

# Dead or Missing Kids – Know The Laws Of Your Province



Crime-related child death and disappearance leave regulations are essential for supporting parents facing the traumatic loss or disappearance of a child. These regulations provide employees with the right to take unpaid leave if their child has died or gone missing due to a probable crime. **Employers must** grant this leave to eligible employees, ensuring they have time to cope with the situation without the risk of losing their job. The duration of leave varies, typically allowing up to 104 weeks for a child's death and 52 weeks for a disappearance. While general principles are consistent across Canada, specific leave entitlements, eligibility requirements, and notice obligations differ by province and territory. These regulations acknowledge the profound impact of such tragedies and help ensure that affected employees receive the necessary time away from work to manage their circumstances.

## **FEDERAL**

In Canada, under the [\*\*Canada Labour Code\*\*](#), **Section 206.5**, **employers must** provide up to 156 weeks of leave for employees whose child has died or disappeared due to a probable crime. This leave ensures that parents have time to grieve, seek legal assistance, or make necessary arrangements. **Employers must** grant this leave upon request, unless the employee is charged with the crime. It begins on the date of the incident and ends 156 weeks later, or 14 days after the child is found, if applicable.

## **Part III – Standard Hours, Wages, Vacations, and Holidays**

### **Leave Related to Death or Disappearance**

#### **Definitions**

(1) The following definitions apply in this section.

**Child** means a person who is under 25 years of age.

**Crime** means an offence under the Criminal Code, other than one that is excluded by the regulations.

Parent, with respect to a child, means:

- (a) a person who, in law, is a parent of the child;
- (b) a person, other than a person referred to in paragraph (a), who, in law
  - (i) has custody of the child or, in Québec, parental authority over the child,
  - (ii) is the guardian of the child or, in Québec, the tutor or curator to the person of the child, or
  - (iii) has decision-making responsibility, as defined in subsection 2(1) of the Divorce Act, in respect of the child;
- (c) a person with whom the child is placed for the purposes of adoption under the laws governing adoption in the province in which the person resides; or
- (d) a person prescribed to be a parent by regulations made under paragraph 209.4(f).

#### **Leave – Death of Child**

(2) Every employee is entitled to and **shall** be granted a leave of absence from employment of up to 156 weeks if the employee is the parent of a child who has died and it is probable, considering the circumstances, that the child died as a result of a crime.

#### **Leave – Child who has Disappeared**

(3) Every employee is entitled to and **shall** be granted a leave of absence from employment of up to 156 weeks if the employee is the parent of a child who has disappeared and it is probable, considering the circumstances, that the child disappeared as a result of a crime.

#### **Exception**

(4) An employee is not entitled to a leave of absence if they are charged with the crime.

#### **Period when Leave may be Taken**

(5) The period during which the employee may take a leave of absence:

- (a) begins on the day on which the death or disappearance, as the case may be, occurs; and
- (b) ends 156 weeks after the day on which the death or disappearance, as the case may be, occurs.

#### **Disappearance of Child**

(6) Despite paragraph (5)(b), in the case of a child who disappears and who is subsequently found, the period referred to in subsection (5) ends:

- (a) on the 14th day after the day on which the child is found, if the child is found during the 156-week period, but no later than the end of the 156-week period; or

(b) 156 weeks after the day on which the disappearance occurs if subsection (2) applies to the child.

## Clarification

(7) For greater certainty, a leave under this section ends on the day on which the circumstances are such that it is no longer probable that the death or disappearance was the result of a crime.

## Aggregate Leave – Employees

(8) The aggregate amount of leave that may be taken by employees under this section in respect of the same death or disappearance of a child – or the same children who die or disappear as a result of the same event – **must** not exceed 156 weeks. **Section 206.5 (1) to (8)**.

Further details on the Canada Labour Code can be found at [Justice.gc.ca](http://Justice.gc.ca).

## ALBERTA

In Alberta, under the [Employment Standards Code](#), **Sections 53.95 to 53.954**, employers **must** provide leave for employees whose child has died or disappeared due to a probable crime. **Employers** cannot terminate or lay off employees on this leave and **must** reinstate them in their previous or a comparable position upon return. Employees **must** give written notice before taking or returning from leave.

## Part 2 – Standards

### Division 7.3

#### Death or Disappearance of Child Leave

(1) In this Division,

- (a) “**Child**” means a person who is under 18 years of age;
- (b) “**Common-law partner**” has the same meaning as in section 53.9(1)(a);
- (c) “**Crime**” means an offence under the Criminal Code (Canada);
- (d) “**Parent**” means:
  - (i) a parent of a child,
  - (ii) the spouse or common-law partner of a parent of a child,
  - (iii) a person with whom a child has been placed for the purposes of adoption,
  - (iv) the guardian or a foster parent of a child, or
  - (v) a person who has the care, custody or control of a child whether or not they are related by blood or adoption.

(2) Subject to this section, an employee who has been employed by the same **employer** for at least 90 days is entitled to an unpaid leave as follows:

- (a) a period of up to 52 weeks if the employee is the parent of a child who has

disappeared and it is probable, considering the circumstances, that the child disappeared as a result of a crime, or

(b) a period of up to 104 weeks if the employee is the parent of a child who has died and it is probable, considering the circumstances, that the child died as a result of a crime.

(3) An employee is not entitled to death or disappearance of child leave if he or she is charged with the crime that resulted in the death or disappearance of the child.

(4) The employee **must** provide the **employer** with reasonable verification of the employee's entitlement to the leave as soon as is reasonable and practicable in the circumstances.

(5) The period during which an employee may take death or disappearance of child leave:

(a) begins on the day on which the death or disappearance, as the case may be, occurs, and

(b) ends, subject to subsections (8) to (10),

(i) in the case of leave under subsection (2)(a), 52 weeks after the day on which the disappearance occurs, or

(ii) in the case of leave under subsection (2)(b), 104 weeks after the day on which the death occurs.

(6) An employee who wishes to take death or disappearance of child leave **must** give the **employer** written notice as soon as is reasonable and practicable in the circumstances, which notice **must** include the estimated date of the employee's return to work.

(7) The employee **must** inform his or her **employer** of any change in the estimated date of returning to work.

