

Compassionate Care Leave – Know The Laws Of Your Province



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 (although Ontario and Québec don't use that term). But leave rules vary by jurisdiction with regard to:

- Entitlement;
- Eligibility;
- Who's an eligible family member for which the employee is allowed to take leave to provide care or support for;
- Leave duration;
- Notification;
- Which medical practitioners can verify need for leave; and
- Reinstatement.

Here's a look at the requirements in each jurisdiction.

Compassionate Care Leave Rights Across Canada

FEDERAL (Canada Labour Code)

Entitlement: (a) Up to 28 weeks; (b) Aggregate limit of 28 weeks for 2 or more employees to provide care or support for the same family member; (c) employees can't take compassionate leave if another employee is currently on critical illness leave for the same family member; and (d) Must be taken in increments of at least one week and taken in one period (Sec. 206.3(2))

Eligible 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 (*Employment Insurance Regs.*, Sec. 1(3))

When Leave May Be Taken: During period that: (i) starts with first day of the week in which certificate is issued, or if leave has already begun, the first day of the week it began and (ii) ends on the last day of the week that occurs 52 weeks later or that the family member dies, whichever comes first; may be taken in consecutive or separate periods of at least 1 week (Sec. 206(3))

Notice of Leave: Employee must give employer written notice: (a) As soon as possible of reasons for and length of leave; (b) As soon as possible of any change in the length of the leave; and (c) At least 4 weeks in advance where the change in leave is over 4 weeks, unless there's a valid reason why 4 weeks' notice can't be provided (Sec. 207(3))

Verification: Employee must provide employer health care practitioner certification stating that the family member has a serious medical condition with a significant risk of death within 26 weeks (Sec. 206.3(2))

Return to Work/Accrual Rights: Employer must: (a) Reinstatement to same or equivalent position, including any increases in wages and benefits resulting from a reorganization that employee would have gotten had they not been on leave; (b) If employee requests in writing, notify the employee of every promotion or training opportunity for which the employee would qualify opens up during leave; (c) Allow employee to continue accruing pension, health and disability benefits and seniority; (d) Maintain contributions necessary to allow employee to accrue such benefits unless employee gives notice of intention to discontinue such contributions (Secs. 209, 209.1, 209.2)

[ALBERTA \(Employment Standards Code\)](#)

Entitlement: Up to 27 weeks to care or support a seriously ill family member if employee employed by same employer for at least 90 days; only 1 employee at a time

can use the leave to care for the same family member (Secs. 53.9(2) and (3))

Eligible Family Member: means: (a) the employee's spouse or common-law partner; (b) a child of the employee or spouse or common-law partner; (c) a parent of the employee or spouse or common-law partner of the parent; (d) a child of: (i) the employee's parent, or (ii) 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 (Sec. 53.9(1)(b); and *Employment Standards Reg.*, Sec. 54.1(1) and (2))

When Leave May Be Taken: Leave may be taken in consecutive or separate periods of at least 1 week each, and ending on whichever happens earliest: (i) the last day of the work week in which the family member dies; (ii) the 27 weeks of compassionate care leave ends; (iii) the last day of the work week in which the employee stops providing care or support to the seriously ill family member (Secs. 53.9(8) and (9))

Notice of Leave: Employee must: (a) Give employer at least 2 weeks' written notice, listing the estimated date of return or as soon as "reasonable and practicable in the circumstances" where a shorter notice period is necessary; (b) Inform the employer of any change in the estimated return date; and (c) Give at least 1 week's notice of return, and 2 weeks' notice of desire to terminate the employment (Secs. 53.9(6) and (7), 53.92)

Verification: Employee must, before starting leave, or as soon as reasonable and practicable after leave begins, give employer a medical certificate signed by a physician or nurse practitioner stating that the named family member: (i) has a serious medical condition with a significant risk of death within 26 weeks; and (ii) requires the care or support of one or more family members (Sec. 53.9(4))

Return to Work/Accrual Rights: Employer must reinstate employee to same or alternative position providing comparable work and at least equivalent wages and benefits (Sec. 53.93)

Family Responsibility Leave: In addition to compassionate care leave, employees employed by the same employer for at least 90 days are entitled to up to 5 days of unpaid family responsibility leave (Sec. 53.982)

