

Unpaid Illness & Family Care Leave Rights Across Canada



Employees who contract COVID-19 or have family members that become infected or have to go into self-isolation are likely to invoke their employment standards rights to take a leave of absence. And while all jurisdictions allow for unpaid leave for illness and caring for family members, leave rights vary dramatically by province. Use this Cheat Sheet to keep track of the relevant leave entitlements of each jurisdiction.

Leave Rights Pertaining to Coronavirus

There are 9 potential forms of leave that could apply to coronavirus, depending on the jurisdiction:

- Newly created COVID-19 leave: FED, AB, BC, YK;
- Newly created leave for COVID-19 *and* other public health emergencies: MB, NB, NL, ON, PEI, SK;
- Sick leave: Fed, NB, NL, NS, NT, ON, PEI, QC, SK, YK;
- Injury/Illness leave: Fed, AB, BC, MB, SK;
- Compassionate care leave: All but QC;
- Family responsibility leave: AB, BC, MB, NB, NL, ON, PE, QC;
- Critically ill child care leave: All;
- Critically ill adult care leave: All but PEI;
- Bereavement leave: All but SK and NU; and
- Personal leave: Fed.

These leaves are generally unpaid. But there are limited exceptions. For example, several jurisdictions provide for paid bereavement leave.

Leaves Relevant to Coronavirus Across Canada (parentheses indicate minimum service for eligibility)

FEDERAL

Compassionate Care	28 weeks
Family Responsibility	
Family Critical Illness Care	Child: 37 weeks Adult: 17 weeks
Sick Leave	17 weeks (3 months)

Illness or Injury	Workers' comp equiv.
Bereavement	3 days paid, 2 days unpaid
Personal	3 days paid, 2 days unpaid (3 months)
COVID-19/Pub. Health Emerg.	Up to 24 weeks

ALBERTA

Compassionate Care	27 weeks
Family Responsibility	5 days
Family Critical Illness Care	Child: 36 weeks Adult: 16 weeks

Sick Leave

Illness or Injury	16 weeks
Bereavement	3 days

Personal

COVID-19/Pub. Health Emerg.	*Up to 14 days for quarantine or self-isolation *As long as necessary to care for kids due to COVID
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BRITISH COLUMBIA

Compassionate Care	27 weeks
Family Responsibility	5 days
Family Critical Illness Care	Child: 36 weeks Adult: 16 weeks

Sick Leave	3 days (90 days)
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Illness or Injury

Bereavement	3 days
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Personal

COVID-19/Pub. Health Emerg.	As long as need for leave lasts, retroactive to Jan. 27, 2020
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MANITOBA

Compassionate Care	28 weeks (90 days)
Family Responsibility	3 days (30 days)
Family Critical Illness Care	Child: 37 weeks Adult: 17 weeks

Sick Leave

Illness or Injury	17 weeks (90 days)
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Bereavement

Personal

COVID-19/Pub. Health Emerg.	As long as need for leave lasts, retroactive to March 1, 2020
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NEW BRUNSWICK

Compassionate Care	28 weeks
Family Responsibility	3 days
Family Critical Illness Care	Child: 37 weeks Adult: 16 weeks

Sick Leave	5 days (90 days)
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Illness or Injury

Bereavement	5 days
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Personal

COVID-19/Pub. Health Emerg.	Up to 15 weeks
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NEWFOUNDLAND & LABRADOR

Compassionate Care	28 weeks (30 days)
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Family Responsibility	7 days (30 days)
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Family Critical Illness Care Child: 37 weeks Adult: 17 weeks (30 days)
Sick Leave 7 days (30 days)
Illness or Injury
Bereavement 1 day paid, 2 days unpaid (30 days)
Personal
COVID-19/Pub. Health Emerg. For as long as need for leave lasts

NOVA SCOTIA

Compassionate Care 28 weeks
Family Responsibility
Family Critical Illness Care Child: 37 weeks Adult: 16 weeks
Sick Leave 3 days
Illness or Injury
Bereavement 5 days
Personal

ONTARIO

Compassionate Care 28 weeks
Family Responsibility 8 weeks
Family Critical Illness Care Child: 37 weeks Adult: 17 weeks
Sick Leave 3 days
Illness or Injury
Bereavement 2 days
Personal
COVID-19/Pub. Health Emerg. For as long as infectious disease public emergency remains in effect

PRINCE EDWARD ISLAND

Compassionate Care 28 weeks
Family Responsibility 3 days (6 months)
Family Critical Illness Care Child: 37 weeks
Sick Leave 3 days + 1 paid day after 5 years of employment
Illness or Injury
Bereavement Immediate Family: 1 day paid, 2 days unpaid;
Extended Family: 3 days unpaid
Personal
COVID-19/Pub. Health Emerg. As long as need for leave lasts

QUÉBEC

Compassionate Care
Family Responsibility 26 weeks
Family Critical Illness Care Child: 36 weeks Adult: 16 weeks OR 27 weeks for potentially fatal illness + 104 weeks for fatal illness of child
Sick Leave 2 days paid
Illness or Injury 26 weeks
Bereavement Immediate Family: 2 days paid, 1 day unpaid;
Extended Family: 1 day unpaid
Personal

SASKATCHEWAN

Compassionate Care 28 weeks

Family Responsibility

Family Critical Illness Care Child: 37 weeks Adult: 17 weeks

Sick Leave 12 days (13 weeks)

Illness or Injury 12 weeks

Bereavement 5 days

Personal

COVID-19/Pub. Health Emerg. For as long as public health emergency remains in effect

NORTHWEST TERRITORIES

Compassionate Care 27 weeks

Family Responsibility

Family Critical Illness Care Child: 37 weeks Adult: 16 weeks

Sick Leave 5 days

Illness or Injury

Bereavement 3 to 7 days depending on location

Personal

NUNAVUT

Compassionate Care 8 weeks

Family Responsibility

Family Critical Illness Care

Sick Leave

Illness or Injury

Bereavement

Personal

YUKON TERRITORY

Compassionate Care 28 weeks

Family Responsibility

Family Critical Illness Care Child: 37 weeks Adult: 17 weeks

Sick Leave 1 day per month

Illness or Injury

Bereavement 7 days

Personal

COVID-19/Pub. Health Emerg. Up to 14 days, to be taken in one continuous period just once per employee

Takeaway

Keep in mind that employment standards requirements represent minimum leave entitlements. Like many employers, your leave provisions may be more generous than the law requires. So, you need to check the terms of applicable collective agreements, employment contracts and HR policies to ensure the employment standard minimums listed in this Cheat Sheet apply to your own employees.