(8) In the case of a child who disappears and who is subsequently found, the period referred to in subsection (5) ends:

(a) if the child is found alive, 14 days after the day on which the child is found but no later than the end of the 52-week period, or

(b) if the circumstances in subsection (2)(b) apply, 104 weeks after the day on which the disappearance occurred.

(9) For greater certainty, death or disappearance of child leave ends on the day on which the circumstances are such that it is no longer probable that the death or disappearance was the result of a crime.

(10) If an employee takes death or disappearance of child leave and is charged with the crime, leave ends on the day on which the employee is charged. **Section 53.95 (1) to (10).**

## **Termination of Employment**

(1) No **employer** may terminate the employment of, or lay off, an employee who has started death or disappearance of child leave.

(2) Subsection (1) does not apply if an **employer** suspends or discontinues in whole or

in part the business, undertaking or other activity in which the employee is employed, but the obligation of the **employer** to reinstate the employee or provide the employee with alternative work in accordance with section 53.953 continues to apply. **Section 53.951 (1) (2).**

#### **Notice to Return to Work**

(1) If an employee has been on death or disappearance of child leave, he or she **must** provide at least one week's written notice of the date the employee intends to return to work unless the **employer** and the employee agree otherwise.

(2) When an employee returns to work under this section, the **employer must**:

- (a) reinstate the employee in the position occupied when the death or disappearance of child leave started, or
- (b) provide the employee with alternative work of a comparable nature at not less than the earnings and other benefits that had accrued to the employee when the death or disappearance of child leave started.

(3) An employee who does not wish to resume employment after the leave ends **must** give the **employer** at least 2 weeks' written notice of the employee's intention to terminate employment **Section 53.952 (1) to (3).**

#### **For more information:**

- Suspension of operations. **Section 953.**
- Leave and vacation conflict. **Section 954.**

Further details on the Employment Standards Code can be found at [Alberta.ca](http://Alberta.ca).

#### **BRITISH COLUMBIA**

In British Columbia, under the [\*\*Employment Standards Act, Sections 52.3 and 52.4\*\*](#), **employers must** provide unpaid leave to employees whose child has disappeared or died due to a probable crime. Leave can last up to 52 weeks for a disappearance and 104 weeks for a death. **Employers** cannot deny the leave but may request reasonable proof of the circumstances. Employees charged with the crime are not eligible.

#### **Part 6 – Leaves and Jury Duty**

##### **Leave respecting Disappearance of Child**

(1) In this section and section 52.4:

**“Child”** means a person under 19 years of age;

**“Crime”** means an offence under the [\*\*Criminal Code\*\*](#) other than an offence prescribed by the regulations made under section 209.4 (f) of the [\*\*Canada Labour Code\*\*](#).

(2) If a child of an employee disappears and it is probable, in the circumstances, that the child's disappearance is a result of a crime, and the employee requests leave under this section, the employee is entitled to unpaid leave for a period of up to 52 weeks.

(3) If an employee is charged with a crime that resulted in the disappearance of the employee's child, the employee is not entitled, or, if already on leave, is no longer

entitled, to leave under subsection (2).

(4) A leave under subsection (2) **must** be taken during the period that starts on the date the child disappears and ends on the date that is 53 weeks after the date the child disappears.

(5) A leave under subsection (2) may be taken by the employee in:

- (a) one unit of time, or
- (b) more than one unit of time, with the **employer**'s consent.

(6) Despite subsection (4), a leave under subsection (2) ends on the earliest of the following dates, if any apply:

- (a) the date on which circumstances indicate it is no longer probable that the child's disappearance is a result of a crime;
- (b) the date the employee is charged with a crime that resulted in the disappearance of the child;
- (c) the date that is 14 days after the date on which the child is found alive;
- (d) the date on which the child is found dead;
- (e) the date that is the last day of the last unit of time in respect of which the **employer** consents under subsection (5) (b).

(7) If requested by the **employer**, the employee **must**, as soon as practicable, provide to the **employer** reasonably sufficient proof that the employee's child has disappeared in circumstances in which it is probable the disappearance is a result of a crime.

### **Section 52.3 (1) to (7).**

#### **Leave Respecting Death of Child**

(1) If a child of an employee dies and the employee requests leave under this section, the employee is entitled to unpaid leave for a period of up to 104 weeks.

(2) If an employee is charged with a crime that resulted in the death of the employee's child, the employee is not entitled, or, if already on leave, is no longer entitled, to leave under this section.

(3) A leave under subsection (1) **must** be taken during the period that starts:

- (a) on the date the child dies, or
- (b) on the date the child is found dead, in the case of the child disappearing before the child dies and ends on the date that is 105 weeks after the date referred to in paragraph (a) or (b), as applicable.

(4) A leave under subsection (1) may be taken by the employee in:

- (a) one unit of time, or
- (b) more than one unit of time, with the **employer**'s consent.

(5) Despite subsection (3), a leave under subsection (1) ends on the earlier of the following dates, if any apply:

- (a) the date the employee is charged with a crime that resulted in the death of the child;
- (b) the date that is the last day of the last unit of time in respect of which the **employer** consents under subsection (4) (b).

(6) If requested by the **employer**, the employee **must**, as soon as practicable, provide to the **employer** reasonably sufficient proof that the employee's child is dead.

**Section 52.4 (1) to (6).**

**Further details on the Employment Standards Act can be found at [Gov.bc.ca](http://Gov.bc.ca).**

## **MANITOBA**

In Manitoba, under [\*\*The Employment Standards Code\*\*](#), **Section 59.9**, **employers must** provide unpaid leave for employees whose child has died (up to 104 weeks) or disappeared (up to 52 weeks) due to a probable crime. Employees **must** have worked for at least 30 days and provide reasonable verification. Those charged with the crime are not eligible. Employees **must** give notice of at least one pay period unless circumstances require a shorter notice.