BRITISH COLUMBIA (Employment Standards Act)

Entitlement: Up to 27 weeks to care or support a seriously ill family member, regardless of how long employee has been employed (Sec. 52.1(2))

Eligible Family Member: Includes:

- (a) a member of the employee's "immediate family," defined as including: (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) an employee's: (i) step-sibling, (ii) parent's sibling, (iii) child of a sibling, (iv) current or former foster parent, (v) current or former foster child, (vi) current or former ward, (vii) former guardian, or (viii) the spouse of a: (A) sibling or step-sibling, (B) child or stepchild, (C) parent, (D) grandparent, (E) grandchild, (F) parent's sibling, (G) child of a sibling, (H) current or former foster child, or (I) current or former guardian;
- (c) in relation to the employee's "spouse" (defined as a person who's married to or living with another person in a marriage-like relationship), a: (i) step-parent, (ii) sibling or step-sibling, (iii) grandparent, (iv) grandchild, (v) parent's sibling, (vi) child of a sibling, (vii) current or former foster parent, or (viii) 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 (*Family Member Reg., Sec. 2*)

When Leave May Be Taken: (a) Leave may be taken in consecutive or separate periods of at least 1 week each, and must end when the family member dies or 52 weeks after the leave began, whichever comes first; and (b) if family member doesn't die after the 52 weeks of leave ends, employee can apply for another compassionate care leave (Secs. 52.1(5) to (7))

Notice of Leave: Employee must give employer below medical certification "as soon as practicable" (Sec. 52.1(3))

Verification: Employee must, as soon as practicable, give employer certification from a medical practitioner or nurse practitioner stating that the family member has a serious medical condition with a significant risk of death within 26 weeks (Sec. 52.1(2))

Return to Work/Accrual Rights: (a) Employer must reinstate employee to same or comparable position; (b) Employment deemed to be continuous for purposes of calculating annual vacation entitlement, termination notice and any pension, medical or other plan beneficial to the employee; (c) Employer must continue making contributions to pension, medical and other benefit plans if: (i) if the employer pays the total cost of the plan; or (ii) if both the employer and the employee pay the plan cost and employee chooses to continue to pay their share of the cost; (d) Employee entitled to all increases in wages and benefits they would have been entitled to had the leave not been taken—except if employee takes longer than allowed leave without employer's consent (Secs. 54 and 56)

Family Responsibility Leave: In addition to compassionate care leave, employees entitled to up to 5 days of unpaid family responsibility leave (Sec. 52)

MANITOBA (Employment Standards Code)

Entitlement: Up to 28 weeks for employees employed by same employer for at least 90 days to care or support a seriously ill family member (Sec. 59.2(2))

Eligible Family Member: Includes: (a) the employee's spouse or common-law partner; (b) a child of the employee or the spouse or common-law partner; (c) a parent of the employee or a spouse or common-law partner of the parent; (d) a brother, sister, step-brother, step-sister, uncle, aunt, nephew, niece, grandchild or grandparent of the employee or the employee's spouse or common-law partner; (e) a parent of the employee's spouse or common-law partner; (f) a current or former foster parent of the employee or the employee's spouse or common-law partner; (g) a current or former foster child, ward or guardian of the employee or employee's spouse or common-law partner; (h) the spouse or common-law partner of a person mentioned in any of clauses (d) to (g); or (h) any other person whom the employee considers to be like a close relative, whether they're related by blood, adoption, marriage or common-law relationship (Sec. 59.2(1) and *Emp. Stds. Regs.*, Sec. 22)

When Leave May Be Taken: (a) Leave may be taken in up to 2 periods totaling no more than 28 weeks, and ending no later than 52 weeks after the day the first leave period begins; and (b) Leave periods must be at least 1 week in duration (Secs. 59.2(6) and (7))

Notice of Leave: (a) Employee must give employer notice of at least one pay period, unless circumstances necessitate a shorter period; and (b) Unless sides agree otherwise, employee can end leave early by providing employer at least 48 hours' notice of expected return date (Secs. 59.2(4) and (8))

