

Family Caregiver Leave Policy



PURPOSE

[Company Name] (“the Company”) recognizes that employees may need time away from work to care for or support a family member with a health issue or pressing family-related need. This Policy outlines the eligibility criteria, procedure for requesting leave, and the job protections available to employees under various provincial, territorial, or federal “family caregiver” or “family responsibility” leave provisions.

SCOPE

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

DEFINITIONS

- **“Family Caregiver Leave”**: A leave of absence from work for an employee to care for or support an immediate family member, or other family member as defined by local law, who requires care due to illness, injury, or another significant reason requiring caregiver support.
- **“Eligible Family Member”**: The relationship(s) typically include spouse, parent, child, grandparent, or sibling, but can extend further depending on the province/territory. See the **Table of Jurisdictional Differences** below for specifics.
- **“Serious Medical Condition” or “Pressing Need”**: An illness, injury, or family-related emergency requiring the employee’s presence. Each jurisdiction may define this slightly differently.

ELIGIBILITY

Employees may qualify for Family Caregiver Leave if they:

1. Meet any minimum service requirement outlined in the applicable employment standards legislation (e.g., being continuously employed for a set period).
2. Need to provide care or support to a family member suffering from an illness, injury, or urgent matter as required by law.

3. Comply with any notice or documentation requirements set out in this Policy and by law.

LENGTH OF LEAVE

- The **duration** of Family Caregiver Leave varies by jurisdiction. In some provinces/territories, it may be up to a set number of days or weeks per calendar year (e.g., 3 to 8 days or weeks).
- Leave may be taken continuously or intermittently, depending on the specific rules in each jurisdiction and the family member's needs.
- Refer to the **Table of Jurisdictional Differences** for the maximum leave entitlements in each province/territory or the federal sector.

APPLICATION & NOTICE REQUIREMENTS

1. **Notice:** Employees must notify [HR Department or Supervisor] in writing of their need for Family Caregiver Leave as soon as reasonably practicable. Provide the start date and expected duration of the leave, if known.
2. **Documentation:**
 - An employer may request **"reasonable proof"** of the need for leave (e.g., a basic medical certificate or written note from a health professional) if permitted by local law.
 - Documentation must be provided only if and when it is lawful and reasonable to request and must respect employees' privacy.

JOB PROTECTION

1. **Reinstatement:** Employees returning from Family Caregiver Leave will be reinstated to the same or a comparable position with no loss in wages, benefits, or seniority, subject to any adjustments 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 Family Caregiver Leave in accordance with this Policy and the law.

CONTINUATION OF BENEFITS

- During the leave, health and other benefits will typically continue, provided the employee continues to pay their share of any required premiums.
- Pension or retirement plan contributions may continue based on the terms of the plan and legislation.
- Always verify specific rules under provincial/territorial or federal law and any collective agreements that may apply.

RETURN TO WORK

1. **Notification:** Employees must provide reasonable notice before their return to work if it differs from the original return date.
2. **Position and Compensation:** The Company will place the employee in the same or a comparable position with the same pay and benefits.
3. **Accommodation:** If the employee requires accommodation upon return (e.g., modified schedule due to ongoing caregiving responsibilities), the Company will work with the employee to identify reasonable accommodations in compliance with human rights legislation.

CONFIDENTIALITY

All personal and medical information provided in connection with Family Caregiver Leave will be treated as confidential, used only for the purpose of 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 Family Caregiver 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 policy language to your organization's procedures for requesting, documenting, and administering leaves.
2. **Review with Legal Counsel:** Verify that the policy complies with applicable provincial/territorial or federal employment standards, as well as human rights and privacy laws.
3. **Communicate to Employees:** Publish or share the final policy in an accessible format (e.g., employee handbook, intranet) and ensure managers are trained on its contents.

Table of Jurisdictional Differences

The terms "Family Caregiver Leave," "Family Responsibility Leave," "Compassionate Care Leave," or other similar leave types may overlap. The key points below summarize the core provisions in each jurisdiction. Always check the most recent employment standards legislation for precise entitlements...