## **Part 2 – Minimum Standards**

### **Leave Related to Death or Disappearance of Child**

#### **Definitions**

**(1)** The following definitions apply in this section.

**“Child”** means a person who is under 18 years of age. (« enfant »)

**“Common-law partner”** has the same meaning as in [\*\*Section 59.2\*\*](#).

**“Crime”** means an offence under the [\*\*Criminal Code\*\*](#) (Canada).

**“Parent”** means:

- (a) a parent of a child;
- (b) the spouse or common-law partner of a parent of a child;
- (c) a person with whom a child has been placed for the purposes of adoption;
- (d) the guardian or a foster parent of a child; or
- (e) a person who has the care, custody or control of a child, and is considered to be like a close relative, whether or not they are related by blood or adoption.

#### **Entitlement to Leave – Death of Child**

**(2)** An employee who has been employed by the same **employer** for at least 30 days is entitled to an unpaid leave of absence from employment of up to 104 weeks if the employee is the parent of a child who has died and it is probable, considering the circumstances, that the child died as a result of a crime.

#### **Entitlement to Leave – Disappearance of Child**

(3) An employee who has been employed by the same **employer** for at least 30 days is entitled to an unpaid leave of absence from employment of up to 52 weeks if the employee is the parent of a child who has disappeared and it is probable, considering the circumstances, that the child disappeared as a result of a crime.

#### **Exception**

(4) An employee is not entitled to a leave of absence under this section if he or she is charged with the crime.

#### **Employee to Give Notice to Employer**

(5) An employee who wishes to take a leave under this section **must** give the **employer** notice of at least one pay period, unless circumstances necessitate a shorter period.

#### **Verification**

(6) The employee **must** provide the **employer** with reasonable verification of the necessity of the leave as soon as possible.

#### **Ending Leave Early**

(7) Unless the employee and **employer** agree otherwise, an employee may end a leave earlier than the expiry of the leave period by giving the **employer** written notice at least one pay period before he or she wishes to end the leave. **Section 59.9 (1) to (7).**

Further details on The Employment Standards Code can be found at [Canlii.org](http://Canlii.org).

#### **NEW BRUNSWICK**

In New Brunswick, employers are required to provide death or disappearance leave under the **Employment Standards Act, Section 44.026**. Employers must grant up to 37 weeks of unpaid leave to employees whose child has died or disappeared due to a probable crime, ensuring they have time to cope with the situation without the risk of job loss. Employees must notify employers in writing and may be required to provide reasonable documentation. The leave ends 14 days after circumstances indicate the death or disappearance was not crime-related, or when the child is found alive. Employers must reinstate employees to their previous or equivalent position upon return.

#### **Death or Disappearance Leave**

**(1)** The following definitions apply in this section.

**“Child”** means a person who is under 18 years of age.

**“Crime”** means an offence under the *Criminal Code* (Canada).

**“Parent”** means a person who, in law, is the parent of, has the custody of or is the guardian of a child or a person with whom a child is placed for the purposes of adoption.

**“Week”** means the period between midnight on Saturday and midnight on the immediately following Saturday.

**(2)** Subject to subsections (5) and (6), on the request of an employee who is the

parent of a child who has died and it is probable, considering the circumstances, that the child died as a result of a crime, an **employer** shall grant the employee a leave of absence without pay of up to 37 weeks.

(3) Subject to subsections (5) and (6), on the request of an employee who is the parent of a child who has disappeared and it is probable, considering the circumstances, that the child disappeared as a result of a crime, an **employer** shall grant the employee a leave of absence without pay of up to 37 weeks.

(4) If both parents are employees of the same **employer**, each is entitled to the leave of absence under this section.

(5) An employee is not entitled to a leave of absence under this section if the employee is charged with the crime.

(6) Subject to subsections (7) to (9), a leave of absence under this section may only be taken during the period:

- (a) that starts with the day on which the death or disappearance, as the case may be, is discovered, and
- (b) that ends 37 weeks after the day on which the death or the disappearance, as the case may be, is discovered.

(7) If a child who has disappeared is found alive during the 37-week period, the leave of absence ends 14 days after the day on which the child is found.

(8) If a child who has disappeared is found dead during the 37-week period, and it is probable, considering the circumstances, that the child died as a result of a crime, the leave of absence ends 37 weeks after the day on which the child is found.

(9) A leave of absence under this section ends 14 days after the day that, considering the circumstances, it is no longer probable that the child disappeared or died, as the case may be, as a result of a crime, unless the **employer** and employee agree to an earlier date to return to work.

(10) An employee intending to take a leave of absence under this section shall advise the **employer** in writing as soon as possible of the employee's intention to take the leave, the anticipated commencement date of the leave and the anticipated duration of the leave.

(11) An **employer** may require an employee to provide documentation that is reasonable in the circumstances in support of the employee's entitlement to a leave of absence under this section.

(12) If circumstances beyond the control of the employee require a change in the duration of the leave of absence, the employee shall advise the **employer** in writing of the change as soon as possible.

(13) Subject to subsection (8), an **employer** is not required to extend an employee's leave of absence beyond the date that would result in the employee's total period of leave of absence exceeding 37 weeks from the commencement date of that leave.

(14) When an employee reports for work on the expiration of the period of leave of absence granted under this section, the **employer** shall permit the employee to resume work in the position the employee held immediately before the commencement of the leave or an equivalent position with no decrease in pay and with no loss of benefits accrued up to the commencement of the leave. **Section 44.026 (1) to (14)**.

Further details on the Employment Standards Act can be found at [Gnb.ca](http://Gnb.ca).

## NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, under **The Labour Standards Act, Sections 43.23–43.27**, **employers must** grant unpaid leave for employees whose child has died (up to 104 weeks) or disappeared (up to 52 weeks) due to a probable crime. Employees **must** have worked for at least 30 days and provide reasonable verification. Those charged with the crime are not eligible. **Employers** cannot dismiss or penalize employees for taking this leave and **must** reinstate them under the same conditions upon return.