Verification: Employee must give employer a letter from a physician stating that a family member: (a) has a serious medical condition with a significant risk of death within 26 weeks; and (b) requires the care or support of one or more family members (Sec. 59.2(3))

Return to Work/Accrual Rights: (a) Employer must reinstate employee to same or comparable position at no less than the pre-leave wages and benefits; and (b) Employment deemed to be continuous for purposes of calculating annual vacation entitlement (Sec. 60)

Family Responsibility Leave: In addition to compassionate care leave, employees employed by the same employer for at least 30 days entitled to up to 3 days of unpaid family responsibility leave—employees tell employer which kind of leave they're taking (Sec. 59.3)

NEW BRUNSWICK (Employment Standards Act)

Entitlement: Up to 28 weeks to care or support a person with whom the employee has a close family relationship, if a qualified medical practitioner issues a certificate stating that the person has a serious medical condition with a significant risk of death within 28 weeks; 28 weeks is aggregate cap applying to 2 or more employees taking compassionate care leave to care for the same person (Sec. 44.024(4))

Eligible Family Members: A person with whom employee has a "close family relationship," defined as including the relationship: (a) between persons who are married to one another, (b) between parents and their children, (c) between siblings, (d) between grandparents and their grandchildren, and (e) between persons who, though

not married to one another and regardless of whether a blood relationship exists, demonstrate an intention to extend to one another the mutual affection and support normally associated with those relationships mentioned in (a) through (d) (Sec. 1)

When Leave May Be Taken: Leave may be taken in consecutive or separate periods of at least 1 week each, (a) starting on: (i) the first day of the week in which the certificate is issued, or (ii) if the leave has already started 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) ending on the last day of the week of whichever of the following happens first: (i) the person with whom the employee has a close family relationship dies; or (ii) the 28 weeks expire (Secs. 44.024(3) and (4))

Notice of Leave: Employee must give employer notice "as soon as possible" of anticipated start and return date (Sec. 44.024(7))

Verification: Employee must give employer certification from a qualified medical practitioner 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 28 weeks; if employer requests, employee must give employer written copy of certification within 15 days after returning to work (Secs. 44.024(2) and (6))

Return to Work/Accrual Rights: Employer must reinstate employee to same or alternative position providing comparable work and at least equivalent wages and benefits; employment deemed continuous for purposes of seniority (Sec. 44.04)

Family Responsibility Leave: In addition to compassionate care leave, employees entitled to up to 3 days of unpaid family responsibility leave (Sec. 44.022)

[NEWFOUNDLAND \(Labour Standards Act\)](#)

Entitlement: (a) Employees employed by the same employer for at least 30 days may take up to 28 weeks of unpaid leave to care or support a seriously ill family member who has a serious medical condition with a significant risk of death within 26 weeks; and (b) 28 weeks is aggregate cap for 2 or more employees to take compassionate care leave to care for the same family member during the leave period (Secs. 43.14(1) and (7))

Eligible Family Members: Include: (a) an employee's spouse or cohabiting partner; (b) a child of the employee or the employee's spouse or cohabiting 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 of the spouse or cohabiting partner of the employee's parent; (e) a grandparent of the employee or the employee's spouse or cohabiting partner or the spouse or cohabiting partner of the employee's grandparent; (f) a grandchild of the employee or employee's spouse or cohabiting partner or the spouse or cohabiting partner of the employee's grandchild; (g) the spouse or cohabiting partner of the employee's child or of the child of the employee's spouse or cohabiting partner; (h) a parent, or the spouse or cohabiting partner of a parent, of the employee's spouse or cohabiting partner; (i) the spouse or cohabiting partner of a child of the employee's parent or of a child of the spouse or cohabiting partner of the employee's parent; (j) a child of a parent of the employee's spouse or cohabiting partner or a child of the spouse or cohabiting partner of the parent of the employee's spouse or cohabiting partner; (k) a sibling of a parent of the employee or of the employee's spouse or cohabiting partner; (k.1) the spouse or cohabiting partner of a person referenced in paragraph (k); (l) a child of a sibling of the employee or of the

