

# Compassionate Care Leave Policy Template (Federal Version)



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 the employment standards provisions of the *Canada Labour Code* that federally regulated employers can adapt for their own situation.

## 1. POLICY

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

## 2. DEFINITIONS

For purposes of this Policy:

**"Care"** means all care that is required because of the state of health of a family member, other than the care provided by a health care professional;

**"Family member"** in relation to an employee, means any one of the following: (a) the employee's spouse or common-law partner; (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) a child of the employee's parent or a child of the spouse or common-law partner of the employee's parent; (e) a grandparent of the employee or of the employee's spouse or common-law partner or the spouse or common-law partner of the employee's grandparent; (f) a grandchild of the employee or of the employee's spouse or common-law partner or the spouse or common-law partner of the employee's grandchild; (g) the spouse or common-law partner of the employee's child or of the child of the employee's spouse or common-law partner; (h) a parent, or the spouse or common-law partner of a parent, of the employee's spouse or common-law partner; (i) the spouse or common-law partner of a child of the employee's parent or of a child of the spouse or common-law partner of the employee's parent; (j) a child of a parent of the employee's spouse or common-law partner or a child of the spouse or common-law partner of the parent of the employee's spouse or common-law

partner; (k) an uncle or aunt of the employee or of the employee's spouse or common-law partner or the spouse or common-law partner of the employee's uncle or aunt; (l) a nephew or niece of the employee or of the employee's spouse or common-law partner or the spouse or common-law partner of the employee's nephew or niece; (m) a current or former foster parent of the employee or of the employee's spouse or common-law partner; (n) a current or former foster child of the employee or the spouse or common-law partner of that child; (o) a current or former ward of the employee or of the employee's spouse or common-law partner; (p) a current or former guardian of the employee or the spouse or common-law partner of that guardian; and (q) a person, whether or not related to the individual by marriage, common-law partnership, or any legal parent-child relationship, whom the employee considers to be like a close relative or who considers the employee to be like a close relative

**"Health care practitioner"** means a person who's lawfully entitled, under the laws of a province, to provide health services in the place in which they provide those services;

**"Support"** means all psychological or emotional support that is required because of the state of health of a family member; and

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

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

Employees are entitled to unpaid compassionate care leave of up to 28 weeks to provide care or support to a family member if a health care practitioner furnishes certification 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 began before the day the certificate issued, the day the leave began.

### **4. LEAVE TAKEN BY 2 OR MORE EMPLOYEES**

The maximum aggregate amount of compassionate care leave that may be taken by two or more employees to provide care or support to the same family member is 28 weeks during the leave period described in Section 5 below. Employees may take compassionate care for the same family member at the same time. However, if one employee is already on critical illness leave for a particular family member, another employee seeking to take compassionate care leave for that same family member must wait until the first employee's critical illness leave ends before starting their own compassionate care leave.

### **5. LEAVE PERIOD**

Employees may take compassionate care leave only during the period that:

(a) Starts on the first day of the week in which the certificate is issued, or if the leave began before the certificate was issued, the first day of the week in which the leave began if the certificate is valid from any day in that week; and

(b) Ends on the last day of the week in which either the family member dies, or the period of 52 weeks following the first day of the week referred to in paragraph (a) ends.

### **6. HOW LEAVE MUST BE TAKEN**

Employees must take compassionate care leave in one single period in increments of at

least one week.

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

Employees wishing to take compassionate care leave must provide ABC Company written notice of the reasons and expected length of the leave as soon as possible. Employees must also provide ABC Company written notice of changes to the length of leave as soon as possible. Changes to leave length of over four (4) weeks require written notice at least four (4) weeks in advance, unless there is a valid reason why four-weeks' notice can't be provided. 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. Employees must also remain in communication with their supervisor or manager while they are on leave to ensure that arrangements can be made for their return.

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

**[Optional]** Employees wishing to take compassionate care leave must provide ABC Company of the medical certificate described in Section 3 above within 15 days after returning to work from leave.

## **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 accruing pension, health and disability benefits and seniority. ABC Company will maintain contributions that are necessary to allow employees to continue accruing such benefits during leave unless employees provide notice of their intention to discontinue such contributions. If employees request it in writing, ABC Company will notify employees of every opportunity for promotion or training for which the employee would qualify that opens while the employee is 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 due to a reorganization to which they would have been entitled had they not taken leave.

## **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.