### **Part VII.5 – Crime-Related Child Death or Disappearance Leave**

#### **Definitions**

- (a) **“Child”** means a person under 18 years of age;
- (b) **“Cohabiting partner”** means either of 2 persons who are cohabiting and have cohabited continuously in a conjugal relationship outside marriage for not less than one year;
- (c) **“Crime”** means an offence under the Criminal Code other than an offence prescribed by regulations under paragraph 209.4(f) of the *Canada Labour Code*;
- (d) **“Parent”** means:
  - (i) a parent of a child,
  - (ii) the spouse or cohabiting partner of a parent of a child,
  - (iii) a person with whom a child has been placed for the purpose of adoption,
  - (iv) a foster parent of a child, or
  - (v) a person who has the care or custody of a child, and is considered to be like a close relative, whether or not that person is related to the child by blood or adoption; and
- (e) **“Week”** means the period between midnight on Saturday and midnight on the immediately following Saturday. **Section 43.23 (a) to (e).**

#### **Entitlement to Leave**

- (1) An employee who has been employed by the same **employer** for at least 30 days is entitled to a leave of absence from employment without pay of up to 104 weeks if the employee is the parent of a child who has died and it is probable, considering the circumstances, that the child died as a result of a crime.
- (2) An employee who has been employed by the same **employer** for at least 30 days is entitled to a leave of absence from employment without pay of up to 52 weeks if the employee is the parent of a child who has disappeared and it is probable, considering the circumstances, that the child disappeared as a result of a crime.
- (3) Notwithstanding subsections (1) and (2), an employee who takes a leave of absence in accordance with this Part **shall** limit the duration of that leave of absence to that which is reasonably necessary in the circumstances.

(4) An employee who wishes to take a leave of absence under this Part **shall** provide the **employer** with reasonable verification of the necessity of the leave as soon as possible.

(5) Notwithstanding subsections (1) and (2), an employee is not entitled to a leave of absence under this section if that employee is charged with the crime necessitating that leave of absence. **Section (1) to (5).**

## **Notice**

(1) An employee who intends to take a leave of absence under this Part **shall** give written notice to the employee's **employer** at least 2 weeks before the leave of absence is to begin of that intention, unless there is a valid reason why that notice cannot be given.

(2) An employee who gives notice under subsection (1) **shall** include in that written notice to the **employer** the length of the leave of absence that the employee intends to take.

(3) Every employee who is taking a leave of absence under this Part **shall** give at least 2 weeks' written notice to the **employer** of any change in the length of leave intended to be taken, unless there is a valid reason why that notice cannot be given.

## **Section 43.25 (1) to (3).**

## **Employee Protection**

(1) An **employer** **shall** not dismiss an employee or give notice of dismissal to an employee because an employee intends to take, applies for or takes a leave of absence under this Part.

(2) Where an employee is dismissed contrary to subsection (1), the onus of proving that the reason for dismissal is unrelated to the crime-related child death or disappearance leave rests with the **employer**.

(3) An **employer** **shall** reinstate an employee at the end of the employee's leave of absence under this Part on terms and conditions that are not less beneficial than those that subsisted before the leave of absence began.

(4) Unless the **employer** and the employee otherwise agree, a period of leave under this Part does not count towards the application of the rights, benefits and privileges conferred by this Act upon an employee, but the period worked upon resumption of employment after leave **shall** be considered, for the purpose of this Act, to be continuous with the period worked before the leave. **Section 43.26 (1) to (4).**

## **For more information:**

- **Section 43.27.**

Further details on the Labour Standards Act can be found at [Assembly.nl.ca](http://Assembly.nl.ca).

## **NOVA SCOTIA**

In Nova Scotia, under [The Labour Standards Code](http://The Labour Standards Code), Sections 60T-60X, employers **must** provide unpaid leave for employees whose child has died (up to 104 weeks) or disappeared (up to 52 weeks) due to a probable crime. Employees **must** have worked for at least three months and provide written notice and reasonable verification. Those

charged with the crime are not eligible. **Employers** cannot penalize employees for taking this leave and **must** reinstate them upon return.

### **Crime-Related Child Death or Disappearance Leave**

#### **Interpretation of Sections 60T to 60X**

In this Section and Sections 60U to 60X,

- (a) **“Child”** means a child, step-child or foster child who is under eighteen years of age;
- (b) repealed 2018, c. 36, s. 18.
- (c) **“Crime”** means an offence under the Criminal Code (Canada), other than an offence that is prescribed by the regulations made under paragraph 209.4(f) of the Canada Labour Code;
- (d) **“Parent”** includes:
  - (i) the spouse of a parent of a child,
  - (ii) a person with whom a child has been placed for the purpose of adoption,
  - (iii) a guardian or foster parent of a child,
  - (iv) a person who has the care and custody of a child pursuant to the Children and Family Services Act, and
  - (v) a member of a class of persons prescribed in the regulations;
- (e) **“Week”** means a week as defined in Section 60E. **Section 60T.**

#### **Unpaid Leave of Absence, Crime-Related Child Death**

(1) An employee who has been employed by an **employer** for a period of at least three months is entitled to an unpaid leave of absence of up to one hundred and four weeks if the employee is the parent of a child who dies and it is probable, considering the circumstances, that the child died as a result of a crime.

(2) The leave of absence referred to in subsection (1) may only be taken during the one hundred- and five-week period that begins the week the child is found dead.

#### **Section 60U (1) (2).**

#### **Unpaid Leave of Absence, Crime-Related Child Disappearance**

(1) An employee who has been employed by an **employer** for a period of at least three months is entitled to an unpaid leave of absence of up to fifty-two weeks if the employee is the parent of a child who disappears and it is probable, considering the circumstances, that the child disappeared as a result of a crime.

(2) Except as otherwise provided in subsection (1) of Section 60X, the leave of absence referred to in subsection (1) may only be taken during the fifty-three week period that begins the week the child disappears. **Section 60V (1) (2).**

#### **When Leave may be Taken**

(1) An employee is not entitled to a leave of absence under Section 60U or 60V if the

employee is charged with the crime with respect to which the leave was granted.

(2) A leave of absence under Section 60U or 60V may only be taken in a single period.

(3) An employee **shall** advise his or her **employer** in writing as soon as possible of any intention to take a leave of absence under Section 60U or 60V and **shall** provide the **employer** with a written plan that indicates the weeks in which the employee will take the leave.

(4) Where an employee **must** begin a leave under Section 60U or 60V before advising the **employer** pursuant to subsection (3), the employee **shall** so advise the **employer** as soon as possible.

(5) An **employer** may require an employee who takes a leave under Section 60U or 60V to provide evidence, reasonable in the circumstances, of the employee's entitlement to the leave. **Section 60W (1) to (5)**.