employee's spouse or cohabiting partner; (l.1) the spouse or cohabiting partner of a person referenced in paragraph (l); (m) a current or former foster parent of the employee or of the employee's spouse or cohabiting partner; (n) a current or former foster child of the employee or the spouse or cohabiting partner of that child; (o) a current or former ward of the employee or of the employee's spouse or cohabiting partner; (p) a current or former guardian of the employee or the spouse or cohabiting partner of that guardian; (q) an individual who considers the employee to be like a close relative, whether the individual is related to the employee by blood, adoption, marriage or cohabiting partnership; and (r) an individual whom the employee considers to be like a close relative, whether the employee is related to the individual by blood, adoption, marriage or cohabiting partnership (Sec. 41.13; *Labour Stds. Regs.*, Sec. 11.1)

When Leave May Be Taken: Leave must be taken in periods of at least 1 week: (a) starting on: (i) the first day of the week in which the medical certificate is issued, or (ii) if leave begins before the certificate is issued, 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) ending on: the last day of the week in which either of the following happens first: (i) the family member dies, or (ii) the expiration of 52 weeks following the first day of the week in which the certificate was issued (Sec. 43.14(2)); Employment standards director may decide that, in exceptional circumstances, give an employee up to 3 additional days of unpaid leave immediately following the end of the week in which the death of the family member occurred (Sec. 43.14(3))

Notice of Leave: Employee must give employer at least 2 weeks' written notice: (a) before leave is to begin, unless there's a valid reason why that notice can't be given, listing the length of the leave; and (b) once leave begins, any changes to the length of the leave, unless there's a valid reason why that notice can't be given (Secs. 43.15(1) to (3))

Verification: If employer makes a written request within 15 days of employee's return to work, employee must provide it a copy of a letter from a medical practitioner or nurse practitioner stating that the employee's family member has a serious medical with a significant risk of death within 26 weeks (Secs. 43.15(4) and (5))

Return to Work/Accrual Rights: (a) Employer must reinstate employee on "terms and conditions that are not less beneficial than those that subsisted before the leave began"; and (b) Unless sides agree otherwise, leave time does not count toward accrual of vacation and other LSA benefits, but the period worked upon resumption of employment is deemed continuous for purposes of the LSA (Sec. 43.16)

[NOVA SCOTIA \(Labour Standards Code\)](#)

Entitlement: Employees employed by the same employer for at least 3 months may take up to 28 weeks of unpaid leave to care or support a seriously ill family member who has a serious medical condition with a significant risk of death within 26 weeks (Sec. 60E(2))

Eligible Family Member: Includes: (a) the employee's spouse (**Note:** "spouse" includes 2 persons who are cohabiting in a conjugal relationship with each other, and have done so continuously for at least one year); (b) a child of the employee or spouse, including a child placed with either of them for adoption; (c) a parent of the employee or spouse of the parent; (d) a child of: (i) the employee's parent, or (ii) the spouse of the employee's parent; (e) a grandparent of: (i) the employee, or (ii)

the employee's spouse; (f) the spouse of the employee's grandparent; (g) a grandchild of: (i) the employee, or (ii) the employee's spouse; (h) the spouse of the employee's grandchild; (i) the spouse of: (i) the employee's child, or (ii) a child of the employee's spouse; (j) a parent of the employee's spouse; (k) the spouse of a parent of the employee's spouse; (l) the spouse of: (i) a child of the employee's parent, or (ii) a child of the spouse of the employee's parent; (m) a child of: (i) a parent of the employee's spouse, or (ii) the spouse of a parent of the employee's spouse; (n) an uncle or aunt of: (i) the employee, or (ii) the employee's spouse; (o) the spouse of the employee's uncle or aunt; (p) a nephew or niece of: (i) the employee, or (ii) the employee's spouse; (q) the spouse of the employee's nephew or niece; (r) a current or former foster parent of: (i) the employee, or (ii) the employee's spouse; (s) a current or former foster child of the employee; (t) the spouse of a current or former foster child of the employee; (u) a current or former ward of: (i) the employee, or (ii) the employee's spouse; (v) a current or former guardian of the employee; (w) the spouse of a current or former guardian of the employee; (x) a person, whether or not related to the employee by blood, adoption, marriage or cohabitation in a conjugal relationship, who considers the employee to be like a close relative or whom the employee considers to be like a close relative, on the condition that the employee, when requested, must give the employer a copy of any form that includes a statement that the employee is considered to be like a family member and that: (i) is required to be submitted to the Government of Canada to claim benefits under the *Employment Insurance Act* (Canada), or (ii) if benefits are not being claimed under the *Employment Insurance Act* (Canada), is approved by the Director (*Gen. Labour Code Stds. Regs.*, Sec. 7C)

