEN**

Employees may take compassionate care leave in consecutive or separate periods that last at least one week.

### **5. OVERLAP OF LEAVE & VACATION**

Employees who are on compassionate care leave on the day by which their vacation must be used must use any unused part of the vacation immediately after the leave expires or, if ABC Company and the employee agree to a later date, by that later date.

### **6. END OF LEAVE**

Compassionate care leave must end on whichever of the following happens earliest:

- The last day of the work week in which the family member dies;
- The 27 weeks of compassionate care leave ends;
- The last day of the work week in which the employee stops providing care or support to the seriously ill family member.

### **7. EMPLOYEE DUTY TO PROVIDE NOTICE OF LEAVE**

Employees are strongly encouraged to speak to their supervisor, manager or the ABC Company HR department as early as possible upon first becoming aware of their need for leave. If possible, employees wishing to take compassionate care leave must give their manager, supervisor or the ABC Company HR department at least two (2) weeks' written notice of their intent to take leave and indicating the estimated date of their return to work. Where circumstances make it necessary to provide notice of less

than two (2) weeks, employees must provide notice as soon as is reasonable and practicable in the circumstances.

#### **8. EMPLOYEE DUTY TO PROVIDE MEDICAL CERTIFICATE**

Employees wishing to take compassionate care leave must provide their supervisor, manager or the ABC Company HR department a medical certificate stating: (a) that 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 began before the certificate was issued, the day the leave began; and (b) that the family member requires the care or support of one or more family members. If possible, employees must provide the above medical certificate before starting compassionate care leave; employees who are unable to provide the medical certificate before leave begins must do so as soon as is reasonable and practicable in the circumstances after leave begins.

#### **9. EMPLOYEE DUTY TO FURNISH NOTICE OF RETURN DATE**

Employees must provide an estimated date of their expected return date and notify their supervisor, manager or the ABC Company HR department as soon as possible of any changes in the estimated date of return. Employees who have been on compassionate care leave must provide at least one week's written notice of the date they intend to return to work unless ABC Company and the employee agree otherwise. Employees must also remain reachable by their supervisor, manager or the ABC Company HR department while they are on leave to ensure that arrangements can be made for their return.

#### **10. REINSTATEMENT & RETURN TO WORK**

Employees returning to work from compassionate care leave will be either reinstated to the position they occupied when the leave started or given alternative work of a comparable nature at no less than the earnings and other benefits that they had accrued when the leave started. Employees who don't want to resume employment after compassionate care leave ends must give ABC Company at least 2 weeks' written notice of their intention to terminate employment.

#### **11. NON-RETALIATION**

ABC Company will not terminate the employment of, or lay off, an employee who has started compassionate care leave, unless ABC Company suspends or discontinues in whole or in part the business, undertaking or other activity in which the employee is employed. In addition, neither ABC Company nor any of its agents or representatives 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, taking compassionate care leave or asking about their compassionate care leave rights.