### **Change of Circumstances**

(1) Subject to subsection (2), where an employee takes a leave of absence under subsection (1) of Section 60V and the child is found within the fifty-two week period that begins the week the child disappears, the employee is entitled to:

- (a) continue taking leave for fourteen days after the day on which the child is found, if the child is found alive; or
- (b) take one hundred and four weeks unpaid leave from the day the child is found dead, and, for greater certainty, in the latter case, any remaining leave under subsection (1) of Section 60V ends.

(2) Where the child is found dead more than fifty-two weeks after the week in which the child disappeared, the employee is entitled to take an unpaid leave of up to one hundred and four weeks from the day the child is found dead.

(3) Where the circumstances change and it no longer seems probable that the death or disappearance was the result of a crime,

- (a) a leave under Section 60U or 60V or this Section ends no later than fourteen days following the day on which it no longer seems probable unless the employee and **employer** agree in writing to an earlier return to work; and
- (b) the employee **shall** provide written notice to the **employer** as soon as possible that the leave is ending.

(4) Unless the employee and **employer** agree otherwise, an employee may end a leave earlier than the expiry of the leave period by giving the **employer** written notice of at least fourteen days before the employee wishes to end the leave.

(5) An employee may take a leave at a time other than that indicated in the plan provided under subsection (3) of Section 60W if the change to the time of the leave meets the requirements of Section 60U, 60V or this Section, as the case may be, and Section 60W and the employee:

- (a) requests permission to do so from the **employer** in writing and the **employer** grants permission in writing; or
- (b) provides the **employer** with four weeks' written notice before the change is to take place.

(6) Subsection (2) of Section 60U and Section 60W apply mutatis mutandis to a leave under this Section. **Section 60X (1) to (6).**

**Further details on the Labour Standards Code can be found at [Nslegislature.ca](http://Nslegislature.ca).**

## **NORTHWEST TERRITORIES**

In the Northwest Territories, while there is no specific leave for the death or disappearance of a child, employees can access Compassionate Care Leave under the **Employment Standards Act, Section 30** (27 weeks unpaid) or Family Caregiver Leave (37 weeks for a critically ill child, 17 weeks for a critically ill adult) to care for a family member with a serious medical condition or critical illness. Employees **must** provide written notice and medical verification if requested. **Employers** cannot dismiss employees for taking these leaves.

### **Compassionate Leave**

(1) Subject to subsection (2), an employee is entitled to compassionate leave, without pay, to provide care or support to a family member of the employee.

### **Application for Leave**

(2) To be eligible for compassionate leave:

(a) the employee **must** submit to the **employer** a request for compassionate leave advising the **employer** of the expected duration of the leave;

(b) the employee's family member **must** be suffering from a serious medical condition with a significant risk of death within 27 weeks of the request for leave; and

(c) the employee **must** provide, if requested by the **employer**, a medical certificate confirming the medical condition referred to in paragraph (b).

### **Period of Compassionate Leave**

(3) An employee is entitled to take 27 weeks of compassionate leave within the period:

(a) beginning on the earlier of the day a medical certificate is issued or the day the employee took the leave; and

(b) ending on the Saturday in the earlier of the 52nd week after the leave began or the week the family member dies.

### **Separate Periods**

(4) Compassionate leave may be taken in separate periods but each period **must** be of not less than one week's duration.

### **Two Employees**

(5) The aggregate amount of compassionate leave that may be taken by two or more employees working for the same **employer**, in respect of the care or support of the same family member, **must** not exceed 27 weeks in the period referred to in subsection (3).

## **Family Caregiver Leave**

Definitions 30.1. (1) In this section,

**"Critically ill adult"** means a person who is 18 years of age or older whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury;

**"Critically ill child"** means a person who is under 18 years of age whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury.

### **Leave for Critically Ill Child**

(2) Subject to subsection (4), an employee who has completed the prescribed period of continuous employment with an **employer** and who is a family member of a critically ill child is entitled to family caregiver leave, without pay, of up to 37 weeks in order to care for or support that child.

### **Leave for Critically Ill Adult**

(3) Subject to subsection (4), an employee who has completed the prescribed period of continuous employment with an **employer** and who is a family member of a critically ill adult is entitled to leave, without pay, of up to 17 weeks in order to care for or support that adult.

### **Application for Leave**

(4) To be eligible for family caregiver leave,

- (a) the employee **must** submit to the **employer** a request for family caregiver leave advising the **employer** of the expected duration of the leave;
- (b) the employee's family member **must** be critically ill; and
- (c) the employee **must** provide, if requested by the **employer**, a medical certificate confirming the critical illness referred to in paragraph (b).

### **Period of Family Caregiver Leave**

(5) The period of family caregiver leave to which an employee is entitled:

- (a) begins on the earlier of the day a medical certificate is issued or the day the employee took the leave; and
- (b) ends on the Saturday in the earlier of the 52nd week after the leave began or the week the adult or child, as the case may be, dies.

### **Separate Periods**

(6) Family caregiver leave may be taken in separate periods but each period **must** be of not less than one week's duration.

### **Aggregate Leave: Employees**

(7) The aggregate amount of family caregiver leave that may be taken by employees under this section during the period referred to in subsection (5) **must** not exceed:

- (a) in respect of the same critically ill child, 37 weeks; or

(b) in respect of the same critically ill adult, 17 weeks.

#### **Limitation**

(8) No family caregiver leave may be taken by one or more employees under subsection (3) before the end of the period referred to in subsection (5) if leave was granted under subsection (2) in respect of the same person.

#### **Limitation: Compassionate Leave**

(9) No compassionate leave may be taken by one or more employees under section 30 before the end of the leave taken under subsection (2) or (3) in respect of the same person. **Section 30 (1) to (9).**

Further details on the Employment Standards Act can be found at [Gov.ca](http://Gov.ca).

#### **NUNAVUT**

In Nunavut, while there is no specific leave for the death or disappearance of a child, employees can access Compassionate Care Leave under the [Employment Standards Act](#), **Section 30** (27 weeks unpaid) or Family Caregiver Leave (37 weeks for a critically ill child, 17 weeks for a critically ill adult) to care for a family member with a serious medical condition or critical illness. Employees **must** provide written notice and medical verification if requested. **Employers** cannot dismiss employees for taking these leaves.