When Leave May Be Taken: Leave must be taken in periods of at least 1 week: (a) starting on: (i) the first day of the week in which the medical certificate is issued, or (ii) if leave begins before the certificate is 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) ending on: the last day of the week in which either of the following happens first: (i) the family member dies, or (ii) the expiration of 52 weeks following the first day of the week in which the certificate was issued (Sec. 60E(3))

Notice of Leave: Employee must notify employer "as soon as possible" of intention to take leave (Sec. 60E(9))

Verification: If employer makes a written request, employee must provide it a copy of a medical certificate from a legally qualified medical practitioner stating that the family member has a serious medical condition with a significant risk of death within 26 weeks (Sec. 60E(5))

Return to Work/Accrual Rights: Employer must reinstate employee to previous or comparable position at at least the same wages and benefits and with no loss of seniority or benefits (Sec. 58B(1))

[ONTARIO: \(Employment Standards Act\)](#)

Entitlement: (a) All employees, regardless of previous amount of employment, entitled to up to 28 weeks' unpaid family medical leave to provide care or support for an eligible individual with a serious medical condition with a significant risk of death within 26 weeks; and (b) 28 weeks is aggregate cap applying to 2 or more employees caring for same family member (Secs. 49.1(2) and (6))

Eligible Family Members/Individuals: Family medical leave may be taken for the

following individuals: (a) The employee's spouse; (b) A parent, step-parent or foster parent of the employee or spouse; (c) A child, step-child or foster child of the employee or spouse; (d) A child who's under legal guardianship of the employee or spouse; (e) The employee's brother, step-brother, sister or step-sister; (f) A grandparent, step-grandparent, grandchild or step-grandchild of the employee or spouse; (g) The employee's brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law; (h) A son-in-law or daughter-in-law of the employee or spouse; (i) An uncle or aunt of the employee or spouse; (j) A nephew or niece of the employee or spouse; (k) The spouse of the employee's grandchild, uncle, aunt, nephew or niece; and (l) A person who considers the employee to be like a family member (Sec. 49.1(3))

When Leave May Be Taken: Leave must be taken in periods of at least 1 week, starting on the date the 26-week death clock begins ticking and ending on either the individual's death or the 52-week period ends, whichever happens first (Secs. 49.1(4) and (5))

Notice of Leave: Employee must notify employer in writing of their intent to take leave; if leave starts before notification, employee must notify employer in writing "as soon as possible" after it begins (Secs. 49.1(8) and (9))

Verification: If employer makes a written request, employee must, as soon as possible, provide a certificate from a physician, registered nurse or other qualified health practitioner stating that the individual has a serious medical condition with a significant risk of death occurring within a period of 26 weeks (Sec. 49.1(10))

Return to Work/Accrual Rights: (a) Employer must reinstate employee to previous or comparable position (Sec. 53(1)); (b) Employee continues to participate in benefit plans unless they elect in writing not to, and employer must continue contributions to those plans (Secs. 51(1) and (3)); (c) Leave time counts toward seniority and time of active employment, except if employment is probationary (Sec. 52)

Family Caregiver Leave: In addition to the above family medical leave, employees are entitled to unpaid leave of up to 8 weeks to provide care or support for an individual if a qualified health practitioner issues a certificate stating that the individual has a "serious medical condition" not threatening death (Sec. 49.3)

[PRINCE EDWARD ISLAND \(Employment Standards Act\)](#)

Entitlement: (a) Employees get up to 28 weeks' unpaid leave to care or support a family member that has a serious medical condition with a significant risk of death within 26 weeks; and (b) 28 weeks is aggregate cap applying to 2 or more employees caring for same family member (Secs. 22.3(2) and (7))

