

# Unpaid Illness & Family Care Leave Rights Across Canada



***This is an article from 2020, reflective upon the COVID-19 pandemic, but the principles and leave rights mentioned are still applicable for HR directors looking for legislation to remain legally compliant in their workplace and implement unpaid illness and family care leave for their employees, pertaining to coronavirus and all other infectious illnesses/diseases.***

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

#### 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)  
**Illness or Injury**  
**Bereavement** 3 days  
**Personal**  
**COVID-19/Pub. Health Emerg.** As long as need for leave lasts, retroactive to Jan. 27, 2020

#### 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)  
**Bereavement**  
**Personal**  
**COVID-19/Pub. Health Emerg.** As long as need for leave lasts, retroactive to March 1, 2020

#### 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)  
**Illness or Injury**  
**Bereavement** 5 days  
**Personal**  
**COVID-19/Pub. Health Emerg.** Up to 15 weeks

#### NEWFOUNDLAND & LABRADOR

**Compassionate Care** 28 weeks (30 days)

**Family Responsibility** 7 days (30 days)  
**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**

|                                     |  |
|-------------------------------------|--|
| <b>Family Critical Illness Care</b> | Child: 37 weeks Adult: 17 weeks                          |
| <b>Sick Leave</b>                   | 12 days (13 weeks)                                       |
| <b>Illness or Injury</b>            | 12 weeks   |
| <b>Bereavement</b>                  | 5 days   |
| <b>Personal</b>                     |  |
| <b>COVID-19/Pub. Health Emerg.</b>  | For as long as public health emergency remains in effect |

#### **NORTHWEST TERRITORIES**

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| <b>Compassionate Care</b>           | 27 weeks                          |
| <b>Family Responsibility</b>        |                                   |
| <b>Family Critical Illness Care</b> | Child: 37 weeks Adult: 16 weeks   |
| <b>Sick Leave</b>                   | 5 days                            |
| <b>Illness or Injury</b>            |                                   |
| <b>Bereavement</b>                  | 3 to 7 days depending on location |
| <b>Personal</b>                     |                                   |

#### **NUNAVUT**

|                                     |         |
|-------------------------------------|---------|
| <b>Compassionate Care</b>           | 8 weeks |
| <b>Family Responsibility</b>        |         |
| <b>Family Critical Illness Care</b> |         |
| <b>Sick Leave</b>                   |         |
| <b>Illness or Injury</b>            |         |
| <b>Bereavement</b>                  |         |
| <b>Personal</b>                     |         |

#### **YUKON TERRITORY**

|                                     |  |
|-------------------------------------|--|
| <b>Compassionate Care</b>           | 28 weeks   |
| <b>Family Responsibility</b>        |  |
| <b>Family Critical Illness Care</b> | Child: 37 weeks Adult: 17 weeks  |
| <b>Sick Leave</b>                   | 1 day per month  |
| <b>Illness or Injury</b>            |  |
| <b>Bereavement</b>                  | 7 days   |
| <b>Personal</b>                     |  |
| <b>COVID-19/Pub. Health Emerg.</b>  | 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.

You can learn more about types of leave and unpaid leave rights across Canada [here](#), especially if you are trying to navigate these situations in a post-pandemic world.