#### **Compassionate Leave**

(1) Subject to subsection (2), an employee is entitled to compassionate leave, without pay, to provide care or support to a family member of the employee.

#### **Application for Leave**

(2) To be eligible for compassionate leave:

(a) the employee **must** submit to the **employer** a request for compassionate leave advising the **employer** of the expected duration of the leave;

(b) the employee's family member **must** be suffering from a serious medical condition with a significant risk of death within 27 weeks of the request for leave; and

(c) the employee **must** provide, if requested by the **employer**, a medical certificate confirming the medical condition referred to in paragraph (b).

#### **Period of Compassionate Leave**

(3) An employee is entitled to take 27 weeks of compassionate leave within the period:

(a) beginning on the earlier of the day a medical certificate is issued or the day the employee took the leave; and

(b) ending on the Saturday in the earlier of the 52nd week after the leave began or the week the family member dies.

#### **Separate Periods**

(4) Compassionate leave may be taken in separate periods but each period **must** be of not less than one week's duration.

## **Two Employees**

(5) The aggregate amount of compassionate leave that may be taken by two or more employees working for the same **employer**, in respect of the care or support of the same family member, **must** not exceed 27 weeks in the period referred to in subsection (3).

## **Family Caregiver Leave**

Definitions 30.1. (1) In this section,

**"Critically ill adult"** means a person who is 18 years of age or older whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury;

**"Critically ill child"** means a person who is under 18 years of age whose baseline state of health has significantly changed and whose life is at risk as a result of an illness or injury.

### **Leave for Critically Ill Child**

(2) Subject to subsection (4), an employee who has completed the prescribed period of continuous employment with an **employer** and who is a family member of a critically ill child is entitled to family caregiver leave, without pay, of up to 37 weeks in order to care for or support that child.

### **Leave for Critically Ill Adult**

(3) Subject to subsection (4), an employee who has completed the prescribed period of continuous employment with an **employer** and who is a family member of a critically ill adult is entitled to leave, without pay, of up to 17 weeks in order to care for or support that adult.

## **Application for Leave**

(4) To be eligible for family caregiver leave,

- (a) the employee **must** submit to the **employer** a request for family caregiver leave advising the **employer** of the expected duration of the leave;
- (b) the employee's family member **must** be critically ill; and
- (c) the employee **must** provide, if requested by the **employer**, a medical certificate confirming the critical illness referred to in paragraph (b).

## **Period of Family Caregiver Leave**

(5) The period of family caregiver leave to which an employee is entitled:

- (a) begins on the earlier of the day a medical certificate is issued or the day the employee took the leave; and
- (b) ends on the Saturday in the earlier of the 52nd week after the leave began or the week the adult or child, as the case may be, dies.

## **Separate Periods**

(6) Family caregiver leave may be taken in separate periods but each period **must** be of not less than one week's duration.

#### **Aggregate Leave: Employees**

(7) The aggregate amount of family caregiver leave that may be taken by employees under this section during the period referred to in subsection (5) **must** not exceed:

- (a) in respect of the same critically ill child, 37 weeks; or
- (b) in respect of the same critically ill adult, 17 weeks.

#### **Limitation**

(8) No family caregiver leave may be taken by one or more employees under subsection (3) before the end of the period referred to in subsection (5) if leave was granted under subsection (2) in respect of the same person.

#### **Limitation: Compassionate Leave**

(9) No compassionate leave may be taken by one or more employees under section 30 before the end of the leave taken under subsection (2) or (3) in respect of the same person. **Section 30 (1) to (9).**

**Further details on the Employment Standards Act can be found at [Gov.nt.ca](http://Gov.nt.ca).**

## **ONTARIO**

In Ontario, under the **Employment Standards Act, Sections 49.5 and 49.6**, **employers** **must** provide up to 104 weeks of unpaid leave for employees who experience the death or disappearance of a child due to a probable crime. Employees **must** provide written notice and a leave plan, and **employers** may require reasonable verification. The leave **must** be taken in a single period within 105 weeks of the event. Employees charged with the crime are not entitled to the leave.

#### **Crime-Related Child Disappearance Leave**

##### **Definitions**

(1) In this section,

**“Child”** means a child, step-child, foster child or child who is under legal guardianship, and who is under 18 years of age;

**“Crime”** means an offence under the *Criminal Code* (Canada), other than an offence prescribed by the regulations made under paragraph 209.4 (f) of the *Canada Labour Code* (Canada);

**“Week”** means a period of seven consecutive days beginning on Sunday and ending on Saturday.

##### **Entitlement to Leave**

(2) An employee who has been employed by an **employer** for at least six consecutive months is entitled to a leave of absence without pay of up to 104 weeks if a child of the employee disappears and it is probable, considering the circumstances, that the child disappeared as a result of a crime.

## **Transition**

(3) Despite subsection (2), if the disappearance occurred before January 1, 2018, the employee is entitled to a leave of absence without pay in accordance with section 49.5 as it read on December 31, 2017.

## **Exception**

(4) An employee is not entitled to a leave of absence under this section if the employee is charged with the crime or if it is probable, considering the circumstances, that the child was a party to the crime.

## **Change in Circumstance**

(5) If an employee takes a leave of absence under this section and the circumstances that made it probable that the child of the employee disappeared as a result of a crime change and it no longer seems probable that the child disappeared as a result of a crime, the employee's entitlement to leave ends on the day on which it no longer seems probable.

## **Child Found**

(6) The following rules apply if an employee takes a leave of absence under this section and the child is found within the 104-week period that begins in the week the child disappears:

1. If the child is found alive, the employee is entitled to remain on leave under this section for 14 days after the child is found.
2. If the child is found dead, the employee's entitlement to be on leave under this section ends at the end of the week in which the child is found.

(7) For greater certainty, nothing in paragraph 2 of subsection (6) affects the employee's eligibility for child death leave under section 49.5.

## **Single Period**

(8) An employee may take a leave under this section only in a single period.

## **Limitation Period**

(9) Except as otherwise provided for in subsection (8), an employee may take a leave under this section only during the 105-week period that begins in the week the child disappears.