Eligible Family Members: Includes: (a) a member of the employee's "immediate family," defined as an employee's spouse, child, parent, brother or sister; (b) a member of the employee's "extended family," defined as an employee's grandparent, grandchild, aunt, uncle, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law or daughter-in-law; (c) an employee's niece, nephew, foster parent, ward or guardian; and (d) any person whom the employee considers to be like a person described in subsections (a) through (c) above (Sec. 22.3(1)(a))

When Leave May Be Taken: Leave must be taken in periods of at least 1 week: (a) starting on: (i) the first day of the week in which the medical certificate is issued, or (ii) if leave begins before the certificate is issued, the first day of the week in which the leave began; and (b) ending on: the last day of the week in which either of the following happens first: (i) the family member dies, or (ii) the

expiration of the 28 weeks following the first day of the week in which the certificate was issued (Secs. 22.3(4) and (5))

Notice of Leave: Employee must give employer, before or after taking leave, a copy of the medical certificate (Sec. 22.3(9))

Verification: If employer makes a written request, employee must provide it, within 15 days of returning to work, a copy of the medical certificate from a medical practitioner stating that a family member of the employee has a serious medical condition carrying a significant risk of death within 26 weeks (Sec. 22.3(8))

Return to Work/Accrual Rights: (a) Employee retains seniority accrued up to start of leave and is deemed to have been continuously employed with same employer during leave (Secs. 23.2(2) and (3)); (b) Employer must give employee option of continuing in benefit plans and written notice of deadline to exercise option at least 10 days before that deadline (Sec. 23.2(3)); (c) If employee chooses, in writing, to maintain any benefit plan, they must enter into an arrangement with the employer to pay the cost required to maintain the benefit plan, including employer's share (Sec. 23.2(5))

Family Leave: In addition to compassionate care leave, employees employed by an employer for a continuous period of 6 months or more get up to 3 days' unpaid family leave (Sec. 22.1)

QUÉBEC (Labour Standards Act)

Entitlement: (a) Up to 16 weeks' unpaid leave if employee must stay with a relative or person for whom the employee acts as caregiver with a serious illness or serious accident, as attested by a health and social services professional; (b) Up to 36 weeks if the person needing care is a minor child; (c) Up to 104 weeks if there's medical certification that the minor child has a serious and potentially mortal illness (Sec. 79.8); and (d) Up to 27 weeks if employee must stay with a relative, other than a minor child, or person for whom the employee acts as a caregiver, as attested by a health and social services sector professional, because of a serious and potentially mortal illness (Secs. 79.8 and 79.8.1)

Eligible Family Member/Relative: "Relative" includes: (a) the employee's spouse; (b) the child, father, mother or one of the parents, brother, sister and grandparents of the employee or the employee's spouse as well as those persons' spouses, their children and their children's spouses; (c) a person having acted, or acting, as a foster family for the employee or employee's spouse; (d) a child for whom the employee or spouse has acted, or is acting, as a foster family; (e) a tutor of the employee or spouse or a person under the tutorship of the employee or spouse; (f) an incapable person whose designated the employee or spouse as mandatary; and (g) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person's state of health (Sec. 79.6.1)

Notice of Leave: Not specified

Verification: Need for leave must be attested in writing by a professional working in the health and social services sector and governed by the *Professional Code* (chapter C-26) (Sec. 79.7)

Return to Work/Accrual Rights: (a) Employee must be reinstated to former or comparable position with same wages and benefits (Sec. 79.4); (b) Employee retains seniority and is deemed to have been continuously employed with same employer during

leave (Sec. 79.4); (c) Employee must let employee continue to participate in and make contribution to their group insurance and pension plans (Sec. 79.3)

Other Family Leaves: In addition to above leaves, employee entitled to up to 10 days, first 2 days of which are paid, to fulfil obligations relating to care, health or education of their or spouse's child or the health of 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) (Sec. 79.7)

SASKATCHEWAN (Sask. Employment Act)

Entitlement: Up to 28 weeks for employees with at least 13 consecutive weeks' service with employer to care or support family member with a serious medical condition with a significant risk of death within 26 weeks (Sec. 2-56(2))

Eligible Family Member means in relation to an employee, 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 (Sec. 2-56(1))

