Crime-Related Child Disappearance Leave Policy



PURPOSE

[Company Name] (“the Company”) recognizes that employees may face traumatic circumstances involving the disappearance of a child, particularly where the situation is crime-related. This Policy provides guidelines for an unpaid leave of absence to address the emotional, legal, and practical needs that arise when a child goes missing under circumstances likely related to a crime, in accordance with applicable federal, provincial, or territorial legislation.

SCOPE

This Policy applies to all full-time, part-time, contract, and casual employees of the Company who are covered by the employment standards legislation in their province/territory of work or by the Canada Labour Code if they are federally regulated. If there is a conflict between this Policy and local legislation, the greater right or benefit to the employee will apply.

DEFINITIONS

- **“Crime-Related Child Disappearance Leave”**: A leave of absence granted to an eligible employee whose child has disappeared in circumstances that are likely crime-related, allowing them time to cope, participate in legal proceedings, and manage related personal matters.
- **“Child”**: For the purposes of this Policy, typically an individual under 18 years of age, or as otherwise defined by applicable employment standards legislation.
- **“Disappearance Likely Crime-Related”**: A situation where law enforcement authorities suspect or have reasonable grounds to believe a crime was involved in the child’s disappearance.

ELIGIBILITY

Employees may qualify for Crime-Related Child Disappearance Leave if they:

1. Meet any minimum length-of-service requirement set out by the applicable employment standards legislation (e.g., a specified period of continuous employment).

2. Are the parent, guardian, or person with care and custody of the child who has disappeared in circumstances likely related to a crime, as defined by law.
3. Comply with all notice and documentation requirements set out in this Policy and by law.

LENGTH OF LEAVE

- The duration of Crime-Related Child Disappearance Leave varies by jurisdiction. In some jurisdictions, employees may be entitled to up to 52 weeks, 104 weeks, or another defined period.
- The leave may end early if the child is found alive, or if the employee no longer meets the eligibility criteria (e.g., circumstances change or it is determined that no crime was involved).
- Refer to the Table of Jurisdictional Differences for specific entitlements and lengths in each province/territory or the federal sector.

APPLICATION & NOTICE REQUIREMENTS

1. **Notice**: Employees must inform [HR Department or Supervisor] in writing as soon as reasonably practicable that they need to take Crime-Related Child Disappearance Leave. They should provide the anticipated start date and expected return-to-work date, if known.
2. **Documentation**:

- The Company may request reasonable proof of eligibility, such as a police report or other documentation indicating the circumstances of the child’s disappearance, if permitted by local law.
- Any documentation provided will be kept confidential and used solely to verify the leave.

JOB PROTECTION

1. **Reinstatement**: Employees taking Crime-Related Child Disappearance Leave are entitled to return to the same or a comparable position with no loss of wages, benefits, or seniority, subject to lawful changes that would have occurred had they not been on leave.
2. **Protection from Discipline**: Employees will not be penalized, disciplined, or terminated for requesting or taking Crime-Related Child Disappearance Leave in accordance with this Policy and the law.

CONTINUATION OF BENEFITS

- If required by applicable legislation, the Company will continue an employee’s health, pension, and other benefits during the leave, provided the employee continues to pay their share of any required premiums.
- Specific rules on benefit continuation vary by jurisdiction; consult local legislation to confirm.

RETURN TO WORK

1. **Notification**: Employees must provide reasonable notice before their return date if it differs from the initially communicated plan.
2. **Position and Compensation**: The Company will reinstate the employee to the same or a comparable position with the same pay and benefits, subject to any lawful or policy-based adjustments.

3. **Accommodation**: If additional support is needed upon return (e.g., modified hours for ongoing legal proceedings or emotional distress), the Company will consider reasonable accommodations in line with human rights legislation.

CONFIDENTIALITY

All personal and legal information provided in connection with Crime-Related Child Disappearance Leave will be treated as confidential, used only for administering the leave, and stored securely in compliance with privacy legislation.

NON-RETALIATION

The Company strictly prohibits retaliation against any employee who requests or takes Crime-Related Child Disappearance Leave. An employee’s job status, benefits, or future opportunities with the Company will not be jeopardized because they exercised this right.

POLICY ADMINISTRATION

The [HR Department/Designated Manager] is responsible for:
• Administering this Policy consistently.
• Staying informed about legislative changes and updating the Policy accordingly.
• Handling questions about eligibility or administration of leaves.

[Company Name]
Effective Date: [Insert Date]
Authorized by: [Name, Title]
Date: [Signature Date]

How to Use This Template

1. **Adapt and Customize**: Tailor the language to reflect your organization’s internal procedures and any additional provincial/territorial or federal requirements.
2. **Review with Legal Counsel**: Confirm that the policy aligns with applicable employment standards, human rights, and privacy laws.
3. **Communicate to Employees**: Ensure the final policy is easily accessible (e.g., employee handbook, intranet) and that managers understand how to administer it.

Table of Jurisdictional Differences

Each province/territory may have unique provisions regarding eligibility, the definition of a child, and the maximum length of leave for crime-related child disappearance. Always consult current employment standards legislation for precise rules.