## **Total Amount of Leave**

(10) The total amount of leave that may be taken by one or more employees under this section in respect of a disappearance, or disappearances that are the result of the same event, is 104 weeks.

## **Advising Employer**

(11) An employee who wishes to take a leave under this section **shall** advise the **employer** in writing and **shall** provide the **employer** with a written plan that indicates the weeks in which the employee will take the leave.

(12) If an employee **must** begin a leave under this section before advising the **employer**, the employee **shall** advise the **employer** of the leave in writing as soon as possible after beginning it and **shall** provide the **employer** with a written plan that

indicates the weeks in which the employee will take the leave.

### **Change in Employee's Plan**

(13) An employee may take a leave at a time other than that indicated in the plan provided under subsection (11) or (12) if the change to the time of the leave meets the requirements of this section and,

- (a) the employee requests permission from the **employer** to do so in writing and the **employer** grants permission in writing; or
- (b) the employee provides the **employer** with four weeks' written notice before the change is to take place.

### **Evidence**

(14) An **employer** may require an employee who takes a leave under this section to provide evidence reasonable in the circumstances of the employee's entitlement to the leave. **Section 49.6 (1) to (14)**.

### **For more information:**

- Part XIV – Leaves Of Absence And Definitions. **Section 49.5 (1) to (12)**.

Further details on the Employment Standards Act can be found at [Ontario.ca](http://Ontario.ca).

### **PRINCE EDWARD ISLAND**

In Prince Edward Island, under the [Employment Standards Act](#), **Section 22.12**, **employers must** grant up to 52 weeks of unpaid leave for employees whose child has disappeared due to a probable crime and up to 104 weeks if the child has died as a result of a crime. Employees **must** provide reasonable documentation if requested, and the leave **must** be taken in minimum one-week periods. **Employers must** reinstate employees to their previous or a comparable position with the same pay and benefits. Employees charged with the crime are not entitled to the leave.

### **Leave Related to Crime-Related Disappearance or Death of Child**

#### **Definitions**

(1) In this section,

- (a) **"child"** means a person who is under 18 years of age;
- (b) **"crime"** means an offence under the Criminal Code (Canada);
- (c) **"parent"** includes:
  - (i) the spouse of a parent of a child,
  - (ii) a person with whom a child has been placed for the purposes of adoption,
  - (iii) a guardian or foster parent of a child, and
  - (iv) a person who has the care and custody of a child, whether or not the person and the child are related by blood or adoption.

## **Entitlement to Unpaid Leave, Disappearance**

(2) Where an employee has been employed by an **employer** for a continuous period of three months or more and is the parent of a child who has disappeared and it is probable, considering the circumstances, that the child disappeared as a result of a crime, the **employer shall**, on the request of the employee, grant to the employee unpaid leave of absence for up to 52 weeks, commencing the first day of the work week during which the child disappears.

## **End of Entitlement, Disappearance**

(3) An employee's entitlement to unpaid leave of absence under subsection (2) ends on the last day of the work week in which any of the following occur:

- (a) fourteen days have expired since the child is found alive;
- (b) fourteen days have expired since circumstances changed and it no longer seemed probable that the disappearance of the child was the result of a crime;
- (c) fifty-two weeks have expired since the first day of the work week during which the child disappeared;
- (d) the child is found dead.

## **Entitlement to Unpaid Leave, Death**

(4) Where an employee has been employed by an **employer** for a continuous period of three months or more and is the parent of a child who has died and it is probable, considering the circumstances, that the child died as a result of a crime, the **employer shall**, on the request of the employee, grant to the employee unpaid leave of absence for up to 104 weeks, commencing the first day of the work week in which the child is found dead.

## **End of Entitlement, Death**

(5) An employee's entitlement to unpaid leave of absence under subsection (4) ends on the last day of the work week in which either of the following occurs:

- (a) fourteen days have expired since circumstances changed and it no longer seemed probable that the death of the child was the result of a crime;
- (b) one hundred and four weeks have expired since the first day of the work week during which the child was found dead

## **Exception**

(6) Notwithstanding subsection (2) or (4), an employee is not entitled to unpaid leave of absence under this section if the employee is charged with a crime related to the disappearance or death of the child.

## **Minimum Period of Leave**

(7) An unpaid leave of absence taken under this section may only be taken in periods of not less than one work week in duration.

## **Total Amount of Unpaid Leave**

(8) The total amount of unpaid leave of absence that may be taken by two or more employees under this section in respect of the disappearance or death of the same

child, or in respect of the same children who disappear or die as a result of the same crime, **shall** not exceed 52 weeks in relation to a disappearance or 104 weeks in relation to a death.

### **Same Position, Pay, and Benefits**

(9) When an employee returns to work following the end of an unpaid leave of absence taken under this section, the **employer shall** permit the employee to resume work in the position the employee held immediately before the unpaid leave of absence began or, if that position no longer exists, in a comparable position, with not less than the same wages and benefits the employee would have received if the employee had not been granted the unpaid leave of absence.

### **Provision of Reasonable Documentation**

(10) Where an **employer** makes a request, in writing, to an employee who has taken unpaid leave of absence under this section, the employee **shall** provide to the **employer** reasonable documentation in the circumstances to support the employee's entitlement to unpaid leave of absence under this section. **Section 22.12 (1) to (10).**

**Further details on the Employment Standards Act can be found at [PrinceEdwardIsland.ca](http://PrinceEdwardIsland.ca).**

## **QUÉBEC**

In Québec, under the **Act Respecting Labour Standards**, **Sections 79.10 to 79.15**, employees are entitled to up to 104 weeks of unpaid leave if their minor child disappears or dies as a result of a crime. If the child is found alive, the leave ends 11 days later. This leave also applies to employees whose spouse, adult child, or parent dies due to a criminal offence or suicide. Employees cannot take leave if they are involved in the crime. **Employers** may allow intermittent or part-time returns during the leave.