When Leave May Be Taken: (a) Only 1 compassionate care leave per year; (b) Leave ends: (i) if the employee stops providing care for the family member; (ii) the 28-week period ends; or (iii) the family member dies (Secs. 2-56(3) and (4))

Notice of Leave: Employee must notify employer "as far as possible in advance" of intended start and/or return date (Sec. 2-46(3))

Verification: If employer demands, employee must provide a certificate from a duly qualified medical practitioner or nurse practitioner as to the reason for or the extension of the leave (Sec. 2-47(2))

Return to Work/Accrual Rights: (a) Employer must reinstate employee to previous or comparable position without any loss of accrued seniority or benefits or reduction in rate of pay (Secs. 2-48(4) and (5)); (b) Employee continues to accrue seniority, service for purposes of vacation accrual and right to recall while on leave or a combination of leaves for up to 78 weeks (Sec. 2-48(1)); (c) Employer must let employee continue to participate in and keeping paying benefits to their pension, medical, dental and other benefit plans (Sec. 2-48(2))

NORTHWEST TERRITORIES (Employment Standards Act)

Entitlement: Up to 27 weeks to care or support a family member suffering a serious medical condition with a significant risk of death within 27 weeks; 27 weeks is aggregate cap applying to 2 or more employees caring for same family member (Secs. 30(2) and (5))

Eligible Family Member means in relation to an employee, 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 (Sec. 1)

When Leave May Be Taken: Leave must be taken in periods of at least 1 week, (a) starting on the day a medical certificate is issued or the day the employee took the leave, whichever is earlier, and (b) ending on the Saturday in the 52nd week after the leave began or the week the family member dies, whichever comes earlier (Sec. 30(3))

Notice of Leave: Employee must submit request for compassionate leave to the employer indicating the leave's expected duration (Sec. 30(2))

Verification: If employer requests, employee must provide a medical certificate signed by a qualified medical practitioner confirming that the family member is

suffering a serious medical condition involving significant risk of death within 27 weeks (Sec. 30(2))

Return to Work/Accrual Rights: (a) Employer must reinstate employee to previous or comparable position (Sec. 35(1)); (b) Employee entitled to wages, benefits and seniority they've had accrued at start of leave and all increments to wages and benefits to which they would have been entitled if not on leave (Sec. 35(2))

NUNAVUT (Labour Standards Act)

Entitlement: Up to 8 weeks to care or support a family member if a qualified medical practitioner issues a medical certificate stating that family member has a serious medical condition with a significant risk of death within 26 weeks; 8 weeks is aggregate cap applying to 2 or more employees caring for same family member (Secs. 39.1(2) and 39.5)

Eligible Family Member means in relation to an employee, 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 (Sec. 39.1(1))

When Leave May Be Taken: Leave must be taken in periods of at least 1 week, 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 started 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) that ends with the last day of the week in which either of the following occurs: (i) the family member dies, or (ii) the 26 weeks expire (Sec. 39.2(1))

Notice of Leave: Not specified

Verification: If employer requests, employee must, within 15 days after returning to work, provide a copy of the medical certificate signed by a medical practitioner, or if there's no qualified medical practitioner who's a resident in a Nunavut community, by a registered nurse, nurse practitioner or temporary certificate holder under the Northwest Territories' *Nursing Profession Act* (Sec. 39.6)

YUKON (Employment Standards Act)

Entitlement: Up to 28 weeks to care or support a family member if a qualified medical or nurse practitioner issues a certificate stating that family member has a serious medical condition with a significant risk of death within 26 weeks; 28 weeks is aggregate cap applying to 2 or more employees caring for same family member (Secs. 60.01(2) and (5))

Eligible Family Member means in relation to an employee, 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 (Sec. 58.01(1))

When Leave May Be Taken: Leave must be taken in increments of at least one week during the period that: (a) starts with the first day of the week in which the certificate is issued; and (b) ends with the last day of the week in which either: (i) the family member dies, or (ii) the expiration of 52 weeks following the first day of the week of the week the medical certificate is issued (Sec. 60.01(3))

Notice of Leave: Not specified

Verification: If employer requests, employee must provide a copy of the medical certificate within 15 days after returning to work (Sec. 60.01(6))