

Family Medical Leave Policy



1. POLICY

Employees of ABC Company are eligible for unpaid family medical leave in accordance with the Ontario *Employment Standards Act* (ESA) and the terms of this Policy.

2. DEFINITIONS

For purposes of this Policy:

“Individual” for whom an employee may take unpaid leave under this Policy means: (a) The employee’s spouse; (b) A parent, step-parent or foster parent of the employee or employee’s spouse; (c) A child, step-child or foster child of the employee or employee’s spouse; (d) A child who’s under legal guardianship of the employee or employee’s spouse; (e) The employee’s brother, step-brother, sister or step-sister; (f) A grandparent, step-grandparent, grandchild or step-grandchild of the employee or employee’s spouse; (g) The employee’s brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law; (h) A son-in-law or daughter-in-law of the employee or employee’s spouse; (i) An uncle or aunt of the employee or employee’s spouse; (j) A nephew or niece of the employee or employee’s spouse; (k) The spouse of the employee’s grandchild, uncle, aunt, nephew or niece; and (l) A person who considers the employee to be like a family member;

“Qualified health practitioner” means: (a) a person who is qualified to practice as a physician under the laws of the jurisdiction in which care or treatment is provided to the “individual,” as defined above; and (b) a registered nurse who holds an extended certificate of registration under the *Nursing Act*, 1991 or an individual who has an equivalent qualification under the laws of the jurisdiction in which care or treatment is provided to the “individual,” as defined above; and

“Spouse” means: (a) means either of two persons who, (i) are married to each other, or (ii) have together entered into a marriage that is voidable or void, in good faith on the part of a person relying on this clause to assert any right; or (b) either of two persons who live together in a conjugal relationship outside marriage;

“Week” means a period of seven (7) consecutive days beginning on Sunday and ending on Saturday.

3. ENTITLEMENT TO LEAVE

Employees are entitled to an unpaid leave of absence of up to 28 weeks to provide care or support to an individual (as defined in Section 2 above) if a qualified health practitioner issues a certificate stating that the individual has a serious medical condition with a significant risk of death occurring within a period of 26 weeks.

4. START OF LEAVE

Employees may begin a leave under this Policy no earlier than the first day of the week in which the period of up to 28 weeks referred to in Section 3 above begins.

5. END OF LEAVE

Employees may not remain on a leave under this Policy until after the earlier of the following dates:

- The last day of the week in which the individual for whom the employee has taken leave dies; or
- The last day of the 52-week period starting on the first day of the week in which the period of up to 28 weeks referred to in Section 3 above begins.

6. LEAVE TAKEN BY TWO OR MORE EMPLOYEES

Two or more employees may take leaves under this Policy to provide care or support to the same particular individual, provided that the total of the leaves taken by all the employees does not exceed 28 weeks during the 52-week period referred to in subsection (b) of Section 5 above that applies to the first certificate issued for the purpose of this Policy.

7. LEAVE PERIODS

Employees may take leave under this Policy in one or more periods, provided that each leave period is in entire weeks and lasts a minimum of one week.

8. NOTIFICATION OF LEAVE

Employees are strongly encouraged to speak to their supervisor, manager or the ABC Company HR department as early as possible upon first becoming aware of their need for leave. Employees must notify their manager or supervisor as soon as possible before taking leave under this Policy, with said notice listing the expected start and end date of leave. Where it is not reasonably practicable to provide advance notice, employees must advise their manager or supervisor as soon as possible after leave begins. Once leave begins, employees must notify their manager or supervisor as soon as possible of any changes to their expected date of return.

9. VERIFICATION OF NEED TO TAKE LEAVE

Employees taking family medical leave under this Policy must provide ABC Company a copy of the certification from a qualified health practitioner referred to in Section 3 above as soon as possible.

10. CONTINUED PARTICIPATION IN BENEFITS PLANS

Employees taking family medical leave will be entitled to continue participating in ABC Company benefits plans unless they elect in writing not to do so and provided that they maintain their own contributions to the applicable plans during the time they are on leave. Leave time counts toward an employee's seniority and time of active employment, except if employment is probationary.

11. DUTY TO COOPERATE & COMMUNICATE

Employees must provide an estimated date of their expected return date and remain in communication with their supervisor or manager while they are on leave to ensure that arrangements can be made for their return.

12. REINSTATEMENT

Employees must provide at least 48 hours' notice to their manager or supervisor if they wish to return from the leave earlier than the expected return date. Employees shall return to the position held prior to commencing the leave and be entitled to the same pay and benefits they received before commencing the leave.

13. NON-RETALIATION

ABC Company will not discharge, threaten, penalize or in any other manner discriminate or retaliate against any employee for exercising their rights under this Policy, including but not limited to requesting, taking family medical leave or asking about their family medical leave rights.