### **Division V.1 – Family Or Parental Leave and Absences**

An employee may be absent from work for a period of not more than 104 weeks if the employee's minor child has disappeared. If the child is found before the expiry of the period of absence, that period **shall** end on the eleventh day that follows the day on which the child is found. **Section 79.10.**

An employee may be absent from work for a period of not more than 104 weeks by reason of the death of the employee's minor child. **Section 79.10.1.**

An employee may be absent from work for a period of not more than 104 weeks if the employee's spouse, child of full age, father, mother or one of the employee's parents commits suicide. **Section 79.11.**

An employee may be absent from work for a period of not more than 104 weeks if the death of the employee's spouse or child of full age occurs during or results directly from a criminal offence. **Section 79.12.**

Sections 79.9, 79.10, 79.11 and 79.12 apply if it may be inferred from the circumstances of the event that the serious bodily injury is probably the result of a criminal offence, the death is probably the result of such an offence or of a suicide, or the person who has disappeared is probably in danger.

However, an employee may not take advantage of these provisions if it may be inferred from the circumstances that the employee or, in the case of section 79.12, the deceased person was probably a party to the criminal offence or probably contributed to the injury by a gross fault. **Section 79.13.**

Sections 79.9 and 79.12 apply if the injury or death occurs in one of the situations described in section 79.1.2. **Section 79.14.**

A period of absence under sections 79.9 to 79.12 **shall** not begin before the date on which the criminal offence that caused the serious bodily injury was committed or before the date of the death or disappearance and **shall** not end later than 104 weeks after that date. However, during the period of absence, the employee may return to work intermittently or on a part-time basis if the **employer** consents to it.

If, during the same 104-week period, a new event occurs, affecting the same child and giving entitlement to a new period of absence, the maximum period of absence for those two events may not exceed 104 weeks from the date of the first event. **Section 79.15.**

Further details on the Act Respecting Labour Standards can be found at [Gouv.qc.ca](http://Gouv.qc.ca).

## **SASKATCHEWAN**

In Saskatchewan, under the **Employment Standards Act**, **Section 2-58**, employees are entitled to up to 104 weeks of unpaid leave if their child dies due to a crime and up to 52 weeks if their child disappears as a result of a crime. If the child is found alive, the leave continues for 14 days, while if the child is found dead, the leave extends to 104 weeks. Employees are not eligible if they are charged with the crime. **Employers must** provide this leave upon request.

## **Part II – Employment Standards**

### **Crime-Related Child Death or Disappearance Leave**

(1) In this section:

- (a) “**child**” means a person who is under 18 years of age;
- (b) “**crime**” means an offence pursuant to the Criminal Code, other than an offence prescribed by the regulations made pursuant to paragraph 209.4(f) of the Canada Labour Code.

(2) An employee is entitled to crime-related child death or disappearance leave of up to 104 weeks if a child of the employee dies and it is probable, considering the circumstances, that the child died as a result of a crime.

(3) An employee is entitled to a leave pursuant to this section of up to 52 weeks if a child of the employee disappears and it is probable, considering the circumstances, that the child’s disappearance is a result of a crime.

(4) An employee is not entitled to a leave pursuant to this section if the employee is charged with the crime or if it is probable, considering the circumstances, that the child was a party to the crime.

(5) If an employee takes a leave pursuant to this section and the circumstances that made it probable that the child died or disappeared as a result of a crime change and it no longer seems probable that the child died or disappeared as a result of a

crime, the employee's entitlement to the leave ends on the day on which it no longer seems probable.

(6) If an employee takes a leave pursuant to this section and the employee is subsequently charged with the crime, the employee's entitlement to the leave ends on the day on which the employee is charged.

(7) Subject to subsection (9), if an employee takes a leave pursuant to subsection (3) and the child is found within the 52-week period that begins in the week the child disappears, the employee is entitled:

- (a) to remain on leave for 14 days after the day the child is found, if the child is found alive; or
- (b) to take 104 weeks of leave from the day the child disappeared, if the child is found dead, whether or not the employee is still on leave when the child is found.

(8) An employee may take a leave pursuant to subsection (2) only during the 104-week period that begins in the week the child dies.

(9) Subject to subsection (7), an employee may take a leave pursuant to subsection (3) only during the 52-week period that begins in the week the child disappears.  
**Section 2-58 (1) to (9).**

**Further details on the Saskatchewan Employment Act can be found at [Saskatchewan.ca](http://Saskatchewan.ca).**

## **YUKON TERRITORY**

In Yukon, under the **Employment Standards Act**, **Section 60.03**, employees who have completed six months of continuous employment are entitled to up to 104 weeks of unpaid leave if their child dies due to a crime and up to 52 weeks if their child disappears as a result of a crime. The leave **must** be taken in periods of at least one week and is not available if the employee is charged with the crime. **Employers must** provide this leave upon request.

## **Part 9 – Special Leave**

Leave related to the disappearance or death of a child

(1) In this section:

**“Child”** means a person who is under 18 years of age;

**“Crime”** means an offence under the Criminal Code (Canada);

**“Parent”** means:

- (a) a parent of a child,
- (b) the spouse or common-law partner of a parent of a child,
- (c) a person with whom a child has been placed for the purposes of adoption,
- (d) the guardian of a child, or
- (e) a person who has the care, custody or control of a child, whether or not

they are related by blood or adoption.

(2) An employee who has completed six months of continuous employment with an **employer** is entitled to a leave of absence from employment without pay for a period of up to 104 weeks if the employee is the parent of a child who has died and it is probable, considering the circumstances, that the child died as a result of a crime.

(3) An employee who has completed six months of continuous employment with an **employer** is entitled to a leave of absence from employment without pay for a period of up to 52 weeks if the employee is the parent of a child who has disappeared and it is probable, considering the circumstances, that the child disappeared as a result of a crime.

(4) An employee is not entitled to a leave of absence if the employee is charged with the crime.

(5) The period during which the employee may take a leave of absence:

(a) begins on the day on which the death or disappearance, as the case may be, occurs; and

(b) ends

(i) in the case of leave under subsection (2), 104 weeks after the day on which the death occurs, or

(ii) in the case of leave under subsection (3), 52 weeks after the day on which the disappearance occurs.

(6) A leave of absence under this section may only be taken in periods of not less than one week's duration. **Section 60.03 (1) to (6).**

Further details on the Employment Standards Act can be found at [Yukon.ca](http://Yukon.ca).