

Compassionate Care Leave Policy Template (British Columbia Version)

written by Tina Tsonis | March 22, 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 British Columbia 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 British Columbia *Employment Standards Act* (ESA) and the terms of this Policy.

2. DEFINITIONS

For purposes of this Policy:

"Family member" for whom an employee may take compassionate care leave under this Policy means:

(a) A member of the employee's immediate family, that is: (i) an employee's spouse, child, parent, guardian, sibling, grandchild or grandparent; (ii) the child or parent of an employee's spouse; and (iii) any person who lives with an employee as a member of the employee's family;

(b) In relation to an employee: (i) a step-sibling, (ii) a parent's sibling, (iii) a child of a sibling, (iv) a current or former foster parent, (v) a current or former foster child, (vi) a current or former ward, (vii) a former guardian, or (viii) the spouse of a: (A) a sibling or step-sibling, (B) a child or stepchild, (C) a parent, (D) a grandparent, (E) a grandchild, (F) a parent's sibling, (G) a child of a sibling, (H) a current or former foster child, or (I) a current or former guardian;

(c) In relation to the employee's "spouse," as defined below: (i) a step-parent, (ii)

a sibling or step-sibling, (iii) a grandparent, (iv) a grandchild, (v) a parent's sibling, (vi) a child of a sibling, (vii) a current or former foster parent, or (viii) a current or former ward; and

(d) Whether or not related to an employee by blood, adoption, marriage or common law partnership, an individual with a serious medical condition who considers the employee to be, or whom the employee considers to be, like a close relative;

"Spouse" means a person who: (a) is married to another person; or (b) is living with another person in a marriage-like relationship;

"Week" means a period of seven (7) consecutive days beginning on Sunday.

3. ENTITLEMENT TO LEAVE

Employees who request leave under this Policy are entitled to unpaid compassionate care leave of up to 27 weeks to provide care or support to a family member if a medical practitioner or nurse practitioner furnishes certification that the family member has a serious medical condition with a significant risk of death within 26 weeks after: (a) the date the certificate is issued, or (b) if the leave began before the date the certificate issued, the date the leave began.

4. WHEN LEAVE MUST BEGIN & END

Compassionate care leave under this Policy may begin no earlier than the Sunday of the week in which the 26-week period specified in Section 3 above begins and must end on the Saturday of the week in which the earlier of the following occurs: (a) the family member dies; (b) the 52 weeks from the date the leave began expires. If an employee takes compassionate care leave under this Policy and the family member does not die within 52 weeks, the employee may apply for further leave after obtaining a new medical certificate from a medical or nurse practitioner stating that the family member has a serious medical condition with a significant risk of death within 26 weeks, in accordance with Section 3 above.

5. HOW LEAVE MUST BE TAKEN

Employees must take compassionate care leave in increments of one or more weeks.

6. EMPLOYEE DUTY TO PROVIDE NOTICE OF LEAVE

Employees wishing to take compassionate care leave must specifically request the leave from ABC Company and provide an estimated return date. 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.

7. EMPLOYEE DUTY TO PROVIDE MEDICAL CERTIFICATE

Employees wishing to take compassionate care leave must provide their supervisor, manager or the ABC Company HR department the medical certificate described in Section 3 above as before leave begins. If circumstances make it impossible to provide the

certificate before starting leave, employees must provide the certificate as soon as reasonably possible after leave begins.

8. 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 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.

9. CONTINUED ACCRUAL OF BENEFITS & PARTICIPATION IN BENEFITS PLANS

The employment of employees who are on compassionate care leave will be deemed to be continuous for purposes of calculating annual vacation entitlement, termination notice and any pension, medical or other plan beneficial to the employee.

[Option A: *Insert if your company pays the total costs of the particular plans:* ABC Company will continue to make contributions to pension, medical and other benefit plans while the employee is on leave.]

[Option B: *Insert if the company and employee shares the costs of the particular plans:* ABC Company will continue to make contributions to pension, medical and other benefit plans, provided that employees also continue to pay their share of the plan costs while they are on leave.]

10. REINSTATEMENT & RETURN TO WORK

Employees returning to work from compassionate care leave will be reinstated to the same or comparable position with no loss of pay, benefits or seniority. Employees returning from leave will also be entitled to all increases in wages and benefits to which they would have been entitled had they not taken leave, except where employees take longer than the allowed leave without ABC Company's consent.

11. 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 compassionate care leave or asking about their compassionate care leave rights.